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SUMMARY OF NATIONAL FRAMEWORKS FOR THE ESTABLISHMENT OF COLLECTIVE AND COOPERATIVE ENERGY SUPPLY SYSTEMS ON A LOCAL AND REGIONAL LEVEL



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EXECUTIVE SUMMARY

As part of the EU-funded ECOEMPOWER project, this summary is prepared to outline the national framework conditions for the establishment of collective and cooperative energy supply systems on a local and regional scale. The three-year coordination and support project entitled "ECOsystems EMPOWERing at regional and local scale supporting energy communities" focuses on supporting regional authorities as facilitators of energy communities by setting up one-stop shops. The project partner countries are the Czech Republic, France, Germany, Greece and Italy.

The project consortium relies mainly on existing documentation, in particular the ["Transposition Tracker" published by REScoop.eu](#), to describe the current legal and regulatory framework of all 27 EU Member States. The tracker assesses national progress in transposing the European Directives [RED II](#)¹ and [IEMD](#)². The project partners complemented and interpreted this valuable resource to provide both a European overview and specific insights for the five ECOEMPOWER project countries. The resulting analysis will support the project partners in developing their own cases and preparing future plans.

Several EU countries, predominantly Belgium, Denmark, France, Germany, Ireland and Italy, have successfully implemented the definitions for Renewable Energy Communities and Citizen Energy Communities in line with the RED II criteria. Ireland is particularly emphasised in this context. In addition, progress has been made, particularly with regard to the authorisation of legal entities, the appointment of supervisory authorities and the number of defined terms in EU countries. Austria has the best enabling frameworks and support schemes overall, followed by Italy, Ireland and the Netherlands. On the whole, however, there is still reluctance and uncertainty regarding such national implementations.

Among the five ECOEMPOWER partner countries, Italy stands out as the most advanced in the implementation of EU directives. The Italian framework with national instruments for access to finance and information provision is remarkable. France and Germany also provide good examples within their established definitions and support programmes for national energy communities. Greece is well aligned with the implemented definitions, but shines in particular with frameworks for thoughtful access for low-income households. The Czech Republic has a longer way to go in providing certainty, guidance and incentives for energy communities in implementing decrees, anyway new energy law act defining broadly energy communities and active customer was adopted in December 2023.

This summary highlights that EU member states show both progress and reluctance in creating an enabling framework that can help local actors to establish, support and participate in energy communities. Although most EU countries have introduced some regulations for energy communities, the focus is often on primary legislation

¹ RED II:

The European Union's Renewable Energy Directive 2018/2001 sets binding targets for the share of renewable energies in total energy consumption by 2030 and establishes framework conditions for the promotion and integration of renewable energies into the energy mix of the member states. It thus promotes the expansion of sustainable energy sources to reduce greenhouse gas emissions and achieve the EU's climate targets.

² IEMD:

The European Union's Electricity Directive 2019/944 sets out measures to promote the internal market for electricity by driving forward cross-border trade, the integration of renewable energy and the strengthening of consumer rights in the EU. The directive aims to promote the efficient use of renewable energy in order to support the energy transition and ensure security of supply.

and specific implementing laws or regulations are rare. There is a tendency towards the gradual development of definitions, while the development of frameworks is slower. Although rights and conditions are often mentioned in Member States' national legislation for energy communities, there is often a lack of detailed elaboration of these aspects. The focus on energy sharing is positive, while other potential activities of energy communities are often less carefully addressed. This summary provides valuable examples for others to emulate, but it is clear that most EU countries have not yet adopted the necessary legislation, policies or measures to create a favourable environment for energy communities to flourish.

Regular updates and reference to advanced existing documentation from various sources are meant to characterise the nature of this document.

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1 Introduction

European energy markets are still heavily reliant on centralised power plants, leading to a dependency on external gas, oil and coal imports. The REPowerEU plan was introduced to generate clean energy, make energy savings and increase the share of renewable energy to 45% by 2030. As set out in the Clean Energy Package, the Renewable Energy Directive with its second version³ (RED II) and the Internal Electricity Market Directive⁴ (IEMD) provide guidelines for energy communities – which are expected to drive the transition to clean energy. The RED II aims to remove barriers, stimulate investment and increase citizen participation. Nationally binding sector targets for 2030 ensure that renewable energies are not only used in the electricity sector. IEMD, on the other hand, sets rules for electricity generation, transmission, distribution and storage. Overall, member states are obliged to implement measures to increase renewable energy sources.

These directives oblige the member states to create frameworks for energy communities through a whole series of very detailed specifications. The EU countries have not yet fully complied with this task. The implementations – of fairly various grades – have led to different support mechanisms for energy communities in the Member States. The legal and policy frameworks vary by country and region and influence the establishment, operation and growth of energy communities. This summary provides an overview of the legal and policy framework as well as support options for energy communities in the 27 EU Member States. It is emphasised that some key points of the national frameworks may have changed by the time of publication. The summary is intended as a starting point, with further research recommended.

³ EUR-Lex, Directive (EU) 2018/2001 of the European Parliament and of the Council, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32018L2001>

⁴ EUR-Lex, Directive (EU) 2019/944 of the European Parliament and of the Council, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32019L0944>

1.1 Energy Communities according to RED II

In 2018 RED II created a new term: In so-called Renewable Energy Communities (REC), citizens can generate, consume, store and sell energy collectively. This is a new social model that is decentralised, regional, self-organised and self-managed – a new form of organisation on the electricity market as a counter-model to electricity companies. These communities can significantly accelerate the energy transition towards 100% renewables. They would democratise the energy system, bring it closer to the people, increase local acceptance of renewable plants and also increase resilience to crises in the energy supply.

The RED II grants consumers new rights, as Article 22 stipulates:

Member States shall allow final customers and households to participate in RECs without discrimination. These communities may produce, use and sell renewable energy. Member States shall assess barriers and potentials for RECs and create regulations that support their development. These regulations should remove barriers, promote cooperation with distribution system operators (DSO) and ensure fair procedures for communities. All consumers have access. In addition, member states report on progress and can enable cross-border participation.

According to Article 22, paragraph 2, these requirements also concern the facilitation of energy sharing: "Member States shall ensure that renewable energy communities are entitled to: (...) (b) share, within the renewable energy community, renewable energy that is produced by the production units owned by that renewable energy community, (...)". Energy sharing is usually characterised by joint ownership and control of generation or storage devices, optimised synchronisation of production and consumption, geographical proximity and the use of the public grid. It links price reductions for citizens with direct participation in the energy transition, which demonstrably creates acceptance and can mobilise investment. In addition, price signals are generated for meaningful RE integration. The three main objectives of energy sharing can be summarised as follows: expansion of RE plants, increased participation and reduction of grid expansion⁵.

⁵ Umweltbundesamt, Energy Sharing, <https://www.umweltbundesamt.de/publikationen/energy-sharing>

In contrast to this, the new version of the IEMD also sets out a further definition for an energy community: the Citizen Energy Community (CEC). The following table compares the two definitions:

Key points	Citizen Energy Community (CEC) according to IEMD	Renewable Energy Community (REC) according to RED II
Geographical scope	No geographical restrictions	Geographical restriction: location-based community
Activities	<ul style="list-style-type: none"> • Electricity sector • Not limited to renewables 	<ul style="list-style-type: none"> • All energy activities • Limited to renewables
Participant	Any actor can participate	Only natural persons, local authorities, small and medium-sized enterprises (SME)s whose participation is not their primary economic activity
Autonomy	Decision-making power: <ul style="list-style-type: none"> • not possible by large energy undertakings • possible by an individual member 	Decision-making power: <ul style="list-style-type: none"> • not possible for traditional market actors • not possible by an individual member
Effective control	Medium-sized and large enterprises are excluded	Large enterprises and those not located in the proximity are excluded

Ultimately, Energy Communities are defined as either RECs or CECs, which are legal entities under national law, can offer a variety of purposes and services, and pursue objectives that go beyond profit.

Both definitions are still waiting to be fully implemented in some of the national laws of the EU countries. Due to the reference to exclusively renewable energy activities beyond electricity including energy sharing, the focus of this summary is in particular on the requirements of RED II.⁶⁷

⁶ Rural Energy Community Advisory Hub, What is an energy community?, https://rural-energy-community-hub.ec.europa.eu/energy-communities/what-energy-community_en

⁷ Rural Energy Community Advisory Hub, National Legal and Policy Frameworks, https://rural-energy-community-hub.ec.europa.eu/document/download/6c797a17-3064-46d1-b835-9da95e30b997_en?filename=Guidance%20document%20on%20national%20legal%20and%20policy%20frameworks_0.pdf&prefLang=de

1.2 Key points of a favourable framework

The following are the RED II regulations for the promotion of RECs in accordance with Article 22 (4):

Member States must establish a regulatory framework to support and promote the development of RECs. This framework is intended to ensure the following:

1. Removal of unjustified legal and administrative barriers to RECs
2. RECs, if they supply energy or offer energy services, should be subject to the applicable regulations
3. Cooperation of the respective distribution system operator with RECs to enable energy transfers within communities
4. Assurance of fair, reasonable and transparent processes for the registration and authorisation of communities and ensuring that costs, fees and taxes related to the grid are based on a thorough and transparent cost-benefit analysis
5. RECs are treated in a non-discriminatory manner as end customers, producers, suppliers or other market participants
6. Participation in RECs is open to all consumers, including low-income or vulnerable households
7. It provides tools to facilitate access to finance and information
8. Public bodies are supported in setting up such communities and in regulating participation in them
9. Regulations to ensure that consumers participating in RECs are treated equally and without discrimination

For RECs, Member States need to create an effective legal, regulatory and administrative framework that creates a favourable environment for the establishment and functioning of RECs. This is not only about creating a level playing field for RECs, but also about promoting and facilitating their development by addressing the practical and legal challenges they face in accessing the market.

This summary focuses only on the framework conditions for RECs. The reason for this is that the list of elements that Member States need to include is longer and it requires more positive action to create a favourable framework. Nevertheless, it is worth noting that the rules on supply and cooperation with DSOs to facilitate energy sharing as well as fair, proportionate and transparent registration and authorisation procedures could apply to both RECs and CECs.

The national preconditions with regard to their widely divergent DSO structure must also be taken into account. The study *Distribution Grids in Europe: Facts and figures 2020*⁸ presents this on pages 4 and 5.

Low and medium concentration of DSOs is more common in Europe. This means numerous, mainly small and local DSOs that do not have much market power from a national perspective. There are also slightly more public DSOs than private ones and its shareholdings are predominantly domestic.

⁸ Eurelectric, *Distribution Grids in Europe: Facts and Figures 2020*, <https://cdn.eurelectric.org/media/5089/dso-facts-and-figures-11122020-compressed-2020-030-0721-01-e-h-6BF237D8.pdf>

1.3 REScoop.eu Transposition Tracker

REScoop.eu is the European federation of citizen energy cooperatives. The valuable work of REScoop.eu largely assists in mapping the national legal and regulatory framework conditions for energy communities. The Transposition Tracker⁹ on their website provides a constantly updated assessment of the implementation progress of EU countries. On the one hand, this involves the implementation of the REC and CEC definitions. On the other hand, it is about the transposition of the most important EU laws on the framework conditions and national support programmes for RECs.

The ECOEMPOWER partners in Czech Republic, France, Germany, Greece, Italy were therefore asked to review the REScoop.eu content of their country and to add updated information and assessments from their side. In this way, the summary can also benefit from their level of knowledge, given that the Transposition Tracker is updated once a year.

Last update of Transposition Tracker: December 2022

Figure 1 and Figure 2 each provide the comparative overall assessment of the progress of implementation with regard to the definitions as well as the framework conditions and support schemes in the various European member states. This rating is only ever carried out by REScoop.eu and does not represent an additional assessment by ECOEMPOWER. A modified traffic light system is used for this purpose: The following specific colours indicate how much progress has been made in implementing the EU regulations for energy communities.

Logic behind the colours:



⁹ REScoop.eu, Transposition tracker - Enabling Frameworks & Support Schemes, <https://www.rescoop.eu/transposition-tracker-support-schemes>



Figure 1: Transposition tracker of REC and CEC definitions



Figure 2: Transposition tracker of Enabling Frameworks and Support Schemes

The overall score of each Member State is based on a qualitative assessment based on a set of indicators that represent the elements required for a proper transposition of the definitions for RECs and CECs as well as the framework conditions and support programmes for RECs:

Evaluation criteria	
REC and CEC Definitions	Enabling Frameworks and Support Schemes
<ul style="list-style-type: none"> Criteria of EU definition reflected in national definition Level of detail in the elaboration of principles contained in EU criteria Clearly defined purpose International Cooperative Alliance (ICA) cooperative governance principles reflected Legal entities allowed Citizen participation is ensured Designated authority to oversee Number of definitions Coherency between both definitions 	<ul style="list-style-type: none"> Assessment of obstacles and potential for development of energy communities (EC) Removal of unjustified regulatory & administrative barriers DSO duties around cooperation with ECs and facilitation of energy sharing Fair, proportionate, and transparent registration & licensing procedures Incentives connected to network tariffs based on a Cost-benefit analysis (CBA) Non-discriminatory treatment as market participant Accessibility to low-income & vulnerable households Tools to access finance Tools to access information Regulatory capacity building for public authorities National Energy and Climate Plan (NECP) reporting on enabling frameworks Support Scheme adapted for RECs

The sources used for the REScoop.eu assessment are the national legislative texts that have been published either in a finalised version or in draft form.^{10 11}

¹⁰ REScoop.eu, Transposition tracker - Definitions, <https://www.rescoop.eu/transposition-tracker>

¹¹ REScoop.eu, Transposition tracker - Enabling Frameworks & Support Schemes, <https://www.rescoop.eu/transposition-tracker-support-schemes>

2 ECOEMPOWER partner countries

The REScoop.eu method has been explained on the previous pages, however, in this section the national framework conditions in which energy communities find themselves will be analysed in more detail. ECOEMPOWER particularly wants to analyse the conditions of its project partner countries and map them for interested groups. The basis for the national summaries for the Czech Republic, France, Germany, Greece and Italy remains the Transposition Tracker, to which the cover page of the respective member state refers. In addition to this valuable basis, ECOEMPOWER's analysis is extended and concretised by the following aspects: Political objectives, Classes and Legal forms of energy communities, Energy sharing, Authorisations for renewable energy sources, Support schemes and Best practices.

