

From: Moore, Stephen (DFE)
To: [McAdams, Jonathan](#)
Cc: [McMurray, Stephen](#); [Marten, Lucy](#); [Montgomery, Paul](#); [Glover, David](#); [McCann, Brendan](#); [Adair, Joanne](#); [Dukelow, Victor](#); [Murphy, Shane](#); [Murray, Amanda](#); [McCormick, Andrew \(DFE\)](#); [Cousins, Heather](#); [McLean, Diarmuid](#)
Subject: State aid - DG Comp decision on the NI RHI revisions - request to the RHI team for comments on whether anything needs redacting
Date: 04 April 2017 11:18:00
Attachments: [image2017-04-04-102300.pdf](#)
[image001.png](#)
Importance: High

Jonathan

Please find attached the EC's decision on the 2017 revisions to the non-domestic RHI scheme.

I would be grateful if you could confirm ASAP that the letter does not contain any confidential information which should not be disclosed to third parties.

You should also note and, if appropriate, include in the RHI scheme risk register that there are a number of State aid commitments and conditions (some more obvious than others) that the Department must comply with.

As far as I can see, these are as follows:

1. Para 11 – no new CHP installations will be accredited before 31 March 2018 and CHP tariffs will be notified to the Commission separately after a review by the Department;
2. Para 13 – the scheme will remain suspended to new applications until at least 31 March 2018;
3. Para 30 – we will inspect all sites in 2017;
4. Para 31 – where such inspections uncover non-compliance, we will take appropriate action to ensure any overcompensation is remedied;
5. Para 35 – this letter only provides State aid cover to 31 March 2018, so, to ensure we have State aid cover from 1 April 2018 onwards, we must re-notify the scheme in good time to allow the Commission to take a decision; &
6. Para 36 – State aid cover is for a budget of £25.3 million, so we must notify the Commission (albeit via the EC's simplified procedure) if the budget looks likely exceed this amount by more than 20%.

In relation to 5, I would be keen to agree target dates for the submission of the pre-notification and the notification documents ASAP and communicate these to DG Comp.

Finally, if you agree, I would like to send this decision letter to DSO for information.

Happy to discuss.

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: Stephen.Clark-Foulquier@fco.gsi.gov.uk [mailto:Stephen.Clark-Foulquier@fco.gsi.gov.uk]

Sent: 04 April 2017 09:31

To: Stephen.Moore@economy-ni.gsi.gov.uk

Cc: Amanda.Murray@economy-ni.gsi.gov.uk; Irrelevant information redacted by the RHI Inquiry

Subject: DG Comp decision on the NI RHI revisions

Importance: High

Stephen,

Please find attached the Commission's decision letter on NI RHI. Note that we have 15 working days from yesterday so 26 April (due to Easter public holidays) to confirm if we will be seeking any redactions before the letter is published.

Can you please confirm that you've received the letter – thanks.

Kind regards,

Stephen Clark-Foulquier | Policy Assistant, Competitiveness & Markets Team | UK Representation to the European Union | Avenue d'Auderghem 10, 1040 Brussels | stephen-clark-foulquier@fco.gsi.gov.uk | Tel: +32 (0)2 287 8269 | GSM: Personal Information redacted by the RHI

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