

From: [Moore, Stephen \(DfE\)](#)
To: [McCormick, Andrew \(DFE\)](#)
Subject: (1) RHI (2) Norwegian
Date: 12 January 2017 17:00:20
Attachments: [image001.png](#)

Andrew

1. RHI

Just spoke with Steven and he is happy. He stressed he is just trying to be as helpful as he can be and that, whilst the Commission will be thorough, he expects there will be a lighter touch for our revisions than was the case for the recent GB revisions to their RHI scheme.

So he is up to speed, he is going to touch base with me tomorrow.

2. Norwegian

I also outlined the no aid proposition that might soon be offered to Norwegian and we discussed the fact that announcements about this could generate enquiries from the Commission.

Steven has suggested we should think about you sending an email to Henrik Morsch if we know there is about to be an announcement. He stressed that this is just a thought, not a firm recommendation.

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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From: McCormick, Andrew (DFE)
Sent: 12 January 2017 16:18
To: Moore, Stephen (DfE)
Cc: Coyne, Terence; McMurray, Stephen; Marten, Lucy; Cousins, Heather; McCann, Brendan; Willis, Adele; McGinn, Paul
Subject: RE: RHI - Regulations - DSO draft and advice from UKRep

Yes, please do, many thanks.

From: Moore, Stephen (DfE)
Sent: 12 January 2017 16:17
To: McCormick, Andrew (DFE)
Cc: Coyne, Terence; McMurray, Stephen; Marten, Lucy; Cousins, Heather; McCann, Brendan; Willis, Adele; McGinn, Paul
Subject: RE: RHI - Regulations - DSO draft and advice from UKRep

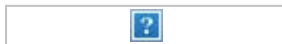
Andrew

Agreed and understood. If OK, I will communicate this to Steven verbally.

Stephen

Stephen Moore

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From: McCormick, Andrew (DFE)
Sent: 12 January 2017 16:12
To: Moore, Stephen (DfE); McGinn, Paul
Cc: Coyne, Terence; McMurray, Stephen; Marten, Lucy; Cousins, Heather; McCann, Brendan; Willis, Adele
Subject: RE: RHI - Regulations - DSO draft and advice from UKRep

I agree with your conclusion – there is no way round this if the Commission won't approve. But I do think that is low risk.

Many thanks.

From: Moore, Stephen (DfE)
Sent: 12 January 2017 16:10
To: McCormick, Andrew (DFE); McGinn, Paul
Cc: Coyne, Terence; McMurray, Stephen; Marten, Lucy; Cousins, Heather; McCann, Brendan; Willis, Adele
Subject: RE: RHI - Regulations - DSO draft and advice from UKRep

Andrew / Paul

I think what Stephen is worried about is the Commission not being happy with the changes we are proposing and possibly putting us in a position of having to revise the revised regulations.

In the worst case scenario, this may mean it would not adopt a no objection decision, meaning we would be unable to implement the changes.

What he was asking is can we include anything the revised regulations that means we don't then have to lay further revised regulations in the Assembly.

I am not sure there is an easy answer to this and it may simply be that we need to convince the Commission that it has to accept what we are proposing and that this would put the Commission in difficult position.

We would also say that we will be undertaking a full review of the RHI scheme and will address the Commission's requests in a further notification.

Does this make sense?

Stephen

Stephen Moore

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From: McCormick, Andrew (DFE)

Sent: 12 January 2017 15:56

To: McGinn, Paul; Moore, Stephen (DfE)

Cc: Coyne, Terence; McMurray, Stephen; Marten, Lucy; Cousins, Heather; McCann, Brendan; Willis, Adele

Subject: RE: RHI - Regulations - DSO draft and advice from UKRep

Many thanks.

From: McGinn, Paul

Sent: 12 January 2017 15:56

To: McCormick, Andrew (DFE); Moore, Stephen (DfE)

Cc: Coyne, Terence; McMurray, Stephen; Marten, Lucy; Cousins, Heather; McCann, Brendan; Willis, Adele

Subject: RE: RHI - Regulations - DSO draft and advice from UKRep

Andrew yes I have no problem with that. In fact it might help. There is some risk that it could be argued that simply referring to the state aid approval would constitute unauthorised sub delegation. That risk remains but is lessened if we have a specific commencement date which is subject to Commission approval given that it would be unlawful to proceed without it.

Paul

From: McCormick, Andrew (DFE)

Sent: 12 January 2017 15:53

To: Moore, Stephen (DfE)

Cc: Coyne, Terence; McGinn, Paul; McMurray, Stephen; Marten, Lucy; Cousins, Heather; McCann, Brendan; Willis, Adele

Subject: FW: RHI - Regulations - DSO draft and advice from UKRep

Would it help if the clause said that the regulations would come into effect on either 1 April 2017 or the day after State Aid approval, whichever is the later? Just against the low risk that the Commission could move faster than we expect

Many thanks.

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