2.1 Czech Republic

[REScoop.eu](#): REC & CEC definitions

The Czech Republic does not yet have any legislation dealing with energy communities yet. However, the draft legislation LEX RES II is currently being prepared.

**Criteria of EU definition reflected
in national definition**

**Level of detail in the elaboration of principles
contained in EU criteria**

Clearly defined purpose

ICA cooperative governance principles reflected

Legal entities allowed

Citizen participation is ensured

Designated authority to oversee

Number of definitions

Coherency between both definitions

[REScoop.eu](#): Enabling frameworks & support schemes

**Assessment of obstacles and potential
for development of ECs**

**Removal of unjustified regulatory
& administrative barriers**

**DSO duties around cooperation with ECs
and facilitation of energy sharing**

**Fair, proportionate, and transparent registration
& licensing procedures**

**Incentives connected to network tariffs
based on a CBA**

**Non-discriminatory treatment
as market participant**

**Accessibility to low-income
& vulnerable households**

Tools to access finance

Tools to access information

**Regulatory capacity building
for public authorities**

NECP reporting on enabling frameworks

Support Scheme adapted for RECs

In the Czech Republic, there is no published legislation dealing with energy communities and designing a favourable framework and support system for them.

Updates and additions to the REScoop.eu Transposition Tracker

- New legislation for energy communities LEX RES II was approved in December 2023.
- Electricity sharing will in practice be provided by the Electric Power Data Center (EDC) from July 2024, for the time being in a provisional regime, which will allow communities a less advantageous static method of electricity distribution
- The provisional solution is to be replaced by the final version from July 2026, which will be launched at the same time as the EDC is fully operational and should offer dynamic and hybrid electricity sharing.
- Specific rules will be brought by the amendment to the decree on the rules of the electricity market, which is to enter into force in July 2024 at the latest.

Political objectives

There are currently no political objectives in Czech Republic directly related to Energy Communities.

However, national political expansion targets for renewable energies were defined: Czech Republic wants to achieve a 30% renewables share of all energy sources.

Classes of energy communities

The following types of energy communities are most practical in Czech Republic:

- **Collective production and trading of renewable energy**
All types of territorial or commercial groupings of generators
- **Generation-Consumption Communities**
Certified sourcing of electricity in a closed group of generators and consumers, including local or regional energy markets
- **Municipal energy supply companies**
Existing organisations for energy production, supply and grid operation under the control of citizens

Legal forms of energy communities

In Czech Republic an energy community can take the form of either:

- **Cooperative**
- **Association**

There is no fixed minimum number of members for energy communities. However, the participation of a single member may not exceed 10 %. SMEs and local authorities are eligible to participate, as are natural persons, building associations and municipal organisations as legal entities.

Regionality is defined by the area of three neighbouring cities. Project restrictions stipulate that each energy community can have up to 1000 metering points. There is no obligation to tender for these energy communities.

Energy sharing

In the Czech Republic, energy communities will be able to share energy within three neighbouring towns with up to 1,000 metering points by the end of 2026.

However, there is no special subsidy for the shared use of energy in the Czech Republic.

The use of the public grid by energy communities is permitted and they pay the corresponding distribution costs. The distribution system operator is obliged to provide the energy communities with free continuous meters.

There are currently no specific obligations defined for energy communities in the Czech Republic with regard to the measurement and recording of generation and consumption. Also, the introduction of smart meters has not yet been implemented.

Authorisations for renewable energy sources

General notes:

Any RES project has to be publicised in case it is financed or co-financed from public or EU sources.

There are land use plans at municipal level (suitability/priority/reserved areas for RES are shown on maps) just as development plans (with specific approved construction projects). Both are created by the municipalities.

Photovoltaics

The following regulations must be observed for the construction of a PV power plant in Czech Republic:

- >50 kW: Permission for installation from local building authorities, licence from Energy Regulation Institute

Regardless of the system size, the Building Law must be observed.

Wind power

The following regulations must be observed for the construction of a wind power plant in Czech Republic:

- >50 kW: Permission for installation from local building authorities, licence from Energy Regulation Institute

Regardless of the system size, the Building Law must be observed.

Biomass

The following regulations must be observed for the construction of a biomass plant in Czech Republic:

- >50 kW: Permission for installation from local building authorities, licence from Energy Regulation Institute

Regardless of the system size, the Building Law must be observed.

Hydropower

The following regulations must be observed for the construction of a hydropower plant in Czech Republic:

- >50 kW: Permission for installation from local building authorities, licence from Energy Regulation Institute

Regardless of the system size, the Building Law must be observed.

Flexibilities

There are no specific regulations for the construction of energy storage facilities in Czech Republic.

Support schemes

In the Czech Republic, no different conditions apply to energy communities compared to other market participants. Investments in the construction of renewable energy plants, including flexibilities, are primarily subsidised by the modernisation fund of the State Environmental Fund.

The preferential feed-in of electricity from renewable energies into the public grid is currently not regulated by feed-in tariffs in the Czech Republic. Furthermore, there are no specific subsidies for the direct marketing of electricity.

Best practice

In the Czech Republic, no concrete examples of successful implementations of energy communities exist, which are supported by the current legal framework. Nor do any historic examples exist of successful implementations of energy communities that were supported by a legal framework in Czech Republic in the past.

2.2 France

[REScoop.eu: REC & CEC definitions](#)

In March 2021, France published a decree with provisions on both REC and CEC. This was followed by an application decree, which was finalised in October 2021. There is no attempt to link the two definitions or to merge different criteria. The definition refers to a strict autonomy standard that is anchored in existing French company law. Furthermore, Decree no. 2023-1287 was published, which explains effective control and geographical proximity in detail. A key differentiator between RECs and CECs is the eligibility to participate: RECs are subject to severe restrictions on companies, while the CEC definition explicitly states that there are no restrictions on participation. This could lead to the risk of CECs being taken over by traditional market participants in the energy sector. For the most part, the definitions are a copy-paste of the EU directives. In addition, the regulator is not assigned a monitoring role - this could increase the risk of misuse of both REC and CEC definitions, which could lead to a lack of trust.

Criteria of EU definition reflected in national definition

Level of detail in the elaboration of principles contained in EU criteria

Clearly defined purpose

ICA cooperative governance principles reflected

Legal entities allowed

Citizen participation is ensured

Designated authority to oversee

Number of definitions

Coherency between both definitions

[REScoop.eu: Enabling frameworks & support schemes](#)

Assessment of obstacles and potential for development of ECs

Removal of unjustified regulatory & administrative barriers

DSO duties around cooperation with ECs and facilitation of energy sharing

Fair, proportionate, and transparent registration & licensing procedures

Incentives connected to network tariffs based on a CBA

Non-discriminatory treatment as market participant

Accessibility to low-income & vulnerable households

Tools to access finance

Tools to access information

Regulatory capacity building for public authorities

NECP reporting on enabling frameworks

Support Scheme adapted for RECs

France has taken important legislative steps for the implementation of RECs and CECs, especially for energy sharing. It had already created a framework for collective self-consumption before the Clean Energy Package. Although policy goals for energy communities have been set, there is a lack of concrete action. An interest group and a multi-year energy programme are intended to promote development, but implementation is still pending. The roadmap sets a target of 1,000 citizens' initiatives by 2028 and communicates 10 measures that have yet to be implemented. RECs currently receive no specific support in the national support programme and the revision of this framework is underway. It remains to be seen how France will develop concrete measures to promote the development of energy communities.

Updates and additions to the REScoop.eu Transposition Tracker

- **Legal entities allowed**

The legal entities which are possible for energy communities are listed in the article L291-3 of the energy code¹², which comes from the law on the acceleration of renewable energies (March 2023).

- **Incentives connected to network tariffs based on a CBA**

Contrary to the Transposition Tracker's information, there is a reduced charge for network use if all participants in a collective self-consumption project are connected to the same low-voltage/medium-voltage substation. In all other cases, there are no incentives for grid connection tariffs. However, this reduced charge for network use is not specific to energy communities, as any RES producer can benefit from this.

- **Tools to access information**

So far, there is no specific instrument for energy communities, but Energie Partagée¹³ offers a lot of information for citizen-led projects. It is a French movement that promotes, supports, and finances renewable energy production projects, with funding and governance controlled by local authorities and citizen collectives.

Political objectives

There are currently no political objectives in France directly related to Energy Communities.

However, national political expansion targets for renewable energies were defined in the multi-year energy programme (decree of 21 April 2020¹⁴).

The targets for electricity production in 2028 are the following:

- Hydropower: 62 TWh/a (compared to 49.6 TWh in 2022)
- Onshore wind: 77 to 81 TWh/a (compared to 37.5 TWh in 2022)
- Offshore wind and marine energy: 20 to 21 TWh/a (compared to 0.6 TWh in 2022)
- Photovoltaics: 43 to 53 TWh/a (compared to 18.6 TWh in 2022)
- Biomass: 9 to 10 TW /a (compared to 10.6 TWh in 2022)^{15 16}

¹² Legifrance, Code de l'énergie: Article L291-3, https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000047296716

¹³ Énergie Partagée, L'énergie par les citoyens, pour les citoyens, <https://energie-partagee.org/>

¹⁴ Ministère de la Transition écologique et Solidaire, Décret n° du 21 avril 2020 relatif à la programmation pluriannuelle de l'énergie, <https://www.ecologie.gouv.fr/sites/default/files/TRER2006667D%20signe%CC%81%20PM.pdf>

¹⁵ Ministère de la Transition écologique et Solidaire, Programmation pluriannuelle de l'énergie 2019-2023 2024-2028, <https://www.ecologie.gouv.fr/sites/default/files/20200422%20Programmation%20pluriannuelle%20de%20l%27e%CC%81nergie.pdf>

¹⁶ RTE - Analyses et Données, Bilan électrique 2022, <https://analysesetdonnees.rte-france.com/bilan-electrique-synthese>

Classes of energy communities

The most common forms currently considered to be energy communities are citizen-owned companies that develop renewable energy projects at a local level. This is the case with the "Centrales Villageoises" model. They are under the control of citizens, are based on cooperative management and often include some municipalities as shareholders – although with a small stake. Their activities cover the territory of several neighbouring municipalities.

In general, the following types are practicable:

- **Collective generation and trading of renewable energy**
Commissioning of production facilities that benefit from a feed-in tariff.
Their definition is specific, as they are also able to consume themselves in other projects. They must also fulfil certain governance and proximity criteria, otherwise they are not considered to be an energy community within the meaning of French law.
- **Collective residential and industrial self-consumption**
Generation, storage and consumption in residential buildings with several residential units
- **Municipal utilities**
Existing organisations for energy production, supply and grid operation under the control of citizens

Legal forms of energy communities

In France a REC can take the form of either:

- **Public limited company**
- **Simplified joint-stock company**
- **Cooperative company of collective interest**
- **Association** ¹⁷

The minimum number of members for a REC is twenty natural persons. Alternatively, the community may also consist of at least two of the categories of persons listed in Article L. 291-1 No. 2, provided that the minimum number of twenty natural persons is not reached. ^{18 19}

¹⁷ Legifrance, LOI n° 2023-175 du 10 mars 2023 relative à l'accélération de la production d'énergies renouvelables (1), <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000047294244/>

¹⁸ Legifrance, LOI n° 2023-175 du 10 mars 2023 relative à l'accélération de la production d'énergies renouvelables (1), <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000047294244/> reported in the Code de l'énergie (Article L291-3)

¹⁹ Legifrance, Code de l'énergie: Chapitre Ier: Communautés d'énergie renouvelable (Articles L291-1 à L291-3), https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000023983208/LEGISCTA000043212433/2023-11-10/#LEGISCTA000043212514

With regard to voting rights, it is assumed that a certain group of persons exercises effective control if it directly or indirectly holds more than 40% of the voting rights. This determination applies in particular if no other group of persons directly or indirectly holds a share of the voting rights that exceeds the share of the group of persons mentioned.²⁰

The participation of SMEs or local authorities is possible in an REC. The shareholders or members of a REC may include individuals, SMEs, local authorities or their associations, public limited companies, eligible funds and companies whose purpose is the development of renewable energy.²¹

Energy sharing

In France, the required energy sharing in accordance with RED II was enshrined in law by implementing the definition of collective self-consumption. A corresponding law was published in 2017 and several application decrees have clarified the legal framework.

Collective self-consumption enables renewable energy producers to sell their electricity locally to consumers. All participants must be geographically close to each other (distance <2 km, extendable to 10 km or 20 km in rural areas) and be part of a single legal entity. The total capacity of renewable energy generation must not exceed 3 MW. Energy data is transmitted to the distribution system operator via smart meters to enable accurate billing.

There are no special subsidies for the shared use of energy, but PV projects can benefit from feed-in tariffs for surplus energy that is not shared but fed into the grid.

Utilisation of the public grid does not require any special requirements for energy communities. They must comply with the same procedures as other producers. There are no specific obligations for energy communities in terms of metering and recording of generation and consumption. However, smart meters with a 30-minute time recording are required for energy community projects.

The roll-out of smart meters has been finalised in areas with the distribution system operator ENEDIS, which covers 95% of the national territory. In other areas with local distribution system operators, smart meters are not yet installed everywhere.

