

# Clean Energy Package and Transposition

PIA 2 Online meeting 29 April 2020

eco-union

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- What does transposition mean?
- How is transposition done in practice?
- How should the transposition ideally be done?
- Proposed timelines and next steps
- Discussion





# Introduction

Parts of the Clean Energy Package have to be transposed to national legislation



Risk that member states don't transpose adequately, too late or without proper public consultation



How should member states transpose prosumer-related provisions? How can citizens' input be ensured?



New EU legislation: The « Clean Energy Package »

- 1. Recast of the Renewable Energy Directive (RED II)
  - Renewables self-consumer
  - Rewable energy communities
- 2. Recast of the Electricity Market Directive (EMD)
  - Active consumer
  - Citizens energy communities
- 3. Governance Regulation
  - National Energy Action Plans (NECPs)

Citizens have now **the right** to

- generate,
- self-consume
- store and
- sell renewable energy,

and to participate in energy communities



### The transposition process

- **EU Regulations** are imposed directly on member states, they don't need transposition, just implementation
- **EU Directives** need to be transposed (= translated) to national legislation.
- To that end, a **deadline** is given by EC
  - EMD by 31/12/2020; RED II by 30/6/2021
  - In case of delays, infringement procedure is started.
- EC carries out a **conformity check**.
  - However, sometimes implementation problems occur in lower-level legislation or regulation.



Several provisions are about new individual and collective rights.

If not well transposed, citizens cannot fully enjoy their new rights.



Early consulting of citizens is crucial.

As every MS has their own legislation, the actual implementation needs to be followed, too



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# General Transposition Performance of Member States is quite divers (status December 2018)

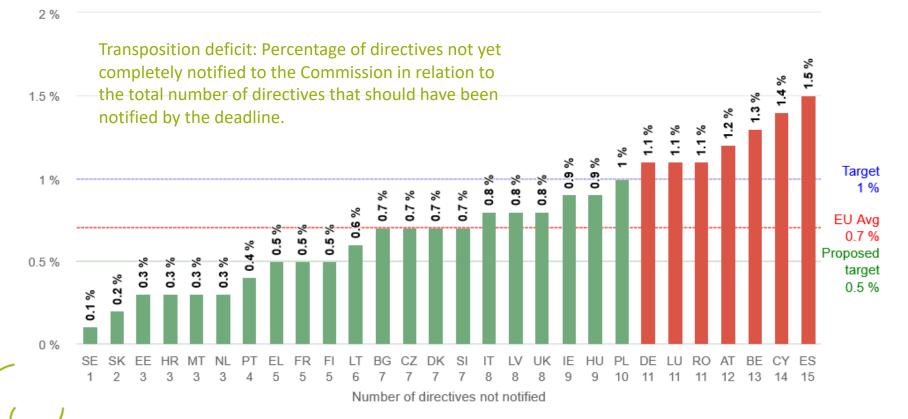


Source: EC 2019 https://ec.europa.eu/internal\_market/scoreboard/performance\_by\_governance\_tool/transposition/index\_en.htm



# Transposition deficit:7 Member States exceed the 1% target

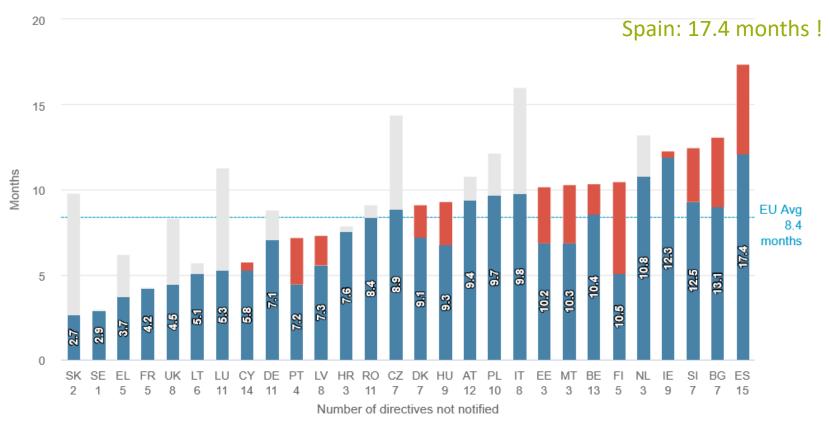
Transposition deficit of Member States as of 10 December 2018





