

Department of Communications,
Marine and Natural Resources

An Roinn Cumarsáide,
Mara agus Acmhainní Náúúrtha

Office of the Minister

Oifig an Aire
Mr Paul Woods

Dublin 2
Baile Átha Cliath 2

Tel +353 1 678 2000
LoCall 1890 44 99 00
Fax +353 1 678 2029
Email: minister.dempsey@dcmnr.ie
www.dcmnr.gov.ie

Drogheda
Co Meath

Our ref: FOI/49/2005

18 July, 2005

***Re: Freedom of Information Request – DCMNR / EU Commission correspondence re
MANs project***

Dear Mr Woods,

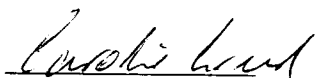
I refer to your request for information under the Freedom of Information Act, dated 20 June 2005. This request specifically dealt with any correspondence between the European Commission and the Department in relation to the MANs project and in particular relating to state aid.

I regret that I am unable to release such information as, under section 27 (c) of the Act, such records are deemed to contain,

'information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates.'

Unfortunately we are not in a position to disclose any information which is currently the subject of negotiation or discussion with the European Commission.

Yours sincerely,



Caroline Greer
Communications (Development) Division

Home address: Newtown, Trim, Co. Meath
Tel (046) 9431146 Fax (046) 9436643
Email: noelmin@eircom.net

Communications

Broadcasting

Energy

Marine

Natural Resources

28/06/2005

Mr Paul Woods

Drogheda,
Co.Meath
Ireland

FOI/0049/2005

Dear Mr Woods,

I refer to the Freedom of Information request received in this office on 28/06/2005 along with the associated fee.

The officer handling your request will be Ms Caroline Greer, Communications Development Division, Department of Communications, Marine & Natural Resources, Leeson Lane, Dublin 2, Co Dublin. She can be contacted at 6783187.

A final decision on your request will normally be sent to you within 4 weeks of receipt of your request. This means that you can expect to receive your decision by the 26/07/2005.

If you have not heard from us when the time allocated has expired, you are automatically entitled to appeal to the Department for a review of the matter. This review proceeds on the legal basis that the initial request is considered to be refused once the specified time for responding to it has expired.

You should also be aware that you are entitled to a review of the decision if your request is refused, or if you are for any reason dissatisfied with the outcome of your request. The review is a full and new examination of the matter carried out by a more senior member of staff of this Department. In the event that you need to make an appeal, you can do so by writing to Mr. John Wynne, FOI Unit, Department of Communications, Marine & Natural Resources, Leeson Lane, Dublin 2, Co Dublin. Please note that there is a charge for all appeals of FOI requests. This charge is currently €75.00. A reduced fee of €25.00 applies if you are the holder of a Medical Card.

Please note that the Department of Communications, Marine & Natural Resources has a policy of posting a summary of your request, your name and address and the subsequent reply on the Department's website for reference purposes.

Yours sincerely,

Liam Murphy
FOI Unit

Ms Nuala Free,
Freedom of Information Officer
Department of Communication, Marine and Natural Resources
Leeson Lane,
Dublin 2.

Paul Woods

Drogheda,
Co. Meath.

20th June 2005

Re: Freedom of Information Request

Dear Nuala,

I am writing to request information under the freedom of information act. I am specifically seeking records relating to correspondence between the Department and the EU in relation to the metropolitan area networks (MANs) project.

This information is being requested as part of thesis research I am conducting while attending Trinity College Dublin. The exact nature of the documentation required is highlighted below in order of its importance to my project.

1. Records of correspondence between the department and the European Commission relating to notification to the EU of the proposed MAN project. In accordance with Article 88(3) of the EC Treaty, Member States must inform the Commission in advance of any plans involving state aid or any alterations to existing aid. I am specifically seeking any department documentation relating to such a notification. I have been able to get this information for similar projects in under EU countries.
2. Records of any correspondence between the department and EU relating to the MANs project and state aid.
3. Any internal department documentation relating to the MANs project in terms of the application of EU state aid and/or EU competition law.
4. Any department documentation relating to correspondence on the MANs project with existing telecommunications operators in Ireland.

I have checked the various publicly available information already available and have been able to use some of this documentation. The requested information above does not appear to be publicly available on either the departments web address or the European Union's web portal.

The preferred format for receiving this information is on computer disk in Microsoft Word, text or PDF format. In the event that electronic copies are not available photocopies will suffice. I would appreciate if you could post this information to the address above. I understand that a standard cost applies for this information. Please advise me of the best manner in which I can make this payment.

Yours Sincerely,



Paul Woods