

(GROW)

From: (GROW)
Sent: 26 August 2016 10:31
To: (TRADE)
Cc: (GROW); (GROW)
Subject: RE: Ares - Document envoyé par (GROW.DDG2.G.2) - "Interservice consultation outside CIS-NET- 2 Clo..." - Ares(2016)4766008

Dear (GROW)

Indeed, none of this affects the assessment under Art. 207 TFEU. We consider the IGA in part compatible with EU PP rules due to technical exclusivity. And we consider the commitments of Hungary sufficient to conclude that it would not be opportune to pursue the infringement procedure, as a level of transparency and equal treatment compatible with the TFEU can be ensured for subcontracting.

Thank you very much for your willingness to come back to us next week. Following the commitments of Hungary, we would like to follow-up as soon as possible with the closure. A closure between cycles would lead to additional difficulties and the next cycle would only be in November.

(GROW)

(GROW)



European Commission
DG for Internal Market, Industry, Entrepreneurship and SMEs
G.2 Access to procurement markets

From: (TRADE)
Sent: Thursday, August 25, 2016 6:20 PM
To: (GROW)
Subject: RE: Ares - Document envoyé par VIERLICH Katharina(GROW.DDG2.G.2) - "Interservice consultation outside CIS-NET- 2 Clo..." - Ares(2016)4766008

Dear (GROW)

Thank you for your reply and for the letter that indeed allows for a better understanding. I understand that none of this affects the assessment of the IGA under Art 207 TFEU (exclusive competence for common commercial policy). Rather the conclusion is that the IGA is compatible with EU procurement legislation i) in part : because another exception is met (technical reasons) ii) in part: because Hungary committed to application (by the Russian entity) of correct tendering procedures with regard to sub-contractors.

We are now consulting internally and will try to come back to you on 2 Sept at the latest.

Best regards,
(GROW)

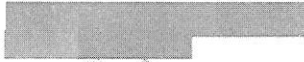
From: (GROW)
Sent: Wednesday, August 24, 2016 5:36 PM
To: (TRADE)
Subject: RE: Ares - Document envoyé par (GROW.DDG2.G.2) - "Interservice consultation outside CIS-NET- 2 Clo..." - Ares(2016)4766008

Dear (GROW)

Thank you very much for your extremely speedy reaction. I had planned to contact all services directly by e-mail still today.

In terms of substance, the fiche summarises our position, albeit shortly, quite comprehensively. We do not have any more extensive official note or anything of the kind. A slightly more elaborate version is contained in the preclosure letter to the complainant, to which I have given you an info-task in ARES. Please treat that letter as confidential. Here is the link:

<http://www.cc.cec/Ares/ext/documentInfoDetails.do?documentId=080166e5abd19421>



European Commission
DG for Internal Market, Industry, Entrepreneurship and SMEs
G.2 Access to procurement markets

From: [REDACTED] (TRADE)
Sent: Wednesday, August 24, 2016 5:30 PM
To: [REDACTED] (GROW)
Subject: FW: Ares - Document envoyé par [REDACTED] (GROW.DDG2.G.2) - "Interservice consultation outside CIS-NET- 2 Clo..." - Ares(2016)4766008

Dear [REDACTED]

Thank you for this consultation that we have received in Ares. I was wondering whether you have any more extensive assessment that you could share with us (beyond the text of the fiche NIF)?

Best regards,
[REDACTED]

From: DIGIT CORPORATE NOTIFICATION SYSTEM
Sent: Wednesday, August 24, 2016 5:23 PM
To: [REDACTED] (TRADE)
Subject: Ares - Document envoyé par [REDACTED] (GROW.DDG2.G.2) - "Interservice consultation outside CIS-NET- 2 Clo..." - Ares(2016)4766008

CNS
Corporate Notification System
24/08/2016

Document

Ares

Interservice consultation outside CIS-NET- 2 Cl
M09/2016- GROW/G2
envoyé par [REDACTED] (GROW.DDG2.G.2)

Vous avez reçu un nouveau document créé par ve_grow.g.2 (grow.ddg d'enregistrement Ares(2016)4766008. Niveau de sensibilité Normal.

[Accès Commission](#) [Accès EEAS](#) [Accès externe](#) [On the Go](#)

Le système CNS envoie des notifications provenant de plusieurs applications, comm

(GROW)

From: [REDACTED] (ENER)
Sent: 30 August 2016 17:05
To: [REDACTED] (GROW)
Cc: [REDACTED] (GROW); GROW INFRAC; GROW G2; [REDACTED] (ENER);
[REDACTED] (ENER); [REDACTED] (ENER)
Subject: RE: interservice consultation for the closure of the Paks infringement
(grow.ddg2.g.2(2016)5255856)

Dear [REDACTED],

I've had another look at the Note you sent us via ares and I noticed that in the absence of answer by us, you will assume our agreement. So in order to speed up the process, we have decided not to draft a reply. You have our agreement to close the infringement.

