

**From:** [Moore, Stephen \(DETI\)](#)  
**To:** [Hughes, Seamus](#)  
**Cc:** [Wightman, Stuart](#); [Willis, Adele](#); [Briggs, Peter](#); [Kelly, Andrea](#)  
**Subject:** RE: RHI State Aid Re-Notification - Draft position memo from John Mills to Chris Stewart  
**Date:** 04 April 2016 15:51:05  
**Attachments:** [image001.gif](#)  
[simplified procedure \(2009 C 136\).pdf](#)  
[2014 environmental protection and energy guidelines.pdf](#)

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Seamus

Grateful if you could articulate more clearly just what it is you will be notifying and amplify your comment below that the re-notification concerns the November 2015 tariff changes?

For info, please find also attached the Simplified Procedure and the Environmental protection and energy guidelines.

Essentially, to be able to utilise the Simplified Procedure the Commission must agree that the proposed notification falls within one of the three categories (see below).

- (a) Category 1: Aid measures falling within the 'standard assessment' sections of existing frameworks or guidelines
- (b) Category 2: Measures corresponding to well-established Commission decision-making practice
- (c) Category 3: Prolongation or extension of existing schemes

If you were just increasing the budget, which would fall within Category 3, you could probably ask the Commission to consider utilising the Simplified Procedure.

But, based on our discussions on 3<sup>rd</sup> March and 21<sup>st</sup> March, given the extent and the nature of the changes proposed, which seemed to go well beyond a simple budget increase, it would seem to me that you would have a hard job convincing the EC that the proposed changes fall within Categories 1 or 2.

The key point to note here is that the Simplified Procedure is not necessarily a 'faster' procedure.

It can be faster, but this depends on how simple the notification is.

As was also discussed, the main 'faster' route is the General Block Exemption Regulation route, but this currently seems impossible, given the extent and the nature of the changes proposed.

Is speed an issue?

If so, perhaps we should look again at the GBER route?

Happy to discuss.

Stephen

**Stephen Moore**

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**From:** Hughes, Seamus  
**Sent:** 04 April 2016 15:24  
**To:** Moore, Stephen (DETI)  
**Cc:** Wightman, Stuart; Willis, Adele; Briggs, Peter; Kelly, Andrea  
**Subject:** RE: RHI State Aid Re-Notification - Draft position memo from John Mills to Chris Stewart

Stephen

Many thanks for this. I note your comment about the simplified procedure reference and we can certainly remove this to avoid any confusion or questions around it. Could I just clarify though why the simplified procedure cannot be used given that the re-notification concerns the November 2015 tariff changes?

Regards

Seamus

**Seamus Hughes**

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**From:** Moore, Stephen (DETI)

**Sent:** 04 April 2016 10:17

**To:** Hughes, Seamus

**Cc:** Wightman, Stuart; Willis, Adele; Briggs, Peter; Kelly, Andrea

**Subject:** RE: RHI State Aid Re-Notification - Draft position memo from John Mills to Chris Stewart

Seamus

I have inserted a comment and a related tracked change for consideration.

Happy to discuss.

Stephen

**Stephen Moore**

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**From:** Hughes, Seamus

**Sent:** 01 April 2016 13:40

**To:** Moore, Stephen (DETI)

**Cc:** Wightman, Stuart; Willis, Adele; Briggs, Peter; Kelly, Andrea

**Subject:** FW: RHI State Aid Re-Notification - Draft position memo from John Mills to Chris Stewart

Stephen

Stuart has asked me to send this draft letter to you for any comments you may have.

Many thanks

Regards

Seamus

**Seamus Hughes**

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**From:** Hughes, Seamus  
**Sent:** 01 April 2016 10:49  
**To:** Wightman, Stuart  
**Cc:** Willis, Adele; Briggs, Peter  
**Subject:** RE: RHI State Aid Re-Notification - Draft position memo from John Mills to Chris Stewart

Stuart

I have reworded the draft in line with your thoughts below. If you are content I will forward to Stephen Moore for his consideration around the wording of paragraph 3.

Regards

Seamus

**Seamus Hughes**

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**From:** Wightman, Stuart  
**Sent:** 31 March 2016 16:58  
**To:** Hughes, Seamus  
**Cc:** Willis, Adele; Briggs, Peter  
**Subject:** RE: RHI State Aid Re-Notification - Draft position memo from John Mills to Chris Stewart

Seamus

Following our meeting with Stephen, can I suggest we amend this to confirm that we are

planning to notify the Commission of our November tariff changes together with the increased budget requirements. This will be a full notification. We need to also include a form of words to confirm that our current approval (for the pre Nov tariffs) still stands and doesn't need re-notified. Although the rate of return for the largest heat users might be better than 12%, it is still within the 8-22% envelope mentioned in our original approval.

We might want to get Stephen to help us with the wording.

Happy to discuss.

Thanks, stuart

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**From:** Hughes, Seamus  
**Sent:** 23 March 2016 11:08  
**To:** Wightman, Stuart  
**Cc:** Willis, Adele; Briggs, Peter  
**Subject:** RHI State Aid Re-Notification - Draft position memo from John Mills to Chris Stewart

Stuart

A discussed in our meeting on Monday past please see attached draft memo from John to Chris to update him on state aid notification for your consideration.

Happy to tweak as necessary.

Regards

Seamus

## **Seamus Hughes**

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