PROSEU

Prosumers for the Energy Union: mainstreaming active participation of citizens in the energy transition

Guidance for national transposition of new EU directives relating to renewable energy prosumers (Policy Brief)

(Deliverable N°3.5)

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Summary of PROSEU

PROSEU aims to enable the mainstreaming of the renewable energy Prosumer phenomenon into the European Energy Union. Prosumers are active energy users who both consume and produce energy from renewable sources (RES). The growth of RES Prosumerism all over Europe challenges current energy market structures and institutions. PROSEU's research focuses on collectives of RES Prosumers and will investigate new business models, market regulations, infrastructural integration, technology scenarios and energy policies across Europe. The team will work together with RES Prosumer Initiatives (Living Labs), policymakers and other stakeholders from nine countries, following a quasi-experimental approach to learn how RES Prosumer communities, start-ups and businesses are dealing with their own challenges, and to determine what incentive structures will enable the mainstreaming of RES Prosumerism, while safeguarding citizen participation, inclusiveness and transparency. Moving beyond a case by case and fragmented body of research on RES Prosumers, PROSEU will build an integrated knowledge framework for a socio-political, socioeconomic, business and financial, technological, socio-technical and socio-cultural understanding of RES Prosumerism and coalesce in a comprehensive identification and assessment of incentive structures to enable the process of mainstreaming RES Prosumers in the context of the energy transition.

Summary of PROSEU's Objectives

Eight key objectives at the foundation of the project's vision and work plan:

- **Objective 1:** Document and analyse the current state of the art with respect to (150-200) RES Prosumer initiatives in Europe.
- **Objective 2:** Identify and analyse the regulatory frameworks and policy instruments relevant for RES Prosumer initiatives in nine participating Member States.
- **Objective 3:** Identify innovative financing schemes throughout the nine participating Member States and the barriers and opportunities for RES Prosumer business models.
- **Objective 4:** Develop scenarios for 2030 and 2050 based on in-depth analysis of technological solutions for RES Prosumers under different geographical, climatic and socio-political conditions.
- **Objective 5:** Discuss the research findings with 30 relevant stakeholders in a Participatory Integrated Assessment and produce a roadmap (until 2030 and 2050) for mainstreaming RE Prosumerism.
- **Objective 6:** Synthesise the lessons learned through experimentation and co-learning within and across Living Labs.
- **Objective 7:** Develop new methodological tools and draw lessons on how the PROSEU methodology, aimed at co-creation and learning, can itself serve as an experiment with institutional innovation.
- **Objective 8:** Create an RES Prosumer Community of Interest.

PROSEU

PROSEU Consortium Partners

Logo	Organisation	Type	Country
	FCIENCIAS.ID	Private non-profit association	Portugal
	UPORTO	University	Portugal
	ICLEI EURO	Small and medium-sized enterprise	Germany
	CLIENTEARTH	Non-governmental organisation	United Kingdom
	UNIVLEEDS	University	United Kingdom
	DRIFT	University	the Netherlands
	UNIZAG FSB	University	Croatia
	LEUPHANA	University	Germany
	ECO-UNION	Non-governmental organisation	Spain
	IÖW	Private non-profit limited company	Germany
	CE Delft	Small and medium-sized enterprise	the Netherlands

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List of abreviations

- CEC – Citizen Energy Community as defined in Art. 2(11) and Art. 16 of the Electricity Directive.
- CWaPE - la Commission wallonne pour l'Energie (the Walloon energy regulator).
- EC – Energy Community, including both a Renewables Energy Community and a Citizen Energy Community.
- REC – Renewables Energy Community as defined in Art. 2(16) and Art. 22 of the RED IIThe RED II – Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources; OJ L 328, 21.12.2018, p. 82.
- VREG – Vlaamse Regulator voor de Elektriciteits- en Gasmarkt (the Flemish energy regulator)

Glossary

- Prosumer – one term including a renewables self-consumer as defined in Art. 2(14) and Art. 21 of the RED II and an active customer as defined in rt. 2(8) and Art. 15 of the Electricity Directive.

- The Electricity Directive - Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU; OJ L 158, 14.6.2019, p. 125.

- The Governance Regulation - Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council; OJ L 328, 21.12.2018, p. 1.

Executive summary

This policy brief provides information on the progress in transposition of new EU provisions on energy communities by six EU Member States (Belgium (the Walloon and Brussels regions), France, Germany, Italy, Portugal and Spain) and formulates transposition recommendations for them.

The analysis presented in the brief are based on information collected through interviews with national stakeholders, analysis of National Energy and Climate Plans and punctual examination of existing national legislation. Results reflect the situation as in September 2020 (with an update for Germany dated November 2020).

Transposition recommendations are formulated for each country separately and, in addition, are grouped together, to provide joint recommendations that could potentially be also applicable to other Member States.

NECP consultation

Formal national public consultations of NECPs were carried out in all examined countries, as required by the EU Governance Regulation. In majority of cases, no special consultations were organized for particular interest groups, incl. prosumers and/or ECs. Mainly big ‘organised’ stakeholders took part in consultations. This is due to the fact that they have resources to follow relevant national policy developments and therefore were aware of the consultation and prepared to respond to it.

In relation to Portugal stakeholders mentioned an additional event that facilitated preparation to consultation. It was a round table for all energy suppliers organised by the European Commission. Even if it was not focused on the NECP, it provided useful input.

The other positive element mentioned, also, in relation to the Portuguese NECP, was the fact that the consultation on the 2050 (neutral) carbon plan was carried out at the same time as the NECP consultation. Due to the aligned consultation timelines, the two documents contributed to each other.

This shows an added value of a strategic and consolidated approach for development of different policy documents.

Transposition process

All countries except of Germany started to work on adapting their legislation on ECs to relevant requirements of the RED II and the Electricity Directive. The progress of the legislative process varies depending on the country.

Assessment of barriers and potentials

None of the countries has carried out an assessment of barriers and potentials of development of ECs in their territories so far. Such an assessment, required for RECs under Article 22.3 of the RED II, should also be conducted in relation to CECs and taken into account when adopting the legislative framework regulating ECs. The lack of this assessment represents a lost opportunity for national transposition, which may result in inadequate enabling framework. The value of such an assessment has been acknowledged in relation to all the countries. In Germany, it could potentially even be used for launching a debate on the value of energy communities as there seems to be little political attention for them.

Only in the Brussels region of Belgium a date of this assessment is already envisaged, even if this date may not be prior to the transposition deadline and therefore, if indeed the case, would not help to remove unjustified regulatory barriers through an enabling framework.

No information on such an assessment is available in other countries.

Transposition challenges and opportunities - definitions

EU definitions of energy communities have been the first and main transposition focus in the examined countries. This is logical taking into account the novelty of the ECs concept, certain complexity of relevant EU provisions and the fact that certain elements of EU definitions require to be further clarified at national level. It seems that countries put lots of attention to the energy sharing element, while, at least in some cases, neglect other important features of ECs. There seems to be some confusion at national level concerning the specificity of energy communities compared to other forms of collective self-consumption as well as the relationship between CECs and RECs.

The analysis show that, while it is important to advance on transposition, it is also necessary to have sufficient reflection and understanding of all elements of EU law before transposing them into relevant national laws. Member States should be fast but diligent when they adopt national provisions on energy communities. This should allow them to facilitate the energy transition through energy communities' activities while avoiding mistakes and being obliged to correct freshly adopted laws.

Transposition challenges and opportunities - other issues

While it is logical and comprehensible that at early stages of the transposition process, main efforts concentrate on definitions, the interviews show that simple adoption of definitions is not sufficient for creating favorable conditions for energy communities and that the enabling framework is equally important. Therefore, the transposition work on the enabling framework should be carried out in parallel to the work on definitions. It should not be conducted only by copying relevant EU provisions into national laws but be adapted to the situation of the country and include all elements necessary for implementation. Full implementation should not be postponed because of the lack of national implementing measures.

Particular subjects that are judged important for the development of energy communities are e.g. all types of incentives (financial (incl. tendering), legal, technical), capacity building, training, DSOs role, social inclusion etc. They are common to a number of examined countries.

Recommendations

Specific recommendations vary depending on the country. However, many of them are relevant for all or majority of examined countries. They can be grouped together under the following titles: 1. Political support (political agenda, consciousness and engagement), 2. Participation, consultation, debate and dialogue, 3. Transposition and implementation process, 4. Specific provisions concerning definitions and enabling framework (incl. smart meters, cooperation with DSOs and a DSO role of energy communities, tender design, feed-in-tariffs, vulnerable households, access to data, access to information & training, capacity building and role of local authorities & municipalities).

1. Introduction

The purpose of this policy brief is to provide guidance for national transposition of new EU directives and regulations relating to renewable energy prosumers, i.e. the new Renewables Directive (RED II)[1] and the amended Internal Energy Market Directive (IEMD)[2], as part of the legislative package called the EU Clean Energy Package.

The brief focuses on energy communities. Energy communities were not regulated by the EU law before the EU Clean Energy Package legislation was adopted. There were also no national regulations on energy communities in many EU Member States (even though energy cooperatives could and were created in some of these countries).

The transposition of new EU rules on energy communities may be challenging because this kind of legal entity is quite new for some countries: some Member States must create a new legislative framework, while some others must adapt the existing rules to new requirements. Additional difficulty is that some of the concepts introduced by EU law need to be further defined at country level. This concerns e.g. some terms and definitions, such as voluntary participation.

The guidance provided in this policy brief focuses on six EU Member States: Belgium (the Walloon and Brussels regions), France, Germany, Italy, Portugal and Spain. Information has been collected through interviews with national stakeholders and analysis of National Energy and Climate Plans.

All interviews were conducted based on a questionnaire developed for the purposes of this study (see Annex, 5.2). The questionnaire and interviews aimed to collect information on 1) the National Energy and Climate Plans (NECPs) consultations, 2) the process of transposition of EU provisions on prosumers and energy communities, 3) the process of assessment of barriers and potentials (of RECs,) that should be carried by EU Member States before transposing the RED II and 4) challenges and potentials related to the transposition of the relevant EU provisions.

This policy brief uses and complements other recent documents providing guidance on the implementation of new EU provisions on prosumers and energy communities, i.a. REScoop, ClientEarth, 2020, Energy Communities Transposition Guidance[3] and PROSEU et al., 2020, Transposition Guidance for citizen energy policies[4].

Other main documents used for preparing this policy brief are final NECPs as published on the website of the European Commission[5] and other earlier studies of the PROSEU project[6]. This policy brief should be regarded as a follow-up to earlier deliverables of the PROSEU[7].

The policy brief provides a summary information on current situation in the six addressed countries and formulates recommendations for them. It also provides larger recommendations addressed to all EU Member States based on the experience of the six assessed countries.

2. National overview (September 2020)

2.1 Belgium (the Walloon and Brussels regions)

2.1.1 Country/region recommendations

- Adopt legislation providing clear definitions of CECs and RECs. Make sure that these definitions contain all elements required by the EU law and clarify the relationship between RECs, CECs and collective self-consumption.
- Make sure that ECs are not only perceived and regulated through energy sharing aspects.
- Establish a system through which compliance of ECs with ECs' requirements will be effectively controlled (at the beginning and through periodic controls).
- In order to avoid delays in implementation, regulate the enabling framework for ECs in parallel with and at the same time as definitions.

- Establish an effective coordination between regions to guarantee the consistency between the legislative frameworks for ECs (RECs and CECs) in different regions.
- Carry out an assessment of barriers and potential of development of ECs to collect robust and complete information that will allow to remove unjustified regulatory and administrative barriers to RECs (as required under Art. 22.3 and 22.4.a. of the RED II) and CECs.
- Make sure that the assessment of barriers and potentials is carried out as early as possible and that interested stakeholders have an opportunity to share their experience and ideas by contributing into the assessment process.
- Develop support schemes on legal, technical and financial aspects.
- Raise awareness and build capacity of public authorities, in particular local authorities, in relation to ECs.

2.1.2 Summary of current legal situation and information provided in the NECP

Different levels of transposition according to the regions:

- The Walloon region

The Walloon region has adopted a decree of 2 May 2019 (amending the decrees of 12 April 2001 on the organisation of the regional electricity market, of 19 December 2002 on the organisation of the regional gas market and of 19 January 2017 on the tariff methodology applicable to gas and electricity distribution system operators) with a view to promoting the development of RECs. The decree provides the following elements concerning ECs:

  - Specific definition of REC with focus on energy sharing (not fully compliant with the REDII definition);
  - RECs may produce, consume, store and sell electricity;
  - No electricity supply license is required for electricity collectively consumed within a REC (new Art. 42 quater §1 of the Decree of 12 April 2001);
  - Possible specific tariff for the use of the network may be applied by the DSO according to the threshold of collective self-consumption of electricity reached by the REC (new Art. 42 quater §5 of the Decree of 12 April 2001);
  - RECs must be approved by the Walloon energy regulator ('CWaPE') following the DSO's advice. The CWaPE's authorization sets out specific conditions such as the threshold for collective self-consumption allowing the application of the specific tariff. It is granted for a period determined by the CWaPE and can be renewed (new Art. 42quinquies of the Decree of 12 April 2001).

