

EUROPEAN COMMISSION

Competition DG

State aid: Cohesion, R&D&I and Enforcement Regional aid

2 5. 01. 2011 Brussels, COMP/H1/AT/SVH/cso D/2011/7281

Permanent Representation of Ireland to the European Union
Rue Froissart 89-93
B-1040 Brussels

Subject: State aid NN 30/2009 (ex N 660/2008) — Ireland

Hotel Capital Allowances for the Ritz-Carlton Hotel, Powerscourt, Co.

Wicklow

Dear Madam/Sir,

By letter dated 5 May 2010, registered at the Commission on the same day (A/7960), the Irish authorities requested the Commission not to disclose to third parties certain parts of the decision on the above mentioned State aid measure (Commission decision of 14.04.2010, Ref. C(2010)2139 final, hereafter "Commission decision"). Your authorities also requested amendments in relation to the Commission decision.

DG Competition has examined the Irish authorities' request in light of the Commission Communication on professional secrecy in State aid decisions (hereafter "Communication")¹. Pursuant to this Communication, paragraphs cannot be moved, and no sentence can be added or altered². Information that is already publicly available, including information available only upon payment through specialised information services or information which is common knowledge among specialists in the field, is normally not covered by the obligation of professional secrecy³. Requests not to disclose information which is essential to the understanding of the Commission's statement of reasons (e.g. description of eligible costs, aid amount, aid intensity, description of the relevant market, etc.) cannot be accepted⁴. Moreover, statements from the Commission itself cannot be covered by the obligation of professional secrecy⁵.

OJ C 297, 9.12.2003, p. 6.

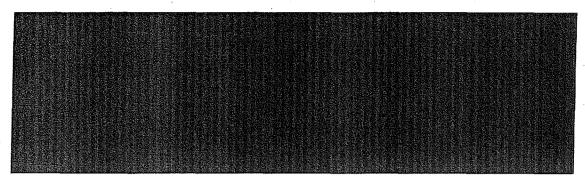
Idem, paragraph 21.

Idem, paragraph 14(a).

Idem, paragraph 22.

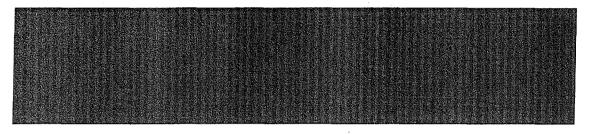
Idem, paragraph 11

 References to yields and expected revenues (paragraphs 13, 25, 29, 64, 66 and foot of the Commission decision) 	note 4
DG Competition accepts not to disclose the exact amounts; however, deletion of sentences cannot be accepted as this would undermine the understanding of the Commis statement of reasons concerning the advantages accruing to	
As regards the different yields, DG Competition proposes an appropriate range instedisclosing the exact figures.	ad of
2. Information concerning the categories of investors (paragraph 15 commission decision)	f the
DG Competition cannot accept the Irish authorities' request not to disclose to third p information on the investors as this information is essential to the understanding commission's analysis with regard to their qualification as undertakings.	
3. Information concerning the gross premium received by arrangement (paragraph 19 and footnote 5 of the Commission decision)	
DG Competition stresses that, according to the Communication referred to above, no sent can be added or altered.	ence
4. Reference to agree (paragraphs 20, 27, 59, 60 of the Commission decision)	ment



5. Information on the breakdown of eligible expenditure (paragraph 40 of the Commission decision)

DG Competition accepts the Irish authorities' request not to disclose to third parties the cost breakdown.



7. Information concerning the management fee paid to Ritz Carlton (paragraph 69 of the Commission decision)

DG Competition cannot accept to remove the statement on the arms-length character of the management fee since this statement was made by the Commission itself.

8. Information concerning the hotels of which 102 and 106 of the Commission decision) (paragraphs

DG Competition accepts not to disclose the names of the hotels in question.

Please find enclosed the Commission's new draft of the non-confidential version of the decision for publication in the Official Journal of the EU and on its website (http://ec.europa.eu/comm/competition/state_aid/register/).

The Irish authorities are requested to inform the Commission within 20 working days if they agree with the publication of the enclosed proposed versions.

If the Irish authorities do not further react and provide additional elements to justify their request within this period, they will be deemed to agree to the disclosure of the versions here enclosed and the Commission will publish the proposed texts publication in the Official Journal of the EU and on its website.

Yours faithfully,

Blanca RODRIGUEZ

Head of Unit

Annex: non-confidential version of the Commission decision (removed information indicated in track changes)