



The Certification Mark for Onsite  
Sustainable Energy Technologies

## Steering Group Ex-Committee Paper June 2011

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### ***MCS Transition List***

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## Executive Summary

This paper summarises an application that has been received from a wind turbine manufacturer seeking an extension to their listing under MCS Transition Arrangements, and seeks the Steering Group's view on how to proceed.

## Background

The MCS Transition Arrangements for wind products were active throughout 2010. In September 2010 MCS wrote to all manufacturers concerned, reminding them of the closure dates and seeking confirmation that the manufacturer continued to meet the conditions of being involved.

In November 2010, the Steering Group confirmed the intention to close those arrangements as planned. MCS wrote again to all manufacturers concerned, advising them of this decision. Manufacturers were also advised that, under the standard MCS product validity rules, any outstanding installation of such products that was commissioned by 30<sup>th</sup> June 2011 would be MCS-compliant, and hence FIT-eligible. After that date, only certificated MCS products could be used as part of MCS installations.

## Developments

C & F Green Energy Ltd is a Galway, Ireland based wind turbine manufacturer and installation company that has been working through their certification, initially with TUVNEL, and latterly with Intertek.

The company is asking the Steering Group for an extension to MCS Transition, as they believe certification of their turbines has been held up by TUV NEL. C&F have provided a number of documents to support their case, which due to timescales have not been reviewed fully by MCS or verified by those they are making claims against.

Gideon Richards (Chair of the MCS Steering Group), Paul Rochester (DECC) and Brendan McGarry (Gemserv / MCS Licensee) met with John Flaherty (MD and owner of C & F) on the 27<sup>th</sup> June, 2011 to discuss the issues. The following information is provided based on that meeting, evidence provided only by C & F and a subsequent meeting between Gideon Richards, John

Flaherty and Ray Leavy (Director of Renewables, C & F) on the morning of 28<sup>th</sup> June, 2011.

### **The C&F case**

C & F argue that their first certification body did not provide them with test pads until October, 2010 and that when they did, they were not appropriate for their mast system and they were unable to agree a route through to a solution. Therefore, they then had to find, purchase, calibrate and install turbines on a new site (in Ireland) and are now in test with a new certification body.

C & F have also stated they have a 100% Buy Back Guarantee for all their 6kW to 20kW turbines, which their owner and MD states is backed by Clydesdale Bank. MCS has only seen an email chain with a dialogue about details being passed on internally (within Clydesdale Bank) about this and a verbal conformation by Mr Flaherty, C & F's MD, that this backing is in place.

C & F suggest that the MCS Transition list should be extended to any company like theirs who are prepared to provide a 100% Buy Back Guarantee.

### **C&F and the Transition Arrangements to date**

C & F have stated on more than one occasion verbally to the Chair of the MCS Steering Group (as well as DECC and the MCS Licensee) that they have informed all their agents and all their customers that they have signed a MCS Transition declaration and that they [particularly all their customers] are all aware of the fact that:

- a) the MCS Transition is closing and
- b) C & F Products sold after 1<sup>st</sup> July 2011 will no longer be able to claim FiT until the products are certified.

MCS has seen no direct evidence of C & F mentioning their declaration obligations. However, there are a number of emails stating that they are working within the MCS Transition requirements to customers and agents.

C & F first formally raised the issue of requiring an extension on the 16<sup>th</sup> May, 2011 through a solicitor's letter. There had been no formal dialogue with MCS prior to that date about the issues now being raised, even though the company had been experiencing problems with meeting the extended closure of the Transition Period on 31<sup>st</sup> December, 2010.

## Conclusion

It is not for MCS to comment on commercial agreements between manufacturers and Certification Bodies, especially as MCS has not had time to formally verify one way or another whether the issues raised are valid or not. Based on preliminary discussions with both TUV NEL and C&F, MCS has not been able to confirm C&F's case.

However, it appears that C & F has:

- a) carried on its commercial activities selling products into the market on the basis that either they would commission the products before 30<sup>th</sup> June, 2011 and latterly, it would appear in the hope that transition could be extended. This is evidenced by a set of letters from agents across the UK.
- b) not at any time informed MCS that they were experiencing problems with certification of their products until the 16<sup>th</sup> May, 2011.

The Steering Group has already written to the Minister through the Chair of the Steering Group and spelt out its rationale for closing the Transition period and it has been very clear that there is no intention to change this decision. So far the evidence received does not appear to contradict this decision and the request has only come through one company, however, as stated their agents are also starting to come forward in support of the C&F position

## Request to the Steering Group

C & F suggest that the MCS Transition list should be extended to any company like theirs who are prepared to provide a 100% Buy Back Guarantee

- **Does the Steering Group accept the request for an extension of the Transition period?**
- **If so, it would be only prudent to offer this to all companies. Under what terms would this be?**

The Transition 6 months additional completion time closes on the 30<sup>th</sup> June, 2011 and the company require an answer on or before that date. It is fair to say that they feel, if they do not get an extension they feel they must take other actions to support their agents, customers and business interests. While the threat of action is a concern, it should not be a material consideration of the two questions raised.

I apologise for asking for such a tight turn around, however, as you can see this has become an urgent issue over a very short time. Therefore we need an answer **by 3pm on the 30<sup>th</sup> June, 2011.**

**Gideon Richards**  
**Chairman, MCS Steering Group**  
**28<sup>th</sup> June 2011**