- The Brussels-Region

- In its 2030 regional energy climate plan [8], the regional government announced that it will allow the realization of pilot projects of collective self-consumption from 2020 at the latest with the aim of identifying the most suitable conditions and the simplest means for the development of self-consumption. On the basis of the lessons learned from these pilot projects, the region will support energy community development projects.
- Legislative work ongoing (in preparation over summer and expected in late autumn).

2.1.3 Current state of transposition and challenges experienced by national stakeholders

Transposition process	• In September both Walloon and Brussels regions were at the same stage in their transposition work: preparation of the first draft transposing the two directives. • The legislative procedure includes several consultations and stakeholders are consulted at different stages of the process.
Assessment of barriers and potentials	No assessment of barriers and potentials has been carried out so far but a possible date of such an assessment has been actively considered by the Brussels Region.
Transposition challenges and opportunities - definitions	• In Wallonia, a decree partially transposing the EU legislation on ECs, provides the definition that associates RECs and collective self-consumption. • Definitions are the main issue that is discussed at the moment (in Brussels and Walloon regions) because of their complexity and the fact that they include many elements, which require to be defined at regional level (e.g. autonomy, proximity, collective self-consumption). • Energy sharing was often perceived in the past as the most important and main element of the EC definition, while ECs contain also other important elements which need to be considered with equal importance e.g. flexibility, EE. This has changed recently. • The Brussels Region is working on a transposition of the definitions of the REC and the CEC. Most elements of definitions (e.g. “autonomy” or “effective control”) are expected to be included in ministerial decrees (by-laws). • Stakeholders claim that the Brussels and Walloon Regions put in place a licence procedure to control the compliance with EC requirements at the moment of registration and at certain points during its life-time – equivalent to the existing system of licensing for cooperatives (official administrative procedure).

Transposition challenges and opportunities – issues other than definitions	• Subjects that are considered important for transposition of EU laws on energy communities (some of which are already part of transposition discussions): ○ The grid fees – this issue is being considered by the Brussels Region (Brussels Region intends to analyse contributions to the grid by ECs with the purpose to provide help on grid tariffs to the regulator (the regulator can take these analysis into account for future grid tariff); this would not imply adopting legislation that would impose on the Regulator an obligation to provide a discount on the grid tariff on electricity shared locally), ○ Cooperation between DSOs and RECs (currently only considered in the context of energy sharing), ○ The use of Structural Funds (they are received currently by both regions; decisions on the objectives and projects to be financed after 2020 have started and are currently discussed at the EU and national levels), ○ The development of financial, legal, technical, and capacity building support schemes – in that respect, e.g. the Brussels Region considers a possibility of offering to ECs a zero interest loans, ○ Building capacity of local authorities (the role of public authorities is extremely important: currently in Brussels pilot projects are mainly managed by municipalities (incl. Woluwe Saint Pierre, Ixelles, Berghem), ○ Smart metering – it is suggested by the regulator, in a study about the relevance of smart metering deployment, to make smart metering mandatory for ECs' members, • It is necessary to frame correctly and fully the legislation on ECs and their enabling framework: define and distinguish energy sharing and collective self-consumption; address types of grid fees, role of DSOs, data management, consumer protection, status of EC.

2.2 Germany

2.2.1 Country recommendations

- Carry out an assessment of barriers and potential for development of ECs to collect robust and complete information that will allow to remove unjustified regulatory and administrative barriers to RECs (as required under Art. 22.3 and 22.4.a. of the RED II) and CECs.
- Carry out a public debate on a value of energy communities to the energy system (which could be done through the consultation on barriers and potentials or as part of the multiannual climate and energy dialogue (Art. 11 Governance Regulation))
- Make sure that the assessment of barriers and potentials is carried out as early as possible and that interested stakeholders have an opportunity to share their experience and ideas by contributing into the assessment process.
- Ensure transparent transposition process in which the public is involved.
- Adopt legislation providing clear definitions of a CEC and a REC. Make sure that these definitions contain all elements required by the EU law and clarify the relationship between RECs, CECs and collective self-consumption.
- Develop a more energy communities centred approach, together with a more favourable regime and support for ECs (e.g. access to the grid, tender design, involvement of municipalities)
- Establish a system of periodic control of the ECs to ensure there are no regulatory/legal obstacles to their development.

2.2.2 Summary of current legal situation and information provided in the NECP

- A regulatory framework for self-supply that is already in force (EEG 2017):
  - promotes and facilitates the expansion of renewable electricity self-supply,
  - ensures that consumers of self-generated electricity participate appropriately in the costs of the overall system,
  - consumers of self-generated electricity benefit from exemptions and caps in relation to various taxes, levies and fees.
- The Federal Government has adopted a regulatory framework for an entity called “citizen energy company” (similar, in some aspects, to REC but not corresponding to all its requirements). It applies in energy tenders and various regulations concerning pricing. According to the NECPs, access to “citizen energy companies” is open to end-consumers in a non-discriminatory manner.

- Special privileges are given to “citizen energy companies” in call for funding in the area of onshore wind energy (2017 EEG, § 36g). If selected, these “citizen energy companies” receive funding not just on the basis of their own bid value but based on the bid value of the highest bid accepted on the same bid date (uniform pricing)[9].
- An assessment of whether changes to the existing regulatory framework are required for the implementation of Article 22 of REDII has been announced in the German NECP (page 74).
- A special system called the ‘Mieterstrom’ was introduced in 2017 by the law on the promotion of tenant electricity. The ‘Mieterstrom’ is a system of collective self-consumption in the same multi-apartment building or neighbourhood. Renewable electricity generated on the site (most often by PV panels installed on the roof) is sold to tenants located in the same building. The system operator (most often the owner of the building) receives a supplement for the tenant electricity (in addition to the money paid for the electricity by the tenant).

2.2.3 Current state of transposition and challenges experienced by national stakeholders

NECPs consultation	• A public consultation of the draft NECP (draft dated late 2018) took place online between 14 June and 2 August 2019. • There was no special consultation on the NECP organised specifically for energy communities and prosumers. NECP’s weakness on prosumers and energy communities may be the result of the lack of involvement of energy communities into the consultation process.
Transposition process	• There is no information available publicly on the transposition of EU provisions on energy communities. It is feared that transposition of these provisions may be delayed. • Amendment to the Renewables Act that has been debated in the Parliament in autumn (October/November 2020), has not contained any provisions on ECs and collective self-consumption (as to individual self-consumption, increase of thresholds has been considered). • There is a feeling that the added value and role of prosumers and cooperatives in the energy system is not recognised by politicians. • There is also a feeling that the potential of energy communities may be blocked (and, in consequence, lost) by a fear that by growing energy communities may lead to a too big transformations of the system. • No special process has been engaged to involve civil

	society into the transposition process.
Assessment of barriers and potentials	• No assessment of barriers and potentials has been carried out and there is no information that it might be upcoming now, while it is absolutely needed. • There is a feeling that if such an assessment is done, each citizen should have a right to contribute to it and provide its comments. • Moreover, regular assessment/monitoring of the situation of energy communities should be introduced into a law to avoid situations where energy communities get into a disadvantaged situation (e.g. currently: tenders disadvantageous for energy communities; PV prices very low; no interest in energy communities).
Transposition challenges and opportunities - definitions	• No transposition has started yet of Art. 21 and 22 and therefore their status remains unchanged: no definition of EC, self-consumption defined as physical self-consumption (very narrow approach). • Cooperatives exist (there are also solutions of how to organise them so that they are socially inclusive) - the existing legal framework needs to be adapted to new EU requirements. • Energy Industry Act and Renewable Energy Act are relevant for regulating energy communities. • Renewable Energy Act is amended/updated every year. This year (2020) a more important larger amendment - transposing the RED II - has been discussed (however, it does not propose amendments regulating energy communities). • The existing law provides a definition of self-consumption but no definition of collective self-consumption. • The existing law provides a definition of an entity like the REC (citizen energy company -Bürgerenergiegesellschaften[10]). This definition is applicable in the context of energy tenders and pricing. However, this definition does not correspond to all RED II requirements (missing elements are e.g.: proximity,

	benefits for local community or members). • No definition of the CEC is provided by the German law. It seems that the CEC is perceived by authorities as requiring to be regulated under law different than the REC. In the German context a discussion on the relationship between the REC and the CEC seems very academic. • Rights should be specified in relation to energy communities. Lots of rights are already provided for in German law (e.g. everybody has a right to energy sharing) and there is a certain risk that this may be considered as sufficient for transposition of provisions on the CECs. However, this would not be a correct approach as these rights need to be specified in relation to energy communities to allow implementation of CECs (e.g.it is important to define what energy sharing within energy community means). • The biggest challenge is to find a collective response to the question of the added value of ECs to the energy system and the challenges faced by the society. A national debate on this issue is needed. • In the current political context, there seems to be a will to maintain the current energy system without too much transformation. It also looks that the climate change impacts are minimized by politicians to maintain an existing status quo.
Transposition challenges and opportunities – issues other than definitions	• A country-wide large debate (backed by a thorough research) is needed to discuss the added value of energy communities, a possible shape of enabling framework and other related issues (e.g. the choice of technologies, their location, the organisation of the renewables market) • Energy communities must be approached in a holistic way (currently representatives of specific technologies work separately and policy decisions are based on separate inputs by different technologies' representatives). • The choice of technologies (solar, on-shore and off-shore wind, hydrogen) must also be done in a holistic way taking into account different aspects (e.g. climate change, the energy

democracy and interests of the public as well as public acceptance)

- There are physical barriers (e.g. the possibility to use the grid) which need to be addressed to allow the energy transition and fight climate change (instead of maintaining the status quo)
- There are also other barriers that need to be addressed, e.g. public acceptance and civil society interests.
- Subjects requiring particular attention:
  - Involvement of vulnerable households into energy communities (vulnerable consumers are not present in discussions; however, there are practical examples of how to integrate vulnerable households into the energy communities (e.g. decision taking 1 person = 1 voice, independent of the amount of financial participation); limits related to the reach area are a question though; a good idea would be to approach the energy sharing and renewable households together).
  - Network charges and fees, incl. Feed-in tariffs (to limit the gap between individual self-consumers and cooperatives that are treated as a different category of 'bigger' players (they would use, e.g., roofs of schools or municipalities so larger).
  - An adequate tender design is key for the deployment of energy communities and requires substantial improvements. Currently tenders are fully price-based and the cheapest offers are chosen; the price is not known in advance; this is a problem for energy communities as they need stability and planning; the main problems are that they do not know whether they would be selected and that there is no other criteria included in the tendering process such as e.g. proximity.
  - Smart meters: They are currently expensive, but it is expected that they will get cheaper over time; the process is ongoing but is slow and should be speeded up.
  - Information & more involvement of local authorities are

needed as local authorities are key players and are often drivers of the energy community's creation.

2.3 France

2.3.1 Country recommendations

- Clarify in the legislation the definitions of RECs and CECs (incl. participation criteria, proximity) and their enabling frameworks. Make sure that these definitions contain all elements required by the EU law and that they clearly define the relationship between the REC and the CEC.
- Do not postpone adoption of the legislation addressing any of elements necessary for the implementation of regulations on ECs.
- Carry out an assessment of barriers and potential of development of ECs to collect robust and complete information that will allow to remove unjustified regulatory and administrative barriers to RECs (as required under Art. 22.3 and 22.4.a. of the RED II) and CECs.
- Make sure that the assessment of barriers and potentials is carried out as early as possible and that interested stakeholders have an opportunity to share their experience and ideas by contributing into the assessment process.
- Treat RECs/CECs in a fair and non-discriminatory way when taking decisions/adopting legislation concerning a possible management by RECs/CECs of distribution networks. Make sure that relevant decisions are based on a thorough assessment and consultations.
- Develop support schemes on legal, technical and financial aspects.
- Continue building capacity of local authorities (trainings, local contact points, capacity building).

2.3.2 Summary of current legal situation and information provided in the NECP

- Legislative and regulatory framework on self-consumption entered into force in 2017.
- NECP has announced a future legal framework for REC and CEC.
- Some provisions on RECs have already been introduced through the Energy and Climate Law n° 2019-1147 of 8 November 2019 (incorporated into Articles L211-3-2, L211-3-3, L315-4, L315-6, L315-7 of the French Energy Code):

- Copy-paste of the REDII definition of RECs,
- No definition of the CEC,
- RECs are allowed to produce, consume, store and sell renewable energy, incl. through renewable power purchase agreements, share the produced renewable energy within the community, access all relevant energy markets (directly or through an aggregator),
- RECs and CECs are not allowed to own and/or operate distribution networks,
- RECs provisions are incorporated into those on self-consumption.

- Proposal of a new decree has currently been discussed within the administration.