²⁰Legifrance, LOI n° 2023-175 du 10 mars 2023 relative à l'accélération de la production d'énergies renouvelables (1), <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000047294244/> reported in the Code de l'énergie (Article L291-3)

²¹Legifrance, Code de l'énergie: Chapitre Ier: Communautés d'énergie renouvelable (Articles L291-1 à L291-3), https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000023983208/LEGISCTA000043212433/2023-11-10/#LEGISCTA000043212514

Authorisations for renewable energy sources

Photovoltaics

The following regulations must be observed for the construction of a PV power plant in France:

- PV roof: Declaration
- PV open spaces and car shelters: Building licence
- 300 kW - 1 MW: Environmental studies (if necessary)
- >1 MW: Environmental studies

The procedure is public in any case.

Spatial planning documents may contain some obligations regarding PV systems. PV installations may be prohibited, restricted in certain areas or authorised with certain expectations for their siting.

Wind power

The following regulations must be observed for the construction of a wind power plant in France:

- Tower 12 m - 50 m: Driving licence plus other authorisations with regards to the regulation on environment or energy
- Tower >50 m: Environmental authorisation

Environmental authorisation encompasses specific authorisations relating to environmental issues, town planning, etc. It is issued by the Prefecture of the Region, which relies on the Regional Directorate for the Environment, Planning and Housing (DREAL).

In the case of wind turbines, the authorisation procedure includes a public consultation.

Each region must plan the development of renewable energy, and wind energy in particular, in regional plans for spatial planning, sustainable development and equality (SRADDET²²). However, these documents are merely guidelines for the development of projects that are not enforceable.

The development of wind farm projects is generally carried out by private actors who bear the costs of project development.

Biomass

The following regulations must be observed for the construction of a biomass plant in France:

Depending on the status of the biomass boiler and district heating, the national regulations are Environmental Law, Municipal Law, Building Law. The specific authority to be involved in the authorisation or registration of this activity is the DREAL.

Biomass energy projects must be published, if it includes a public district heating construction or operation.

²² Ministère de la Transition écologique et de la Cohésion des territoires, SRADDET : un schéma stratégique, prescriptif et intégrateur pour les régions, <https://www.ecologie.gouv.fr/sraddet-schema-strategique-prescriptif-et-integrateur-regions>

Local spatial planning in the energy sector does not have to include a plan for the development of biomass. This is done at regional level, but not all regions have a specific biomass development plan. From 2023, all municipalities with an existing public district heating network must have a plan for the development of district heating at local level.

Hydropower

The following regulations must be observed for the construction of a hydropower plant in France:

- <4,5 MW: Environmental authorization
- >4,5 MW plants belong to the state and are operated through a concession contract)

Several obligations from the environmental and water protection regulations have to be respected. In some particular case, no authorization is requested, which concerns old plants existing some centuries ago.

In the case of hydropower plants, the authorisation procedure includes a public consultation.

Each region must plan the development of renewable energies in regional plans for spatial planning, sustainable development and equality (SRADDET). However, these documents are merely guidelines for the development of projects and are not binding.

Flexibilities

There are no specific regulations for the construction of energy storage facilities in France. With regard to the distribution network, the grid code of the DSO or TSO has to be respected. For instance, all the new PV plants have to absorb some reactive power.

Storage flexibilities – except big storage plants which serve as national reserve – are authorized as long as they only serve for the internal needs of the producer.

There are no specific requirements with regard to the publication and observance of land use plans.

Support schemes

In France, different conditions not yet apply to energy communities in the electricity sector compared to other market participants. However, in the renewable heat sector, the maximum subsidy rate increases by 15% if the corresponding project is managed by an energy community.

With regard to investments in the construction of renewable energy installations, including flexibilities, installations that already benefit from a feed-in tariff cannot receive further subsidies. For other cases, the possibility of subsidies is given.

The preferential feed-in of electricity from renewable energies into the public grid is regulated differently depending on the energy source:

- **Photovoltaics:** There is a feed-in tariff for PV systems with an output of less than 500 kW that are not ground-based. The amount of the tariff varies depending on the size of the system. Systems with more than 500 kW are subject to tenders organised by the national regulatory authority CRE. The winners can benefit from a compensatory price.
- **Wind power:** There are tenders for wind power, also organised by the CRE. The winners can also benefit from a compensatory price. There is also a feed-in tariff for wind farms with up to 6 turbines and a maximum output of 3 MW.
- **Biomass:** The supply of biomass and heat, more than 50% of which is generated from renewable energy sources, is subject to a reduced VAT rate of 5.5%.
- **Hydropower:** There is a feed-in tariff for plants under 1 MW, while larger plants are subject to national tenders.

In contrast, the direct marketing of renewable electricity is not subsidised in France.

Best practice

In France, there are several examples of the successful implementation of energy communities that are supported by the current national framework. These energy communities are developing collective self-consumption projects, some of which are already in operation. One concrete example is the energy community "Centrales Villageoises Energy Coeur de Corrèze", which commissioned a 100-kW photovoltaic system in June 2023. This community benefits from a feed-in tariff and has been selling part of the electricity generated to the municipality in which the system is located since November. The electricity is utilised through collective self-consumption in several public buildings. The article²³ about this successful project was recently published with the title "In Corrèze, a Centrales Villageoises collective was born from the will of a municipality".

However, there are no concrete historical examples of the successful implementation of energy communities in the past that have been supported by a legal framework in France.

²³ Centrales Villageoises, Voyage au cœur des projets, épisode 15, <https://www.centralesvillageoises.fr/actualite/voyage-au-coeur-des-projets-episode-15>

2.3 Germany

REScoop.eu: REC & CEC definitions

Germany has implemented the REC, but not yet the CEC definition. Specifically, the REC definition has been implemented through amendments made to the existing definition of "citizen energy company" (Bürgerenergiegesellschaft, BEG) under the Renewable Energy Act (EEG) 2022. The national regulations generally applicable to cooperatives continue to apply. It is still unclear whether the definition of BEG will also be used to implement the CEC definition. The new BEG definition incorporates the elements of the RED II definition. This definition applies in particular to the possibility of utilising support measures under the EEG. It is therefore not clear whether it is generally applicable. In particular, the new definition seeks to address the shortcomings of the previous definition. The definition has also been extended to apply to onshore wind and PV projects. Therefore, it applies to the possibility to receive market premiums, to be exempted from participation in auctions and tenders and to receive investment support under a new grant-to-loan programme.

Support for BEG under the EEG 2022 is overseen by the National Energy Regulator, so there is an oversight function that can monitor the implementation of the scheme and its impact on competition and the enabling of REC projects.

Criteria of EU definition reflected in national definition

Level of detail in the elaboration of principles contained in EU criteria

Clearly defined purpose

ICA cooperative governance principles reflected

Legal entities allowed

Citizen participation is ensured

Designated authority to oversee

Number of definitions

Coherency between both definitions

REScoop.eu: Enabling frameworks & support schemes

Assessment of obstacles and potential for development of ECs

Removal of unjustified regulatory & administrative barriers

DSO duties around cooperation with ECs and facilitation of energy sharing

Fair, proportionate, and transparent registration & licensing procedures

Incentives connected to network tariffs based on a CBA

Non-discriminatory treatment as market participant

Accessibility to low-income & vulnerable households

Tools to access finance

Tools to access information

Regulatory capacity building for public authorities

NECP reporting on enabling frameworks

Support Scheme adapted for RECs

Germany still has a lot of catching up to do in terms of implementing the RED II provisions on RECs. Nevertheless, the German government has revised the framework conditions for the promotion of renewable energies by amending the EEG in 2022. The amendment particularly emphasises the role of BEGs, with exemptions from the obligation to tender for certain projects being introduced. Previously, there was already a programme from 2016 that exempted BEGs from the tendering obligation, but led to abuse due to loose criteria. The latest changes strengthen the definition of BEGs to prevent possible abuse or takeovers. Furthermore, REC-owned wind and solar projects are now exempt from the tendering obligation, but limited to one project every three years. A significant step forward is the introduction of a grant-to-loan programme that enables BEGs to finance necessary preparatory work before construction begins. This funding is later converted into a loan and repaid as the project progresses.

Despite these positive changes, significant gaps remain in the overall framework and regulation, particularly with regard to the opportunities for RECs to share energy. It is hoped that future developments will close these gaps and ensure comprehensive implementation of the RED II provisions in Germany.

Updates and additions to the REScoop.eu Transposition Tracker

- Citizens' Energy Act in the federal state of North Rhine-Westphalia²⁴:
A legal basis is being created to increase the acceptance of wind energy and accelerate its expansion. The law creates the possibility for the affected citizens and municipalities to participate directly in the value creation. The flexibility provided by individual participation agreements enables the greatest possible compatibility of the different interests. In cases of doubt, the law always ensures an appropriate level of participation with the compensatory contribution or equalisation levy. Furthermore, an online transparency platform will serve as a tool and provide information.

Political objectives

There are currently no political objectives in Germany directly related to Energy Communities.

However, its national political expansion targets were defined to achieve a renewable energy share in gross electricity consumption of at least 80% by 2030.

Classes of energy communities

The following types of energy communities are possible in Germany. However, they can be realised to very different degrees or with significantly more or fewer hurdles:

Common:

- **Collective generation and trading of electricity**
All types of territorial or commercial groupings of generators - whether active on the market or under feed-in mechanisms (often called Virtual Power Plants)
- **Collective residential & industrial self-consumption**
Generation, storage and consumption in residential cases with multiple dwellings; includes Tenant-Power (Mieterstrom) - models
- **Municipal utilities**
Existing organisations for energy production, supply and grid operation under citizens' control - directly (e.g., cooperative) or indirectly (e.g., controlled by local government)

Less common:

- **Energy positive districts**
Districts with residential and business entities operating their energy supply systems under their own regime
- **Cooperative Financing of Energy Efficiency**
Citizens jointly investing in efficiency means of SMEs and municipalities, possibly in their own region
- **Collective service providers**

²⁴ Landtag Nordrhein-Westfalen, Bürgerenergiegesetz,
<https://www.landtag.nrw.de/home/dokumente/dokumentensuche/gesetzgebungsportal/aktuelle-gesetzgebungsverfahren/buergerenergiegesetz.html>

All types of commercial groupings of energy services

- **Financial aggregation and investment**

A "community" of investors joins to scale the amount of or manage the investment in generation systems (without further involvement in organisation etc.)

Special cases:

- **Generation-Consumption Communities**

Certified sourcing of electricity in a closed group of generators and consumers - not necessarily in proximity but including local or regional energy markets

- **Energy islands**

Real islands or parts of the distribution system that can be operated standalone (e.g., cellular system as in SINTEG, holonic model as in PolyEnergyNet)

- **Digital supply and demand response systems**

All types of digitally controlled energy systems (e.g., implemented with blockchain), these days possibly operated as a sandbox-model

Legal forms of energy communities

The following legal forms are possible for German energy communities:

Partnerships:

- **Association** (e.V.)
- **Cooperative** (eG) (suitable for BEG)
- **BGB company** (GbR)
- **General partnership** (oHG)
- **Limited partnership** (KG)
- **Limited partnership** (GmbH & Co. KG) (suitable for BEG and mostly used)

Corporations:

- **Limited liability company** (GmbH)
- **Public limited company** (AG)²⁵

Depending on the legal form, the minimum number of members, the distribution of voting rights and, for corporations, the limited participation of local authorities must be taken into account. As for other parameters, the energy community can specifically determine them on the basis of statutes and treaties of the legal form.

The already mentioned "citizen energy company" (BEG) has clear requirements for the membership and co-determination of its members. At least 50 natural persons are required as voting members or shareholders. At

²⁵ Erneuerbare Energiegemeinschaften, Rechtsform der Energiegemeinschaft, https://erneuerbare-energie-gemeinschaften.de/legislation_type/rechtsform-der-energiegemeinschaft/

least 75% of the voting rights must be held by persons residing in a postcode area that is wholly or partly within a 50-kilometre radius of the planned plant. The remaining 25% of the voting rights may be held by SMEs or local authorities and their associations. No member or shareholder may hold more than 10 % of the voting rights. The members have a real opportunity to influence the company and participate in the decisions of the shareholders' meeting.

In the case of an association of legal entities, all members must fulfil the above requirements. Project restrictions mean that the BEG cannot realise more than one photovoltaic project and one wind project in the same segment within three years before and after notification to the German Federal Network Agency. This restriction also applies to members or shareholders of BEG, provided they are legal entities under private law, and to affiliated companies.

The BEG is exempt from the tendering obligation for photovoltaic projects up to 6 MW and wind projects up to 18 MW and can receive a subsidy rate upon application. In the case of photovoltaic projects, the BEG receives the average of the highest bid values still awarded in the corresponding tenders of the previous year. For wind projects, the average of the highest bid values still awarded in the tenders for wind projects from the previous year applies.²⁶

Energy sharing

In Germany, there is no standardised definition of "energy sharing" and the existing concepts differ greatly in detail. There is currently no obligation under EU law to further promote energy sharing in German law - neither in financial terms nor through exemptions from supplier obligations.²⁷

Accordingly, there is still no national support scheme for the joint consumption of locally generated electricity as required by the EU Commission. A major challenge in energy sharing is the linking of simultaneous generation and consumption of electricity via the public grid. While the power supply in existing models such as tenant electricity is independent of the public grid, the power supply in energy sharing utilises the public grid.²⁸

The non-profit organisation Bündnis Bürgerenergie 2021 has submitted a complaint to the European Commission about a breach of EU law by the German government and is calling for infringement proceedings to be initiated against Germany. The coalition agreement of 2021 provides for the framework conditions for energy participation in Germany to be created for the first time during the current legislative period.

