

From: Moore, Stephen (DFE)
To: [Briggs, Peter](#)
Cc: [Marten, Lucy](#); [Hughes, Seamus](#); [Murray, Amanda](#)
Subject: email from Gary Clarke re State aid rules on disclosure of details of beneficiaries
Date: 09 January 2017 13:11:00
Attachments: [image001.png](#)
[FW EIR acknowledgement DfE 2016-0152.msg](#)

Peter

No, he is not correct.

We are only obliged to disclose details of beneficiaries (by uploading details on the beneficiary to an EC transparency website), when the State aid was legally committed after 1 July 2016, when we are specifically required to do so by the Commission and when the aid amount exceeds €500,000.

The weblink below will take you to this website.

<https://webgate.acceptance.ec.europa.eu/competition/transparency/public/search/home>

However, this is not particularly well explained on the Commission's website. [NB you will need to scroll to the bottom of the web page]

http://ec.europa.eu/competition/state_aid/overview/index_en.html

In particular, you will see that the new transparency requirements only apply to the State aid granted on the basis of the GBER (i.e. the General Block Exemption Regulation), the corresponding provisions of the FIBER (i.e. the Fisheries Block Exemption Regulation) and the ABER (i.e. the Agricultural Block Exemption Regulation) and where provided for in 'notifications' and 'decisions'.

In the case of the NI RHI scheme this falls outside of the block exemption regulations and was a specific EC 'decision' (i.e. SA.34140) and there was no transparency (i.e. disclosure) requirement in this State aid decision.

SA.34140 -

http://ec.europa.eu/competition/state_aid/cases/244651/244651_1375577_58_1.pdf

Furthermore, the scheme was closed before 1 July 2016.

Whilst I cannot be 100% sure, there also appears to be nothing in any of the GB RHI decisions that would require publication of beneficiary details.

Hope this helps.

Happy to discuss.

Stephen

Stephen Moore

State Aid Unit
Department for the Economy
Netherleigh
Massey Avenue
Belfast, BT4 2JP
Tel: 028 9052 9415 (ext: 29415)

Mob Personal information redacted by the RHI Inquiry

TextRelay: 18001 028 9052 9415

Web: www.economy-ni.gov.uk



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>

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O'Farrell, Dominic

From: Briggs, Peter
Sent: 09 January 2017 10:58
To: Moore, Stephen (DfE)
Cc: Hughes, Seamus; Marten, Lucy
Subject: FW: : EIR acknowledgement DfE 2016-0152

Stephen,

Regarding the email below from Gary Clarke, is he correct that "the EC regulations on notified State Aid schemes require the full disclosure of beneficiaries for transparency reasons"?

Thanks
Peter

Peter Briggs
Energy Efficiency
Department for the Economy
Netherleigh
Massey Avenue
Belfast, BT4 2JP
Tel: 028 9052 9581 (ext: 29581)
TextRelay: 18001 028 9052 9581
Web: www.economy-ni.gov.uk

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-----Original Message-----

From: DfE FOI
Sent: 06 January 2017 09:28
To: Briggs, Peter
Cc: DfE FOI; McBriar, Trevor; McGready, Linda; Langford, Rozzi; McCaughan, Bernard
Subject: : EIR acknowledgement DfE 2016-0152

Peter

Please see below further comment from Mr Clarke regarding his request.
Val

Valerie Stevenson
Information Mgt / Comms
Department for the Economy
Netherleigh
Massey Avenue
Belfast, BT4 2JP
Tel: 028 9052 9284 (ext: 29284)
TextRelay: 18001 028 9052 9284
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-----Original Message-----

From: Gary Clarke [<mailto:request-376161-d6104ab3@whatdotheyknow.com>]
Sent: 06 January 2017 04:30

To: DfE FOI
Subject: Re: EIR acknowledgement DfE 2016-0152

Dear DfE FOI,

Apologies for contacting you again in relation to this request.

To save you effort in redacting the information requested it has come to my attention that the EC regulations on notified State Aid schemes require the full disclosure of beneficiaries for transparency reasons.

Yours sincerely,

Gary Clarke

-----Original Message-----

Dear Mr Clarke

Please see attached acknowledgement to your recent Environmental Information Regulations request.

Regards

Valerie Stevenson
Information Mgt / Comms
Department for the Economy
Netherleigh
Massey Avenue
Belfast, BT4 2JP
Web: www.economy-ni.gov.uk

[1][cid:image001.png@01D25225.F50CCC90](#)

[2][cid:image002.gif@01D25225.F50CCC90](#)

[3]NI Year of Food & Drink 2016

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References

Visible links

1. http://twitter.com/Economy_NI
2. <http://www.tourismni.com/BusinessSupport/MajorEvents/NIYearofFoodandDrink2016.aspx>
3. <http://www.tourismni.com/BusinessSupport/MajorEvents/NIYearofFoodandDrink2016.aspx>

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request-376161-d6104ab3@whatdotheyknow.com

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<https://www.whatdotheyknow.com/help/ico-guidance-for-authorities>

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