



Energie ist unsere Sache

verbraucherzentrale

Nordrhein-Westfalen

Eigenverbrauch von selbsterzeugtem Erneuerbaren-Strom – nach REDII

Holger Schneidewindt, Referent für Energierecht

Gefördert durch



EUROPÄISCHE UNION
Investition in unsere Zukunft
Europäischer Fonds
für regionale Entwicklung

Ministerium für Umwelt, Landwirtschaft,
Natur- und Verbraucherschutz
des Landes Nordrhein-Westfalen



2014

EFRE.NRW

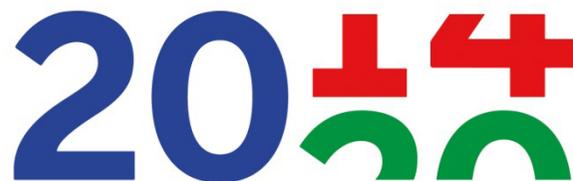
Investitionen in Wachstum
und Beschäftigung

Das Projekt **PROJEKT ENERGIE2020** wird gefördert durch:



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Investitionen in Wachstum
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1. Potential (1/2)

PV in EU

- Wohngebäude: 238 GW
(EC Studie 2017)
- Städtischer Bereich: 500 GW
(IEA ETP 2016)
- „The Rooftop Potential for PV Systems in the EU to deliver the Paris Agreement“ (JRC, 2018)
 - “roof space is not an issue, even for the most ambitious scenarios”
 - “The 380 TWh needed from PV to reach 35% RES use by 2030 requires only a quarter of the total area”

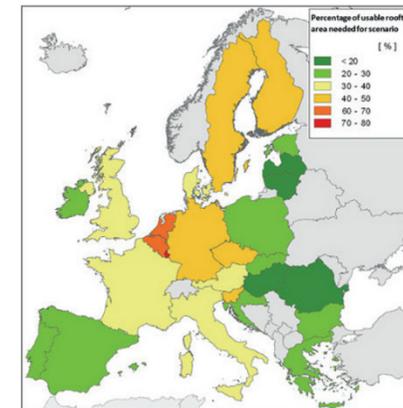
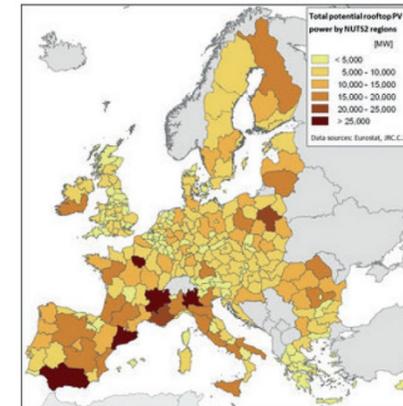


Figure 5: Percentage of available rooftop area that would be necessary for the 2030 scenario, provided all PV installations would be on roofs.



1. Potential (2/2)

PV in Deutschland: ?

Prosumer in NRW

- Status Quo
 - 140.000 kleine PV-Dachanlagen
 - 1,3 GW
 - 1.117 GWh
 - EV: 168 GWh
 - 16.000 Batteriespeicher
- Potential 2030
 - 2,6 Mio. Anlagen
 - 9,2 TWh
 - 3,0 TWh EV
 - PV: 1,2 Mio. Anlagen,
 - 8,2 GW, 6,8 TWh

Prosumer-Potenziale in NRW 2030

Studie für die Verbraucherzentrale Nordrhein-Westfalen

Berlin, 27. Juni 2017



i|ö|w
INSTITUT FÜR
ÖKOLOGISCHE WIRTSCHAFTSFORSCHUNG

verbraucherzentrale
Nordrhein-Westfalen



2. Status Quo

Eigenverbrauch

- unmittelb räuml Zusammenhang, Personenidentität, Zeitgleichheit
- Teil-EEG-Umlage ab 10 kW

Kein Eigenverbrauch

- „Lokalstrom“
- „Großer“ und „Kleiner“ Mieterstrom

Bürokratie

- Meldepflichten: VNB, BNetzA
- Marktstammdatenregister

Technische Vorgaben

- Hardware: Smart Meter (MSBG), „Technische Vorgaben (§ 9 EEG)
- Messtechnische Erfassung



