

**From:** [Marten, Lucy](#)  
**To:** [Willis, Adele](#); [Adair, Joanne](#)  
**Subject:** FW: RHI - Procedural Regulation - Clarification that the EC has 2 months to adopt a decision  
**Date:** 04 January 2017 15:50:38  
**Attachments:** [image001.png](#)

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For information.

Lucy

## Lucy Marten

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## Please consider the environment - do you really need to print this e-mail?

**From:** McCormick, Andrew (DFE)  
**Sent:** 04 January 2017 15:08  
**To:** Moore, Stephen (DfE); Archbold, Claire; Millen, Patrick  
**Cc:** McMurray, Stephen; Murphy, Shane; Marten, Lucy; McCann, Brendan; McCoy, Laura; Wimpress, Ian  
**Subject:** RE: RHI - Procedural Regulation - Clarification that the EC has 2 months to adopt a decision

Spoke to the Minister about this. Aim should be to get the formal notification away asap but if mid-March became 1 April for implementation, that would still be acceptable. Let's keep close – next step is engagement re practicalities with OfGEM.

Many thanks.

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**From:** Moore, Stephen (DfE)  
**Sent:** 04 January 2017 14:10  
**To:** Archbold, Claire; Millen, Patrick  
**Cc:** McMurray, Stephen; McCormick, Andrew (DFE); Murphy, Shane  
**Subject:** RHI - Procedural Regulation - Clarification that the EC has 2 months to adopt a decision

Claire / Patrick

Apologies, I wrongly suggested earlier today that if we fully notify and bypass the pre-notification phase, the Commission has to adopt a decision within 20 working days.

This was the period is 2 months and the period starts the day following the receipt of a complete notification.

Please see Article 4(5) in the Commission's Procedural Regulation.

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015R1589&from=EN>

Apologies again for the confusion.

Stephen

**Stephen Moore**

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**NEW** - 'State aid: A Beginner's Guide for Public Bodies in Northern Ireland' can now be accessed through the DFE Internet site: <https://www.economy-ni.gov.uk/publications/state-aid-beginners-guide-public-bodies-northern-ireland>

**Please consider the environment - do you really need to print this e-mail?**

**From:** Archbold, Claire  
**Sent:** 04 January 2017 13:42  
**To:** Millen, Patrick  
**Cc:** McMurray, Stephen; Moore, Stephen (DfE)  
**Subject:** FW: RHI: State Aid

Pat

When we spoke to the AG just now, he and Andrew were both content with the idea of making the commencement date about 20 days after the regs are affirmed, so that the Commission has time to say yea or nay before commencement. The instructions should reflect this when they come in.

Claire

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**From:** McCormick, Andrew (DFE)  
**Sent:** 04 January 2017 13:20  
**To:** McMurray, Stephen  
**Cc:** Wimpres, Ian; Archbold, Claire; Moore, Stephen (DfE); McCann, Brendan; Millen, Patrick; Marten, Lucy; McCoy, Laura; Murphy, Shane  
**Subject:** RHI: State Aid

Spoke to the Minister. He is happy with the idea of a commencement clause and the proposal to notify the Commission and give the 20 working days for a decision.

Many thanks.

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