2.3.3 Current state of transposition and challenges experienced by national stakeholders

NECPs consultation	• The French NECP has been prepared by combining parts of two previously existing documents (one, on energy and the other, on climate) into one document. • Consultation on NECP (on-line public consultation) was kept to the minimum. It looks that, since the consultation did not receive any special publicity, only professionals following policy developments on this subject participated in the consultation process.
Transposition process	• The government takes seriously the transposition process. • An amendment to the Energy and Climate Law (published last year) has provided a definition of a REC. However, the provisions on RECs included in this law were adopted in precipitation, without sufficient consultation of stakeholders. The law does not address the relationship of the REC with the CEC (the definition of the CEC has not been adopted yet). The law has also excluded a possibility for a REC to be a DSO. • The law copies the REC definition included in the RED II. It provides that an implementing decree will be adopted to facilitate the implementation of the law. It means that certain elements (incl. elements of the definition) will be regulated later in a decree (FR: 'decret'). • A new decree (FR: 'ordonnance') is currently prepared by the French administration. It seems that it will also copy the relevant EU law provisions but leave details to be regulated at a later stage by an implementing act (the EU law provides a

	framework which needs to be further specified at national level) • There is a risk that this procedure may take long and delay the implementation of ECs regime.
Assessment of barriers and potentials	• An assessment of barriers and potentials has not been carried out by now and it does not seem to be planned by the regulator for the nearest future. • According to national stakeholders, an assessment of barriers and potentials is extremely important. A lack of such an assessment may have negative consequences for a design of an enabling framework. Even though currently the focus is on definitions, an enabling framework should soon become a priority. Otherwise, ECs may not be able to function effectively.
Transposition challenges and opportunities - definitions	• Key issues at the early stage of the transposition are definitions and a (related) participative bonus. • A new decree (FR: ordonnance) is prepared by the French administration. It has been subject to some informal early consultations with relevant stakeholders. The new law is expected to amend an existing REC definition and provide a new CEC definition. However, it is expected that according to this new law, ECs would continue not be allowed to become a DSO. It is not known whether the law would clarify the relationship between the REC and the CEC and whether it will address the issue of eligibility for energy companies (irrespective of their size) to be EC members (which is important from the perspective of how energy communities have developed in France over years). • Participative bonus in tenders (a public support mechanism applying to projects which involve citizens according to which extra points are allocated to projects which involve citizens) has been recently amended in relation to the calculation method and by narrowing the scope of citizen participation (e.g. excluding crowdfunding projects from the definition of citizen projects). New definitions of energy communities are expected to be tested in the first call for tenders with new

	criteria that will be launched at the beginning of 2021. Only then the definitions may be adopted formally. • Eligibility criteria for participation and effective control of EC (an exhaustive list) are needed to face asks of big companies to organise themselves into ECs. • Other issue important to be addressed in relation to ECs definitions is 'proximity'.
Transposition challenges and opportunities – issues other than definitions	• Other subjects mentioned as particularly important in the French context of the transposition of EU laws on ECs: ○ Energy sharing (incl. in a context of social inclusion and fight against energy poverty), ○ Need for training, ○ Local contact points, ○ Capacity building for local authorities. • In France municipalities/local authorities are one of the main pillars of energy cooperatives and have a long tradition of engagement in this area. Therefore, one of stakeholders' requests is to recognise as ECs entities which only members (and/or the only members who have an effective control) are municipalities/local authorities. • An EU State aid element is very important for ECs in France. It seems that the EU state aid rules are not adapted to the citizens projects. They also do not allow ECs to cumulate different public funds.

2.4 Italy

2.4.1 Country recommendations

- Carry out an assessment of barriers and potential of development of ECs to collect robust and complete information that will allow to remove unjustified regulatory and administrative

barriers to RECs (as required under Art. 22.3 and 22.4.a. of the RED II) and CECs.

- Make sure that the assessment of barriers and potentials is carried out as early as possible and that interested stakeholders have an opportunity to share their experience and ideas by contributing into the assessment process.
- Adopt legislation providing clear definitions of a CEC and a REC as well as necessary enabling framework. Make sure that definitions contain all elements required by the EU law and that the relationship between RECs, CECs and collective self-consumption is regulated.
- Address and incentivize self-consumption (incl. in case of ECs) that does not imply providing excess electricity to the grid.
- Do not restrict excessively the size of ECs.

2.4.2 Summary of current legal situation and information provided in the NECP

- The draft European Delegation Law 2019, which gives the Italian Government delegated powers to adopt legislative decrees to implement European Directives on a range of issues, including renewables and the internal market, was submitted to the Parliament. One of goals of this draft European Delegation Law is to establish a regulatory framework for the development of citizens' energy communities that would be active in the generation, supply, distribution, storage, sharing and sale of electricity and the supply of energy services, including energy efficiency and electric vehicle recharging services. In that respect, the importance of the relationships between renewable energy communities and citizens' energy communities has been acknowledged by the Government in the NECP.
- The Italian Government declared in the NECP its engagement to promote RECs, in particular in economic terms (e.g. by means of direct support mechanisms for production) and through information on locally available resources and on the opportunities offered by support mechanisms.

2.4.3 Current state of transposition and challenges experienced by national stakeholders

NECPs consultation	• The consultation of NECP was organised to comply with the formal consultation requirement (top-down approach adopted by the government) but without a real will to collect & take into account points of views (due to lack of consultations tradition).

	• According to the Italian government, lots of comments received in the NECP consultation expressed support for self-consumption, including on a collective basis, by enabling multi-user configurations in energy communities.
Transposition process	• A decree on a medium-size collective self- consumption (less than 200 kW) was adopted in March 2020. This decree provides a possibility to provide energy to the households connected to the same electrical transformer station. Both conditions (<200 kW, connected within the same transformer station) are very restrictive. • An implementing measure regulating technical aspects of the decree was adopted in October 2020. • As a preparation of transposition, the government launched a call for pilot projects for RECSs and collective self-consumption. • Currently a fast track law is being discussed to provide the government with powers to adopt relevant decrees transposing EU law provisions on community energy (applying both to RECs and CECs). It is expected that the law and decree will regulate definitions and certain technical elements (e.g. energy sharing). • Further details, further technical aspects, will be regulated through implementing measures. • It is also expected that the February 2020 decree on medium sized collective self-consumption will also apply to some aspects of ECs (it is not clear though whether it will require to be amended).
Assessment of barriers and potentials	It hasn't taken place in Italy so far. No information on a possible organisation of such an assessment is available.
Transposition challenges and opportunities - definitions	Transposition will depend on the scope of a mandate provided by the Parliament to the government (which is currently treated in the fast track law).

Transposition challenges and opportunities – issues other than definitions	• The role of big companies needs to be addressed. • Self-consumption (incl. in case of ECs) that does not imply providing excess electricity to the grid is currently not sufficiently addressed and is not incentivized. • The March 2020 decree should not lead to a too restrictive interpretation in relation to ECs' size.

2.5 Portugal

2.5.1 Country recommendations

- Clarify and distinguish in the legislation the difference and the relationship between RECs, CECs and collective self-consumption. Adopt a clear definition of a CEC.
- Adopt without delays regulations on ECs' enabling framework that address all elements relevant for ECs (e.g. definition of energy sharing);
- Make sure that policies necessary for the development of energy communities are adopted and implemented (e.g. plan for deployment of smart meters).
- Carry out an assessment of barriers and potential of development of ECs to collect robust and complete information that will allow to remove unjustified regulatory and administrative barriers to RECs (as required under Art. 22.3 and 22.4.a. of the RED II) and CECs.
- Make sure that the assessment of barriers and potentials is carried out as early as possible and that interested stakeholders have an opportunity to share their experience and ideas by contributing into the assessment process.
- Seize the opportunity that ECs bring in relation to inclusiveness and energy poverty and think about the possible ways of involving low-income and vulnerable households into ECs.
- Ensure that the subject of grid tariffs and tax exemptions is discussed and addressed in a way taking into account all interests (incl. these of rural areas).

2.5.2 Summary of current legal situation and information provided in the NECP

- A new legal framework was developed (Decree-Law No 162/2019 of 25 October 2019, partially transposing REDII) to promote individual and collective self-consumption, as well as

RECs. The Decree-Law No 162/2019 has provided, i.a. that individuals, companies and other public and private entities to produce, consume, share, store and sell energy produced from renewable sources.

- Aside this decree, the implementation of renewable energy self-consumption projects (in particular, through energy communities) will be supported by different tools (incl. an information and support programme. to reduce information asymmetries and support companies, municipalities and citizens in the development of the projects; other programmes in cooperation with municipalities and public entities to provide technical support and obtain necessary funding). First energy communities are expected to be developed in the short term (2020-2025). A focus will be put on municipalities in interior regions and those that have a greater proportion of consumers living in energy poverty.
- The Ministry (DGEG) is required to undertake an assessment of potential for, and obstacles to, the development of RECs within two years of entry into force of the decree. Following this assessment, the DGEG must propose an enabling framework to facilitate the development of RECs.
- Projects are currently assessed on an individual basis by the Regulator.
- Information and support programme will be implemented to reduce information asymmetries and support the development of ECs.

2.5.3 Current state of transposition and challenges experienced by national stakeholders

NECPs consultation	Main big 'organised' stakeholders (incl. the only RES cooperative in Portugal as well as environmental organisations) interested in the subject of energy communities participated in the NECP consultations. The European Commission organised in Portugal a round table for energy suppliers. 2050 (neutral) carbon plan was consulted in parallel to the NECP – the two documents influenced and strengthened each other.
Transposition process	• Transposition started but some points are still missing. REC definition was adopted in a law on collective self-consumption (the law adopted just before elections). No implementing measures have been adopted yet, so RECs are not operational. • CEC definition is still missing and there is currently no information on the transposition of EU provisions on CECs. • The RECs law was subject to public consultation. In addition, relevant stakeholders (incl. the energy cooperative(s)) were extensively involved into law drafting by the government.

Assessment of barriers and potentials	No assessment of barriers and potentials was carried out by the Energy Regulator, which is a clear weakness.
Transposition challenges and opportunities - definitions	• Collective self-consumption and RECs are defined in one act (the Act on Self-Consumption of 2019). Including the REC definition in this act does not seem to be the right choice as solutions of collective self-consumption are not always adequate for RECs. It is necessary to extend the REC concept and avoid confusion with collective self-consumption. • All elements of the EU REC definition are included in the Portuguese law now, e.g. open, and voluntary engagement, use of benefits (RECs may bring profit but this cannot be the only reason for their creation and functioning). • Adoption of the REC definition is a good start, but it is not enough to make things happen. Authorities seemed to expect that with the definition, new RECs would be created. However, without implementing measures and enabling framework this will not be the case. • Energy Regulator is taking a piece-by-piece approach on the enabling framework but does not go fast enough. • The first issue the Energy Regulator concentrates on are grid tariffs for collective self-consumption (possibly problematic to apply tax exemption in rural areas). • Definition of CEC is not provided by the law yet. • There is a risk that transposition by Portugal will be just a copy and paste from the EU law – which would not be sufficient.
Transposition challenges and opportunities – issues other than definitions	• Subjects mentioned as particularly important in the Portuguese context of the transposition of EU laws on ECs: ○ Lack of sufficient deployment of smart meters, which are necessary for the development of ECs (related to energy sharing and DSOs). There is no plan to provide these meters, while without smart meters, it is technically not possible to implement

widely energy communities.

- Energy communities are not recognised as a vehicle that could be used to address problems of social inclusion (by a better use of investment). Energy poverty and social inclusion are not being discussed in Portugal in relation to energy communities, while best practices from other countries (e.g. Greece) could possibly be applied by Portugal too.

- Energy sharing (that has not yet been defined in relation to RECs) and what happens with the surplus of the production.

2.6 Spain

2.6.1 Country recommendations

- Adopt legislation providing a definition of CECs.
- Adopt, without delays, regulations on ECs' enabling framework that address all elements relevant for ECs (incl. e.g. definition of energy sharing, grid access by energy communities).
- Carry out an assessment of barriers and potential of development of ECs to collect robust and complete information that will allow to remove unjustified regulatory and administrative barriers to RECs (as required under Art. 22.3 and 22.4.a. of the RED II) and CECs.
- Make sure that the assessment of barriers and potentials is carried out as early as possible and that interested stakeholders have an opportunity to share their experience and ideas by contributing into the assessment process.
- Design consultation procedures in a way ensuring active participation of ECs.
- Ensure that grid tariffs and tax exemptions are designed in a way that takes into account interests of ECs.
- Ensure that the requirement of the maximum of 500 m between equipments set for self-consumption does not apply to RECs (and therefore, allow different definitions of "proximity" for different activities).

