

# Community Energy from an EU law perspective

Legal Provisions and room for implementation

Bold Future Seminar  
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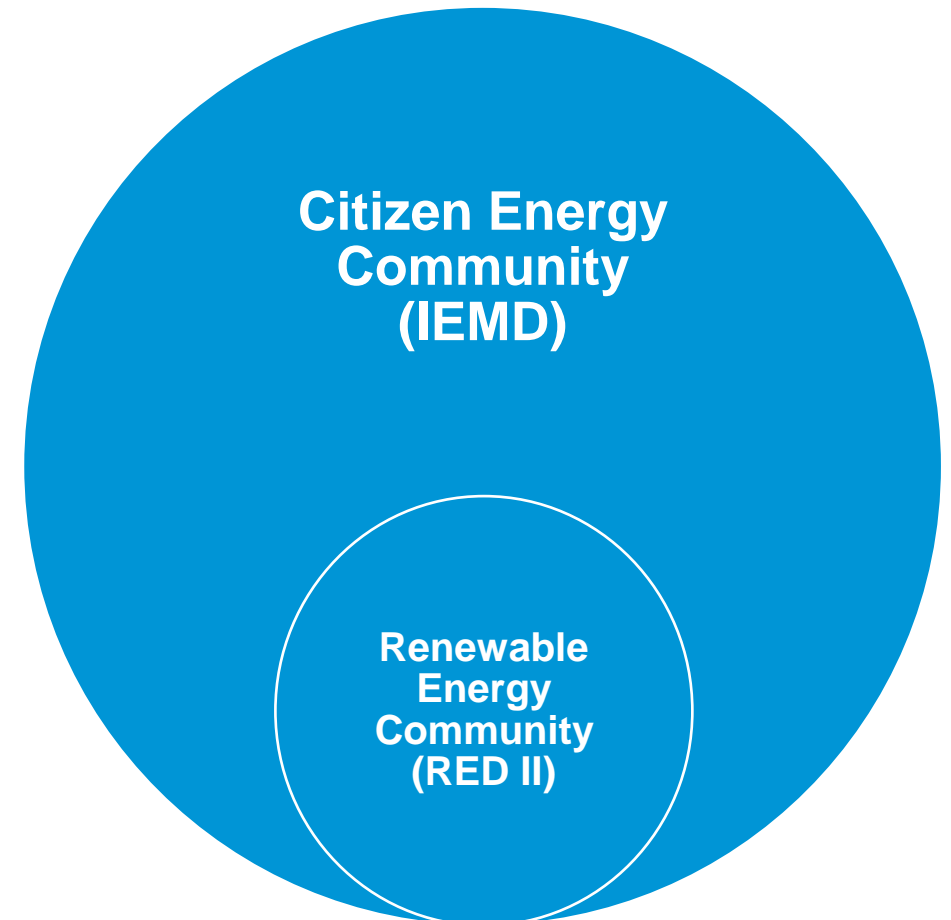


# Definitions

IEMD and RED II compared

## Citizen Energy Community vs. Renewable Energy Community

- ▶ Since 2018: **Definitions of Community Energy** in both Internal Energy Market Directive (IEMD) and Renewable Energy Directive (RED II).
- ▶ Definitions based on:
  - (Primary) Purpose (what is the goal in setting up the community);
  - **Participation and governance structure** (who can be part of/run the community);
  - **Activities** (what can the community do).
- ▶ Main distinction:
  - Do they produce/use **renewables** or not?!



	<b>Citizen Energy Communities Art. 16 IEMD</b>	<b>Renewable Energy Communities Art. 22 RED II</b>
<b>General Principles</b>	Legal Personality Open and voluntary participation, with control of the members	Legal Personality Open and voluntary participation, with control of the members <b>Independence</b> Proximity
<b>Purpose</b>	<b>Not (primarily) profit-oriented</b> (Rather: ecologic, economic, socio-economic benefits for their members)	
<b>Participation</b>	Not defined/no restrictions	Final customers, „in particular households“, local administrations, SMEs
<b>Activities</b>	Production of electricity, <b>including renewable</b> , supply, consumption, storage, aggregation, e-mobility, management of the distribution grid	Production, consumption, storage and sale of <b>renewable energy</b>

## Special case: Collective self-consumers (Art. 21(4) RED II)

- ▶ Member States to ensure that „**renewables self-consumers**, located in the same building, including multi-apartment blocks”
  - Can engage collectively in production, storage and sale of their renewable electricity (same activities as self-consumers);
  - Without prejudice to network and other relevant charges can share their renewable electricity among themselves;
  - While MS can distinguish between individual and collective self-consumers, such distinctions need to be proportionate and duly justified.
- ▶ However, **distinction to Renewable Energy Communities:**
  - **No legal personality;**
  - Keep their rights/duties as (self-)consumers.