3. Art. 21: Entstehung (1/2)

Article 21: Renewable self-consumers		
Commission 2016/0382(COD)	Parliament Report A8-0392/2017	Trilog
<p>1. Member States shall ensure that renewable self-consumers, individually or through aggregators:</p> <ul style="list-style-type: none"> (a) are entitled to carry out self-consumption and sell, including through power purchase agreements, their excess production of renewable electricity without being subject to disproportionate procedures and charges that are not cost-reflective; (b) maintain their rights as consumers; (c) are not considered as energy suppliers according to Union or national legislation in relation to the renewable electricity they feed into the grid not exceeding 10 MWh for households and 500 MWh for legal persons on an annual basis; and (d) receive a remuneration for the self-generated renewable electricity they feed into the grid which reflects the market value of the electricity fed in. <p>Member States may set a higher threshold than the one set out in point (c).</p> <p>2. Member States shall ensure that renewable self-consumers living in the same multi-apartment block, or located in the same commercial, or shared services, site or closed distribution system, are allowed to jointly engage in self-consumption as if they were an individual renewable self-consumer. In this case, the threshold set out in paragraph 1(c) shall</p>	<p>1. Member States shall ensure that household customers are entitled to become renewable self-consumers, both individually and collectively. Member States shall ensure that renewable self-consumers:</p> <ul style="list-style-type: none"> (a) are entitled to carry out self-consumption and sell, including through power purchase agreements, their excess production of renewable electricity without being subject to taxation, disproportionate procedures and charges, taking into due account all benefits stemming from the decentralised production of energy from renewable sources; (aa) are entitled to consume the electricity they have generated from renewable sources without liability for any charge, fee or tax; (b) maintain their rights as consumers; (c) are not considered as energy suppliers according to Union or national legislation in relation to the renewable electricity they feed into the grid not exceeding 10 MWh for households and 500 MWh for legal persons on an annual basis; and (d) receive a remuneration for the self-generated renewable electricity they feed into the grid which reflects the market value of the electricity fed in. <p>Member States may set a higher threshold than the one</p>	<p>1. Member States shall ensure that consumers are entitled to become renewable self-consumers, subject to the provisions of this Article.</p> <p>2. Member States shall ensure that renewable self-consumers, individually or through aggregators, are entitled to:</p> <ul style="list-style-type: none"> (a) generate renewable energy, including for their own consumption, store and sell their excess production of renewable electricity, including through power purchase agreements, electricity suppliers and peer-to-peer trading arrangements, without being subject: <ul style="list-style-type: none"> (i) in relation to the electricity they consume from or inject into the grid, to discriminatory or disproportionate procedures and charges and to network charges that are not cost-reflective; (ii) in relation to their self-generated renewable electricity which remains within their premises, to discriminatory or disproportionate procedures and any charge or fee; (b) install and operate electricity storage systems combined with installations generating renewable electricity for self-consumption without liability for any double charge, including grid fees for stored electricity which remains within their premises;



3. Art. 21: Entstehung (2/2)

Was geschah in Trilog und Coreper?



Susanne
Ehlerding

Deutschland behindert Mieterstrom in ganz Europa

In einem Hinterzimmerdeal wurden offenbar Passagen für den Eigenverbrauch von kleinen Verbrauchern in der Erneuerbare-Energien-Richtlinie der EU verändert. Umweltschützer befürchten eine Verschlechterung. Am Dienstag werden sich zwei Parlamentsausschüsse mit dem Thema befassen.

„Deal!“ twitterte EU-Energiekommissar **Miguel Arias Cañete** am frühen Morgen des 14. Juni, nachdem der Trilog zur Erneuerbare-Energien-Richtlinie abgeschlossen war. Die wichtigste Entscheidung: 32 Prozent vom Endenergieverbrauch soll bis 2030 aus Erneuerbaren erzeugt werden. Vorher lag das Ziel bei 27 Prozent.

Doch was genau der **Deal bei der Bürgerenergie** ist, also den ebenfalls wichtigen Regeln für die Eigenerzeugung und -konsum von Strom, wird **immer unklarer**. Nach Angaben von Insidern in Brüssel hat Deutschland nach dem Trilog noch Änderungen in Artikel 21 der Richtlinie durchgesetzt, die den **Eigenverbrauch** betreffen. Das entspricht der Darstellung des Staatssekretärs im Wirtschaftsministerium, Oliver Wittke, bei einer [Fragestunde](#) im Bundestag am 27. Juni: „Missverständnisse... auch zu Fragen der Eigenversorgung“ seien nach dem Trilog ausgeräumt worden.