2.6.2 Summary of current legal situation and information provided in the NECP

- There is great potential for self-consumption
- A consultation prior to the preparation of the draft of the new “National Strategy for Self-Consumption” started on July 31 and finished on September 18, 2020. The draft of the National Strategy for Self-Consumption should be published soon and consulted with stakeholders.
- There is a political will to promote “local energy communities” but the transposition process is slow and so far, lacking in public consultation opportunities.
- Regulatory framework to enable ECs is announced in the Spanish NECP (Measure 1.13):
    - RECs should be allowed to produce, consume, store and sell renewable energy, in particular through renewable electricity purchase contracts, and have access to all appropriate energy markets, both directly and through aggregation.
    - CECs should be allowed, among others, to own, establish, acquire or lease distribution networks and manage them autonomously, as well as to access all organised markets.
- Sudden adoption of Royal Decree-Law n°23/2020 in June 2020, amending the Electricity Sector Law provides:
    - No consideration for CECs,
    - Copy paste definition of RECs from the RED II,
    - No precision on the activities “local energy communities” can carry out,
    - No mention of the enabling framework.

2.6.3 Current state of transposition and challenges experienced by national stakeholders

NECPs consultation	• The process of NECP drafting included a publication of two draft NECP: the first one was published in February 2019 and the second one, in January 2020 in the context of the Strategic Environmental Assessment (the SEA). This second draft was sent to the Commission in March 2020 as the "final" NECP. • This "final" NECP has been subject to the SEA, which is still ongoing. The Spanish Ministry informed the Commission that an updated version of the NECP may be provided if amendments are needed because of the SEA. • The Spanish NECP consultation process was not sufficiently open, orderly, well-defined, and transparent (only took place when the first draft was already prepared). • The NECP 2021-2030 (the version sent to the Commission in March 2020):

	○ Includes various measures on prosumers and ECs, including measures to facilitate the role of "local energy communities" and of new actors in the energy transition, including a regulatory framework to define and develop CEC and REC, ○ Defines no targets for ECs, ○ May be amended after the completion of the strategic environmental assessment process and the analysis of the consultations received. • A "National Strategy for Self-consumption" has been announced: a public consultation prior to the draft ran from July 31 to September 18, 2020.
Transposition process	• Transposition work has already begun (in different legal acts) • There is political will but no sufficient resources assigned for the transposition work • A public consultation for the partial transposition of REDII on the sustainability of biofuels, bioliquids and biomass has been organised. This consultation closed on June 19, 2020. • Process of participation of civil society has been currently developed by IDAE (Institute for Diversification and Savings in Energy (Instituto para la Diversificación y Ahorro Energético) - a public body dependent on the Ministry for the Ecological Transition that handles financial and technical matters in connection to energy). Potential one or two-stage consultation. • Funding mechanisms for EC projects have been under study
Assessment of barriers and potentials	Assumption that the announced National Strategy for Self-Consumption will include an assessment & will be open for public consultation. However, this has not happened yet. There has only been consultation prior to the preparation of the draft. The draft has not been released yet for the second round of consultation. The Ministry for Ecological Transition and the Demographic Challenge

	would be the competent body for conducting this assessment.
Transposition challenges and opportunities - definitions	• A Royal Decree-Law was adopted in June 2020, incorporating the definition of REC into the Electric Sector Law. • There is no definition of the CEC provided by law. • Further details and enabling framework will be adopted by implementing measures. • Collective self-consumption has already been regulated. • Definition of the REC not supported by legislation regulating enabling framework (incl. addressing of barriers and potentials) is not sufficient for creating favourable conditions for energy communities.
Transposition challenges and opportunities – issues other than definitions	• Other challenges faced by ECs, which require policy and legal intervention: The capacity of the grid is insufficient. In practice, it does not allow smaller energy producers (incl. energy communities) to access the grid. Financial incentives for RES energy producers (in particular, tax exemptions for self-consumption) are not adapted to needs of energy communities (max 500 m distance between a power plant and a consumer is a condition to apply a tax exemption). This problem is amplified by the current low energy prices. Rules on energy sharing require improvements. Cooperation between DSOs and energy communities (as well as projects of collective self-consumption) is often not successful, while DSOs have an important role to play in in facilitating energy transfers within ECs.

3. Joint recommendations

3.1 Political support (political agenda, consciousness and engagement)

- **Politicians and administrations must be sufficiently informed and aware** of benefits of energy communities in the energy transition and their added value to the energy system. Political support is one of key factors necessary for the development of energy communities.

- A properly conducted **evaluation of barriers and potentials** of energy communities is essential for raising political awareness on the situation and development potentials of energy communities. It is also crucial for preparing adequate policy instruments and legislation. The evaluation of barriers and potentials is required under Article 22.3 of the RED II and must be conducted well before a legislative proposal on enabling framework is published (according to Art. 22.4.a RED II, national legislation shall address the existing barriers faced by RECs). It should be conducted both for the RECs and the CECs and also be used to discuss the added value of energy communities to the energy system. It should be subject to consultations.

3.2 Participation, consultation, debate and dialogue

- **Involvement of the public** in the transposition of legislation on energy communities is necessary for making legislation successful, i.a. for setting a framework of effective, feasible and adequate measures that reflect needs of communities and address challenges they face. Governments at all levels should work on **effective mechanisms and procedures to involve interested relevant stakeholders** into the transposition and implementation processes. Particular care should be taken to involve new, less experienced and smaller energy actors, such as energy communities, into consultations and constructive dialogue.

- Public needs to receive sufficient **support and information** to understand the policy and legislative discussions, be able to implement relevant decisions and, in consequence, participate in the energy transition.

- Central **governments should cooperate closely with local and regional governments** as the latter are often responsible at the later stage, e.g. Spain, for the implementation.

- **Local and regional governments should be enabled to engage into community projects**, as regulated in for the RECs in Article 2 (16) of the RED II.

- **The evaluation of barriers and potentials** (already mentioned above) should be widely consulted to allow citizens articulate their expectations and address difficulties they face (not only specific for energy communities, e.g. smart metering). Consultation is an element necessary for collecting necessary information and adopting an effective legislative framework.

3.3 Transposition and implementation processes

- **Pilot projects and testing of proposals** are a good approach for preparing a strong legislative framework.

- **EU Member States should cooperate** to share experiences and get inspired by solutions adopted by other countries (e.g. to regulate energy poverty countries can use examples from Greece).

- Countries should ensure that **sufficient human and financial resources are allocated to the transposition**. The EU provisions on energy communities set a framework that requires, in many aspects, to be further specified by each EU Member State separately. Moreover, the issue of energy communities is complex and, for a few countries, new.

- **The current political context should be taken into account in the transposition process**. In particular, **a link with the EU Recovery Package** would allow the issue to be better integrated into current political discussions and facilitate the implementation of the legislative framework. The use of funds from the EU Recovery Package would also be a unique opportunity for the promotion of RECs/CECs.

- The legislators should **adopt the legislative framework on energy communities as soon as possible and in any case not later than 30 June 2021 for RECs and 31 December 2020 for CECs** (which are the transposition deadlines for, respectively, the RED II and the Electricity Directive). This should however be done **without harming the quality of the legislation** and in a way allowing sufficient assessment, reflection and consultation so that the measures adopted are indeed fit for purpose. Care should be taken to **keep consistency between transposition of regulations on CECs and RECs**. To ensure such consistency, the transposition work could be done at the same time in parallel.

- In cases where the legislator decides to provide details in implementing measures, **care should be taken that these implementing measures are adopted in parallel and at the same time as legislation**. An enabling framework must be regulated by countries in parallel with definitions and not postponed to a later period. Otherwise there is a risk of considerable delays in implementation.

3.4 Specific key provisions

- **Definitions of a REC and a CEC** are key elements of the transposition and therefore need to be addressed in the first place. National legislation should regulate and, where needed, clarify all elements related to definitions. The following features require particular attention and reflection by EU Member States:

    - energy sharing,
    - relationship between a REC and a CEC,
    - relationship between ECs and collective self-consumption,
    - ECs' legal form in the national legal system,
    - benefits,

- proximity,
- control of compliance by ECs with the criteria classifying them as energy communities (labelling and control procedures to verify compliance with REC and/or CEC criteria in order to avoid possible illegal perception of financial support dedicated to ECs and any confusion with other concepts).

- While definitions of a REC and a CEC require special attention, in particular at the beginning of the legislation creation, decisions on **enabling framework** should not be delayed either. In cases when the legislative framework is not complete, there is a risk of delayed implementation. The following features related to the enabling framework require attention:

  - smart meters,
  - cooperation with DSOs and a DSO role of energy communities,
  - tender design,
  - feed-in-tariffs,
  - vulnerable households,
  - access to data,
  - access to information & training,
  - capacity building and role of local authorities & municipalities.

4. Conclusion

This policy brief shows that the process of transposition of EU provisions on energy communities has started in all the examined countries. While the main efforts are concentrated in these countries on definitions, simple adoption of definitions is not sufficient for creating favourable conditions for energy communities and that the enabling framework is equally important. Analysis of the transposition progress by EU Member States also show that each country has its specifics and faces its own challenges. Therefore, the **assessment of barriers and potentials** is so important. Such an assessment, required for the RECs under Article 22.3 of the RED II, should also be conducted in relation to CECs and considered when adopting the legislative framework regulating ECs. To be able to identify and address barriers and potentials and adopt legislative framework that considers the needs of communities, it is also necessary to carry out wide consultations and debates.

Moreover, the EU provisions on energy communities provide some **interesting opportunities that go beyond a simple idea of energy community**. For example, Article 22.4 of the REDII mentions that the participation in the RECs must be open also to low-income and vulnerable households. It addresses the issue of **inclusiveness** and, indirectly, **energy poverty**. While some countries do not know how to approach it, some others, e.g. Greece, have already thought about possible solutions. In that respect, the Greek Law 4513/2018 of 17 January 2018 set a regime dedicated to energy community and included in the definition of EC an aim of combating energy poverty.

To be operational energy communities also require transposition and implementation of **provisions not specific for ECs but of more general character**. For example, deployment of **smart meters** is necessary for ECs' operation.

EU provisions on energy communities are complex and require considerable effort by Member States to provide detail and technical country/region/local-specific solutions that correspond best to country/regional/local needs. For that they can look for inspiration in solutions adopted by other countries. A close cooperation between Member States would allow them not only to discuss the difficulties they face but also learn how to use opportunities the EU laws offer to them. **Constant experience and best-practice sharing between EU Member States should be a continued common practice**. That could help to accelerate the uptake of RECs and CECs and ensure their contribution to the energy transition.

5. Annexes

5.1 Extracts from NECPs concerning prosumers and energy communities

COUNTRIES	Final NECPs – Energy communities https://ec.europa.eu/energy/topics/energy-strategy/national-energy-climate-plans_en#final-necps
GERMANY	**Dimension 4: Internal energy market** • Page 25: (…) The federal states are also committed to creating a European internal electricity market, for example **by promoting cross-border citizen energy communities.** **3.1.2.v.5. Regulatory framework for the expansion of self-sufficiency with renewable electricity** • Page 74: Consumption of self-generated renewable electricity makes a significant contribution to Germany's power supply. It is estimated that approximately 4 TWh a year is generated and consumed by renewable self-suppliers. The recast Renewable Energy Directive gave a boost to the consumption of self-generated renewable electricity throughout the EU. At the same time, however, it is important to ensure that the consumption of self-generated electricity contributes in an appropriate way to the financing of the energy transition. Against this backdrop, Germany has already created a regulatory framework for self-supply which, firstly, promotes and facilitates the expansion of renewable electricity self-supply, and also ensures that consumers of self-generated electricity participate appropriately in the costs of the overall system. The following measures have been taken so far: In Germany, consumers of self-generated electricity benefit from exemptions and caps in relation to various taxes, levies and fees. For example, electricity which is generated in small facilities (under 10 kW) and consumed on site is entirely exempt from levies, grid fees and the electricity tax, provided that the electricity is not transported through a grid. As a basic principle, consumers of self-generated electricity with facilities which are rated over 10 kW or which produce more than 10 000 kWh a year are also entitled to exemptions. Consumers of self-generated renewable electricity and consumers of self-generated

	electricity from certain very efficient cogeneration plants are granted a partial exemption from the obligation to pay surcharges under the Renewable Energy Sources Act (60% exemption). Consumers of larger amounts of self-generated electricity in particular thus make a contribution to the financing of the Renewable Energy Sources Act. The electricity tax exemptions which apply to electricity generated for the producer's own consumption underwent a legislative revision process on 1 July 2019, to adapt them to the EU's State aid rules. The regulatory framework for self-generation has proven in principle to be a reliable instrument. In implementation of Article 21 of Directive (EU) 2018/2001, the Federal Government is assessing whether measures in the regulatory framework will be adjusted. **3.1.2.v.6. Regulatory framework for the development of renewable energy communities** • Renewable energy communities have great potential for the successful expansion of renewable energies at national and European level. Germany has **also created a regulatory framework for renewable energy communities** that supports and drives forward the development of such communities. This regulatory framework so far covers the following key aspects: **Access to renewable energy communities is open to end consumers in Germany in a non-discriminatory manner, as is the access of renewable energy communities to the existing support schemes**. In addition, Germany has given **special privileges to 'citizen energy communities' in calls for funding in the area of onshore wind energy**. If selected, these renewable energy communities receive **funding not just on the basis of their own bid value but based on the bid value of the highest bid accepted on the same bid date (uniform pricing).** The Federal Government is assessing whether changes to the existing regulatory framework are required for the implementation of Article 22 of Directive (EU) 2018/2001.

