

Non-Domestic Renewable Heat Incentive (RHI)

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Non-Domestic



RENEWABLE HEAT INCENTIVE (RHI)

STATE AID DECLARATION - DRAFT DECLARATION TEMPLATE

To proceed with your RHI application we request you complete a declaration, by your completing and signing the document below, that your undertaking has not received 'de minimis' aid exceeding €200,000 in the previous three years and will not, as a result of any Renewable Heat Incentive funding, receive 'de minimis' aid exceeding €200,000 in any 3 financial¹ year rolling period

To help assess if your undertaking will exceed the €200,000 (c.£170,000) limit, please complete the following calculation to determine the maximum amount of aid that your Renewable Heat Incentive payments may represent:

RHI Installation Capacity (kW)	C	_____	kW
Anticipated RHI tariff at date of accreditation (p/kWh)	T	_____	p/kWh
Number of hours for which payments could be made over one year (hours)	H	8640	hours
Maximum RHI payment amount per year (£)	$A = C \times T \times H \times 0.01$	£ _____	
Maximum RHI payment amount over 3 years (£)	$P = A \times 3$	£ _____	
Maximum RHI payment amount over 3 years (€)	$E = P \times \text{current } \text{€}/\text{£ exchange rate}$	€ _____	

Note: If you have already had a 0% loan from the Carbon Trust, you will have received information on the value of the 'de minimis' state aid in the loan agreement.

Please complete the State Aid Declaration on the following page:

¹ A financial year runs from 1st April to 31st March

STATE AID DECLARATION

1. Has your undertaking received any publicly funded financial support that has been identified as 'de minimis' State Aid within the last 3 fiscal years or are you about to receive any such support?

Yes
No

(If you don't know if the financial support received was 'de minimis' State Aid, please contact the body who provided the support).

2. If you answered Yes to the question above please identify all 'de minimis' State Aid received in the last three fiscal years:

Item	Amount (£)	Body Providing Aid	Date received
1			
2			

(NB: You should only include here the amount of aid which was assessed as 'de minimis'. Please provide supporting evidence alongside this declaration).

3. Is your undertaking categorised as involved in any of the following sectors: coal sector, agricultural production, fisheries or aquaculture products, or export related activities?

Yes
No

If you answered Yes to the question above, please indicate which sector and nature of activity in that sector:

4. Please note that if your organisation has received financial support under the General Block Exemption Regulation No. 800/2008 ('GBER') or under an individual decision of the European Commission ('Commission Decision') it will not be eligible for *de minimis* aid from the Renewable Heat Incentive covering the same costs if this would result in the total sum of all the financial assistance received being above the approved threshold under the GBER or Commission Decision (and the excess could be recovered).

Please indicate whether the receipt of funding provided by the Renewable Heat Incentive would result in the approved threshold under an approved GBER scheme or Commission Decision being exceeded

Yes
No

5. **Statement:** I confirm that the information I have provided above is complete and accurate. I understand that failure to disclose relevant information may lead to a requirement to refund the value of the aid provided plus interest at the rate set by the European Commission for the period from the date that the aid was received.

Signed: _____ RHI application number (NIRHIxxx): _____

Print Name: _____ Position: _____ Date: _____

If you need help

Telephone: 0845 200 2122 Email: rhi.enquiry@ofgem.gov.uk
RHI enquiry line open Monday to Thursday 9am-5pm and to 4.30pm on Fridays

Guidance – Factsheet

Northern Ireland Renewable Heat Incentive – *Grants, Other Public Support, and State Aid*

This factsheet provides supplementary information on the treatment of grants and other public support under the Northern Ireland Renewable Heat Incentive (NI RHI). This factsheet supplements but does not replace the Guidance materials located at:

<http://www.nidirect.gov.uk/index/information-and-services/environment-and-greener-living/energy-wise/energy-saving-grants/renewable-heat-grants/renewable-heat-incentive.htm>.

This factsheet was last updated in February 2014, and reflects the administrative approach to some ‘soft’ loans such as those from the Carbon Trust.

