

From: [Morelli, Emer](#)
To: [Brennan, Mike](#); [Morelli, Emer](#)
Subject: Re: Clarification
Date: 21 January 2017 20:41:00

Mike

This caveat is in the business case.

Supply has identified this as a key risk both in the approval letter and covering submission.

We have tested DfE on the status of EU State Aid compliance on a number of occasions ie if the existing regulations are presumptively valid without post November 2015 renotification then why is renotification required now rather than preceding with the first stage regulations on 1 April and seeking renotification once a longer term scheme is in place. DfE advice is that as EU is now aware of the issue renotification is required.

Against this background it is correct that the Regulations will only be made once EU State Aid renotification agreement is in place. DfE has included this issue in the November review.

Emer

Sent from my BlackBerry 10 smartphone.

From: Brennan, Mike
Sent: Saturday, 21 January 2017 19:10
To: Morelli, Emer
Subject: Fw: Clarification

Emer

I'm not sure about this. Why have DfE put this in?

M

Sent from my BlackBerry 10 smartphone.

From: Máirtín Ó Muilleoir <mairtin@newbelfast.com>
Sent: Saturday, 21 January 2017 16:49
To: Eoin Rooney
Cc: Brennan, Mike
Subject: Clarification

Eoin, Mike, in Additional information in regulations from Simon (explanatory notes) it says:

The statutory rule shall come into operation on whichever is the later date, either 1st April or the day after the European Commission gives approval that the provision...would be

compatible.

Does that mean the regulations will not come into effect on 1 April in all circumstances.

If we don't get State Aid permission, we have no plan?

And if it doesn't come by 1 April, then the losses continue???

Mairtin

From: [Máirtín Ó Muilleoir](#)
To: [Brennan, Mike](#)
Cc: [Rooney, Eoin](#); [Morelli, Emer](#)
Subject: Re: Clarification
Date: 22 January 2017 10:56:28

This is helpful

To be clear: if we don't have State Aid approval by 1 April, this plan does not kick in and lower tariffs are not applied. M

Sent from my iPhone

On 22 Jan 2017, at 10:10, Brennan, Mike <Mike.Brennan@finance-ni.gov.uk> wrote:

Minister - see Emer's clarification on the State Aid timing point and the link to the business case approval

As I mentioned to Eoin yesterday, getting back to the business case approval as drafted last Sunday would have a number of safeguards built in that you could focus on tomorrow as being necessary to give you some degree of comfort

M

Sent from my BlackBerry 10 smartphone.

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Sent: Saturday, 21 January 2017 20:41
To: Brennan, Mike; Morelli, Emer
Subject: Re: Clarification

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