In 2023, the Conference of Energy Ministers and the German Sustainable Economy Council called on the German government to regulate energy sharing by law. In Germany, the design of a financial incentive has not yet been politically clarified. Various models for energy sharing have been developed since 2023 to support the national legislative process. Energy sharing is to be anchored in the EEG as a new form of distribution based on the current market premium. In addition, members of renewable energy communities are to receive concessions on grid

²⁶ Erneuerbare Energiegemeinschaften, Bürgerenergiegesellschaft (BEG), <https://erneuerbare-energie-gemeinschaften.de/legislations/buergerenergiegesellschaft-beg/>

²⁷ Umweltbundesamt, Energy Sharing, <https://www.umweltbundesamt.de/publikationen/energy-sharing>

²⁸ Erneuerbare Energiegemeinschaften, Energy Sharing, <https://erneuerbare-energie-gemeinschaften.de/legislations/buergerenergiegesellschaft-beg-2/>

fees, taxes and levies for the electricity they purchase from their renewable energy community's installations - provided their renewable energy community fulfils the necessary criteria. The EEG 2023 defines the BEG within a radius of 50 km around the renewable energy plants, which is also to be used for energy sharing.

Consequently, in Germany, self-supply in a single-family home or business is practicable, whereas in a building with several flats or in a district it is only possible with certain effort. On the other hand, energy sharing in municipalities, in the region or beyond is not yet made possible.

Even if no specific subsidy for energy sharing is possible yet, tenant electricity is subsidised in two ways: The tenant electricity surcharge is paid by the grid operator to the system operator. This is a payment for the additional costs of a seamless power supply. In addition, there is the classic feed-in tariff for surplus feed-in in accordance with the EEG.

National progress in terms of the smart meter rollout will play a role in this context: On the one hand the law provides for binding targets for the smart meter rollout by 2030. From 2025, installation will be mandatory for households with an annual electricity consumption of more than 6,000 kWh or a photovoltaic system with an installed capacity of more than 7 kW. All of these consumers are to be equipped with smart meters by 2030. Households that consume less electricity also have the right to have a smart meter installed. However, the introduction is progressing far too slowly due to regulatory and technical hurdles. Germany is one of the slowest countries in Europe when it comes to the roll-out. Of the total of over 50-million metering locations in 2021, only around 160,000 will be equipped with smart metering systems. In 2023, the installation rate is expected to reach just 1%.

Authorisations for renewable energy sources

In general, large renewable energy projects must be publicised in Germany, as part of the approval process. The exact requirements can vary depending on the project type and size, but generally include the following elements: public announcement, public display of the application and documents and, if necessary, consultation meetings and public participation.

With regard to the responsibility for spatial planning, there is the option of a project-related development plan, which is not drawn up by the municipality but by an investor. For this, the investor must coordinate the necessary projects and development measures with the responsible municipality. The subsequent project-related development plan is much more specific than a normal development plan. The developer must bear all or part of the planning and development costs himself.

Photovoltaics

- PV rooftop: No building permit required, only monument/ ensemble protection, Neighbour Law (distance rules), obligation to notify the Federal Network Agency etc.
- (PV open space 9x3 m: No authorisation required in Bavaria)
- PV open space: Planning permission from the state building authority (possibly Water Law authorisation) and building permit in accordance with the development plan of the city/municipality ("solar development plan") are required. Also Planning Law, EEG and Federal Nature Conservation Act need to be considered regarding conversion area or required compensation area.

Wind power

The following regulations must be observed for the construction of a wind power plant in Germany:

- Onshore wind turbine <10 m total height: No planning permission required, only Neighbour Law (distance rules) etc.
- Onshore wind turbine <50 m total height: Observation of Building Code (Privilege, no conflict with public interests) and Water Resources Act (authorisation under Water Law due to foundation)
- Onshore wind turbine > 50m total height:
 - Observation of Federal Immission Control Act at the district office (legal ordinances, occupational health and safety, no conflict with public interest) and Water Resources Act permit are required
 - Environmental impact assessment
 - Compliance with minimum distances depending on the federal state's building code
- Offshore wind turbine: (only possible in the exclusive economic zone)
 - Authorisation under Maritime Law in accordance with the Maritime Installations Act from the Federal Maritime and Hydrographic Agency
 - Environmental impact assessment
 - Observation of Dyke Law (Grid connection to the mainland)
 - Procedure in accordance with the Offshore Wind Energy Act

In the formal procedure under the Federal Immission Control Act, there is also a public announcement of the project, a public display of the application including documents and, if necessary, a consultation meeting. Furthermore, large infrastructure wind projects require an authorisation procedure with public participation.

According to the German Building Code, wind energy projects are generally permitted in outdoor areas, but are generally opposed by public interests if they have been designated elsewhere in the land use plan (or as spatial planning objectives). This planning reservation means that in the case of areas designated for wind turbines in the land use plan, the erection of such turbines is not permitted in other areas. The same legal effect can be achieved by designations as a regional planning objective in regional plans or state development plans / state development programmes.

Biomass

The following regulations must be observed for the construction of a biomass plant in Germany:

- Agricultural biogas plant: Building permit according to the Building Code at the state building authority (privileged status, no conflict with public interests, requirements such as size, transport, substrates) and Water Resources Act permit at the Water Management Office are required
- Non-agricultural biogas plant: Observation of Federal Immission Control Act and Water Resources Act permit are required
- Biomass plant: Building permit and Water Resources Act permit

According to the German Building Code, agricultural biogas plants are privileged in outdoor areas, in contrast to non-agricultural and biomass plants.

Hydropower

The following regulations must be observed for the construction of a hydropower plant in Germany:

Building permit according to the building code at the state building authority (privileged status in outdoor areas, no conflict with public interests (e.g., animal welfare) proven on the basis of expert reports), Water Resources Act permit from the Water Management Office and an Environmental impact assessment are required

Flexibilities

There are no specific regulations for the construction of energy storage facilities in Germany. as this can vary depending on size and type. Building permits and spatial planning requirements under building and planning law are conceivable. Environmental authorisations may be required in accordance with the Federal Immission Control Act and/or environmental impact assessments.

Support schemes

Energy communities in Germany may be subject to specific conditions compared to other market participants. In particular, defined BEGs with a capacity of less than 1 MW do not have to submit a business plan for tenders. Furthermore, BEG projects are exempt from the tendering process under the EEG 2023 under certain conditions.

With regard to subsidies for the construction of renewable energy plants, there are no specific investment subsidies in addition to the regular EEG feed-in tariffs. However, country-specific subsidy programmes could exist, such as for home battery storage systems. In addition, indirect funding through the Efficiency House Standard offered by the German development bank (KfW) could offer advantages.²⁹

²⁹ Kreditanstalt für Wiederaufbau, Wohngebäude – Kredit, [https://www.kfw.de/inlandsfoerderung/Privatpersonen/Bestehende-Immobilie/F%C3%B6rderprodukte/Bundesf%C3%B6rderung-f%C3%BCr-effiziente-Geb%C3%A4ude-Wohngeb%C3%A4ude-Kredit-\(261-262\)/](https://www.kfw.de/inlandsfoerderung/Privatpersonen/Bestehende-Immobilie/F%C3%B6rderprodukte/Bundesf%C3%B6rderung-f%C3%BCr-effiziente-Geb%C3%A4ude-Wohngeb%C3%A4ude-Kredit-(261-262)/)

KfW also grants the 270 promotional loan for electricity and heat (including battery storage).³⁰

However, it should be noted that due to a current budget freeze, no new financial commitments may be entered into that are linked to payments for the years from 2024 onwards:

The Federal Ministry for Economic Affairs and Climate Protection had formerly supported local BEGs that wanted to implement projects to generate electricity from onshore wind turbines. This support related to 70% of the costs for planning and approval, up to a maximum of 200,000 €, with repayment required if the plant was subsidised under the EEG.³¹

The legal feed-in tariff is a minimum price system established in the German EEG that makes it possible to integrate forms of generation into the market that are not able to compete with other forms of generation on the basis of their market price alone. It gives investors planning security. Feed-in tariffs are usually degressive and depending on the size of the plant. The remuneration is reduced regularly, for example annually, by a certain percentage. This deliberately creates cost pressure so that providers of subsidised plants are forced to produce more efficiently and cost-effectively. The long-term goal is to ensure that the new technologies can survive on the market even without subsidies.

Depending on the size, the plant operator receives up to 0.08 €/kWh for the electricity it feeds in from PV systems³², from wind power³³ it is calculated by the grid operator, from biomass³⁴ 0.13 €/kWh and from hydropower³⁵ up to 0.12 €/kWh in accordance with the EEG.

In addition, up to 65 €/kW installed capacity and year is paid for the provision of flexibility.³⁶

It is also worth noting that only one grid fee is payable for storage in and withdrawal from electricity storages. This benefit applies exclusively to the optimisation of self-consumption.

As an alternative to the fixed feed-in tariff, there is also the option of receiving a market premium. In this case, the electricity is sold directly on the market (direct marketing) and the difference between the market revenue and the EEG feed-in tariff is compensated by the market premium.

³⁰ Kreditanstalt für Wiederaufbau, Erneuerbare Energien – Standard, [https://www.kfw.de/inlandsfoerderung/Unternehmen/Energie-Umwelt/F%C3%B6rderprodukte/Erneuerbare-Energien-Standard-\(270\)/?kfwmc=vt.sea.google.%7bKampagne%7d.%7bAnzeigengruppe%7d.%7bAnzeige%7d&wt_cc1=umwelt&wt_cc2=unt|energie-umwelt&wt_cc3=38850856023_kwd-313932815678_552116859245&wt_kw=p_38850856023_pv%20speicher%20f%C3%B6rderung&gclid=CiwKCAiAzJotBhAlEiwAtwi8tpkukQ1Jc2O6Fx3wii8tM5WFEF5GPj9x7xxVyz9MAJunQY8QONUzxoCE50QAvD_BwE](https://www.kfw.de/inlandsfoerderung/Unternehmen/Energie-Umwelt/F%C3%B6rderprodukte/Erneuerbare-Energien-Standard-(270)/?kfwmc=vt.sea.google.%7bKampagne%7d.%7bAnzeigengruppe%7d.%7bAnzeige%7d&wt_cc1=umwelt&wt_cc2=unt|energie-umwelt&wt_cc3=38850856023_kwd-313932815678_552116859245&wt_kw=p_38850856023_pv%20speicher%20f%C3%B6rderung&gclid=CiwKCAiAzJotBhAlEiwAtwi8tpkukQ1Jc2O6Fx3wii8tM5WFEF5GPj9x7xxVyz9MAJunQY8QONUzxoCE50QAvD_BwE)

³¹ Förderdatenbank, „Bürgerenergiegesellschaften“ bei Windenergie an Land,

<https://www.foerderdatenbank.de/FDB/Content/DE/Foerderprogramm/Bund/BMWi/buergerenergiegesellschaften-wind-land.html>

³² Erneuerbare-Energien-Gesetz (EEG 2023), § 48 Solare Strahlungsenergie, https://www.buzer.de/48_EEG_2023.htm

³³ Erneuerbare-Energien-Gesetz (EEG 2023), § 46 Windenergie an Land, https://www.buzer.de/46_EEG_2023.htm

³⁴ Erneuerbare-Energien-Gesetz (EEG 2023), § 42 Biomasse, https://www.buzer.de/42_EEG_2023.htm

³⁵ Erneuerbare-Energien-Gesetz (EEG 2023), § 40 Wasserkraft, https://www.buzer.de/40_EEG_2023.htm

³⁶ Erneuerbare-Energien-Gesetz (EEG 2023), § 50 Zahlungsanspruch für Flexibilität, <https://www.buzer.de/gesetz/11230/b29254.htm>

Best practice

Isarwatt eG is a registered cooperative based in Munich. The purpose of the cooperative is to support its members by providing investments and services in the areas of energy supply, mobility and data processing. Isarwatt eG currently has 21 member companies from the housing industry with a total of 25,000 residential units and is the largest tenant electricity provider in Munich. A total of 2,000 tenant electricity customers at 35 locations are supplied with household and charging electricity for e-mobility. Isarwatt operates 2.8 MWp of installed PV capacity on the properties of its member companies. The building owner is also the owner of the generation system. Isarwatt eG leases the system and is the system operator. Isarwatt eG sells the self-generated electricity directly to the tenants at a maximum price of 90% of the basic supply tariff. Any surplus electricity generated (approx. 5% of total generation) is fed into the grid in accordance with the EEG. Additional electricity is sourced from hydroelectric power plants in Upper Bavaria from our partner Naturstrom AG. Public grids are not used, but the electricity produced on site is supplied directly to the participating apartments on site. In addition to supplying households with electricity, Isarwatt eG offers decentralized mobility services. These include cargo bikes, car sharing, bicycle trailers and charging infrastructure for residents. The sharing services are booked and managed via the neighborhood platform Klink.³⁷

However, in Germany there are no concrete historical examples of the successful implementation of energy communities that have been supported by a legal framework.

³⁷ Isarwatt eG, Energie in eigenen Händen, <https://www.isarwatt.de/>

2.4 Greece

[REScoop.eu](#): REC & CEC definitions

Greece first introduced legislation on energy communities with Law 4513/2018, which was drafted before the adoption of EU regulations and was therefore not fully compatible with them. This law introduced a new type of civil co-operative, the "energy community", which included many of the elements contained in the EU definitions such as open and voluntary membership, democratic governance and effective control, the proximity requirement and more. Although this was a good law, the definition of energy communities was broad enough and led to capture. Private investors often take advantage of the incentives offered. In total, over a thousand energy communities were created on the basis of this law. In 2023, Law 5037/2023 introduced the definitions of REC and CEC. This legislation stipulates that no new energy community can be established under Law 4513/2018. Many questions remain about the implementation of the existing legislation (e.g., how the old energy communities can be converted into RECs or CECs, what happens to their existing projects in this case), which are expected to be answered by legislation and ministerial decisions. Overall, the three definitions leads to great confusion for citizens, as the legal frameworks are complex and the differences between the definitions are not easy to distinguish.