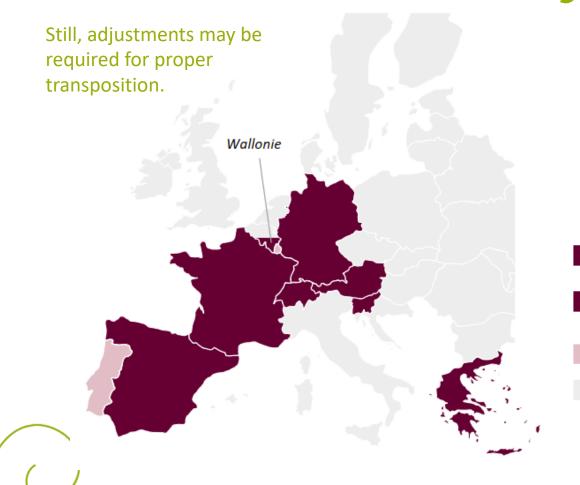
#### Transposition delays: Outstanding directives are late by an average of 8.4 months

#### Indicator [4]: Total transposition delays





# Different starting points: In 2019, nine MS had legislation on <u>collective</u> self-consumption in place



By contrast: Individual selfconsumption models already exist in most countries.

Collective self-consumption not to be confused with energy communities!

Pays ou régions ayant adopté un cadre réglementaire spécifique à l'ACC

Pays ou régions ayant adopté un cadre réglementaire sur les « communautés d'énergie locales »

Pays en cours de législation : PT & LUX

Pas de législation

Source: Sia-Partners France 2019\_Enerplan\_Energy-Lab\_Autoconsommation-collective\_VF-1



#### Examples: How DE and ES may transpose RED II and EMD

#### Germany

- RED II: Likely amendments to EEG
- EMD: Potentially amendments to Energiewirtschaftsgesetz - EnWG
- RECs/CEC: tbd if changes in e.g.
   Genossenschaftsgesetz are required

#### **Spain**

- RED II: Amendments to Royal Decree Law 12/2018 and Royal Decree 244/2019; maybe new "Ley Orgánica" on rights?
- EMD: Amendments to Law 24/2013 of the Electricity Sector
- RECs/CECs tbd if changes in e.g.
   Law on Cooperatives 27/1999 or in the laws on cooperatives of the Autonomous Regions





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### **Principles for prosumer policies**