FRANCE	**Sur les communautés d'énergie :**
	• Page 126: « Le développement de l'autoconsommation passe notamment par un besoin de visibilité pour les acteurs sur le cadre qui leur est applicable et sur les différents facteurs susceptibles d'avoir une influence sur le niveau de rentabilité des opérations d'autoconsommation :
	  ○ Ouvrir de nouvelles possibilités pour l'autoconsommation collective et faciliter leur financement ;
	  ○ Définir le cadre législatif et réglementaire applicable aux communautés d'énergie renouvelables et aux communautés énergétiques citoyennes.
	• Page 279 : « Des travaux seront également menés afin de mettre en place les communautés d'énergie, dans le cadre de la transposition des directives (UE) 2018/2001 relative à la promotion de l'utilisation de l'énergie produite à partir de sources renouvelables et 2019/944 concernant des règles communes pour le marché intérieur de l'électricité.

	NB : Cadre juridique sur les RECs/CECs introduit par la loi n° 2019-1147 du 8 novembre 2019 relative à l'énergie et au climat (article L211-3-2 et s. et article L315-4 et s. du code de l'énergie **Sur l'autoconsommation :** • Page 257 : L'autoconsommation, avec ou sans injection sur le réseau du surplus non autoconsommé, et éventuellement couplée à du stockage local, peut par ailleurs modifier significativement les profils de consommation des sites concernés tels que vus du réseau (soutirage). L'accélération nette du développement de l'autoconsommation observée ces derniers temps pourrait donc avoir des impacts sur le pilotage du réseau. • Page 258 : Le TURPE est construit sur les principes de péréquation tarifaire (un tarif identique sur tout le territoire) et du « timbre poste » (la tarification est indépendante de la distance parcourue par l'électricité). La cinquième période tarifaire du TURPE dite « TURPE 5 » est entrée en vigueur au 1er août 2017 et permet des évolutions de la structure tarifaire dans le contexte de la transition énergétique et une régulation spécifique pour le déploiement des compteurs communicants. Ces tarifs comportent notamment l'introduction d'une option à pointe mobile pour la moyenne tension. La Commission de régulation de l'énergie a entamé dès 2017 un processus de consultation afin de préparer la révision des tarifs en 2020 pour mieux prendre en compte les spécificités de l'autoconsommation et des autres nouveaux usages. Depuis novembre 2017, les petites installations de production à partir d'énergie renouvelables bénéficient d'une prise en charge par le TURPE d'une partie du coût de raccordement aux réseaux publics de distribution d'électricité. Cette réfaction tarifaire qui peut aller jusqu'à 40 %, en fonction de la puissance de l'installation, facilite le raccordement des installations qui n'ont généralement pas le choix de leur localisation (panneaux photovoltaïques en toiture notamment). • Page 265 : La dénomination « réseaux électriques intelligents » ou « smart grids » englobe l'ensemble des solutions techniques, s'appuyant souvent sur les nouvelles technologies de l'information et de la communication, qui permettent aux réseaux de s'adapter et de favoriser les grandes évolutions en cours du système électrique : insertion des énergies renouvelables variables et développement de nouveaux usages de l'électricité, dont la mobilité électrique et l'autoconsommation. • Page 276 : il peut également être attendu un développement des batteries chez les particuliers, en lien avec le développement de l'autoconsommation, afin de maximiser les taux d'autoconsommation ; • **Page 277 : 4.5.1.4. L'autoconsommation et la production locale de l'énergie** L'autoconsommation individuelle est le fait de consommer sa propre production d'électricité. Elle est associée à la notion d'autoproduction, qui est le fait de produire sa propre consommation. Le développement de l'autoconsommation individuelle est désormais une réalité et s'est accéléré ces dernières années : ○ A la fin du second trimestre 2019, près de 200 MW de capacité étaient raccordés en autoconsommation pour près de 52 000 installations, soit un doublement par rapport au second trimestre 2018.

	○ En 2019, 90 % des demandes de raccordement ou des déclarations effectuées auprès des gestionnaires de réseau de distribution pour des projets photovoltaïques ont concerné des projets avec de l'autoconsommation. Les projets d'autoconsommation collective se développent également. Il y a 16 opérations d'autoconsommation collective actuellement en service qui comptent près de 200 participants. Une centaine d'opérations sont en cours de montage courant 2019. Ce développement devrait se poursuivre grâce, notamment, au déploiement du compteur communiquant Linky, qui va accélérer le développement de l'autoconsommation en simplifiant tous les dispositifs de comptage (compteur unique, télé-relève etc.). La loi définit les notions d'autoconsommation individuelle et collective, qui peut être « simple » ou « étendue ». L'autoconsommation collective « simple » consiste à associer plusieurs consommateurs et producteurs, liés entre eux au sein d'une même personne morale et situés dans un même bâtiment. Depuis la loi relative à l'énergie et au climat du 8 novembre 2019, les bailleurs sociaux peuvent être la personne morale organisatrice d'un projet d'autoconsommation collective. L'autoconsommation collective étendue regroupe quant à elle plusieurs consommateurs et producteurs, liés entre eux au sein d'une même personne morale, situés sur le réseau basse tension et respectant des critères, notamment de proximité géographique, fixés par arrêté ministériel. Le fait que ces critères soient fixés par arrêté permettra un ajustement facilité en cas de besoin. Le cadre législatif et réglementaire spécifique à l'autoconsommation (individuelle et collective) est entré en vigueur en 2017. Il comprend des dispositions pour que les gestionnaires de réseau facilitent les opérations d'autoconsommation notamment en équipant d'un compteur Linky les opérations d'autoconsommation collective, précise les responsabilités des participants, et charge également la Commission de régulation de l'énergie d'élaborer un tarif d'utilisation des réseaux publics d'électricité (TURPE) spécifique à l'autoconsommation. Un cadre de soutien spécifique pour développer l'autoconsommation, a été mis en place : • Les petites installations solaires sur bâtiments (<100 kWc) en autoconsommation bénéficient d'un contrat d'achat pendant 20 ans, dans lequel il est prévu une prime à l'investissement versé pendant 5 ans couplée à un tarif d'achat pour le surplus injecté sur le réseau ; • Les installations de puissance comprise entre 100 et 1000 kW, quelle que soit la technologie de production d'électricité renouvelable, bénéficient d'appel d'offres sous forme de prime à l'électricité produite qu'elle soit autoconsommée ou injectée sur le réseau public. Cet appel d'offres vise en particulier les consommateurs des secteurs industriel, tertiaire et agricole, acteurs économiques pour lesquels l'autoconsommation peut apporter les bénéfices les plus importants grâce à la concomitance de la consommation et de la production. Le soutien est construit de telle manière qu'il incite à maximiser le taux d'autoconsommation.

	Ces dispositifs de soutien évolueront afin de rendre éligible à l'arrêté tarifaire les projets en autoconsommation jusqu'à 300 kWc et de rendre l'appel d'offres plus attractifs Des travaux seront également menés afin de mettre en place les communautés d'énergie, dans le cadre de la transposition des directives (UE) 2018/2001 relative à la promotion de l'utilisation de l'énergie produite à partir de sources renouvelables et 2019/944 concernant des règles communes pour le marché intérieur de l'électricité. **Mesures concernant l'auto-consommation :** • 200 000 sites photovoltaïques en autoconsommation en 2023, dont 50 opérations d'autoconsommation collective. • Le développement de l'autoconsommation passe notamment par un besoin de visibilité pour les acteurs sur le cadre qui leur est applicable et sur les différents facteurs susceptibles d'avoir une influence sur le niveau de rentabilité des opérations d'autoconsommation : • Ouvrir de nouvelles possibilités pour l'autoconsommation collective et faciliter leur financement ; • Définir le cadre législatif et réglementaire applicable aux communautés d'énergie renouvelables et aux communautés énergétiques citoyennes.
BELGIUM	**4. Dimension du marché intérieur de l'énergie.** • Page 16 : Les priorités stratégiques pour l'amélioration du marché intérieur de l'énergie se concentrent sur les domaines suivants: (…) - Des solutions seront recherchées pour le besoin accru de flexibilité en alignant l'offre et la demande, en intégrant le secteur du stockage, en élargissant les interconnexions entre les pays et en rendant les réseaux énergétiques plus intelligents, **en créant des communautés énergétiques** et en créant des opportunités pour économiser de l'énergie. • Page 84 : L'accord de gouvernement prévoit une augmentation de la part minimale des énergies renouvelables dans les nouvelles constructions. Dans ce cadre, nous examinons aussi s'il est recommandé de diviser la part minimale des énergies renouvelables dans les nouvelles constructions en une part minimale d'électricité verte et une part minimale de chaleur verte. **Le recours aux communautés énergétiques locales peut aussi assurer une contribution supplémentaire pour les pompes à chaleur**. **<u>En Région wallonne :</u>** • Page 122 :

	En Wallonie, différentes mesures sont ou seront mises en place pour permettre et faciliter la mobilisation de cette flexibilité (cf. compteurs intelligents, Décret électricité et AGW flexibilité, **communautés d'énergie renouvelables**) • Page 242 : Etablissement d'un cadre favorable aux communautés d'énergie renouvelable La Région wallonne a agi en tant que précurseur en **initiant dès septembre 2018 une réflexion** sur l'encadrement de nouvelles formes de partage d'énergie. La réforme a abouti, le 30 avril 2019, par le vote **d'un cadre législatif visant à favoriser l'émergence de communautés d'énergie renouvelable** (CER) tout en anticipant la transposition de l'article 22 de la directive 2018/2001 relative à la promotion de l'électricité produite à partir de sources renouvelables du 11 décembre 2018. Le développement et l'intégration des énergies renouvelables, l'évolution et l'adaptation des modes de production et de consommation de l'énergie, la transition énergétique ou encore la compétitivité énergétique des entreprises sont autant d'objectifs qui ont sous-tendus cette réforme d'envergure. En effet, la consommation collective d'énergie verte produite localement permettra notamment de limiter l'injection d'électricité sur le réseau de transport local et de distribution en favorisant les circuits courts. Elle permettra également de pallier aux difficultés d'intégration au réseau des énergies dites intermittentes par une autoconsommation collective locale et raisonnée pouvant être accompagnée de moyens de stockage adaptés aux besoins particuliers et collectifs. **Les grandes lignes consacrées dans le décret sont les suivantes :** **- Plusieurs participants peuvent se regrouper pour partager et synchroniser leur production et consommation** d'énergie renouvelable au sein d'un même périmètre situé au niveau local via le réseau public ; - La CER doit avoir pour but de **produire, consommer, stocker et vendre de l'électricité renouvelable en vue de procurer des bénéfices environnementaux, sociaux et économiques** tant à ses membres qu'au niveau local ; - La **CER doit être autorisée par la CWaPE après avis du GRD** et respecter un certain nombre de conditions et obligations, notamment au niveau du seuil d'autoconsommation collective ; Lorsque la CER respecte les conditions spécifiques auxquelles elle est soumise, **un tarif spécifique pour l'utilisation du réseau** tel que déterminé par la CWaPE lui sera appliqué. Ce tarif doit veiller à assurer l'équilibre entre la solidarité de la couverture des coûts du réseau ainsi que de la contribution aux taxes, surcharges et autres frais régulés et l'intérêt de participer à une telle opération. La RW réaffirme ainsi l'importance des principes de solidarité et de mutualisation des frais de réseau. Différentes combinaisons et scénarios sont possibles. Plusieurs universités wallonnes travaillent d'ailleurs d'ores et déjà activement sur divers projets pilotes expérimentaux. • Page 406 : Les mesures relatives à l'autoconsommation collective et aux communautés d'énergies renouvelables explicitées ci-avant visent également à

	la smartisation du réseau. La méthodologie tarifaire doit contribuer au développement des communautés d'énergie renouvelable tout en assurant l'équilibre entre la solidarité de la couverture des coûts globaux des réseaux ainsi que de la contribution aux taxes, surcharges et autres frais régulés et l'intérêt de participer à une telle opération ; **Sur l'autoconsommation individuelle et collective d'électricité renouvelable :** • Aucune barrière n'existe dans la réglementation wallonne concernant l'autoconsommation individuelle d'énergie renouvelable, celle-ci étant déjà autorisée. Un cadre réglementaire sera mis en place pour la mise en œuvre et permettre le développement de projets d'autoconsommation collective d'énergie renouvelable au sein d'un même bâtiment conformément à l'article 21 de la directive 2018/2001. **NB : en Région wallonne, les dispositions relatives aux RECs ont été introduites par le Décret du 2 mai 2019 modifiant les décrets des 12 avril 2001 relatif à l'organisation du marché régional de l'électricité, du 19 décembre 2002 relatif à l'organisation du marché régional du gaz et du 19 janvier 2017 relatif à la méthodologie tarifaire applicable aux gestionnaires de réseau de distribution de gaz et d'électricité en vue de favoriser le développement des communautés d'énergie renouvelable** **<u>En Région de Bruxelles-Capitale :</u>** • Page 259 : Le Gouvernement veillera en la matière à : Etudier la modification des règles régionales de fonctionnement du marché de l'électricité de manière à favoriser l'émergence de projets collectifs et une meilleure valorisation des productions locales d'électricité renouvelable au sein d'un quartier tout en utilisant et rémunérant de manière équitable le réseau de distribution. Le Gouvernement permettra, à cet effet, la réalisation de projets-pilotes au plus tard dès 2020, en priorité dans le but d'identifier les conditions les plus favorables et les moyens les plus simples pour le développement de l'autoconsommation collective. Sur base des enseignements des projets-pilotes**, le Gouvernement soutiendra les projets de développement de communautés d'énergie (regroupement volontaire d'habitants situés en aval d'une borne de quartier pour une gestion collective de la consommation et de la production d'énergie**). Un soutien sera également accordé aux coopératives (existantes ou nouvelles) en vue de déployer des installations de production d'énergie, dont une catégorie de parts sera accessible à toute personne désireuse de participer à un projet collectif ; **<u>En Région flamande :</u>**

