

Rebecca

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Dear Rebecca

By letter dated 21 December 2011, your authorities submitted to the Commission's services a draft notification concerning the above-mentioned measure.

On the basis of the information available, the competent departments of the Directorate General for Competition have come to the preliminary conclusion that the measure can be deemed to be compatible with Article 107(3)(c) TFEU. Thus we would invite your authorities to formally notify the measure, together with the accompanying documents used in the pre-notification phase.

This position is not a definitive position of the European Commission itself, but only a preliminary view of the services of DG Competition, based on the information available at this stage.

Best regards,

Luca

**LUCA DI MAURO**  
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**Subject:** FW: Case SA.34140 - Renewable Heat Incentive - NI - Some questions  
**Date:** 25 May 2012 14:38:56

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Dear Stephen and Kate,

We've had some questions in concerning the NI RHI scheme – it seems like some of them come from the Legal Service trying to understand how this scheme differs to the UK scheme – so hopefully nothing tricky here.

Obviously the sooner we can get answers in the better – I'll send them in an UKRep headed paper as we're at notification stage now.

Grateful if you could keep me posted on progress – I can ask the case handler when he needs the response by if you like (?)

Best wishes,

Rebecca

***Rebecca Ireland***  
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Dear Rebecca

I hope you are well – and are fully prepared to take advantage of the first spring sunrays in Brussels!

I am writing on the renewable heat case. The ISC is now in the process of closing and I have a few comments which I need to implement, especially from the Legal Service. I was hoping you could help me identify the correct information, based on these comments. For all of these points, all I would need is max two short paragraphs, building on the information in the submission but hopefully also with some additional info.

"Hassle" costs: I have been asked to clarify whether there is enough evidence to say that if these costs were not compensated, the fossil fuel alternatives would still be more attractive to end users.

Tariff levels: It would appear that the table of tariff levels included in the decision on the RHI for mainland UK had slightly different numbers than the one which was compared to the tariff levels in NI. I have been asked to clarify the differences, since based on the data included in the table in the former decision the NI levels are lower only for biogas and ground source 100+.

I have been asked to confirm that it will not be possible for any new installation to benefit from the RHI and at the same time receive a grant contributing to the direct costs of heat production, and to clarify whether the same issue as the one in the mainland UK scheme could arise on CHP installations being potentially eligible for grants under another scheme.

I have been asked to confirm that in case the resulting renewable electricity generation capacity of an installation exceeds the individual notification thresholds set in points 160(b)(iii) and (v) of the Environmental aid guidelines (125 MW or, for cogeneration installations, 200 MW), the aid will be notified individually to the Commission. Are cogeneration installations included in the scheme?

I have been asked to clarify if there is any "scientific" evidence to support a distinct rate of return of 6% for solar thermal vs. 12% for other technologies.

I have been asked to clarify whether, as in the UK mainland scheme, there will be any two-tier approach to small and medium biomass installations.

Finally, I would need some more information on the transitional period – why is it needed, and why are

transitional period installations included? As for para 62 of the RHI mainland UK decision.

I am sorry to bother you with these requests, but it would greatly help me to speed things up if you could give me some more info on the above.

Please do not hesitate to get in touch should you need to discuss. I will not be in the office this afternoon though!

All the best

Luca

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