4. Establishing energy responsibility and coherence at all levels

#### **1. Setting ambitious targets**

2. Ensuring economic viability through favourable framework conditions

3. Fostering Renewable Energy Communities 5. Ensuring prosumer representation in governance processes



#### Transposition Guidance for prosumer policies - Draft

PROSEU Prosumers for the Energy Union	Prosumers for the Energy Uni
Transposition Guidance for prosumer policies	Question to governments "Ideal" transposition
Recommendations to strengthen prosumers and energy communities when transposing the Clean Energy Package (RED II, EMD) This paper is still a draft, it will be further elaborated during April-May 2020. Any feedback is welcome!	What is the process of the assessment of barriers and dentify barriers and potentials for individual and collective prosumers. What patentials for prosumers hard RECs? How will you have barriers, if will be difficult to inglement the appropriat and RECs? How will be prioritical and collective promises. What is appropriate introduce findings of this introduce findings of this lengtmatch?
The PROSEU consortium works on mainstreaming active participation of citizens in the energy transition. Among others, it aims to inform, facilitate and influence the transposition and implementation of the Renewable Energy Directive (RED II) and the Electricity Market Directive (EMD). To that end, this paper provides information concerning the necessary involvement of prosumers, energy communities and other stateholders in this process, as well as as suggested tat of key issues to address so that policy makers and policial decision makers are able to apply them when drafting national legislation and regulation.	Every Communities     Every Communities
The following timeline illustrates when and how the public should be consulted by governments to explain their transposition plans. These timelines are based on the principles of the Aarhus convention.	Do you need to adopt new 1 in case there are decicated lives related to PE which already cover most RS legislation or is there melevant appects (like the German EEG), more provider related as aheady legislation that can amended there. In other cases, new laws or decrease may be needed. Law be adapted?
Low     Common     Durbling     Common     Training       Bit     Common     Training     Training     Training       Bit     Training     Training     Training     Training	What are your projections and targets outpressed NW for prosumer projection.         These should be a modified point of target and projection.           Line Invikual and observations and Encourange of the should be about the should be about the Encourange of the should be about the should be about the should be about the should be about 50% of the total identified potent included in your country included in your country included in your country documents? <ul> <li>Projects bielt by PECLA IECL.</li> <li>Brown of the Should be about 50% of the total identified potent included in your country documents?</li> </ul> Under the should be about 50% of the total identified potent included in your country included in your country documents? <ul> <li>Brown of the potent is instance of honoting of the projects also depress on the number of about about the identified.</li> <li>Larget an interact for its instance of the instance of a noting of the projects and the prosense.</li> <li>The mather of total instance of a noting of an encourse of about about the about the identified potent is a not should be about the instance of the instance of the instance of a noting of the instan</li></ul>
Figure 1: EXD and RED II transposition timere Figure 1: EXD and RED II transposition timere As can be seen. A two-stage consultation is proposed so that stakeholders are involved early on when	How will you genote shared self-contained and the straight-forward inguistion and guidance in place that allow us apprenents and place that allow a more fair-contained and/or trainers. Exempt sharing shaked to train (or REGs) in multi-family buildings?
all options are still available (1 <sup>st</sup> consultation) and then when a more elaborate draft is available (2 <sup>st</sup> consultation).	How will you define energy sharing? Energy sharing should be possible beyond a building, at least within the sam sharing? I build be applied by even vitually. I should be possible to organise energy sharing as shared self-corsumption but not necessarily; other options should b possible (ke peet-oper trading etc.)
It is proposed to have parallel stakeholder consultations in September/ October 2020 for both directives as decisions on the EMD transposition may impact the RED II transposition – expectably since provisions on Citizen Energy Communities (defined in the EMD) may impact the definition of Renewable Energy Communities (defined in the RED II). The following table lists prosumer-related questions which stakeholders could use to ask their governments. It is important to get dainflaation early-on in the process, ideally prior to summer 2020.	How will you connote includual self-consumption and generation? In the not should read the self for encode-antering in place which is ideality about tartifies to that self-consumption is made a value of other root dough requires selficiently right values and the read tartifies to that self-consumption is made a value of other root dough requires programmers are incertificed to make full use of their rootbogs even if this leads to income taxes may be availed if revenues from energy generation stay below certain amount (big).
	How will you prenote, ind, in economic terms, RECs should ideally get specific feed-in-tariffs for energy produced which an compared to driff from the trained protes or tendered tariffs. commential cooperation/projects?

