



EUROPEAN COMMISSION
Director General

Competition DG

Brussels, 18.01.2013
COMP H1/JT-MPo-cda/D (2013) - 004536

Jagdip A. SINGH
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Subject: Your application for access to documents (GESTDEM 2012/5362) under Regulation No 1049/2001 SA.27256 (NN 30/2009) - Ireland – MSF - 2002 – Hotel Capital Allowances in respect of the Ritz Carlton, Powerscourt, Co. Wicklow

Dear Sir,

Thank you for your letter dated 20 November 2012, registered on 20 November under GESTDEM number 2012/5362, requesting access to documents under Regulation No 1049/2001¹ regarding public access to European Parliament, Council and Commission documents (hereinafter 'the Regulation 1049/2001').

The documents you requested fall within the following categories:

Document name	Registration reference	Sending date
Request for delay extension	1900/113197/O/S	11/03/2011
Appendix 2: List of Aid Beneficiaries for EU Notification purposes	2008/34583/O/S	17/12/2008
Supplementary Information Sheet on regional aid for large investment projects	2008/34583/O/S	17/12/2008
Appendix 4: Amendment of section 268 (meaning of "industrial building or structure") of Principal Act. Section 22 Finance Bill (No. 2) 2008	2008/34789/O/S	18/12/2008
Appendix 3: Relevant extract from TAXES CONSOLIDATION ACT 1997	2008/34797/O/S	18/12/2008

¹ OJ L145, 31.05.2001, page 43.

Please specify the name of the case and the case number in all correspondence.

Commission européenne, 1049 Bruxelles / Europese Commissie, 1049 Brussel – Belgium. Telephone: +32 22991111. Office: J59 2/83. Telephone: direct line +32 22994791. Fax +32 22961242. E-mail: stateaidgreffe@ec.europa.eu.

Sani notificaiton part 2: Summary information for publication in the Official Journal	2008/35152/O/S	19/12/2008
Sani notification	2008/35153/O/S	19/12/2008
Appendix 1	2008/35199/O/S	19/12/2008
Acknowledgment of receipt notification email sent by the Commission	2008/35333/O/S	19/12/2008
Request for information sent by the Commission	2009/6578/O/S	19/02/2009
Acknowledgment of receipt notification email sent by the Commission	2009/9537/O/S	12/03/2009
Agreement on delay extension sent by the Commission	2009/10134/O/S	17/03/2009
Letter of 01.04.2009 - reply to request for information of 19.02.2009 + 3 cover e-mails + Exhibits A-G+Schedule1	2009/12504/O/S	01/04/2009
Acknowledgment of receipt notification email sent by the Commission	2009/12846/O/S	01/04/2009
Request for Information	1900/114861/O/S	23/07/2009
Request for information: additional questions	2009/41475/O/S	04/09/2009
Reply to request for information + 4 appendixes	2009/45913/O/S	09/10/2012
Acknowledgement of receipt of reply of 12/10/2009	2009/46111/O/S	13/10/2009
Request for Information	2009/56177/O/S	07/12/2009
Reply to request for information + appendixes	2010/193/O/S	21/12/2009
Acknowledgement of receipt of reply of 05/01/2010	2010/580/O/S	05/01/2010
Reply to request for information + appendixes A-F	2010/12717/O/S	25/02/2010
Acknowledgement of receipt of reply of 25/2/2010	2010/13885/O/S	25/02/2010
Commission Decision of 14/04/2010	2010/22306/O/S	14/04/2010
Commission Decision of 14/04/2010	2010/22749/O/S	15/04/2010
Cover e-mail for confidentiality letter	2011/007281	25/01/2011
Confidentialities letter	2011/007281	25/01/2011
Decision confidential version with track changes	2011/007281	25/01/2011

Cover e-mail for Response to Commission letter from 25/01/2011	2011/016547	16/02/2011
Response to Commission letter	2011/016547	14/02/2011
Acknowledgement of receipt of reply of 14/02/2011	2011/016556	16/02/2011
Decision confidential version with track changes	2011/018655	14/04/2011
Letter confirming confidentialities	2011/018655	22/02/2011
Cover e-mail for the letter confirming confidentialities from 22/02/2011	2011/018655	22/02/2011
E-mail from the Irish authorities accepting the non-confidential version of the decision	2011/045375	04/05/2011
The same document as above	2011/045375	04/05/2011
Non-confidential version of the decision	2011/045375	14/04/2011
Letter accepting the non-confidential version of the decision and its publication	2011/045375	04/05/2011

Having carefully examined the documents concerned in the light of Regulation 1049/2001, I have come to the conclusion that all the requested documents fall under the exceptions of Article 4(1) and (2) of that Regulation.

In accordance with Article 4(5) of Regulation 1049/2001 a Member State may request the Commission not to disclose a document originating from that Member State without its prior agreement.

The documents you requested concern all the correspondence between DG Competition and the Irish authorities in the framework of case SA.27256. The Member State concerned expressly asked the Commission not to disclose the requested documents without its prior agreement.

We have contacted the authority of the Member State concerned in view of your request, inviting it, if it wants to object to the disclosure, to state reasons with reference to the exceptions of Article 4 (1) to (3) of Regulation 1049/2001. On 11 January 2012, we have received the Member State's reply by which it refuses access to the requested document. The reasons as to why it considers that the relevant exceptions of Regulation 1049/2001 apply to the documents requested are the following:

- (1) Pursuant to Article 4(1)(b) of Regulation 1049/2001, access to a document, where disclosure would undermine the protection of the privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data, shall be refused. The requested documents contain a large volume of personal information, whose public disclosure would undermine the protection of the privacy and the integrity of the individual.

- (2) Pursuant to Article 4(2), first indent of Regulation 1049/2001, access to a document, where disclosure would undermine the protection of commercial interests of a natural or legal person, shall be refused. The requested documents contain a large volume of commercially sensitive information, whose public disclosure would undermine the protection of the commercial interests of the person who provided them.

In accordance with Article 4(5) of Regulation 1049/2001 DG Competition has to refuse access to the requested documents.²

Yours faithfully,

A handwritten signature in black ink, consisting of a horizontal line with a long, sweeping flourish extending upwards and to the right.

Alexander ITALIANER

Contact persons:

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² Case C-64/05P *Sweden v Commission*.