



EUROPEAN COMMISSION
Competition DG

The Director General

Brussels, 24/06/2019
COMP/B3/LV/AC/cl*2019/081241

Pavlina TRIFONOVA
Shumen Str 17a,
1309 Sofia
Bulgaria
office@uegep.eu

By e-mail and registered mail

Subject: Your application for access to documents – Ref. GestDem No 2019/3190

Dear Ms Trifonova,

We refer to your e-mail dated 03/06/2019 in which you make a request for access to documents, registered on 04/06/2019 under the above-mentioned reference number. You request whether “there is a document stipulating that Bulgaria would have to issue a new notification provided they make a change and repeal §18 of the Final and Transitional provisions of their Energy Act”.

We understand that §18 of the Final and Transitional provisions of their Energy Act that you are referring to is related to the budget of the Renewable energy support scheme, which was approved by the Commission under SA.44840. According to State aid rules, a Member State shall notify any increase in the budget of an authorised aid scheme exceeding 20%¹.

As specified in Article 2(3) of Regulation 1049/2001, the right of access as defined in that regulation applies *only* to existing documents in the possession of the institution.

Given that no such documents, corresponding to the description given in your application, are held by the Commission, the Commission is not in a position to fulfil your request.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

¹ Article 4(2)(a) of the COMMISSION REGULATION (EC) No 794/2004 of 21 April 2004 laying down detailed rules for the application of Article 93 of the EC Treaty. O.J. L 140, 30.4.2004.

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, 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 sincerely,


Johannes LAITENBERGER
Director General