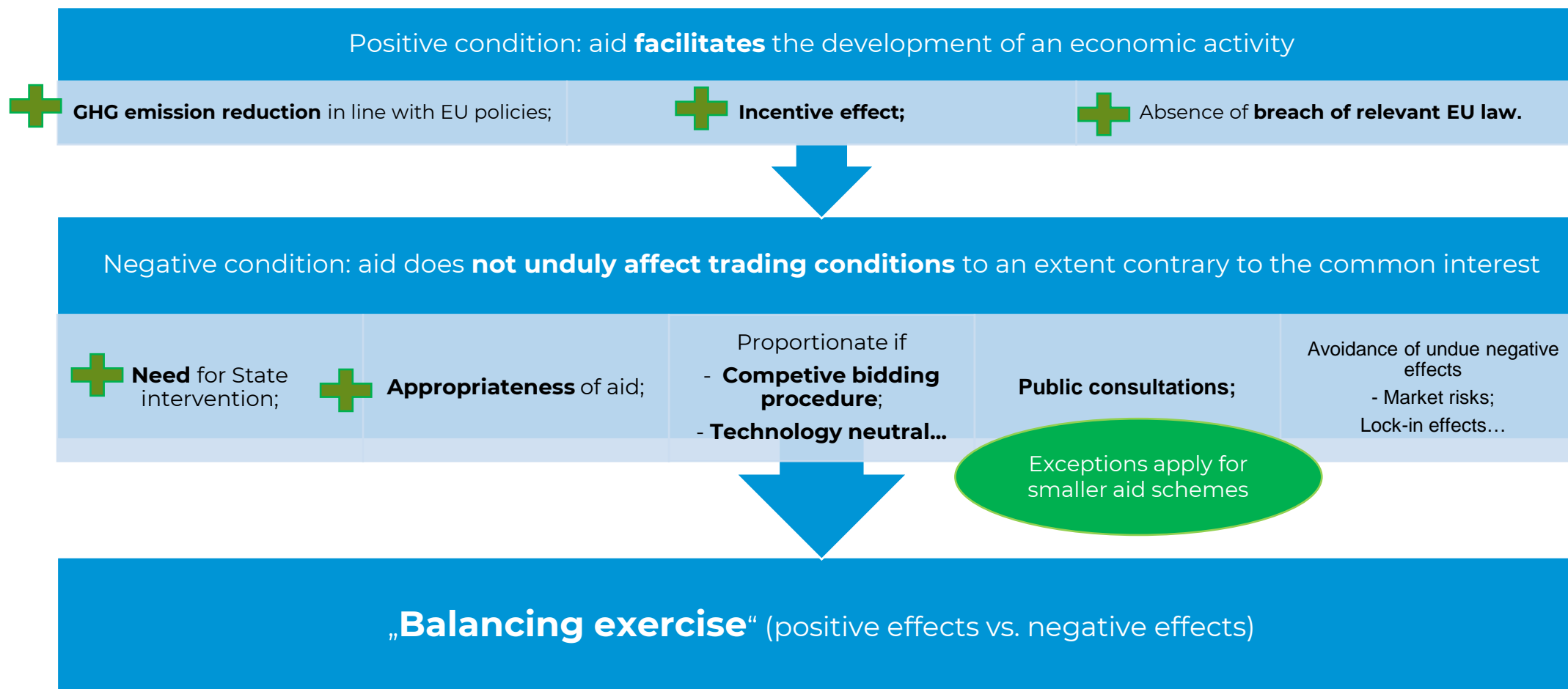


# Provisions to encourage Community Energy

Different rules for different settings

	<b>Citizen Energy Communities Art. 16 IEMD</b>	<b>Renewable Energy Communities Art. 22 RED II</b>
<b>Assessment of the legal framework</b>	n/a	Assessment of <b>barriers and potentials</b> (Art. 22(3) RED II)
<b>Non-discrimination</b>	<b>No unjustified or discriminatory conditions or procedures</b> /when it comes to their rights/obligations (Art. 16(1) e) IEMD, Art. 22(1) RED II)	
<b>„Supportive action“</b>	<b>Enabling Framework</b> (Art. 16(1) IEMD), incl. Open participation and rights to leave, <b>customer rights, non-discrimination</b> , + possible „add-ons“ (cross-border participation, ownership of the grid, unbundling)	<b>Enabling Framework</b> (Art. 22(4) RED II), incl. <b>Removal of (unjustified) regulatory barriers</b> , fair, <b>proportionate and transparent procedures</b> e.g. for registration, <b>access to finance, capacity building ...</b>
<b>State Aid (Commission Proposal EEAG 2022-2030)</b>	No specific regime in IEMD No specific regime in EEAG	MS to <b>take into account specificities</b> (Art. 22(7) RED II); However: <b>no specific regime in EEAG</b>

# Proposal EEAG 2022-2030: General Requirements for Aid to reduce GHG emissions





**Thank you for your attention.**



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