	• Page 384 : Voir point 2.4.3.4 Impliquer les citoyens, les collectivités locales et les entreprises dans la transition énergétique (objectifs) et 3.4.3.4 Impliquer les citoyens, les collectivités locales et les entreprises dans la transition énergétique (mesures) • Page 402 : En outre, nous étudions le rôle du stockage de l'énergie dans les quartiers et les obstacles éventuels, et prenons des mesures ou des initiatives de soutien si nécessaire. **Ce cadre est étroitement lié aux cadres réglementaires pour la flexibilité qui doivent encore être développés et aux communautés locales d'énergie, en cours d'élaboration avec la transposition de la Directive européenne sur l'électricité et les énergies renouvelables,** dans laquelle le stockage d'énergie (de quartier) peut jouer un rôle majeur. Les citoyens, les collectivités locales et les entreprises sont impliqués dans la transition énergétique Il est essentiel de renforcer la participation des citoyens, des autorités locales et des entreprises sur le thème de l'énergie afin d'accroître le soutien du public envers la transition énergétique et la poursuite du développement des projets d'énergies renouvelables. Le concept de communautés locales d'énergie offre un cadre intéressant pour développer et tester de nouvelles formes de participation (citoyenne) davantage axées sur le niveau collectif ou individuel. Nous veillons donc à ce que les citoyens, les autorités locales et les entreprises puissent être plus actifs et s'unir au sein des communautés locales d'énergie en mesure de participer au marché de l'énergie en tant qu'entités à part entière en menant des activités telles que le financement, la production, les services de flexibilité, les pièces énergétiques, le stockage de l'énergie, les services d'efficacité énergétique, ... Ce faisant, ils contribueront à la réalisation des objectifs économiques, environnementaux et sociaux de la collectivité. - **Mise en place d'un cadre réglementaire pour les clients et communautés locales d'énergie actifs** De nombreux projets pilotes impliquant les communautés locales d'énergie sont menés actuellement tant dans notre pays qu'à l'étranger. En Flandre également, des initiatives ont déjà été mises en place par divers acteurs autour des communautés locales d'énergie. **Ces projets fourniront des informations précieuses pour la conception future des communautés locales d'énergie. Sur la base de l'analyse des projets (pilotes) existants et en étroite collaboration avec toutes les parties prenantes, nous créons un cadre réglementaire pour les clients actifs et les communautés locales d'énergie.** Dans le cadre d'une plate-forme de consultation, nous menons une discussion plus approfondie avec les parties prenantes concernées sur la manière dont nous façonnons les communautés locales d'énergie : options, objectifs, valeur ajoutée, gouvernance, priorités, meilleures pratiques, professionnalisation, portée, conditions, droits et obligations, ... Ainsi, nous soutenons et facilitons le rôle actif que les citoyens, les autorités locales et les entreprises peuvent jouer dans la transition et leur permettons de valoriser les avantages de la transition.

	- Déterminer les seuils et mettre en place un cadre facilitant pour les communautés locales d'énergie Nous prévoyons pour fin 2020, en exécution de la directive sur l'électricité et les énergies renouvelables, **l'application d'un cadre politique qui facilite le développement des communautés locales d'énergie et élimine les charges administratives et les obstacles juridiques. Nous mettons l'accent sur l'information, la sensibilisation et le soulagement des inquiétudes des participants et initiateurs de projets. D'autres instruments de soutien peuvent également être fournis.** Dans le même temps, on veille à maintenir la solidarité entre tous les utilisateurs du réseau en contribuant de manière équitable au financement de la politique climatique et énergétique et des infrastructures énergétiques qui approvisionnent chaque consommateur
SPAIN	• Page 9: This INECP will drive renewable energies, distributed generation and energy efficiency at local level, providing significant opportunities for investment and job creation. In addition, it is expected that the diversity of stakeholders and the existence of participatory projects both in renewable energy generation and in the energy system as a whole will increase, as a result of own consumption, distributed generation, demand management and **the promotion of local energy communities**, as well as specific measures aimed at promoting the proactive role of citizens in decarbonisation. • Page 41: In the heating and cooling sector, it is expected that, in addition to continuous technological improvement, new players and investment models will emerge to drive decarbonisation. In this respect, **the National Plan focuses on renewable energy communities and proposes regulatory development that allows them to exercise their right to generate, consume and sell renewable energy**. It also focuses on the promotion of a set of administrative and economic measures. An increase in electricity use for heat generation is also proposed. • Page 50: 2.1.4 The role of citizens in the energy transition At the end of 2016, the 'Winter Package' of the European Commission proposed to place citizens at the centre of the energy transition. In this connection, Directive 2018/2001 on the promotion of the use of energy from renewable sources provides that the Member States must guarantee consumers the right to produce, consume, store and sell their own renewable energy, and assess both the barriers and potential of development of renewable energy communities • Page 70: Specifically, the following priority areas and technologies are defined in accordance with the SET Plan, the international commitments made and the particular features and opportunities of Spain's economy, natural resources, industry and geography: o Energy efficiency.

	○ o In the case of building (Action 5 of the SET Plan), improvements will be sought to facilitate the deployment of: ♣ heating and cooling systems; ♣ the use of renewable energy in urban heating and cooling networks; ♣ the use of renewable energy in buildings; ♣ **renewable energy produced by cities, energy communities and self-consumers**; ♣ active and passive solutions in the energy upgrading of buildings. • Page 78: INECP Measures ○ 3.1 DIMENSION DECARBONISATION ○ Measure 1.4. Development of own consumption using renewables and distributed generation a) Description Own consumption with renewables brings energy generation closer to its consumption and, therefore, reduces losses, increases the involvement of consumers in the management of their energy and reduces the territorial impact of renewable production. Turning consumers into producers is a way to expand possible future sources of financing for the development of renewables. The following applications should be highlighted in this regard: • Collective own consumption and starting point for local energy communities Collective own consumption, developed in Royal Decree 244/2019, enables several consumers within the same community (residents' association, a neighbourhood, an industrial park, etc.) to benefit collectively from the same nearby generation facilities, located within the community, which means that they can take advantage of the generation capacity and, therefore, of the investment. To make the most of this option it is necessary to streamline the economic and administrative costs involved and, in particular, to promote training and capacity-building programmes for the citizens and communities that can take advantage of collective own consumption so they can have the human and technical resources that will allow them to identify, process, execute and manage the projects, as well as to mobilise the necessary investments. This can entail them forming local energy communities, an objective that is promoted by Measure 1.13 of this Plan. ○ Measure 1.6. Framework for the development of thermal renewable energies Mechanisms related to the promotion of heating and cooling networks: (…) - Development of renewable energy communities linked to climate control networks, including technical training at the municipal level ○ Measure 1.13. Local energy communities a) Description European legislation aims to boost the role of citizens as drivers of the energy transition, and to this end it defines two new legal entities: • renewable energy community (as defined in Directive 2018/2001 on the promotion of the use of energy from renewable sources); • citizen energy community (as defined in Directive 2019/944 on common rules for the internal market for electricity). The term 'local energy communities' encompasses both. Both legal entities, which must be transposed into Spanish law, have two common elements:

	they must be controlled by partners or members in the vicinity of the projects and their aim must be to provide environmental, economic and social benefits to their partners or members or to the local areas where they operate. Additionally, in the case of renewable energy communities, the partners must be natural persons, SMEs or local authorities (including municipalities). The main difference between the two entities is that, while the objective of the renewable energy community is to carry out projects of any nature (electric, thermal or transport) provided the energy source is renewable, the citizen energy community has been designed to cover any project related to the electricity sector, including distribution, supply, consumption, aggregation, energy storage, provision of energy efficiency services or the provision of electric vehicle charging services, or other energy services to its members. With regard to renewable energy communities, the existing barriers and their potential for development will be assessed, among other measures. It should also be ensured that they can produce, consume, store and sell renewable energy, in particular through renewable electricity purchase contracts, as well as have access to all appropriate energy markets, both directly and through aggregation. With regard to citizen energy communities, among other measures, they should be allowed to own, establish, acquire or lease distribution networks and manage them autonomously, as well as to access all organised markets. b) Objectives addressed To facilitate the participation of citizens, SMEs and local authorities in the energy transition. c) Mechanisms • The appropriate legislative framework will be developed to define these legal entities and to promote their development, in particular to comply with Article 22 of Directive 2018/2001 and Article 16 of Directive 2019/944. The development of the legislative framework must take into account the roles and cases of existing actors or groups that could set themselves up as local energy communities, such as cooperatives, industrial parks, technology parks, residents' associations or port areas. • Elimination of barriers by establishing a one-stop shop that makes it possible to guide the applicant, acting as a facilitator of administrative procedures, as well as promoting the simplification of procedures in processes linked to local energy community projects. • Promotion of demonstration projects of local energy communities that cover the widest possible range of cases, identifying and enabling viable business models for the different types of projects, enabling them to be developed on a large scale. • Training and capacity-building programmes for local energy communities to enable them to obtain the human and technical resources required to identify, process, execute and manage the projects, as well as to mobilise the necessary investments. • Analysis of the creation within the IDAE of an office to promote and support local energy communities that, among other mechanisms, will design and implement specific lines of guarantees and/or financing; provide technical assistance; promote the joint acquisition of equipment and services; and identify and disseminate best practice. d) Responsible bodies MITECO and IDAE.

	○ Measure 1.18. Revision and simplification of administrative procedures (…) b) Objectives addressed • Deployment of onshore and offshore renewable energies, including hybrid projects. • Deployment of decentralised generation (own consumption and energy communities). • Streamlining and clarifying administrative procedures for renewable projects. • Minimising the impact on the territory. ○ Measure 4.4. Integration of the electricity market In addition, it is necessary to move forward with a favourable framework for adequate access to consumption data by consumers, such as the promotion of own consumption and local energy communities as set out in the following measures: 1.4. The development of own consumption using renewables and distributed generation, 1.13. Local energy communities and 1.14. Promoting the proactive role of citizens in decarbonisation, included in this Plan. ○ 25.4.2019 Regional Consultation in Barcelona Interreg Med Renewable Energy Community Barcelona ○ 13.6.2019 Sun to Liquid IMDEA (Energy Community of Madrid) Madrid
ITALY (December 2019)	• Page 6 : The general objectives sought by Italy are essentially the following: a) Accelerate the decarbonisation process by setting 2030 as an interim milestone for achieving full decarbonisation of the energy sector by 2050 and integrating environmental factors in other public policies. b) Place a central emphasis on citizens and businesses (in particular SMEs), in such a way that they become key players and beneficiaries of the energy transition and not just the financiers of active policies. This requires the **promotion of self-consumption and renewable energy communities**, but also the greatest possible degree of regulation and transparency of the sales segment, so that consumers may reap the benefits of a competitive market. • Page 13: ○ Electricity RES: Streamlining of authorisations for self-consumers and renewable energy communities (regulatory) ○ Electricity market: Development of energy communities (Planning) • Page 27:The draft European Delegation Law 2019, which gives the Italian Government delegated powers to adopt legislative decrees