Best regards,

From: [REDACTED] (GROW)
Sent: Wednesday, August 24, 2016 5:53 PM
To: [REDACTED] (ENER); [REDACTED] (SJ); [REDACTED] (TRADE); [REDACTED] (ENER);
[REDACTED] (COMP); [REDACTED] (COMP)
Cc: [REDACTED] (GROW); GROW INFRAC; GROW G2
Subject: interservice consultation for the closure of the Paks infringement (grow.ddg2.g.2(2016)5255856)
Importance: High

Dear all,

I have sent today the interservice consultation for the closure of the infringement cases concerning the Paks II NPP project to your functional mailboxes and to you directly (the link is added for your convenience below).

Hungary has made commitments in writing which lead us to the conviction that it would not be opportune to pursue the infringement procedure. We have consulted the Legal Service on the preclosure letters before they were sent out earlier this month.

In order to be able to close the cases in the M09 cycle, **it is vital that you give your approval before 2 September 2016.**

Should you need any further information from our side, please do not hesitate to contact me.

We will be very grateful for your cooperation within the slightly tighter deadlines than foreseen.

<http://www.cc.cec/Ares/ext/documentInfoDetails.do?documentId=080166e5ac4c81df>

<< OLE Object: Picture (Device Independent Bitmap) >>

European Commission
DG for Internal Market, Industry, Entrepreneurship and SMEs
G.2 Access to procurement markets

office: [REDACTED], tel.: +32-2-29 [REDACTED]
e-mail: [REDACTED]@ec.europa.eu

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(GROW)

From: (COMP)
Sent: 02 September 2016 09:51
To: TRADE INFRACTIONS; (GROW)
Cc: (GROW); GROW INFRAC; GROW G2; (ENER);
(SJ); (ENER); (COMP);
(TRADE); (TRADE); (TRADE); COMP B2-
B3
Subject: RE: interservice consultation for the closure of the Paks infringement
(grow.ddg2.g.2(2016)5255856)

Dear

Thank you for consulting DG COMP. We agree to the closure of the complaints alleging a possible infringement of EU procurement rules. As explained to you over the phone, our services may include a reference to and parts of the wording of GROW's closure letter sent to in the State aid decision draft.

Best regards,

From: TRADE INFRACTIONS

Sent: Thursday, September 01, 2016 10:32 AM

To: (GROW)

Cc: (GROW); GROW INFRAC; GROW G2; (ENER); (SJ);
(ENER); (COMP); (COMP); (TRADE);
(TRADE); (TRADE); TRADE INFRACTIONS

Subject: RE: interservice consultation for the closure of the Paks infringement
(grow.ddg2.g.2(2016)5255856)

Dear

Thank you for consulting us. DG TRADE agrees to close these infringements (2015/4231, 2015/4232), for reasons that you explained in the fiches NIF.

Best regards,

<< OLE Object: Picture (Device Independent Bitmap) >>

European Commission

Directorate-General for Trade

Dispute Settlement and Legal Aspects of Trade Policy

B-1049 Brussels/Belgium

+32 2 29

From: (GROW)
Sent: Wednesday, August 24, 2016 5:53 PM
To: (ENER); (SJ); (TRADE);

(ENER); [REDACTED] (COMP); [REDACTED] (COMP)
Cc: [REDACTED] (GROW); GROW INFRAC; GROW G2
Subject: interservice consultation for the closure of the Paks infringement
(grow.ddg2.g.2(2016)5255856)
Importance: High

Dear all,

I have sent today the interservice consultation for the closure of the infringement cases concerning the Paks II NPP project to your functional mailboxes and to you directly (the link is added for your convenience below).

Hungary has made commitments in writing which lead us to the conviction that it would not be opportune to pursue the infringement procedure. We have consulted the Legal Service on the preclosure letters before they were sent out earlier this month.

In order to be able to close the cases in the M09 cycle, **it is vital that you give your approval before 2 September 2016.**

Should you need any further information from our side, please do not hesitate to contact me.

We will be very grateful for your cooperation within the slightly tighter deadlines than foreseen.

[REDACTED]

<http://www.cc.cec/Ares/ext/documentInfoDetails.do?documentId=080166e5ac4c81df>

[REDACTED]

<< OLE Object: Picture (Device Independent Bitmap) >>

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