

Doc 13 File B

RUSCHEV Valentin (COMP)

Subject: FW: RV - 2011/018655 - NN30/2009*IE*RCOF - Hotel Capital Allowances in respect of the Ritz Carlton, Powerscourt, Co. Wicklow. (The allowances are being claimed in the main by a large number of individuals together with a small number of corporate entities

Attachments: 018655-Letter MS conf info.pdf; 018655-Decision confidential_in tc.doc

From: COMP STATE AID GREFFE

Sent: Tuesday, February 22, 2011 11:33 AM

To: IE_PREP; IE_NA

Subject: RV - 2011/018655 - NN30/2009*IE*RCOF - Hotel Capital Allowances in respect of the Ritz Carlton, Powerscourt, Co. Wicklow. (The allowances are being claimed in the main by a large number of individuals together with a small number of corporate entities lis

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Dear Sir, Dear Madam,

Please find enclosed doc. 2011/018655

Kind regards,

COMP State Aid Registry



EUROPEAN COMMISSION

Competition DG

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

Brussels,
COMP/H1/SVH/AT/cso D/2011/018655

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 16 February 2011, registered at the Commission on the same day (2011/016547), the Irish authorities responded to the Commission services' proposal of a non-confidential version of the decision on the above mentioned State aid measure (Commission decision of 14.04.2010, Ref. C(2010)2139 final, hereafter "Commission decision").

The Commission services agree not to disclose this information.

Furthermore, as regards the yield figures in paragraphs 13, 25, 29, 64 and 66 the Irish authorities requested to delete the indication of ranges.

The Commission services have examined this request in light of the Commission Communication on professional secrecy in State aid decisions (hereafter "Communication")¹. Pursuant to this Communication, requests not to disclose information which is essential to the understanding of the Commission's statement of reasons cannot be accepted². The Commission services are of the opinion that information on the yields resulting from the investment/granting of State aid is essential for the understanding of the Commission's statement of reasons in the given case. Without this information, in particular the Commission's assessment of the existence of State aid would not be understandable. On the other hand, the Commission services accepted already in their letter of 24 January 2011 not to

¹ OJ C 297, 9.12.2003, p. 6.

² Cf. idem, paragraph 20 and 22.

disclose the exact figures. In this situation the principle laid down in paragraph 21 of the Communication has to be applied. According to this principle exact figures should be indicated by means of a range of magnitude or size.

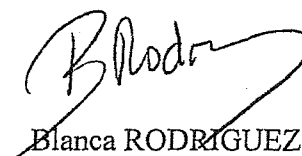
Due to these legal constraints the Commission services cannot accept to delete the indication of ranges in paragraphs 13, 25, 29, 64 and 66.

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/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)