

(GROW)

**From:** [REDACTED] (GROW)  
**Sent:** 27 March 2017 12:54  
**To:** [REDACTED] (GROW)  
**Subject:** FW: Interservice consultation Ares(2015)4966089 - Letter of formal notice to Hungary



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

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**From:** GROW INFRAC  
**Sent:** Thursday, November 12, 2015 9:21 AM  
**To:** [REDACTED] (GROW)  
**Cc:** GROW INFRAC; [REDACTED] (GROW); [REDACTED] (GROW); [REDACTED] (GROW); [REDACTED] (GROW)  
**Subject:** Re: Interservice consultation Ares(2015)4966089 - Letter of formal notice to Hungary

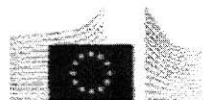
Dear [REDACTED]

The agreement of ENER (associated service) to the Paks LFN was received directly in the GROW INFRAC fmb.

Regards,

[REDACTED]

GROW INFRAC  
DG GROW Infringements team



DG GROW/B/4

Tel: [REDACTED]

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**From:** [REDACTED] (ENER)  
**Sent:** Wednesday, November 11, 2015 5:45 PM  
**To:** GROW INFRAC  
**Cc:** [REDACTED] (ENER); [REDACTED] (ENER); [REDACTED] (ENER); [REDACTED] (ENER)  
**Subject:** Interservice consultation Ares(2015)4966089 - Letter of formal notice to Hungary

Dear colleagues,

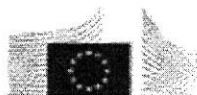
We contact you regarding the consultation Ares(2015)4966089 (letter of formal notice to Hungary following EU-Pilot 7718/15/GROW).

We don't have any objections to your proposal. Please send us the NIF fiche when it's finalized.

Best regards,

[REDACTED]

[REDACTED]



**European Commission**

**DG Energy Directorate A**

Unit A 1 – Energy policy coordination

[REDACTED]

[REDACTED]

B-1049 Brussels/Belgium

+32 2 29 [REDACTED]

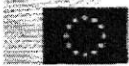
[REDACTED]

[\[REDACTED\]@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)

[REDACTED] (GROW)

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**From:** [REDACTED] (GROW)  
**Sent:** 27 March 2017 12:54  
**To:** [REDACTED] (GROW)  
**Subject:** FW: Paks LFN



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

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**From:** [REDACTED] (COMP)  
**Sent:** Wednesday, November 11, 2015 4:08 PM  
**To:** [REDACTED] (GROW)  
**Cc:** [REDACTED] (GROW); [REDACTED] (GROW); [REDACTED] (COMP); [REDACTED] (COMP)  
**Subject:** RE: Paks LFN

Dear [REDACTED],

Thank you very much for consulting us on this LFN.

We would like to let you know that we have a favourable opinion to it without any further comments. For the time being we do not see how we could have access to NIF but we are trying to provide our OK in Ares if that suits you.

Best regards,

[REDACTED]  
for the team

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**From:** [REDACTED] (GROW)  
**Sent:** Monday, November 09, 2015 11:22 AM  
**To:** [REDACTED] (COMP)  
**Cc:** [REDACTED] (GROW); [REDACTED] (GROW)  
**Subject:** Paks LFN  
**Importance:** High

Dear [REDACTED],

As a follow up to the phone call, please find attached the LFN for the Paks case.

We will send you the NIF information as soon as possible. As we explained, we need the agreement in the NIF system by Wednesday COB the latest.

If you have any questions, please do not hesitate to contact us, from tomorrow afternoon we will be on a mission, our mobile numbers are the following:

[REDACTED]

[REDACTED]

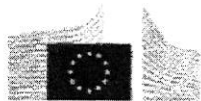
Thank you very much for your kind help.

Kind regards,

[REDACTED]

[REDACTED]

Legal Officer



**European Commission**

Directorate General Internal Market, Industry, Entrepreneurship and SMEs  
GROW G.2 – Access to Procurement Markets

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The views expressed in this e-mail are my own and may not,  
under any circumstances, be interpreted as stating an official  
position of the European Commission.

(GROW)

**From:** CEBALLOS BARON Miguel (CAB-MALMSTROM)  
**Sent:** 13 November 2015 17:03  
**To:** DRZEWOSKA Agnieszka (CAB-BIENKOWSKA); [REDACTED] (SJ); [REDACTED] (SJ)  
**Cc:** [REDACTED] (SJ); [REDACTED] (SJ); HUSAK Tomasz (CAB-BIENKOWSKA); HEDBERG Kristian (CAB-BIENKOWSKA); EICHHORN Nele (CAB-MALMSTROM); [REDACTED] (GROW); [REDACTED] (CAB-BIENKOWSKA)  
**Subject:** RE: Urgent - Paks - draft letter of formal notice

Dear Agnieszka,

Thanks for all the good explanations this afternoon and listening to DG Trade concerns. The text is fine for us, thanks a lot.