Criteria of EU definition reflected in national definition

Level of detail in the elaboration of principles contained in EU criteria

Clearly defined purpose

ICA cooperative governance principles reflected

Legal entities allowed

Citizen participation is ensured

Designated authority to oversee

Number of definitions

Coherency between both definitions

[REScoop.eu](#): Enabling frameworks & support schemes

Assessment of obstacles and potential for development of ECs

Removal of unjustified regulatory & administrative barriers

DSO duties around cooperation with ECs and facilitation of energy sharing

Fair, proportionate, and transparent registration & licensing procedures

Incentives connected to network tariffs based on a CBA

Non-discriminatory treatment as market participant

Accessibility to low-income & vulnerable households

Tools to access finance

Tools to access information

Regulatory capacity building for public authorities

NECP reporting on enabling frameworks

Support Scheme adapted for RECs

The new Law 5037/2023, which implemented the EU provisions for RECs and CECs, introduced some elements of an enabling framework and provides for the development of ministerial decisions that will further elaborate certain measures, including access to information and training for energy communities, elaboration of the Virtual Net Metering (VNM) activity, financing support for energy community projects, etc. Such resolutions and bylaws are not in place, so there are still various questions regarding the development of the new framework for RECs and CECs and the status of existing energy communities established under the previous Law 4513/2018. Furthermore, while it is a requirement introduced by EU legislation to remove unjustified regulatory and administrative barriers, the coexistence of three definitions for energy communities and all the different provisions regulating such entities increases legal complexity and poses a significant regulatory obstacle to the development of energy communities in Greece.

Updates and additions to the REScoop.eu Transposition Tracker

- RECs, CECs and energy communities under Law no. 4513/2018 can be integrated into the Development Act and national and European support programmes as a special form of cooperative organisation.
- The Ministry of Environment and Energy can use EU and national funds to support virtual net metering through RECs.
- Energy Community projects can be financed through European funds of the 2021-2027 programming period, with specific programmes for Western Greece, the Ionian Islands and the environment and climate change.
- Bank loans are a source of financing, but difficult to obtain for projects with a virtual net metering system.
- There is no dedicated financing instrument or development fund for energy communities yet.
- **Coherency between both definitions**

The scope of activities for RECs and CECs, and consequently their definition, are clearly defined:

- RECs operate within one region and carry out at least one of the following activities: production, consumption, storage and sale of energy from renewable sources. In the context of its activity, each REC may share within the Community energy from Renewable Energy Sources that has been produced and stored, respectively, in REC-owned production and storage plants. Furthermore, each REC has access to all energy markets, both directly and through cumulative representation, in a non-discriminatory manner.
 - CECs are active within one or more regions and are required to carry out at least one of the following activities: production, self-consumption or sale of electricity from renewable sources, storage, distribution and supply of electricity, cumulative representation, provision of flexibility and balancing, as well as provision of energy efficiency, electric vehicle charging and other energy services to its members.
- **DSO duties around cooperation with ECs and facilitation of energy sharing**
In order to connect RES projects to the grid, Energy Communities are required to obtain a license from the Network Operator (HEDNO) and the System Operator (IPTO), depending on the category of the project. The licensing process follows a priority system for granting Final Connection Offers to RES plants and storage plants by the respective Operator; this system is determined by a Ministerial Decision of the Minister of Environment and Energy. Ministerial Decision Υ Π Ε Ν / Γ Δ Ε /84014/7123 (Government Gazette 4333/B/12.08.2022) is currently in force.
 - **Accessibility to low-income & vulnerable households**
In the updated Greek NECP, it is mentioned that different policy measures will be implemented to achieve the objective of tackling energy poverty, e.g., Building on the Renewable Energy Communities
 - **NECP reporting on enabling frameworks**
The updated draft NECP review then integrates and outlines measures for strategic priorities such as rapid growth of RES. A specific programme to support photovoltaics on roofs, expansion of energy communities and a focus on the development of photovoltaics on industrial and commercial roofs. Strategic importance in the development of super-building wind and ensuring the siting and network infrastructure. However, no specific framework conditions for energy communities are mentioned.

Political objectives

There are currently no quantitative political targets in Greece directly related to Energy Communities.

Overall, in relation to the increase of the use of RES in energy consumption, the Greek NECP has set the following targets:

- 30% RES in gross final energy consumption
- 55% RES in gross final electricity consumption
- 30% RES in heating and cooling needs
- 14% RES in the transport sector

Classes of energy communities

The following types of energy communities are most practical in Greece:

- **Collective generation and trading of electricity**
All types of territorial or commercial groupings of generators - whether active on the market or under feed-in mechanisms (often called Virtual Power Plants)
- **Generation-Consumption Communities**
Certified sourcing of electricity in a closed group of generators and consumers - not necessarily in proximity but including local or regional energy markets
- **Collective residential & industrial self-consumption**
Generation, storage and consumption in residential cases with multiple dwellings; includes Tenant-Power models
Energy positive districts Districts with residential and business entities operating their energy supply systems under their own regime
- **Energy islands**
Real islands or parts of the distribution system that can be operated standalone
- **Collective service providers**
All types of commercial groupings of energy services
- **Digital supply and demand response systems**
All types of digitally controlled energy systems, these days possibly operated as a sandbox-model

Legal forms of energy communities

The following legal form is common:

- **Civil cooperative:** regulated by Law 1667/1986

The law stipulates that an REC can be legally established if it has at least 30 members, which is intended to address the phenomenon of corporate takeovers. However, the minimum number of members may be as follows:

- a) 20 members if the REC is located in a municipality in an island region with a population of less than 3,100,
- b) 15 members if at least 15 SMEs participate,
- c) 3 members if at least one first- or second-tier local authority participates, with the other two members being either companies wholly owned by a first- or second-tier local authority or a first- or second-tier local authority.

In the latter two cases, it is possible to set up an REC without the participation of citizens, which effectively defeats the attempt to combat corporate takeover.

Similarly, the general minimum number of members of the CEC is 30 members. However, the minimum number of members is defined as follows:

- a) 20 members if it is a CEC located in a municipality of an island region with a population of less than 3,100,
- b) 15 members if at least 15 legal entities under public or private law participate in the CEC,
- c) 3 members if a local authority of the first or second degree is involved and the other two members are either companies that are wholly owned by local authorities of the first or second degree or another local authority of the first or second degree.

In the latter two cases, it is possible to set up a CEC without the participation of citizens, which effectively nullifies the attempt to combat corporate takeover.

In contrast, according to Law 4513/2018, the minimum number of members is 5, but can be reduced to two members (local administrative authorities) for island communities with less than 3,100 inhabitants.

In any case, the participation of SMEs or local authorities is permitted. Members can be private companies, public authorities, public corporations and local and regional administrative authorities. Any natural or legal person under public law, private legal person, as well as regional and local administrative authorities may be members of an energy community.

Regardless of the number of cooperative shares they hold, each member participates in the General Meeting with only one vote.

In case of RECs, the definition of regionality stipulates that at least 50% plus one member must have a connection to the location of the headquarters of the energy community. This includes private entities (persons) that own or have legal title to a property in the region of the headquarters or are citizens of a municipality in that region. Legal entities must also have their headquarters in this region.

Most energy communities are obliged to participate in tenders from 2021, including PV systems with a capacity of less than 1 MW, unless they consist of more than 60 members and have regional or municipal administrative authorities as members.

Energy sharing

Energy sharing is possible in Greece for energy communities, energy cooperatives and energy clusters. The clear purpose of energy communities in Greece extends to the promotion of self-consumption, energy distribution and supply, the improvement of energy self-sufficiency and security in island communities and the increase of energy efficiency at local and regional level. The law mentions that grid operators should cooperate with energy communities to facilitate energy sharing within the community.

On the one hand, collective self-consumption can be taken over by two or more self-consumers (private or commercial), provided they are located in the same building.

On the other hand, virtual net metering (VNM) can be used by local governments, farmers and energy communities only to meet the needs of their domestic members (Law 5037/2023³⁸). VNM is the billing of the electricity generated by renewable energy or combined heat and power plants with the electricity consumed in self-generation plants, provided that at least one of these plants is not located in the same or a neighbouring area as the plants or is operated with a different electricity grid. Therefore, the generation plants are located in any region, regardless of where the self-consumers' plants are located.

However, there are challenges with VNM projects, particularly in connection with the participation of citizen-led energy communities. Rising electricity prices have led to more and more companies and large industrial consumers setting up energy communities in Greece to develop VNM projects and consume this energy themselves. However, all such new energy communities have financial resources, are faster as they are made up of professionals and occupy the grid, leaving no room for energy communities that are unique citizens' initiatives and want to develop a VNM project.

Currently, there are no specific subsidies for energy sharing within energy communities in Greece.

National legislation defines the conditions for the operation of CECs and regulates their relations with DSOs and TSOs. CECs that provide energy or aggregation services are subject to the relevant regulations. For the connection of renewable energy projects to the grid, energy communities must obtain authorisations from grid operators and the procedure follows a prioritisation system established by ministerial decree.

In terms of metering and recording generation and consumption the obligations for energy communities correspond to the standards for typical consumers and producers.

³⁸ Bernitsas Law, Law 5037/2023, <https://bernitsaslaw.com/sites/default/files/inline-files/Energy%20Briefing%20Special%20Edition%20April%202023.pdf>

Greece has installed over 500,000 smart meters by the end of 2023. A 150 million € loan from the European Investment Bank is supporting the installation of 3.12 million smart meters as part of a comprehensive plan to improve the distribution network.

Authorisations for renewable energy sources

The national Law 3851 'Acceleration of the Development of Renewable Energy Sources to Address Climate Change and Other Provisions in the Competence of the Ministry of Environment, Energy and Climate Change' introduced the license for the production of electricity of RES or combined heat and power plants.

Authorities that generally must be involved in the authorisation of Greek renewable energy plants are the Regulatory Authority for Energy Waste and Water, HEDNO (Greek DSO), IPTO (Greek TSO), Ministry of Energy, Regional Authorities.

The stages of Licensing for RES and Combined heat and power stations are provided here in more detail.^{39 40}

With regard to land use planning that may be required, the following levels exist in Greece: On the national level, the Ministry of Environment and Energy sets national guidelines. National spatial plans form the overarching framework. On the regional level, regional authorities develop plans that are in line with national policy. Lastly, on the local level, municipalities and communities prepare and implement local spatial plans. Local authorities lead the preparation with the participation of experts and the public. It is also the local municipalities that finance the preparation, possibly with support from regional or national authorities.

Photovoltaics

The following regulations must be observed for the construction of a PV power plant in Greece:

- <20 kW: Environmental terms approval
- >20 kW: Environmental licensing
- >100 kW: RES licensing process, including an approval for small-scale construction works and a structural adequacy study of the building by a licensed civil engineer

Wind power

The following regulations must be observed for the construction of a wind power plant in Greece:

Law 3468/2006 (OG 129 A) in its current version provides the main framework for the development of renewable energy in Greece, including wind energy plants. Law 4014/2011 (OG 209A) sets out the procedure for granting an environmental licence for a wind power project, which varies depending on the nominal capacity of the project and its location inside or outside a protected area.

³⁹ Ernst & Young Global Limited, Law 4951/2022 - Modernization of the Licensing Process for RES Projects & Licensing of Energy Storage, https://www.ey.com/en_gr/tax/tax-alerts/law-4951-2022-modernization-of-the-licensing-process-for-res-projects-and-licensing-of-energy-storage

⁴⁰ International Comparative Legal Guides, Renewable Energy Laws and Regulations Greece 2024, <https://iclg.com/practice-areas/renewable-energy-laws-and-regulations/greece>

In general, a production licence, approval of environmental terms or an environmental impact assessment, a binding grid connection offer, an installation license and finally, an operation license is required.

Offshore wind power plants:

The legal framework applicable to offshore wind development in Greece is stipulated by Law 4964/2022 which was published in the Government Gazette on offshore wind farms (OWF).

The entity responsible for OWF projects, on behalf of the Hellenic State, is HEREMA in so far as the management of rights is concerned regarding the research, exploration, and identification of organised development areas for OWFs, in addition to the assignment of research rights to third parties within said development areas.

Other key organisations within the development of the sector include the Independent Power Transmission Operator (IPTO) and the Regulatory Authority for Energy (RAE). IPTO is responsible for the development of links between the transmission grid and OWFs, including the design, development, installation, and operation of interconnections between the Hellenic Electricity Transmission System (HETS) to the OWF Organised Areas Development (OWFODA). RAE, on the other hand, is in charge of organising a competitive tender process for the granting of operational aid for each OWFODA.

The local authorities are generally responsible for drawing up local spatial development plans that contain provisions for the construction of wind turbines. The planning specifies the distances to residential areas and other structures.

