



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

Recovery & Resilience Task Force
Director - Recovery & Resilience II

Brussels
SG.RECOVER.B.3/JM

**Subject: Your application for access to documents – GESTDEM 2021/1191 –
additional initial reply**

Dear Sir,

We refer to your e-mail of 22 March 2021 in which you react to our letter dated the same day (reference Ares(2021)2014177) in reply to your request for access to documents, registered under the above-mentioned reference number. In your e-mail of 22 March you clarify that your initial request includes the Recovery and Resilience "Plan" and "Program" delivered to the European Commission by the XXII Government of the Portuguese Republic since October 2020.

In addition to the revised version of the Portuguese draft Recovery and Resilience Plan (see link provided in our reply Ares(2021)2014177), the following documents fall within the clarified scope of your application:

- 'First Draft National Recovery and Resilience Plan - published online', received on 15 October 2020, reference Ares(2021)1543858 (hereafter 'document 1');
- 'First Draft National Recovery and Resilience Plan - text', sent by Ambassador Nuno Brito to Ms Gauer on 15 October 2020, reference Ares(2021)1543920 (hereafter 'document 2');
- 'First part of answers to thematic and horizontal topics', received on 8 November 2020, reference Ares(2021)1541398 (hereafter 'document 3');
- 'Answers to thematic and horizontal topics', received on 9 November 2020, reference Ares(2021)1093653 (hereafter 'document 4');
- 'First draft of the C2, C5 and C15 Components', received on 9 November 2020, reference Ares(2021)1544068 (hereafter 'document 5');
- 'First draft of the C7 to C14 Components and description of the methodology associated with first climate tagging exercise', received on 14 November 2020, reference Ares(2021)1544197 (hereafter 'document 6');

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- ‘Components C1, C16 and C17’, received on 20 November 2020, reference Ares(2021)1543731 (hereafter ‘document 7’);
- ‘Detailed explanation on digital dimension in the draft RPP’, received on 25 November 2020, reference Ares(2021)1543794 (hereafter ‘document 8’);
- ‘Components C3 and C6’, received on 5 December 2020, reference Ares(2021)1543693 (hereafter ‘document 9’);
- ‘Examples of application of state aid rules and climate and digital tagging exercise’, received on 9 December 2020, reference Ares(2021)1093976 (hereafter ‘document 10’);
- ‘Component C4’, received on 15 December 2020, reference Ares(2021)1093857 (hereafter ‘document 11’);
- ‘6 revised components of the National Recovery and Resilience Plan’, received on 20 January 2021, reference Ares(2021)1545082 (hereafter ‘document 12’);
- ‘Revised Components 1, 3, 6, 7 and 15’, received on 2 February 2021, reference Ares(2021)1541433 (hereafter ‘document 13’);
- ‘Preliminary analysis to support a final business plan of the Banco Português de Fomento’, received on 23 February 2021, reference Ares(2021)1544531, (hereafter ‘document 14’);
- ‘Part III of National Recovery and Resilience Plan – Complementarity and Implementation of the Plan’, received on 28 February 2021, reference Ares(2021)1541343, (hereafter ‘document 15’);
- ‘Analysis of the application of state aid in the National Recovery and Resilience Plan’, received on 3 March 2021, reference Ares(2021)1639214, (hereafter ‘document 16’);
- ‘Updated Components C7 and C9’, received on 9 March 2021, reference Ares(2021)1706383, (hereafter ‘document 17’);
- ‘National Recovery and Resilience Plan’s disbursements profile’, received on 9 March 2021, reference Ares(2021)1706390, (hereafter ‘document 18’);
- ‘Part IV - Macroeconomic impact of the Plan’, received on 10 March 2021, reference Ares(2021)1747128, (hereafter ‘document 19’);
- ‘Revised components C8, 10, 11, 12, 13 and 14’, received on 10 March 2021, reference Ares(2021)2375351, (hereafter ‘document 20’);
- ‘Components for which investments need to ensure application of state aid rules’, received on 10 March 2021, reference Ares(2021)1787516, (hereafter ‘document 21’);
- ‘Milestones and targets related to components C8 to C14’, received on 15 March 2021, reference Ares(2021)1906181, (hereafter ‘document 22’);
- ‘Preliminary table on the non-existence of state aid in each investment’, received on 15 March 2021, reference Ares(2021)1906139, (hereafter ‘document 23’);
- ‘Component C2 revised’, received on 16 March 2021, reference Ares(2021)1938663, (hereafter ‘document 24’);
- ‘Components C1 and C18 revised’, received on 18 March 2021, reference Ares(2021)2128941, (hereafter ‘document 25’);
- ‘Component C1 revised - evidences on costing’, received on 19 March 2021, reference Ares(2021)2129008, (hereafter ‘document 26’);
- ‘Component C16 revised’, received on 22 March 2021, reference Ares(2021)2128861, (hereafter ‘document 27’);

Following an examination of the documents, under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I regret to inform you that your

application cannot be granted, as disclosure is prevented by exceptions to the right of access laid down in Article 4(1)(a) and Article 4(4) of this Regulation.

The documents 3 to 27, which you seek to obtain, are third-party documents of the government of Portugal, disclosure of which:

- Would undermine the protection of the public interest as regards the economic policies of Portugal;
- Relate to a matter where a decision has not been taken by the European Commission, and would seriously undermine the decision-making process of the European Commission.

We have considered whether partial access could be granted documents 3 to 27. However,

- Expunging the confidential information would make the documents meaningless or illegible.

We provide partial access to documents 1 and 2, expunging the confidential information.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

Maria Teresa FABREGAS
FERNANDEZ