	to implement European Directives on a range of issues, including renewables and the internal market, is currently being submitted to Parliament. The bill sets out a number of specific guiding principles and criteria to be taken forward. As regards the markets, the draft European Delegation Law for 2019 aims to promote the active role of consumers, in both direct and aggregate form, in electricity and services markets, not least with the aim of improving the flexibility of the electricity system by managing demand. Another goal is to establish a regulatory framework for the development of citizens' energy communities that would be active in the generation, supply, distribution, storage, sharing and sale of electricity and the supply of energy services, including energy efficiency and electric vehicle recharging services. • Page 52: Online public consultation A dedicated web portal was used to offer everyone (citizens, businesses, workers' associations, industry associations, non-profit organisations, professionals working in the sector, financial institutions and investment funds, etc.) including, when deemed necessary, those who had taken part in the thematic experts' groups, the opportunity to make observations, criticisms and proposals regarding the Plan. The aim of the online consultation, which ran from 20 March to 5 May 2019, was to gather comments and proposals, especially on the measures identified in the draft Plan. Respondents could reply to just some of the questions if they wished, depending on the issues of greatest interest to them. The topics receiving most attention in the sections regarding electricity RES include the points made in favour of self-consumption, including on a collective basis, by enabling multi-user configurations **in energy communities**. • Page 79: Italy is highly invested in the development of self-generation systems, in particular in buildings (it is recalled that, for new buildings and buildings undergoing significant renovations, there is already an obligation to integrate a minimum renewables share), **and in the development of energy communities**. A study, financed by the Commission's Structural Reform Support Service (SRSS), is currently under way that will contribute towards a better definition of the most appropriate policies, and therefore specific and achievable targets. • Page 110: The development of widespread self-generation may express itself through various configurations, both individual and collective, in an industrial/commercial context or as an expression of civil initiatives aimed at social and environmental issues: **existing self-consumption structures** may work alongside new forms of aggregation (such as, for example, **the new figures of 'self-consumer' and 'energy community'** established by the Clean Energy Package and specifically by RED II), which will require the definition of government instruments to **ensure system security, consumer protection and the fair allocation of network and**

	system charges. The spread of self-consumption will naturally be facilitated by technological developments (for example the possibilities posed by new smart meters, the roll-out of digital technologies, together with the internet of things) able to deliver small and medium-sized production and storage systems, above all using renewable sources and high-efficiency cogeneration, and entail smaller and smaller costs for users. This is a phenomenon that must be supported through public policies enabling market actors to organise themselves on the basis of efficiency criteria. To this end, the regulation of the new structures must be accelerated. • Page 113: iii. Where applicable, national objectives with regard to ensuring that consumers participate in the energy system and benefit from self-generation and new technologies, including smart meters See sections 3.1.2 i and 3.4.3 ii for a detailed description of the objectives in terms of promoting self-consumption and developing and supporting renewable energy communities, **to be achieved primarily through regulatory instruments**. • Page 114: In particular, **flexibility requires a strong push** for new storage systems that give benefits not just in terms of shifting production from the peak of non-programmable renewables (photovoltaics and wind power in particular) towards hours of increased consumption, but also in terms of providing the system with the actual services needed for security, including as a replacement for thermoelectric production units. Still on the issue of flexibility, the active participation of demand on the markets makes a significant contribution; this kind of contribution will be encouraged by building on the experience gained from the pilot projects launched by Terna, which can undoubtedly be of benefit to technological development by enabling the spread of demand response configurations, as well as the evolution of new players, such as aggregators and **energy communities.** • Page 131: 2.5 Dimension research, innovation and competitiveness In particular, the research subjects concern: Goal 1) monitor and develop product and process technologies vital to the energy transition: ○ study and implementation of methodologies for development of energy communities and definition of enabling technologies for the promotion of energy efficiency through consumer awareness; Goal 2) promote the introduction of technologies, organisational and operational models and systems used for the energy transition and for safety: - development of architectural and operational models for the system and for electricity networks which promote the integration of renewable, non-programmable energy production, self-production, storage, energy communities and aggregators, and which take into account electrical penetration; • Page 141: The rules governing the collection of general system charges and electricity tariffs, introduced in 2018 as part of the plan for adaptation to EU guidelines on State aid for energy and the environment, provide, in themselves, a regulatory framework that

	favours instantaneous self-consumption. The collection tariff structure provides for the application of variable proportions of the tariff (€/MWh) to energy taken from public networks. For collective self-consumption, especially in cases where the use of existing public networks is preferred, the possibility of introducing direct forms of support is currently being examined. In this, due regard is being given to the benefits linked to distributed generation in terms, for instance, of decreased use of the network. In any case, the direct and indirect costs of promoting new systems of self-consumption, including collective consumption and renewable energy communities, will be monitored, keeping the equilibrium of the system under control. The aim is to strike a balance between the promotion of self-consumption and equal participation of electricity customers in covering these charges, which should show a tendency to decrease, particularly from the middle of the next decade. • Page 143: **Renewable energy communities** To avoid inefficiencies in the development of the network, renewable energy communities will be promoted primarily by utilising the existing electricity network. They will help support the economies of the smaller regions, often rich in renewable resources, and will also make it possible to produce and consume renewable energy locally, including in situations where self-consumption is technically difficult. Renewable energy communities will be able to play an important role in terms of reaching local consensus on the authorisation and building of energy plants and infrastructure. In addition, given their aims as set out in the Renewable Energy Directive, ways in which those communities can also provide support to families in conditions of energy poverty, especially where direct interventions (for example, self-consumption plants) are not technically feasible, will be explored. Renewable energy communities will be promoted in economic terms by means of direct support mechanisms for production, including by more than one plant (similarly to the general production support mechanisms) and for locally consumed energy. The benefits to be reaped in terms of network use in this last case will be taken into account, with due regard to the rights and obligations of the members of the community as customers. These set-ups will have privileged access to support mechanisms. Renewable energy communities will also be promoted through information on locally available resources (also making use of the procedure for identifying suitable local areas, as mentioned below) and on the opportunities offered by support mechanisms. The development of standard tools for setting up and managing the communities and for exploiting energy production will be assessed. Given that in Italy the first local trials have already been launched on the initiative of certain Regions and municipalities, these experiences will be reviewed and monitored within the framework of the INECP Observatory to assess the possibility of developing facilitation and support measures. In those local areas where it is possible and appropriate, the use by those communities of thermal energy from renewables will be promoted. In the context of the transposition of the Renewable Energy Directive and in line with the transposition of the Electricity Market Directive, special attention will be paid to the relationships between renewable energy communities and citizens' energy communities. These groups appear to have the possibility, in addition to producing, storing and consuming energy from renewable sources, of providing other

	services such as energy-efficiency services and electric vehicle recharging services. This last aspect will be examined to assess the potential of promoting forms of aggregation and cooperation in the production and consumption of renewable energy, as well as in the provision of energy-related services, including in the context of production clusters. • Page 145: Common measures for large- and small-scale energy plants The scope of the renewables targets, along with the fact that increases in electricity production are expected predominantly from wind and photovoltaic sources, means that significant surface area on which to install such plants is needed. This consequently requires that the Regions be closely involved through, for example, the public debate mechanism, as is already the case for large-scale investments, including in the energy field. **This, along with renewable energy communities, will raise awareness in the local communities involved, by informing and involving citizens and local authorities sufficiently ahead of final decisions affecting local areas**. In addition to this awareness raising, crowdfunding measures and environmental compensation measures could contribute to acceptance. In any case, support mechanisms must help guide location choices, by prioritising installations with reduced environmental impact, such as in buildings and areas not suitable for other uses. • Page 214: *ii. Measures to increase the flexibility of the energy system with regard to renewable energy production such as smart grids, aggregation, demand response, storage, distributed generation, mechanisms for dispatching, re-dispatching and curtailment, real-time price signals, including the roll-out of intraday market coupling and cross-border balancing markets* • Reorganising and rationalising self-consumption arrangements The rolling-out of self-consumption arrangements and, looking further ahead, of energy communities is aimed at promoting a more decentralised electricity system and the active role of distributed generation and demand. In accordance with the Parliament's delegation of the necessary powers to the Government, and as far ahead as possible of the EU deadlines, within the framework of Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity, amending Directive 2012/27/EU, and the transposal of Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast), standards will be issued that make it possible, in an approach which reflects the decarbonisation targets, to implement direct lines, active customers, citizen energy communities and closed-off distribution systems, self-consumption of energy from renewable sources and renewable energy communities.

	• Supporting self-consumption arrangements The exemption of the payment of the variable parts of the charges for energy not taken from the public network is capable of supporting self-generation in the short term, without there being any particular effects to be managed. In close alignment with the reorganisation of the self-consumption arrangements and the energy communities, the sustainability of that model for collecting network and system charges will be assessed for the purposes of any reforms that may need to be made during the evolution of sector, and to balance the effects of the growth of self-consumption expected by 2030. To that end, absolute priority will be given to ensuring transparency as regards the beneficiaries of the exemption, and the effects of the exemption as regards any possible alterations made to the taxable base will continue to be closely monitored. The procedures for contributing to the costs of the system for the new arrangements, other than those up to 50 kW under the exemption scheme, will however be such as to safeguard the support provided to forms of self-consumption from RES and HEC, also taking account of any possible switch to a system of explicit incentives and fewer requirements for support, owing to the latest drop in the costs of the technologies. The arrangements connected to the public network (physical self-consumption or on the outside perimeter) will continue to contribute towards the network charges. The measure is described in detail in section 3.1.2. • Developing energy communities As part of the measures for increasing consumers' active and voluntary participation in the markets, provision has been made, also in implementation of the EU legislation in the course of being adopted, to introduce a set of rules to permit and oversee the development of citizen-led initiatives (with other entities, including companies and municipal authorities, also being able to take part) that bring together new entities aimed at managing, predominantly for the benefit of society, energy consumption and generation levels, including through sharing mechanisms that may even be virtual. To that end, an initial analysis will be carried out in order to identify any impacts that the possible models for implementing the communities and any regulatory aspects (e.g. physical and/or virtual arrangements, geographical perimeter, etc.) may have on the system, in line with the provisions on renewable energy communities (section 3.2.1). • Page 224: The measure referred to in point 4 involves exploring the option of launching a large-scale programme for making social housing more energy efficient. Such an initiative would pursue a variety of objectives at the same time: making the use of energy resources taken up by the residential sector more efficient (thus having positive effects on both comfort and emission levels), bringing down energy bills for the most vulnerable families who will be using this service, and increasing the value of the public housing assets. These measures will be accompanied by actions to promote timely local initiatives aimed at reducing energy consumption, such as the

	creation of energy communities and self-consumption systems.
PORTUGAL	• Page 6: to promote distributed production and self-consumption of power from renewable sources, a new legal framework was developed, Decree-Law No 162/2019 of 25 October 2019, which: (i) allows and promotes individual self-consumption; (ii) allows and promotes collective self-consumption; (iii) **allows the forming of energy communities**. The legal establishing of these activities will allow individuals, companies and other public and private entities to produce, consume, share, store and sell energy produced from renewable sources, thus actively participating in energy transition. This new regime comes about in a context of complementarity, by combining centralised instruments to promote clean energies with decentralised processes which, due to their nature, reinforce social and territorial cohesion while helping reduce inequality. This will be achieved by creating jobs, improving the competitiveness of companies throughout national territory and by combating energy poverty. It will also generate a significant reduction in network and distribution costs, reduce losses and optimise energy production solutions. For its obvious advantages, but also in relation to the challenges it presents, the promotion of self-consumption of renewable energy, whether individually or collectively or through energy communities, will in the short-term, be accompanied by an information and support programme for implementing self-consumption projects. The aim is to reduce information asymmetries and support companies, municipalities and citizens in the development of such systems. Of special note among the initiatives to be implemented is a support programme for establishing self-consumption in partnership with municipalities, which assists both technically and with a view to obtaining financing. • Page 11: Furthermore, internalising the environmental impact associated with fossil fuels and progressively eliminating tax exemptions on these fuels can have different consequences on society, even though it is a fairer measure. It is thus vitally important for associated tax revenues to be recycled for the benefit of society, supporting decarbonisation projects, reducing the onus on labour and minimising the associated social impact. This transition must also not accentuate energy poverty. Situations of energy poverty must be identified and obviated by means of measures aimed, above all, at urban rehabilitation, to promote energy efficiency in buildings, especially focusing on insulation and measures to reduce dependence on fossil fuels. In this regard, focusing on the decentralised production of electricity based on **renewable energy communities** and the improvement of collective systems that attenuate maintenance costs can be solutions, as they make it possible to reduce energy costs and ease the financial burden on families. This path is already being implemented.