Biomass

The following regulations must be observed for the construction of a biomass plant in Greece:

In accordance with Environmental Law 4685/2020, the activity of electricity production from renewable energy sources and cogeneration is permitted to those who have been granted a certificate or special project certificate or who are legally exempt from this obligation in accordance with the provisions of paragraph 1 of Article 4 of Law No. 3468/2006, as applicable, as well as for those granted and valid at the time of publication or granted in accordance with the provisions of Article 23 of the Electricity Production Licence.⁴¹

⁴¹ B2Green, Νομικό πλαίσιο των επενδύσεων στη βιομάζα,
<https://news.b2green.gr/28535/%CE%BD%CE%BF%CE%BC%CE%B9%CE%BA%CF%8C-%CF%80%CE%BB%CE%B1%CE%AF%CF%83%CE%B9%CE%BF-%CF%84%CF%89%CE%BD-%CE%B5%CF%80%CE%B5%CE%BD%CE%B4%CF%8D%CF%83%CE%B5%CF%89%CE%BD-%CF%83%CF%84%CE%B7-%CE%B2%CE%B9%CE%BF>

Hydropower

The following regulations must be observed for the construction of a hydropower plant in Greece:

- <15 MW: Water use permit, production license, environmental license, installation license, operation license⁴²
- >15 MW: (see above) plus building permit
- >100 MW: (see above)

If the works are of "national importance" and require the relocation of a village to a new site, this may take place on public, private or communal land or on land belonging to the power producer concerned, in accordance with the framework applicable to expropriations.⁴³

Flexibilities

The development and operation of electricity storage plants in Greece is governed by a special legislative framework and the granting of an electricity storage licence is required.⁴⁴

Support schemes

Energy communities in Greece have special conditions and privileges compared to other market participants due to Law 4513/2018. They are considered a support vehicle for renewable energy at local level and are eligible for support under the Investment Act. Participation in EU co-financed projects and the use of virtual net metering are also provided for energy communities. As mentioned above with regard to energy sharing, it has been stipulated by law that the grid operators should cooperate with the energy communities in order to facilitate the transfer of energy within the community.

In addition, energy communities are entitled to the feed-in premium and feed-in tariff. According to Law 4579/2020 and Law 4414/2016, an energy community that has a municipality as a member or an energy community with at least 60 members (50 of which are natural persons) can get a fixed tariff of 0.63 €/MWh for 20 years without taking part in competitive procedures. This is not a permanent measure, since it is dependent each time on a Ministerial decision. It should be highlighted that as far as the application is concerned, there must be enough capacity in the network, which is defined by the TSO and DSO.

They can participate in renewable energy tenders under favourable conditions, although participation in tenders will be mandatory for most energy communities from 2021. Preferential treatment for their applications for a provisional connection contract was given until March 2020, but these incentives are being phased out.

⁴² MedINA, Small Hydropower Plants on Sarantaporos, Aaos and Voidomatis rivers, March 2023, <https://med-ina.org/small-hpps-aaos-position/>

⁴³ KLC, Energy Newsletter April 2023, https://www.klclawfirm.com/wp-content/uploads/KLC_Newsletter_TEMPLATE_Energy_2023.pdf

⁴⁴ International Comparative Legal Guides, Renewable Energy Laws and Regulations Greece 2024, <https://iclg.com/practice-areas/renewable-energy-laws-and-regulations/greece>

With regard to investments in the construction of renewable energy facilities, there are support mechanisms in place to speed up the procedures for the construction of renewable energy facilities, create an investment-friendly environment, prioritise RE investments and provide tax incentives.

Energy community's projects can be financed by the European funds of the programming period 2021–2027⁴⁵. In particular, the operational programme “Western Greece 2021–2027” includes an action of 17 million € that supports the installation and operation of seven RES projects of energy communities to meet the energy needs of local organizations for land improvement, local authorities, water supply companies and legal entities in Western Greece. Additionally, the operational programme “Ionian Islands 2021–2027” includes a pilot action of 850,000 € aimed at establishing energy communities in the region of Ionian Islands. Also, the sectoral programme “Environment and Climate Change 2021–2027” mentions the support of actions to develop RES projects by energy communities, mainly in islands, mountainous and remote areas, but no action has been taken yet.

To date, there has been no special financing instrument for energy communities, such as a development fund.

Best practice

Throughout Greece, there are several best practice examples of energy communities that effectively support their local communities.

In Thessaly, the Energy Community of Karditsa (ESEK) is active in the valorisation of biomass from forest and agricultural residues (with strict environmental criteria) and is one of the first and most successful companies with more than 300 members. The immediate plans of the community are to expand to other activities and technologies, such as the collective self-consumption of energy through an energy by photovoltaic park.

In Central Macedonia, the WEnCoop energy community is a project of women entrepreneurs who are committed to clean energy production and the promotion of gender equality and justice.⁴⁶

However, there are no concrete historical examples of the successful implementation of energy communities in the past that have been supported by a legal framework in Greece.

⁴⁵ The Green Tank, Community Energy Watch: Funds, <https://thegreentank.gr/en/community-energy-watch-en/funds/>

⁴⁶ REScoop.eu, The social impact of energy communities in Greece, <https://www.rescoop.eu/toolbox/the-social-impact-of-energy-communities-in-greece>

2.5 Italy

[REScoop.eu](#): REC & CEC definitions

Italy has implemented the definitions for RECs and CECs. The REC definition, which responds to the RED II criteria, refers to autonomy and effective control. The capacity cap for REC installations has been increased to 1 MW for each plant and geographical proximity has been redefined. The CEC definition emphasises open and voluntary membership and various activities. CECs can take any legal form, provided that the main objective is environmental, social and economic benefit for the local community. Further details are expected to be clarified through regulations, particularly regarding proximity and autonomy.

Both the REC and CEC regulations explicitly promote inclusivity by mentioning the need to ensure that participation is open to low-income or vulnerable households.

Criteria of EU definition reflected in national definition

Level of detail in the elaboration of principles contained in EU criteria

Clearly defined purpose

ICA cooperative governance principles reflected

Legal entities allowed

Citizen participation is ensured

Designated authority to oversee

Number of definitions

Coherency between both definitions

[REScoop.eu](#): Enabling frameworks & support schemes

Assessment of obstacles and potential for development of ECs

Removal of unjustified regulatory & administrative barriers

DSO duties around cooperation with ECs and facilitation of energy sharing

Fair, proportionate, and transparent registration & licensing procedures

Incentives connected to network tariffs based on a CBA

Non-discriminatory treatment as market participant

Accessibility to low-income & vulnerable households

Tools to access finance

Tools to access information

NECP reporting on enabling frameworks

Support Scheme adapted for RECs

In 2020, Italy adopted a first set of transitional rules for RECs, allowing REC members to share energy under the same low-voltage substation. The size of each power plant that a REC can own was initially set at 200 kW and then increased to 1 MW with 199/2021. CECs were defined by Decree 210/2021. Both definitions are similar and enjoy the same rights, although the REC sector concerns renewable energy, while CEC is limited to electricity. Their rights and framework conditions correspond to those of the directives. Implementing laws from ARERA (Independent Energy Authority) and the Ministry are expected by the end of 2022 and should further clarify the current framework.

On 24 February 2024, the ministerial decree defining the new incentives for RECs, CECs and all forms of self-consumption under national law came into force. This decree gives a deadline of 45 days for the release of the latest technical rules and the registration portal, which are necessary elements for the full operation of RECs. Overall, the implementation of the support framework for RECs is progressing and specific measures for RECs have been introduced in the national renewable energy support programme. However, an assessment of the barriers and potentials for the development of energy communities is still missing.

Updates and additions to the REScoop.eu Transposition Tracker

- The implementing decree⁴⁷ was published and came into force in January 2024. After that, the operating rules of the GSE (Gestore dei Servizi Energetici: The national agency that manages and disburses energy incentives) - to which the decree refers for some practical aspects - will have to be published until 23. february. RECs and CECs with the new regulation can be reasonably operational from spring 2024.
- **Criteria of EU definition reflected in national definition**
The energy sharing mechanism between RECs and CECs is the same, which is a virtual exchange metered through the electronic meters already installed. The difference is in terms of the reference area (RECs under the same primary cabin, CECs under the same market area) and in the requirement of renewable energy.
- **Citizen participation is ensured**
In both, CECs and RECs, individuals are the first members among those listed, among the possible adherents falling under the definition of "end customer". Then citizens' participation, with special attention to vulnerablAlthough such a configuration is designed for citizens, the regulations do not exclude the possibility of making configurations of only businesses or only public entities.
- **Number of definitions**
RECs and CECs are the main forms of energy sharing, but Italian regulations provide for other forms of diffuse self-consumption, pertaining to the same type of incentives, which are contained in the TIAD⁴⁸, Testo Integrato Autoconsumo Diffuso. They are:
 - Remote, direct-line self-consumption of renewable energy:
one subject, one or more production facilities, one or more consumption utilities and production and consumption physically connected up to 10 km away
 - Remote self-consumer of renewable energy, with exchange through the grid:
one subject, one or more production facilities in the same primary cabin/market area, one or more consumption utilities and virtual energy exchange through the grid
 - Collective self-consumption groups:
several subjects, one or more production plants, multiple consumption utilities located in the same building and virtual energy exchange within the same apartment building
- **Assessment of obstacles and potential for development of ECs**
In December 2022 ARERA (Italian Regulatory Authority for Energy, Networks and Environment) published the TIAD that provides clarity on the various configurations of self-consumption. ARERA has made electric grid operators publish the map of primary substations, which is necessary to define the perimeters of RECs and was previously unpublished. It is now freely available on the ⁴⁹. Regarding barriers and development potential there are documents published at the national level by RSE (Ricerca Sistema Elettrico, an electricity system research organization linked with the GSE).

⁴⁷ Ministero dell'Ambiente e della Sicurezza Energetica, Energia: MASE, pubblicato decreto CER, <https://www.mase.gov.it/comunicati/energia-mase-pubblicato-decreto-cer>

⁴⁸ Autorità di regolazione per energia reti e ambiente, Testo Integrato Autoconsumo Diffuso, <https://www.arera.it/fileadmin/allegati/docs/22/727-22alla.pdf>

⁴⁹ Gestore dei Servizi Energetici, Regolazione regionale, https://www.gse.it/documenti_site/Documenti%20GSE/Studi%20e%20scenari/Regolazione%20regionale_31_12_2022.pdf

The Italian system, in its latest configuration, provides for a more complex REC's incentive calculation system than the previous (provisional) one. The subsidy is calculated on the basis of self-consumed energy but varies depending on the percentage of self-consumption achieved, the average unit price of the energy, the geographical location of the plants (in northern Italy there is a surcharge because there is less solar radiation), and the percentage of the grant obtained. This makes it more difficult to make precise forecasts, in relation to the flexibility of the system, to ensure the economic sustainability of initiatives.

- **Tools to access finance**

The decree published in January 2024 confirms the PNRR (Piano Nazionale di Ripresa e Resilienza or National Recovery and Resilience Plan, is part of the Next Generation EU programme) incentives which are paid on capital account, for a maximum expenditure of 40% and intended for renewable energy communities that build plants in municipalities with a population of less than 5000 inhabitants. However, those who access to public incentives have limits on the amount of the fee in proportion to the aid received up to a halving of the tariff for public aid exceeding 50%.

Political objectives

With regard to national policy targets for energy communities, the draft regulation, which is due to be published soon, is expected to incentivise RECs to reach at least 5 GW of supported electricity capacity by the end of 2027.

In terms of the renewable energy share the national expansion target is currently being redefined. The national energy and climate plan set very ambitious targets for renewables by 2030; aiming to reach 30% in total energy consumption and 55% in electricity generation according to its National Energy and Climate Plan.

For the Autonomous Province of Trento (ECOEMPOWER Partner), at provincial level, the Provincial Energetic Environmental Plan PEAP 2021-2030⁵⁰ envisages an increase in the use of energy from renewable sources of 13.5% by 2030 compared to 2016, to 48.2%.

Classes of energy communities

The type of energy community that is most practical in Italy is called "**Virtual electricity Sharing**" and requires a specific definition:

A group of users with one or more renewable energy production plants (at least 70% new) and several consumption plants that join together is called a "Comunità di Energia Rinnovabile" (CER) and is equivalent to a REC. If the energy produced per hour is also consumed by the members of the REC, an incentive is created that is returned to the community. Producers are always free to use the energy they produce and sell the unused energy, with the data stored for possible incentive calculation. Consumers continue to buy the energy on the market, but receive an incentive if they consume the energy produced by their installation within the same hour. The revenue generated is used according to the REC's decision, although it should always be used locally and primarily for social purposes.

⁵⁰ Provincia Autonoma di Trento, Piano Energetico Ambientale Provinciale 2021-2030, <https://www.provincia.tn.it/Documenti-e-dati/Documenti-di-programmazione/Piano-Energetico-Ambientale-Provinciale-2021-2030>

Legal forms of energy communities

In Italy, no specific form of governance has been defined for RECs, so various options are possible to ensure representativeness and free access to members.

The following legal forms are common:

- **Association:** Often used in the transition period for communities of limited size, is the least expensive form of governance, offers optimal freedom for entry and exit, but does not have a stable structure, especially in terms of financial responsibility, which falls directly on the legal representative.
- **Cooperative:** This is a form of company that offers members flexibility and stability in the management of assets and investments. In the "community cooperative" form, it also guarantees easier participation by public bodies.
- **Company:** Corporate forms are also not excluded from governance for RECs, provided that the community must be predominantly not-for-profit (e.g., not-for-profit company). However, this form has complex and cumbersome mechanisms for the admission and withdrawal of members
- **Consortium:** Form mostly used for public institutions or companies, provides stability among like-minded people through agreements, but is poorly suited for citizen participation.
- **Participatory foundations:** Very stable form that is excellent for the non-profit aspect, but has fairly rigid formation and access procedures

The REC in Italy requires a minimum of 2 end users as members. It is intended that the members have control over the management and are therefore involved in the decision-making process. Although the participation of SMEs or local authorities is possible, it is not easy due to special regulations for public authorities. In addition, legal entities can also be members of the REC.

Regionality is defined by the requirement that the generation and consumption facilities must be located in the same primary substation (HV/MV). While a legal entity can cover a larger perimeter and manage multiple cabins, for incentive purposes the production and consumption balance must always be assessed in relation to the configurations under the primary cabin.

In terms of project limitations, new installations for incentive purposes may have a maximum capacity of 1 MW, while a REC may include multiple installations. Existing installations can be credited up to 30% of the total capacity. Installations that qualify for PNRR investment contributions must be located in municipalities with a population of less than 5,000. Plants financed by the "Superbonus 110%" (a measure that provides tax deductions for expenses related to energy and seismic renovation of residential buildings), on the other hand, do not have access to the subsidies. With a few exceptions, if the investment expenditure was incurred with public money, the incentive is partially reduced in proportion to the percentage of public aid received, up to halving the income for public aid exceeding 50%. RECs Incentives are provided for 20 years, during which time the REC must remain operational.