Overview

1. The Northern Ireland Renewable Heat Incentive (NI RHI) Regulations¹ exclude applicants in possession of certain support from public funds from being accredited onto the scheme.
2. Some applicants may be able to access the RHI by repaying their grant, but only where their installation was completed and first commissioned between 1st September 2010 and 1st November 2012.
3. Where applicants have received other support which is not classed as a grant according to the Regulations, Ofgem will need to ensure that State Aid exemptions do not apply
4. For further details on the operating procedures we follow in each case – including, for example, for certain recipients of Carbon Trust Zero Interest loans – see the detailed guidance below.

Potential Applicants in Receipt of a Grant from Public Funds

5. If a ***grant from public funds was paid*** towards any of the costs of the eligible installation and the ***installation was completed and first commissioned after 1st November 2012***, you will ***not*** be able to access the scheme. You should not submit an application to the Renewable Heat Incentive, and any applicant in this situation may expect their application to be rejected.
6. If a ***grant from public funds was paid*** towards any of the costs of the eligible installation and the ***installation was completed and first commissioned between 1st September 2010 and 1st November 2012***, you may elect to ***repay the relevant grant amount*** relating to the costs of the eligible installation in order to access the NI RHI. You should not repay the grant amount until you have submitted an application to the scheme and we have confirmed that all eligibility requirements have been met. In the event of a grant repayment you would need to provide evidence to Ofgem to demonstrate that the relevant grant amount had been repaid. If you wish to receive further guidance on how you might demonstrate this, please contact Ofgem at RHI.Grants@ofgem.gov.uk.

¹ <http://www.legislation.gov.uk/nisr/2012/396/contents/made>; Regulation 23 deals with grants and other public support

Potential Applicants in Receipt of Other Public Support (such as some Carbon Trust ‘soft’ Loans)

7. You will be asked to declare your source of funding during the application process at application question HJ305. You should mention the full name of all sources of funding which were used to purchase and install the eligible installation. If you know your undertaking is in receipt of any State Aid (essentially public support), please declare this at question HJ305 in the application.
8. When assessing eligibility for the scheme, we are only concerned with ‘other support’ provided by a public authority. Therefore if you have funded your installation through private funds or working capital, we are unlikely to require further evidence to support this requirement for RHI accreditation.
9. If however you have received other support which may be public support, such as a soft loan, we would require further evidence. If you are able to investigate the source of the ‘other support’ funding prior to your application being reviewed this would be beneficial as it would reduce the likely time required as part of the application review process, and reduce the need for us to request further evidence from you. You would be able to contact the ‘other support’ provider in this regard.
10. We may request you to complete a State Aid declaration form². We will then need to assess your level of support against State Aid requirements. In assessing your eligibility, please note that support levels may be limited, and might vary according to the sector in which your organisation is active.

For information – an indication of possible State Aid limits:

11. **Note:** We cannot provide advice on State Aid requirements. If you are in any doubt, you should take independent advice prior to providing any declarations to Ofgem regarding your Renewable Heat Incentive application.
12. *In considering the state aid limits, payments anticipated under the Renewable Heat Incentive during the 3 financial year rolling period would need to be considered. In general, undertakings should not receive ‘de minimis’ aid (which would include the value of the other public support paid towards the installation) exceeding EUR 200,000 in any 3 financial year rolling period. Please note that certain sectors do not fall under the EUR 200,000 limit. Our current understanding of some relevant ‘de minimis’ aid limits over any 3 financial year rolling period are listed below:*

Sector	De minimis limits
Road transport	€ 100,000
Agriculture [including: crop growing; animal husbandry]	€ 7,500
Fisheries or Aquaculture products	€ 30,000
Other sectors	€ 200,000

Further Information/Enquiries

For further information on the approach to grants from public funds and other public support, potential applicants are advised to take expert advice prior to applying for the RHI. While DETI or Ofgem will not be in a position to provide advice on specific cases outside of a formal application, any enquiries on this topic should be directed to the Ofgem enquiry service on **0845 200 2122** or via email to rhi.enquiry@ofgem.gov.uk, clearly indicating that the enquiry relates to the Northern Ireland scheme.

² [Insert hyperlink to form on website]