	• Page 35: Applying a logic of complementarity with centralised energy generation instruments, the promotion and dissemination of decentralised energy generation from renewable energy sources and energy communities are particularly relevant and will increase very significantly in the next decades • Page 48: To promote distributed production and self-consumption of power from renewable sources, a new legal framework was developed, Decree-Law No 162/2019 of 25 October 2019, which: (i) allows and promotes individual self-consumption; (ii) allows the forming of energy communities. The legal establishing of these activities will allow individuals, companies and other public and private entities to produce, consume, share, store and sell energy produced from renewable sources, thus actively participating in energy transition. For its obvious advantages, but also in relation to the challenges it presents, the promotion of self-consumption of renewable energy, whether individually or collectively or through energy communities, will be accompanied by an information and support programme for implementing self-consumption projects. The aim is to reduce information asymmetries and support companies, municipalities and citizens in the development of such systems. • Page 69: 3.2. PROMOTE THE DISSEMINATION OF DISTRIBUTED PRODUCTION AND SELF-GENERATION OF ENERGY AND ENERGY COMMUNITIES DESCRIPTION : Promote the dissemination of distributed production, i.e. production at the same site as consumption or very close to it. This reduces costs related to transmission and distribution networks, reduces losses and optimises production of electricity solutions. **3.2.1. Promote distributed production and self-generation of energy from renewable sources, removing obstacles for their dissemination** There is a need to provide incentives for the distributed production of energy, particularly in relation to local production of electricity using solar energy. This will play a fundamental role in reinforcing consumers as active agents and promoting energy communities. It will have an impact on the need to reinforce networks and the centralised production of energy while simultaneously promoting the emergence of new markets and technological solutions. [Expected date: 2019-2030] **3.2.2. Promote the creation and development of energy communities** Energy communities will play a fundamental role in promoting social innovation, capacity-building among citizens in relation to the energy sector and its problems and local social and economic development. They will also simultaneously contribute significantly toward mitigating the problem of energy poverty. **After Decree-Law No 162/2019 of 25 October 2019 was published, which set out the legal framework for renewable energy communities, partially transposing Directive 2018/2001**, to implement this legal framework energy communities must be promoted along with a programme to disseminate information and support the creation of such communities. This seeks to reduce information asymmetries and support municipalities and citizens while developing energy communities. [Expected date: 2020-2030] **3.2.3. Promote programmes to support the establishment of energy communities in partnership with municipalities**

	This measure aims to provide support both technically as well as with regard to obtaining funding, to establish projects for energy communities at a municipal level. This support will be provided through public entities qualified for the purpose in partnership with local partners. Energy communities are expected to be established in the short-term, with special emphasis on municipalities in interior regions and those that have a greater proportion of consumers living in energy poverty. [Expected date: 2020-2025] **3.2.5. Implement an electronic information portal on distributed production, self-generation and energy communities** The aim of this portal is to inform consumers and facilitate the entire process of installing distributed production systems, with an emphasis on self-generation. [Expected date: 2020-2022] • **Page 71**: ACTION MEASURES The following action measures are planned to promote suitable planning for transmission and distribution networks to reinforce the integration of new renewable capacity: 3.5.1. Adapt the planning criteria for transmission and distribution networks Suitable planning of transmission and distribution networks is crucial for the success of policies aimed at promoting the use of renewables in the electricity generation system. This is the only way to ensure effective channelling of electricity produced in plants to end users, ensuring the security of supplies and a continuous and high-quality service. It also ensures that only necessary investments are made that meet the needs of the network's evolution. The new criteria to be adopted, or revised, must consider the new challenges facing electricity transmission and distribution networks during energy transition, particularly with regard to distributed production and self-generation, network intelligence, management support systems, smart meters, storage, energy management, energy communities and electric vehicles, among other relevant aspects. [Expected date: 2020-2025] • **Page** 97: 4.5.4. Create network planning mechanisms at a local level The challenge of having adequate network infrastructure to enable effective energy transition is especially critical for the Low Voltage Network (LV) that will cease to be a passive network and will now integrate a set of new concepts, from network intelligence, systems to support management, smart meters, storage, energy management, local production, energy communities, electric vehicles, among others, which are all variables that must be considered while creating the network of the future.

5.2 Questionnaire on the implementation of new EU legislation on prosumers and energy communities

I. NATIONAL ENERGY AND CLIMATE PLANS (NECPs)

Question: Could you provide information on whether and how prosumers and energy communities were consulted on NECPs?

Additional questions to guide your response:

- *Were prosumers and energy communities involved in drafting of the NECP? How?*
- *Did prosumers and energy communities participate in the NECP consultation?*
- *What are your general impressions on the NECP consultation process?*
- *What is your assessment of how prosumers and energy communities have been addressed in the NECP?*

II. TRANSPOSITION PROCESS (both of the RED II and the Electricity Directive)

Member States must transpose into their national laws provisions of

- the RED II on renewables self-consumers & renewable energy communities (RECs) by 30 June 2021

  and

- the Electricity Directive on active customers & citizen energy communities by 31 December 2020

The process of adopting new laws transposing relevant EU Directives should have already started. Although Member States will most probably first work on the transposition of the Electricity Directive (earlier transposition deadline than for the RED II), it is important that, already at this stage, they also start working on certain aspects of the RED II. This is particularly important in relation to definitions of renewables self-consumers v. active customers and renewable energy community v. citizen energy community.

The process of adopting new laws should also include consultation of the public on proposals of these national laws. Consultations are important as allow expressing opinions and raise issues that should be included in national laws.

Questions: Do you know whether your country has already started to work on national legislation on prosumers (renewables self-consumers/active customers) and energy communities (renewable energy communities/citizen energy communities) to adapt to the requirements of the RED II and the Electricity Directive? Could you provide any details concerning the process of adopting these national laws?

If you have any documents (draft proposals, consultation papers) related to this transposition, could you send them when responding to this questionnaire?

Additional questions to guide your response (we are aware that you may not be able to provide all details):

- *Will the country adopt one legal act including all relevant provisions or will provisions be split among different legal acts?*
- *Do you know at what stage the process is (inter-ministerial discussions? publication of proposal by the government? proposal by the government submitted to the parliament? discussion in the parliament?)*
- *Has a consultation been organised on the law proposal(s)?*
    - If so, was it a public consultation or a consultation of only certain stakeholders/interest groups?
    - Were the results of the consultation taken into account in the next version/final act?
    - What was the period for submitting comments? How much time in advance were consultations announced?

III. EX-ANTE ASSESSMENT OF BARRIERS AND INCENTIVES (carried out under the RED II for renewables self-consumers and RECs)

The RED II requires that Member States carry out an assessment of barriers and potentials for development of renewables self-consumers and RECs. This assessment should be carried out before proposing national legislation regulating renewables self-consumers and RECs.

Ideally, the process of assessment should also include consultation of the public and relevant stakeholder groups to gather information from the ground on barriers and potentials. Otherwise, there is a risk that the assessment will not take into account all elements, situations and experiences.

<u>Questions</u>: Do you know whether your country has carried out or is planning to carry out an assessment of barriers and opportunities for development for renewables self-consumers and renewable energy communities (NOTE: this process is related to the RED II)? We would be interested in any details concerning this process and its results.
We would be also interested to know whether any consultations have been carried out within this process.
If you have any documents (draft proposals, consultation papers) related to this assessment, could you send them when responding to this questionnaire?

Additional questions to guide your response (we are aware that you may not be able to provide all details):

- *Could you provide any details concerning the process and results of the assessment of barriers and potentials?, e.g.*
    - *What institution/body is responsible for this assessment?*
    - *Do you know at what stage this assessment is (e.g. worked outsourced? a kick of meeting organised? data gathering by authorities?)?)*

- *If the process is finalised, were the consultation results taken into account?*

IV. CHALLENGES AND OPPORTUNITIES RELATED TO THE NEW LEGISLATION – DEFINITIONS

Prosumers and energy communities are regulated in two different pieces of EU law: the RED II and the Electricity Directive.

The RED II regulates renewables self-consumers & RECs, while the Electricity Directive regulates active customers & citizen energy communities.

We are particularly interested to know how the EU MSs approach and define in their legal systems the two types of energy communities: RECs and citizen energy communities.

Questions: Could you provide any information on the transposition by your country of definitions of citizen energy community and renewable energy community?

Additional questions to guide your response (we are aware that you may not be able to provide all details):

- *Is there one definition of energy community (incorporating the two concepts) or there are separate definitions for renewable and citizen energy community? In the latter case, what is the relationship between the two?*
- *Does national legislation address in relation to RECs the issues of: open and voluntary participation, autonomy, effective control by shareholders or members that are located in the proximity?*
- *Is the energy community a separate legal form or is it rather a specificity that can occur within different legal forms?*
- *Does the law allow a collective self-consumption other than renewable/citizen energy community?*

V. CHALLENGES AND OPPORTUNITIES RELATED TO THE NEW LEGISLATION – OTHER LEGAL PROVISIONS

EU laws provide minimum requirements that must be further set in more detail in national legislation. E.g. the RED II provides that RECs are entitled to share, within the REC, renewable energy produced by its production units. All further details on this energy sharing will be set in national laws of each EU Member State. These details may be set in different ways so may vary from one country to the other (due to countries' specificities, priorities as well as legal and political systems). In addition, the starting point is not the same for each country as some MSs might have already had some legal provisions in place.

Moreover, we know that in many countries renewables self-consumers and RECs have been facing lots of challenges and barriers (see PROSEU D.2 and D.3.1 at: https://proseu.eu/resources).

Please note that the below questions focus on renewables self-consumers and RECs.

Questions: Could you indicate (using the list provided below) issue(s) that are particularly important / controversial / positive / negative in discussions / documents / proposals concerning new legislation on renewables self-consumers and RECs?
Whenever possible, could you indicate whether your country addresses in the new national legislation the issues listed below? If so, could you provide some details?
Is any of these issues, according to your knowledge, addressed/proposed to be addressed in your national legislation incorrectly? Which one? What is the problem?

List of issues to consider in your response:

- *Energy sharing within the REC (and citizen energy community)*
- *Energy storage*
- *Possibility for low-income or vulnerable households to participate in RECs and tools/solutions ensuring this participation*
- *Fair, proportionate, non-discriminatory and transparent procedures, incl. registration and licensing (specific for renewables self-consumers, RECs or the same as for some other actors?)*
- *Network charges and other charges and fees (are they specific for renewables self-consumers, RECs or are they the same as for other actors?)*
- *Information and awareness raising (incl. through single administrative contact points) related to renewables self-consumers, RECs and citizen energy communities*
- *(Facilitated) access to finance*
- *Capacity building support for public authorities in enabling and setting up RECs and to participate in RECs*
- *Relationship of RECs and DSOs (in particular, the cooperation between RECs and DSOs in relation to facilitation by a DSO of energy transfers within RECs)*
- *Equal treatment of RECs with regard to their activities, rights and obligations*
- *Promotion and facilitation of development - renewables self-consumption and RECs (issues not covered by other bullet points)*
- *Maintaining by renewable self-consumers and members of RECs of their rights and obligations as final consumers*
- *Access by RECs to energy markets*

VI. OTHER ISSUES

Question: Are there any other issues in your country that you consider particularly problematic or important for the activities of renewables self-consumers and RECs that have not been addressed above?

6. References

[1] Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources.

[2] Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU.

[3] REScoop and ClientEarth (2020), Energy Communities under the Clean Energy Package – Transposition Guidance - available at: https://www.documents.clientearth.org/library/download-info/energy-communities-under-the-clean-energy-package-transposition-guidance/.

[4] PROSEU, Community Power, SCORE, Renewables Networking Platform, ERES (2020), Transposition Guidance for citizen energy policies - Recommendations to strengthen prosumers and energy communities when transposing the Clean Energy Package (RED II, IEMD) - available at:
https://proseu.eu/sites/default/files/Resources/PROSEU_Transposition%20Guidance%20for%20REDII%20and%20EMD.pdf

[5] https://ec.europa.eu/energy/topics/energy-strategy/national-energy-climate-plans_en#final-necps.

[6] https://proseu.eu/project-resources

[7] In particular see: Toporek, M. (2020). Participatory Governance for the roll-out of the Energy Union (Policy Brief). PROSEU - Prosumers for the Energy Union: Mainstreaming active participation of citizens in the energy transition (Deliverable N°3.4), Toporek, M.; Campos, I. (2019). Assessment of existing EU-wide and Member State-specific regulatory and policy frameworks of RES Prosumers. PROSEU - Prosumers for the Energy Union: Mainstreaming active participation of citizens in the energy transition (Deliverable N°3.1); Petrick, K., Fosse, J., Klarwein, S. (2019). Strategies for Policy Coherence and Sustainability – Relevance of EU policies and frameworks for prosumers. PROSEU - Prosumers for the Energy Union: Mainstreaming active participation of citizens in the energy transition (D3.2); Petrick, K., Fosse, J., Klarwein, S. (2019). Strategies for Policy Coherence and Sustainability – Sustainability guidance for prosumers and policymakers. PROSEU - Prosumers for the Energy Union: Mainstreaming active participation of citizens in the energy transition (D3.2); Petrick, K., Fosse, J., Klarwein, S. (2019). Principles for Prosumer Policy Options. PROSEU - Prosumers for the Energy Union: Mainstreaming active participation of citizens in the energy transition (D3.3)
https://proseu.eu/project-resources

[8] Available at: https://document.environnement.brussels/doc_num.php?explnum_id=9807.

[9] *Ibidem*.

[10] See §3.15 of 2017 EEG.