With regard to tendering obligations, the only stipulation in Italy is that the main activity of the REC must not be the sale of energy.

Energy sharing

Italian legislation stipulates that there is no physical exchange of energy between consumers and producers, but rather a virtual exchange. Under a REC, producers continue to sell the energy they do not consume, while consumers continue to buy it on the market. If producers and consumers belonging to the same energy community consume and produce at the same time (in the same hour), the minimum between the energy produced and consumed creates an incentive that is paid to the energy community. The energy community, whose management must be co-determined by the members, decides on the allocation of these resources to be used. For example, a REC can redistribute them proportionally to its members, invest them in local measures or initiatives, or use them to install new systems or provide other services for its members.

With regard to specific subsidies for energy sharing in Italy, there is news in the current decree. The premium tariff is calculated taking into account the following aspects:

- Capacity of the installations
- Hourly zonal electricity price
- The geographical area in which the installations are located (the incentive is higher in central and northern Italy due to lower solar radiation)
- Any non-repayable public subsidies granted for the installations
- Annual percentage of energy shared in the configuration

As indicated, the energy sharing takes place virtually and the members continue to buy and sell energy on the market while generating the incentive that reaches the REC or CEC legal entity.

The exchange is virtual, meaning that the grid is not physically utilised and there are therefore no requirements from the grid operator. Only does the network manager provide the consumption data to the GSE and publicises the perimeter of the primary substations (data is published online).

On the other hand, the RECs must transmit the POD codes (they uniquely identify the delivery points) to the GSE, which then has direct access to the production and consumption data for calculating the incentives.

In Italy, distribution system operators are obliged to install a smart metering system 2.0 by 2024, which therefore also applies to Energy Communities.

Authorisations for renewable energy sources

This detailed report⁵¹ reflects the status of regional regulation in the area of authorisation procedures for electricity generation plants powered by renewable energy sources.

Photovoltaics

The following regulations must be observed for the construction of a PV power plant in Italy:

National laws: D.Lgs. 387/2003, D.Lgs. 28/2011, L. 34/2022

The autonomous province of Trento has its own legislation: (Provincial law of 2 May 2022 no. 4)

- PV roof: Free of charge with only one notification to the municipality
- PV courtyard under 50 kW: Free of charge with only one notification
- PV open spaces <50 kW: Simple authorisation procedure (report notarised in the municipality)
- PV open space >50 kW: Individual authorisation at provincial level

PV Projects with a capacity of more than 1 MW in open spaces must be subject to an environmental assessment, but do not need to be published.

From 2021, Italian law introduces "suitable areas", where facilitations are provided (e.g., in terms of landscape protection and reduction of time) for the installation of renewable energy systems.

For the Autonomous Province of Trento:

These suitable areas have been identified by law, have been included in a public WebGIS⁵² (which allows the installable power to be calculated on any surface) and the PV production potential of the provincial territory⁵³ has been calculated.

Wind power

The following regulations must be observed for the construction of a wind power plant in Italy:

National laws: D.Lgs. 387/2003, D.Lgs. 28/2011, L. 34/2022

- <60 kW: Simple authorization procedure (report certified in the municipality), with landscape authorisation
- >60 kW: Single provincial authorization

⁵¹ Gestore dei Servizi Energetici, Regolazione regionale, https://www.gse.it/documenti_site/Documenti%20GSE/Studi%20e%20scenari/Regolazione%20regionale_31_12_2022.pdf

⁵² Provincia Autonoma di Trento, WebGIS, https://webgis.provincia.tn.it/wgt/?lang=it&topic=19&bgLayer=orto2015&layers=ammcom,irraggiamento_wms,aree_idonee&layers_visibilty=false,true,true&catalogNodes=94&layers_opacity=1,1,0.8&X=5091049.99&Y=661868.10&zoom=3

⁵³ Provincia Autonoma di Trento, PEAP 2021-2030: Stima del potenziale di energia da fonte fotovoltaica della Provincia di Trento, <https://www.provincia.tn.it/Documenti-e-dati/Documenti-di-supporto/PEAP-2021-2030-STIMA-DEL-POTENZIALE-DI-ENERGIA-DA-FONTE-FOTOVOLTAICA-DELLA-PROVINCIA-DI-TRENTO>

Wind power projects must be subject to an environmental assessment, but do not need to be published.

Biomass

The following regulations must be observed for the construction of a biomass plant in Italy:

National laws: D.Lgs. 387/2003, D.Lgs. 28/2011, L. 34/2022

In open spaces:

- <50 kW: Simple authorization procedure (report certified in the municipality)
- >50 kW: Single provincial authorization

Biomass energy projects must be subject to an environmental assessment, but do not need to be published.

Hydropower

The following regulations must be observed for the construction of a hydropower plant in Italy:

National Laws: D.Lgs. 387/2003, D.Lgs. 28/2011, L. 34/2022

If necessary, Hydropower projects must be subject to an environmental assessment and evaluation of public use of water, but they do not need to be published in general.

In the case of the Autonomous Province of Trento, it has specific competence for water diversion concessions for hydroelectric use. The role of the province is to draw up the provincial plan: See Water Quality Plan⁵⁴ and Energy and Environment Plan 2021-2030⁵⁵.

Flexibilities

There are no specific regulations for the construction of energy storage facilities in Italy. With regard to the distribution network, the province is responsible for the authorisation of power lines.

If necessary, expropriation or public interest procedures must be activated, but flexibility projects do not need to be published in general.

⁵⁴ Agenzia Provinciale per la protezione dell'ambiente, Piano di Tutela delle acque 2022-2027, <https://www.appa.provincia.tn.it/>

⁵⁵ Provincia Autonoma di Trento, Piano Energetico Ambientale Provinciale 2021-2030, <https://www.provincia.tn.it/Documenti-e-dati/Documenti-di-programmazione/Piano-Energetico-Ambientale-Provinciale-2021-2030>

Support schemes

At the moment, energy communities do not enter in the electricity market. The incentives generated are not considered as an income and therefore are not taxed. Due to RECs reduce the use of the electricity grid, they have discounts on system costs. This results in an advantage for energy communities.

Beyond that, the investment costs in renewable energy systems can be subsidised in various ways: To be released with the implementing decree, funds will be allocated to RECs for the construction of plants in municipalities with less than 5,000 inhabitants, financed at 40% with non-repayable funds. At a national level there are incentives for citizens in terms of tax deductions of up to 50% of spending. Locally there are contributions for investments for specific categories (e.g., province of Trento, 40% for companies on a rural development fund, with rewards for plants made available to RECs).

Energy is fed into the grid by the energy communities by means of a "dedicated withdrawal", which takes place through an agreement with the state electricity supply company or through sale on the open market, as is also the case for companies and citizens. Accordingly, there is no generally applicable state feed-in tariff or subsidised direct marketing in Italy.

Best practice

There are no yet concrete examples of successful implementations of energy communities that are or were actually supported by the current legal framework in Italy. The current regulations are assessed as not yet completely feasible.

Nevertheless, with the transitional regime (2020-2024), around 40 very small configurations⁵⁶ have emerged in Italy, with installations of less than 200 kW located under the same low-voltage cabinet. In the province of Trento, the first energy community was founded in 2021 in the small village of Riccomassimo di Storo⁵⁷. It is a very small mountain village in the south-west of Trentino and has 51 inhabitants. With the support of the local municipality and the historic electricity cooperative CEDIS, an association called "La bona fonte" was founded to create an energy community. They have installed an 18 kW PV system on the roof of the former primary school and set up a small energy community with the residents. They collect some incentives by using the energy in a smart way and use the revenue for social initiatives for the village (e.g., buying flowers for public spaces, repairing some common areas, providing small services for the village).

Also, in Italy there are some historic electric cooperatives, which produce, manage and sell energy with particular privileges. Although similar to the Energy Communities of other European countries, they do not reflect the mechanism of the Italian RECs and are special peculiarities, which are no longer replicable.

⁵⁶ Ricerca sul Sistema Energetico, Le comunità energetiche in Italia, https://www.rse-web.it/prodotti_editoriali/le-comunita-energetiche-in-italia/

⁵⁷ Italia Che Cambia, Storia di una comunità energetica: il borgo trentino di Riccomassimo, <https://www.italiachecambia.org/2022/02/comunita-energetica-riccomassimo/>

3 Other EU countries

3.1 Austria

[REScoop.eu](#): REC & CEC definitions

The Austrian Electricity Act and the Renewable Energies Expansion Law apply to both RECs and CECs. Voluntary and open participation are covered, but they do not contain more detailed information than that of RED II. The REC definition does not address autonomy, so the definition has not been properly implemented. The REC definition limits eligibility to geographical proximity. For CECs, control is limited to certain actors, although it is never fully defined. Nevertheless, the definition prohibits companies focussing on energy communities from participating as members. Overall, the draft provisions on RECs focus mainly on specifying technical and not on social organisational aspects. An authority has been appointed to monitor compliance.

Overall, Austria could receive an average score. However, due to the low attention to governance principles and the fact that autonomy is not mentioned at all, the Austrian definition still has significant shortcomings.

**Criteria of EU definition reflected
in national definition**

**Level of detail in the elaboration of principles
contained in EU criteria**

Clearly defined purpose

**ICA cooperative governance
principles reflected**

Legal entities allowed

Citizen participation is ensured

Designated authority to oversee

Number of definitions

Coherency between both definitions

[REScoop.eu](#): Enabling frameworks & support schemes

**Assessment of obstacles and potential
for development of ECs**

**Removal of unjustified regulatory
& administrative barriers**

**DSO duties around cooperation with ECs
and facilitation of energy sharing**

**Fair, proportionate, and transparent registration
& licensing procedures**

**Incentives connected to network tariffs
based on a CBA**

**Non-discriminatory treatment
as market participant**

**Accessibility to low-income
& vulnerable households**

Tools to access finance

Tools to access information

**Regulatory capacity building
for public authorities**

NECP reporting on enabling frameworks

Support Scheme adapted for RECs

Austria is possibly one of the most advanced processes in implementing the EU rules on energy communities in a way that effectively realises the concept. In addition, detailed rules and regulations have been introduced to enable the sharing of energy. Even if these rules are not perfect and the administrative burden is still quite complicated, they at least allow the activity and offer some incentives to participants (reduction of grid fees as well as the feed-in) and are becoming increasingly user-friendly. The government has also set up an Austrian Coordination Office for Energy Communities, which serves as an online one-stop shop for energy communities and as a tool for coordinating other government institutions in implementing an enabling environment for energy communities at various levels. The activity of energy sharing can be carried out without the need for a supply licence.

Overall, Austria has taken a very serious approach in implementing the provisions on RECs and CECs. Although the framework is not yet perfect and there are still lessons to be learnt from the functioning of energy sharing, it has led to the establishment of many energy communities.

3.2 Belgium

REScoop.eu: REC & CEC definitions

The Brussels Region is working on a regulation to implement the energy community provisions of the Clean Energy Package. The regulation contains clear definitions and horizontal provisions for energy communities, particularly with regard to autonomy, openness and voluntary participation. To ensure transparency and compliance, the Brussels Environment Agency (IBGE/BIM) will be given extensive powers of registration and monitoring.

Flanders has issued an energy decree that defines "energy communities" as a unified concept, emphasising the participation of citizens and institutions to accelerate the energy transition. The guidelines emphasise strengthening the customer position in the energy market in order to improve energy efficiency and combat energy poverty. The decree defines the control as well as the guidelines and attempts to ensure coherence in the approach.

Wallonia has implemented provisions for energy communities through amendments to the Electricity Market Decree, including clear definitions and responsibility of the regulator CWaPE for monitoring and compliance with the legislation.

Criteria of EU definition reflected in national definition

Level of detail in the elaboration of principles contained in EU criteria

Clearly defined purpose

ICA cooperative governance principles reflected

Legal entities allowed

Citizen participation is ensured

Designated authority to oversee

Number of definitions

Coherency between both definitions

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Accessibility to low-income & vulnerable households

Tools to access finance

Tools to access information

Regulatory capacity building for public authorities

NECP reporting on enabling frameworks

Support Scheme adapted for RECs

Brussels has passed a law to implement the EU legislation on RECs and CECs, although important elements of the required framework are missing. A basic legal framework for energy communities exists and the NGO Energie Commune has been commissioned to provide information and advice. The assessment of the potential and barriers to the development of energy communities by the end of 2023 is being carried out by Brussels Environment. However, no concrete follow-up measures have been defined.

The Flemish government has had a potential and barriers assessment carried out, but is still working on a comprehensive framework for RECs and CECs. Locally, local authorities are integrating citizen participation in tenders for renewable energy projects. A federal funding programme will enable the participation of energy communities in offshore wind projects from 2023.

In Wallonia, a decree was issued that addresses RECs and CECs but does not set a clear supportive framework for capacity building and support. Citizen participation measures were adopted in autumn 2022, including the possibility for citizens and municipalities to acquire at least 24.999% of new wind projects. The Walloon government has set targets for energy communities, but concrete measures and supporting programmes have yet to be developed.

3.3 Bulgaria

[REScoop.eu](#): REC & CEC definitions

There is no draft law yet, and there is no existing legislation for energy communities that needs to be evaluated. Citizen participation in the energy sector and the model of energy communities are very new in Bulgaria. The implementation process there will be delayed.

