

From: [McMurray, Stephen](#)
To: [McCormick, Andrew \(DFE\)](#); [Cousins, Heather](#)
Subject: FW: SA. 47501 NI RHI Scheme : Preliminary Assessment and Invitation to Notify
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For info

Stephen McMurray

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Sent: 16 March 2017 10:13
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Cc: Murphy, Shane; Dukelow, Victor; McAdams, Jonathan; McMurray, Stephen;
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Subject: SA. 47501 NI RHI Scheme : Preliminary Assessment and Invitation to Notify

Dear Stephen ,

With my thanks for your most recent submissions, I can advise that the Commission services have completed our preliminary assessment of the pre-notified measure and can now invite you to notify the measure to the Commission.

In doing so we understand that the notification will be made subject to the following commitments from the United Kingdom which we would ask you to confirm:

1. That no installations between 100 and 199kW will be effectively re-banded when this measure comes into force,
 2. That there will be no aid to CHP during the period of this Decision (1 April 2017 – 31 March 2018) and the tariffs, once revised, will be notified to the Commission, and
 3. That you can confirm the below commitments on enforcement.
- (1) On the 29 July 2016 the Northern Ireland Department of the Economy commissioned an independent review into the scheme. That review was focused not least on allegations relating to abuse of the scheme and in particular on beneficiaries' alleged receipt of support for hours of 'non-useful' heat in contravention of the 'useful heat' requirement detailed at paragraph (29) above.
- (2) Following this review the Northern Ireland authorities have explained that suspected instances of overcompensation, due to contravention of the requirements of the scheme,

have likely occurred in some instances.

- (3) In view of this the United Kingdom has committed to the conduct of a wholesale review of the scheme during 2017 with a view to monitoring of individual beneficiaries' compliance with the scheme rules to date, specifically targeting any suspected abuse of the 'useful heat' rule.
- (4) In respect of suspected abuse by beneficiaries of the 'useful heat' rule the United Kingdom has specifically committed to procuring the inspection of all accredited sites in 2017.
- (5) Where such inspection uncovers non-compliance with the scheme the United Kingdom has committed to taking appropriate action to ensure that any such overcompensation is remedied. Action will be taken under the powers conferred in Regulations 43-47 of the *Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012* (the '2012 Regulations').
- (6) Among the powers conferred by the 2012 Regulations are the ability to suspend support payments,^[1] withhold or reduce support payments,^[2] revoke a beneficiary's accreditation or registration under the scheme,^[3] and offset or recover any support payments made in excess of a beneficiary's proper entitlement under the scheme.^[4]

[1] Regulations 43 and 44 of the 2012 Regulations.

² Regulation 45 of the 2012 Regulations.

³ Regulation 46 of the 2012 Regulations.

⁴ Regulation 47 of the 2012 Regulations.

Kind regards,
Kate

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"The views expressed are purely those of the writer and may not in any circumstances be regarded as stating an official position of the European Commission."

^[1] Regulations 43 and 44 of the 2012 Regulations.

[\[2\]](#) Regulation 45 of the 2012 Regulations.

[\[3\]](#) Regulation 46 of the 2012 Regulations.

[\[4\]](#) Regulation 47 of the 2012 Regulations.