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Subject: ACX/RHI 003 - Review of Draft Regulations
Date: 10 July 2012 16:24:00
Attachments: [nisecond.docxno3.docx](#)
[OTOP.png](#)
[ACX RHI 002 - Work Request for finalisation of RHI Regulations - August 2011.DOC](#)

Alan

In reference to work request ACX/RHI003, the Department has now liaised with Ofgem in relation to the draft Regulations. The quote for this work request was estimated at £ [REDACTED] of which, to date, approximately £ [REDACTED] has been spent. This leaves around £ [REDACTED] still to spend on this work request.

We would now like to consider and amend the draft Regulations (attached with Ofgem comments) as follows -

- Consider and amend the draft Regulations following Ofgem comments; and
- Confirm the draft Regulations stipulate that AD sites in receipt of NIROCs will not receive RHI. This was requested in work request ACX/RHI 002 however we are not certain if this requirement has been drafted. I have attached work request 002 for your convenience and would appreciate that you confirm where in the Regulations this is set out- if it is not in the Regulations, it is necessary that it drafted in as soon as possible.
- Ofgem have now raised an issue relating to the Regulations and EU Directive 98/34/EC regarding notification requirements for good and electronic services. Ofgem have advised that DECC, when finalising the regulations for the GB scheme, notified the EU Commission under this Directive, I attach for information the GB notification, it relates to MCS standards, heat meter standards and a couple of other issues. This is not a requirement that we are familiar with and indeed the regulations relating to the Northern Ireland Renewables Obligation, that includes requirements for MCS standards, have not previously been notified under this scheme.

<http://www.bis.gov.uk/policies/innovation/standardisation/tech-standards-directive>

From looking through existing guidance it is difficult to understand why the Renewable Heat Regulations would need to be notified under this Directive. The MCS standards are a EU standard that were notified separately in 2007 and the heat meters in question again are of a EU standard.

I would be grateful if you could consider the guidance on this Directive and the potential relevance to the RHI regulations and provide advice on whether DETI need

to notify in this way. Given that the notification process includes a 3 month 'standstill' period, this issue needs to be considered with some urgency.

Many thanks

Susan

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The new website for the European Sustainable Competitiveness Programme for NI is now available - visit www.eucompni.gov.uk



www.ni2012.com

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