Miguel

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**From:** DRZEWOSKA Agnieszka (CAB-BIENKOWSKA)  
**Sent:** Friday, November 13, 2015 4:49 PM  
**To:** CEBALLOS BARON Miguel (CAB-MALMSTROM); [REDACTED] (SJ); [REDACTED] (SJ)  
**Cc:** [REDACTED] (SJ); [REDACTED] (SJ); HUSAK Tomasz (CAB-BIENKOWSKA); HEDBERG Kristian (CAB-BIENKOWSKA); EICHHORN Nele (CAB-MALMSTROM); [REDACTED] (GROW); [REDACTED] (CAB-BIENKOWSKA)  
**Subject:** RE: Urgent - Paks - draft letter of formal notice

Dear Colleagues,

Enclosed please find a revised version of the Paks draft letter of formal notice incorporating the changes we had agreed in the meeting just now. This builds on the revised text provided by DG TRADE earlier this afternoon. For the ease of reference, the changes we agreed upon are flagged in yellow. We would be grateful for your reaction as soon as possible today, to be able to inform the President's Cabinet and add the case into the November's infringement cycle to be adopted next week.

Thank you very much for your availability and for your co-operation!  
Agnieszka

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**From:** DRZEWOSKA Agnieszka (CAB-BIENKOWSKA)  
**Sent:** Friday, November 13, 2015 1:10 PM  
**To:** CEBALLOS BARON Miguel (CAB-MALMSTROM); EICHHORN Nele (CAB-MALMSTROM)  
**Cc:** [REDACTED] (SJ); [REDACTED] (SJ); [REDACTED] (SJ); HUSAK Tomasz (CAB-BIENKOWSKA); HEDBERG Kristian (CAB-BIENKOWSKA); [REDACTED] (CAB-BIENKOWSKA)  
**Subject:** FW: Urgent - Paks - draft letter of formal notice

Dear Nele, Dear Miguel,

As promised, our colleagues have been in touch with DG Trade this morning. I understand that DG TRADE stay firm on their position despite GROW's offer to work on the re-drafting in order to downplay the argument and showed no openness to discuss the text – but this is of course subject to your confirmation.

As mentioned yesterday, that this has been pre-discussed with the Cabinet of the President, who upon the advice of the Legal Service, including the Legal Service's Trade departments, believed that there would be ways of keeping in the reference to the CCP, without making that point too prominent in the legal argumentation.

In fact, the initial letter of formal notice has already been drafted within this optics, since we had been made aware of your concerns, but as mentioned we would be ready to address your concerns even further.

Ms [REDACTED] from the Legal Service, in copy of this email, who has been co-ordinating the input for this case has been very kind and offered to discuss with the colleagues in DG TRADE the views of the Legal Service; if you see the need for it.

In this situation, and to meet the request of the President's Cabinet of yesterday, we will set up a meeting to discuss the case today. I hope 15:30hrs would be suitable for all concerned. We will now send an invitation,

We, of course, remain available for any questions and count on your co-operation,

Agnieszka

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**From:** DRZEWOSKA Agnieszka (CAB-BIENKOWSKA)  
**Sent:** Thursday, November 12, 2015 8:23 PM  
**To:** CEBALLOS BARON Miguel (CAB-MALMSTROM); EICHHORN Nele (CAB-MALMSTROM); [REDACTED] (SJ); [REDACTED] (SJ)  
**Cc:** HUSAK Tomasz (CAB-BIENKOWSKA); HEDBERG Kristian (CAB-BIENKOWSKA); [REDACTED] (CAB-BIENKOWSKA)  
**Subject:** Urgent - Paks - draft letter of formal notice

Dear Colleagues,

I am contacting you in relation to the draft letter of formal notice (LFN) in the "Paks" case – nuclear power plant in Hungary, which is planned for the November infringemet cycle.

The ISC has ended with the following outcome: LS gave an agreement and the drafting suggestions were accepted in their entirety. DGs COMP and ENER agreed with no comments. There are, however, still open issues raised by DG TRADE: requesting to remove the references to the Common Commercial Policy (CCP) from the text.

We flagged DG TRADE's concern to the President's Cabinet who suggested that we jointly work on the agreeable wording and whose understanding, at the same time, is that there would be ways of keeping in the reference to the CCP, without making that point too prominent in the legal argumentation. Thus, my email to you.

In the interest of time, we are reflecting on the possible adaptations of the text and DG GROW will reach out to the Legal Service and DG Trade tomorrow morning to go through the draft again and to discuss the possible ways of improvement taking into account the President's Cabinet guidance. We will also contact you to discuss it tomorrow.

We remain available for any questions and thank you for your and your services co-operation so far,

Enclosed, the version of the draft LFN post-ISC,