

From: [Hughes, Seamus](#)
To: [Moore, Stephen \(DETI\)](#)
Cc: [Wightman, Stuart](#)
Subject: RHI Grants Factsheet
Date: 03 October 2014 11:36:01
Attachments: [NI RHI - Grant Factsheet including State Aid_DraftFeb2014.docx](#)

Stephen

Please attached draft factsheet on grants **(Grants, Other Public Support, and State Aid)** This I understand was drafted around February time but was never finalised. I am now moving to get this agreed between DETI and Ofgem and uploaded along with the other scheme guidance over the next week or so.

I know you were involved when this was first drafted but I would be grateful if you could review again and confirm that you are content from a state aid perspective. The document sets out the current position but will be reviewed again in due course when our proposed legislative changes have been made.

Many thanks

Regards

Seamus

Seamus Hughes

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Department of Enterprise, Trade & Investment
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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~~October 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

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

to receive further guidance on how you might demonstrate this, please contact Ofgem at RHI.Grants@ofgem.gov.uk.

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]	€ 157,0500
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

² [Insert hyperlink to form on website]

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.

From: [Moore, Stephen \(DETI\)](#)
To: [Hughes, Seamus](#)
Cc: [Wightman, Stuart](#); [Pauley, Alberta](#)
Subject: RE: RHI Grants Factsheet
Date: 03 October 2014 11:44:00

Seamus

No problem. I'll look at this ASAP.

Stephen

Stephen Moore

European Support Unit
Department of Enterprise, Trade & Investment
Netherleigh
Massey Avenue
Belfast, BT4 2JP
Tel: 028 9052 9415 (ext: 29415)
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Visit the website for the European Sustainable Competitiveness Programme for NI - www.eucompni.gov.uk

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From: Hughes, Seamus
Sent: 03 October 2014 11:36
To: Moore, Stephen (DETI)
Cc: Wightman, Stuart
Subject: RHI Grants Factsheet

Stephen

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From: [Hughes, Seamus](#)
To: [Moore, Stephen \(DETI\)](#)
Subject: FW: RHI Grants Factsheet
Date: 08 October 2014 15:14:54
Attachments: [NI RHI - Grant Factsheet including State Aid_DraftFeb2014.docx](#)
[Fairlawns State aid declaration - Carbon trust loan\[1\].pdf](#)

Stephen

Attached please find an example of the state aid declaration form that Ofgem are using.

Regards

Seamus

Seamus Hughes

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