Question to governments	"Ideal" transposition
What will you do that local RECs/CECs can receive local support?	There should be potentially national funds available (e.g. financed by the reverues from the EU-ETS) which are given to local governments (like municipalities) so that there can create local energy agencies. These energy agency would provide concrete support to citizens and EOs in terms of awareness raising, education training, capacity building, etc.
How will citizens and ECs be consulted on legislation transposing the directives and on implementing this legislation?	There should be guidelines on how citizens and ECs should be represented in the final drafting of the new legislations. For instance, associations (like BES) coords should be identified and invited but small, non-organised stakeholders like NGOs individual prosumers, or social actors should be represented as well. It has to be ensured that interests are well prepared.
How will you ensure that the targets for prosumers are reached?	Targets and measures must be tracked at the national level on an annual basis They must be also broken down to regions and minipalities. Each level has to become energy accountable. They have to track and report their numbers annually. National statistics need to be enabled to track the numbers easily. The EC should ensure that numbers are comparable across all MS.
	Also there should be a non-compliance mechanism in case targets (at all levels are not being met.
How will you ensure that vulnerable households have access to self- consumption schemes?	Vulnerable households should be clearly defined so that they can easily apply for support in joint self-consumption schemes. Manipolizate should offer pro-actively to these households that they can participate in municipal projects (e.g. Pw installations on schools), without upfront costs. These households would receive free energy advise which would also cover EE measures.
How will you ensure simple procedures to become prosumers (CECs, RECs, and self-consumers)	A one-stop-altop approach should be defined. Everyly agencies may be bes auted for that. For each citizen it must be clear to whom to talk to its it a municipa energy agency (b) Zanistonian Zienyl Agency) (70 et is on a regionaliese ((like in Energy Agency (b) Zanistonian)) Unities for annal countries, it is unike that the one sub-princy can be effectively set up at animalian Here. However, all localing/coun- energy agency to make have a dear national event. However, all localing/coun- energy agency must have a dear national contract point for issues that need to be decided manonally.
How do you intend to regulate information and awareness-raising activities?	There should be a nurber of awareness raising campaigns by the nationa government in coordination with regional and local governments on prosume opportunities and procedures. These actions need to be repeated on a regular basis (several times per year). Through surveys the awareness should be measured.

the RED and the EM national policies towards a prosumer-centred Energy Union. Most important is, however, it needs to be ensured that the plans match the Paris Agreement in their ambition - currently they are well behind ---and that they are rigorously implemented and enforced over the next years. A detailed paper on prosumer policy options can be found here.

PROSEU - Prosumers for the Energy Union (2018-21) is an EU Horizon 2020 programme funded research and innovation project. Its aim is to enable the mainstreaming of the renewable energy Prosumer phenomenon into the European Energy Union. It brings together 11 partners from nine European countries.

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This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement NT'84090. The sole responsibility for the content of this document lies with the advisors. It does not necessarily reflect the cytinion of the funding authorities authorities are not resconsible for any use that may be made of the information contained therein.

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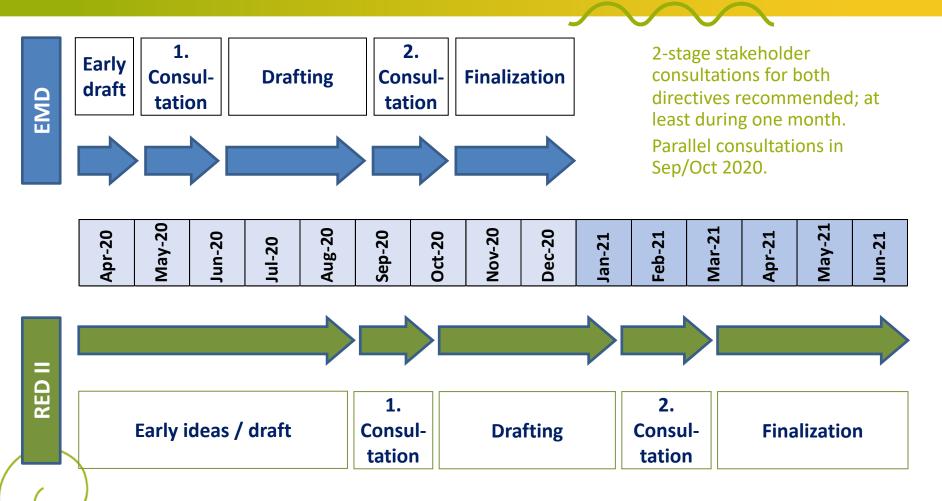
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Suggested timelines for transposition of EMD and RED II, applying principles of Aarhus convention





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### Thank you for your attention!

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http://www.fundacionfin.es/congreso-navarra-autoconsumo-generacion-energia/





This project received funding from the EU's Horizon 2020 research and innovation programme under grant agreement N°764056. The sole responsibility for the content of this document lies with the authors. It does not necessarily reflect the opinion of the EU.