4. Art. 21: Inhalt (1/4)

Article 21: Renewable Self-Consumers	
1. Member States shall ensure that consumers are entitled to become renewable self-consumers, subject to the provisions of this Article.	Ziel
2. Member States shall ensure that renewable self-consumers, individually or through aggregators, are entitled to: (a) generate renewable energy, including for their own consumption, store and sell their excess production of renewable electricity, including through power purchase agreements, electricity suppliers and peer-to-peer trading arrangements, without being subject: (i) in relation to the electricity they consume from or inject into the grid, to discriminatory or disproportionate procedures and charges and to network charges that are not cost-reflective; (ii) in relation to their self-generated renewable electricity which remains within their premises, to discriminatory or disproportionate procedures and any charge or fee; (b) install and operate electricity storage systems combined with installations generating renewable electricity for self-consumption without liability for any double charge, including grid fees for stored electricity which remains within their premises; (c) maintain their rights and obligations as final consumers; (d) receive a remuneration, including where applicable through support schemes, for the self-generated renewable electricity they feed into the grid which reflects the market value and may take into account the long-term value of the electricity fed in to the grid, the environment and society.	Grundsatz
3. Member States may apply non-discriminatory and proportionate charges and fees to renewable self-consumers, in relation to their self-generated renewable electricity which remains within their premises in the following cases: (a) if the electricity produced by the self-consumer is effectively supported via support schemes , only to the extent that the economic viability of the project and incentive effect of such support are not undermined ; or (b) starting from December 2026, if the overall share of self-consumption installations exceeds 8 % of a Member states total electricity capacity installed, the national regulatory authority may perform a cost-benefit analysis through an open, transparent and participatory process and if the result of this analysis demonstrates that the provision set out in paragraph 2(a)(ii) resulted in significant disproportionate burden on the long-term financial sustainability of the electric system or creates an incentive exceeding what it is objectively needed to achieve cost-effective deployment of renewable energy, and that such impact could not be minimised by taking other reasonable actions; or (c) if the electricity is produced in installations above 30 kW of total installed capacity.	Spezifizierung zum EV



4. Art. 21: Inhalt (2/4)

Art. 21 Abs. 3 a: Ausnahme „effektive Förderregelung“

1. selbst genutzter eigenerzeugter Strom
2. „within its premisis“
3. ausnahmsweise Belastung mit Abgaben und Gebühren
 - a. der vom Selbstverbraucher erzeugte Strom wird **auf effektive Weise** durch eine Förderregelung unterstützt und
 - a. die Belastung des EV untergräbt nicht
 - i. die **Wirtschaftlichkeit des Projekts** und auch nicht
 - ii. den **Anreizeffekt** der Förderung



4. Art. 21: Inhalt (3/4)

Art. 21 Abs. 3 b: Ausnahme „nach 2026/KNA“

1. Kosten-Nutzen-Analyse (KNA) durch BNetzA
2. Offener, transparenter, partizipatorischer Prozess
3. Ergebnis:
 - a. Abs. 2 a ii belastet **langfristige finanzielle Nachhaltigkeit** des Energiesystems unverhältnismäßig oder
 - b. schafft **Über-Anreiz**, der über das hinausgeht, was objektiv für einen kosteneffizienten Ausbau von EE benötigt wird
4. Negative Auswirkungen können nicht durch **andere vernünftige Maßnahmen** minimiert werden



4. Art. 21: Inhalt (4/4)

Art. 21 Abs. 4: gemeinsam handelnde SV

MS sollen sicherstellen, dass SV im selben Gebäude, auch in MFH, berechtigt sind, die Tätigkeiten aus Abs. 2 gemeinsam auszuüben und die auf ihren oder Gebäuden zwischen ihnen erzeugte EE zu teilen

- **unbeschadet** von Netzkosten, Gebühren, Abgaben, Umlagen und Steuern auf SV.

MS können **zwischen SV und gemeinsam handelnden SV unterscheiden**. Jede Ungleichbehandlung soll verhältnismäßig sein und hinreichend begründet werden.



5. Anpassungsbedarf?



Änderungsbedarf_final.pdf



6. Knackpunkte

- 10 kW-Grenze: auf 30 kW anheben?
- EV-Bedingung „Personenidentität“: zulässig?
- EV-Bedingung „Zeitgleichheit“: zulässig?
- Mieterstrom \neq Eigenverbrauch: verhältnismäßig, begründet?
- Messsystem-Zwang und –entgelt: verhältnismäßig?
- Bürokratie: verhältnismäßig?
- „enabling framework“: Anpassungspflicht?
- ...
- ...



7. Fazit

- Momentum pro Prosumer
- Fortschritt in vielen MS
- Deutschland mauert
 - keine/kaum Änderungspflicht bei Eigenverbrauch, Mieterstrom
 - Bundesregierung wird Änderungsmöglichkeit nicht nutzen
- Zentrale Aspekt bleibt offen: faire Beteiligung von Prosumern an (Netz-) Kosten
 - modernes Abgaben-, Entgelt- und Umlagensystem
- Potential-/Hemmnis-Analyse, „enabling framework“, NECP
 - Kein scharfes Schwert, aber
 - Messwert
- KNA zum Eigenverbrauch jetzt!



8. Ausblick

- EP-Abstimmung REDII: November
- Trilog Binnenmarkt-RL
 - Art. 15: „Aktive Verbraucher“
 - Demand Response über Aggregatoren (Art. 17)
 - Variable Tarife (Art. 11)
- Potential- und Hemmnis-Analyse
- „Enabling Framework“
- Integrierter nationaler Energie- und Klimaplan
- Umsetzung REDII, IEM-RL etc in EEG, EnWG, MSBG, ...
- **EEG + EnWG = EGB!**