

## EUROPEAN COMMISSION

Competition DG

Markets and cases I: Energy and Environment  
State aids II

Brussels, 29/08/2017  
COMP/B2/ZM/kd\*D\*2017/080854

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France

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Dear Mr. Tchobanov,

**Subject: Your application for access to documents – GESTDEM 2017/4699 – Consultation of a Member State regarding access to documents pursuant to Article 4(5) of Regulation (EC) No. 1049/2001 relating to Case COMP/SA. 44840 (2016/NN) – Bulgaria – Renewables Support Scheme**

We refer to your e-mail dated 14 August 2017 in which you make a request for access to documents, registered on the same day under the above mentioned reference number. In particular you request the following documents originating from the authorities of Republic of Bulgaria - all available documents, notifications or others mentioning the projects "AES Geo Energy", "Kaliakra Wind Power", "Disib", "Long man Investment", "EVN Enertrag Kavarna" and "Vertikal – Petkov and CIE" in the context of the preferential rates applicable to renewable energy in Bulgaria.

Your application concerns the following documents part of state aid case SA. 44840 (2016/NN) – Bulgaria – Renewables Support Scheme:

- Two emails exchanged between DG Competition and the Bulgarian authorities;
- An attachment to one of the emails in the form of an excel table with data concerning the wind installations subject to the judgement of the Court of Justice in case C-141/14 Commission vs Bulgaria<sup>1</sup>.

The documents to which you have requested access contain personal data, in particular the names and contact details of the Bulgarian and EU officials who worked on the above mentioned case.

Therefore we enclose a copy of the documents requested, with the personal data expunged.

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<sup>1</sup> Commission v Bulgaria, C-141/14, ECLI:EU:C:2016:8;

Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document (or sections of it) has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data<sup>2</sup>.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable<sup>3</sup>.

According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and/or that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents requested expunged from this personal data.

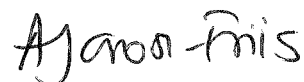
In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, to make a confirmatory application 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  
Secretary-General  
Transparency unit SG-B-4  
BERL 5/327  
B-1049 Bruxelles

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,



Anna JAROSZ-FRIIS  
Head of Unit

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<sup>2</sup> OJ L 8 of 12.1.2001, p. 1

<sup>3</sup> Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.