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in national definition**

**Level of detail in the elaboration of principles
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Clearly defined purpose

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principles reflected**

Legal entities allowed

Citizen participation is ensured

Designated authority to oversee

Number of definitions

Coherency between both definitions

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for public authorities**

NECP reporting on enabling frameworks

Support Scheme adapted for RECs

In Bulgaria there is no published legislation addressing the issue of energy communities and designing a favourable framework and support system for them.

3.4 Croatia

[REScoop.eu](#): REC & CEC definitions

The Croatian government has implemented CEC and REC definitions in laws, emphasising participation and governance principles. CECs demand autonomy and restrict the participation of large companies, must state open participation in founding documents. Legal uncertainty arises due to restriction of legal form to non-profit organisations. Governance of RECs is less detailed; CECs are subject to regulatory oversight for transparency. Geographical restrictions could artificially limit participation and activities, with no clear relationship between REC and CEC definitions. These uncertainties hinder a potentially innovative definition, discourage citizen participation and limit implementation. Despite the framework, the definition remains fraught with several obstacles that could discourage citizens from engaging with the concept.

**Criteria of EU definition reflected
in national definition**

**Level of detail in the elaboration of principles
contained in EU criteria**

Clearly defined purpose

**ICA cooperative governance
principles reflected**

Legal entities allowed

Citizen participation is ensured

Designated authority to oversee

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Coherency between both definitions

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**Regulatory capacity building
for public authorities**

NECP reporting on enabling frameworks

Support Scheme adapted for RECs

Croatia has transposed provisions on RECs and CECs into its national legislation. Rules for the registration of energy communities have as well been adopted. However, despite the copy-paste requirements for a supporting framework, the government has not yet undertaken an assessment of the barriers or potential for the development of RECs. Furthermore, no elements of the enabling framework have been outlined in detail. In fact, some provisions of the new law, particularly on the geographical restrictions on the conduct of activities and membership, as well as the registration and licensing process, are disproportionately burdensome for energy communities and pose significant barriers to their establishment. No support programmes have been developed. Although some rules for energy sharing have been developed, there are no incentives for this activity and due to other barriers to registration and licensing, this activity is not yet possible.

Overall, the conceptual and regulatory framework for RECs, CECs and energy sharing needs to be clarified. In addition, there is still a lack of a specific funding framework and support mechanism that can support the emergence of energy communities.

3.5 Cyprus

[REScoop.eu](#): REC & CEC definitions

In Cyprus, the implementation process for energy communities is underway. Law 130(I)/2021 on the regulation of the electricity market implements CECs and RECs, gives CERA the task of developing a framework for CECs and emphasises their non-discriminatory participation in the market. The RED II Directive was partially implemented by Law 4902/2022, which defines RECs and indicates that CERA should draft favourable regulations for RECs. CERA is named as the competent body for the assessment of barriers and potentials for RECs in Cyprus and should take into account the specificities of RECs in support programmes. Cypriot legislation largely mirrors EU directives for energy communities, without specifically addressing the Cypriot context. However, there is a lack of effective regulatory oversight to monitor compliance by energy communities.

**Criteria of EU definition reflected
in national definition**

**Level of detail in the elaboration of principles
contained in EU criteria**

Clearly defined purpose

**ICA cooperative governance
principles reflected**

Legal entities allowed

Citizen participation is ensured

Designated authority to oversee

Number of definitions

Coherency between both definitions

[REScoop.eu](#): Enabling frameworks & support schemes

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for public authorities**

NECP reporting on enabling frameworks

Support Scheme adapted for RECs

Law 130(I)/2021 on the regulation of the electricity market was recently published and implements the provisions of the Electricity Directive 2019/944. This law provides a definition for CECs and RECs and sets out the responsibilities of the Cyprus Energy Regulatory Authority (CERA), including the elaboration of an enabling framework for CECs at a later stage with regulatory decisions to allow them to participate in the market without discrimination (see Article 123). The Renewable Energy Directive (RED II) was partially implemented with Law 4902/2022 on the promotion and promotion of the use of renewable energy sources. This law contains the definition of RECs and mentions that CERA should draft regulations that establish a favourable framework for RECs. CERA is also mentioned in the law as the competent body for the assessment of barriers and potentials for RECs in Cyprus and should also take into account the specificities of RECs when developing support programmes.

Overall, the provisions for RECs and CECs are a copy of the EU directives, without further explanation of what each term means at national level. There is still no appropriate framework or specific support measures for RECs.

3.6 Denmark

[REScoop.eu: REC & CEC definitions](#)

In July 2021, RECs were included in the Act on the Promotion of Renewable Energy of Denmark, while an Executive Order defines both CECs and RECs. The CEC definition covers all relevant criteria of the EU definition. In particular, the definition addresses in detail the question of how abuse or control by other companies or individual members can be avoided. It remains to be seen how this will develop together with the REC definition. In addition, the Electricity Act will soon be revised again, so any additions to the definition must be kept in mind.

**Criteria of EU definition reflected
in national definition**

**Level of detail in the elaboration of principles
contained in EU criteria**

Clearly defined purpose

**ICA cooperative governance
principles reflected**

Legal entities allowed

Citizen participation is ensured

Designated authority to oversee

Number of definitions

Coherency between both definitions

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NECP reporting on enabling frameworks

Support Scheme adapted for RECs

Denmark has implemented the EU legal framework by revising two legal acts and several implementing ordinances. A new revision of the Energy Supply Act, followed by three new implementing regulations, will be submitted to Parliament in early 2023. These regulations address some of the basic rights of RECs and CECs to participate in the overall energy market, particularly through the establishment of the power sharing initiatives. However, they still largely overlook measures that need to be considered in their support framework. The complementary upcoming revision primarily supports the monopoly rights of the common grid while limiting the rights of RECs and CECs. A grant programme run by the Danish Energy Agency has just been approved to support community projects and energy information initiatives. However, the requirements for project developers to hand over new wind projects to local community participation have recently been abolished. Therefore, there is no functional support system that takes RECs into account.

Overall, Denmark has an old framework that allows energy communities to participate in activities such as production, district heating and even as DSOs. Regulations to enable energy sharing are just emerging, while the government has made little effort to adapt its framework to allow energy communities to further develop and access support programmes.

3.7 Estonia

[REScoop.eu: REC & CEC definitions](#)

The Estonian government has implemented the CEC definition by amending the Electricity Market Act. Specifically, the legislation refers to an "energy community" instead of a "citizen energy community". The REC definition was implemented through a subsequent amendment to the Energy Management Act. The Electricity Market Act provides for a very open concept for the formation of energy communities in which, in principle, anyone can participate. In addition, any legal form that can be used by an energy community can become one. The criteria contained in the Electricity Directive, in particular effective control, are hardly or not at all explained in detail. Furthermore, the principle of autonomy is missing from the REC definition. As it stands, the implementation offers little clarity and further elaboration is required to put the concept into practice. Furthermore, there is no designated regulatory authority to oversee the registration of energy communities and compliance with the EU criteria. There is therefore a high risk that the concept will be adopted and misused by companies.

Criteria of EU definition reflected in national definition

Level of detail in the elaboration of principles contained in EU criteria

Clearly defined purpose

ICA cooperative governance principles reflected

Legal entities allowed

Citizen participation is ensured

Designated authority to oversee

Number of definitions

Coherency between both definitions

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NECP reporting on enabling frameworks

Support Scheme adapted for RECs

Estonia has implemented both definitions of energy communities (CEC and REC) into its national legislation with an amendment to its Electricity Market Act published on 23 February 2022 and an amendment to its Energy Sector Organisation Act published on 18 May 2022. In this legislation, there is no reference to an enabling framework for energy communities and specific measures for RECs in the Estonian renewable energy support programme. There is also no assessment of the barriers and potentials for the development of energy communities. emerging, while the government has made little effort to adapt its framework to allow energy communities to further develop and access support programmes.

3.8 Finland

[REScoop.eu: REC & CEC definitions](#)

Following a consultation process between 2018 and 2019, Finland implemented the Clean Energy Package by introducing the term "Local Energy Communities" (LECs) in Decree 2020/1133, which was integrated into Decree 2021/767. Another decree 2021/839 was published to further clarify the balance settlement process and the role of the DSO in the net metering mechanism. So far, there is a definition of LECs in Finland and enables the sharing of electricity from production and storage facilities among the members of the energy community in a kind of virtual net metering framework.

**Criteria of EU definition reflected
in national definition**

**Level of detail in the elaboration of principles
contained in EU criteria**

Clearly defined purpose

**ICA cooperative governance
principles reflected**

Legal entities allowed

Citizen participation is ensured

Designated authority to oversee

Number of definitions

Coherency between both definitions

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NECP reporting on enabling frameworks

Support Scheme adapted for RECs

Finland has passed legislation aimed at implementing EU regulations on energy communities. So far, the government has only adopted a definition of "Local Energy Communities" that is linked to the CEC definition rather than the REC definition. Due to this gap, there are no provisions relating to the enabling framework for RECs. The only area that has been addressed is the sharing of electricity via virtual net metering. In this context, some responsibilities of the DSO have been concretised. Overall, the Finnish government has not taken meaningful steps to build an enabling framework, although a government working group has been established to address the issue and further develop the framework in line with its implementation requirements.

3.9 Hungary

REScoop.eu: REC & CEC definitions

The definition implemented in Hungary attempts to combine both definitions in one concept. However, it does not succeed in creating a coherent overall concept, as the CEC standards are adopted. From a technical point of view, RECs, which are considered a sub-category of CEC, only work in the electricity sector, excluding heating and cooling. In addition, stricter governance criteria for RECs have been omitted, which means that the Renewable Energy Directive has been incorrectly transposed. However, the definition contains detailed requirements to limit control and ensure autonomy. The definition also limits the number of legal forms to those that could be used for non-profit and socially innovative purposes, although stakeholders at national level have expressed that the available legal entities do not offer sufficient flexibility. In addition, there is a register that enables the tracking of energy communities.

**Criteria of EU definition reflected
in national definition**

**Level of detail in the elaboration of principles
contained in EU criteria**

Clearly defined purpose

**ICA cooperative governance
principles reflected**

Legal entities allowed

Citizen participation is ensured

Designated authority to oversee

Number of definitions

Coherency between both definitions

REScoop.eu: Enabling frameworks & support schemes

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Tools to access information

Regulatory capacity building for public authorities

NECP reporting on enabling frameworks

Support Scheme adapted for RECs

The Electricity Act LXXXVI of 2021 in Hungary creates a framework for energy communities, whereby RECs are a subgroup and may only operate in the electricity sector. However, the law excludes heating and cooling, which is contrary to EU regulations. RECs are allowed to generate, consume, store or sell electricity from renewable sources. The Hungarian Energy and Utility Regulatory Authority (NRA) monitors the emergence of RECs, checks for obstacles and registers their development. However, there is a lack of implementing legislation to clarify the framework conditions in accordance with IEA recommendations. The enabling framework for RECs is incomplete, and existing support programmes tend to benefit mainly profit-oriented companies, which can lead to potential corporate dominance. Restricting RECs to the electricity sector contravenes EU directives that enable RECs to deal with renewable energy in general, including heating and cooling.

3.10 Ireland

[REScoop.eu: REC & CEC definitions](#)

The Irish government is implementing the EU directives on energy communities and has already created a support programme aimed at the participation of RECs, particularly "community-led" projects. Current gaps in implementation are still being discussed. Autonomy and openness are clearly explained in the support and grid connection plans developed, but not in detail. The integration of renewable energy is effectively controlled by requiring registered communities to be both members and connected to a project. Geographical proximity and flexibility are taken into account, while the role of energy communities is positively recognised. A proposed register to monitor RECs will prevent abuse and build trust. The regulator has also expressed a clear vision of the relationship between RECs and CECs.

Criteria of EU definition reflected in national definition

Level of detail in the elaboration of principles contained in EU criteria

Clearly defined purpose

ICA cooperative governance principles reflected

Legal entities allowed

Citizen participation is ensured

Designated authority to oversee

Number of definitions

Coherency between both definitions

[REScoop.eu: Enabling frameworks & support schemes](#)

Assessment of obstacles and potential for development of ECs

Removal of unjustified regulatory & administrative barriers

DSO duties around cooperation with ECs and facilitation of energy sharing

Fair, proportionate, and transparent registration & licensing procedures

Incentives connected to network tariffs based on a CBA

Non-discriminatory treatment as market participant

Accessibility to low-income & vulnerable households

Tools to access finance

Tools to access information

Regulatory capacity building for public authorities

NECP reporting on enabling frameworks

Support Scheme adapted for RECs

Ireland's community energy sector is still at an early stage of development. To boost the sector, DECC has included specific support provisions for RECs in its RESS programme, which aims to support the production of renewable energy in Ireland generally. In particular, a percentage of auctioned capacity has been reserved for projects that qualify as community-led. Initially, projects had to be 51% owned by RECs, but after the first round of RESS this threshold was raised to 100% REC ownership to avoid abuse. Under this scheme, RECs only have to compete with each other and not with larger project developers. As part of the RESS support, DECC has also introduced other supportive measures, such as access to expertise and advice, development assistance to fund earlier work and a special process to apply for grid connections outside of the normal 'batch' procedures. In addition, the Sustainable Energy Authority of Ireland (SEAI) has been tasked with setting up an online information portal to mimic the CARES Scotland model. This will help to establish an online one-stop-shop where RECs can obtain information on permitting, financing and other technical/legal issues that need to be addressed.

3.11 Latvia

[REScoop.eu](#): REC & CEC definitions

The implementation process for energy communities in Latvia is progressing, with definitions being integrated into national legislation through amendments to the Energy Law and the Electricity Market Law. Following a consultation period, the relevant amendments have been announced. The Latvian Parliament has adopted the general legal framework for energy communities, which will enter into force in January 2023. State regulations are expected to clarify specific aspects such as registration requirements for RECs and electricity sharing provisions; the deadline for this is February 2023.

The Latvian approach is to first establish a general definition for energy communities and then provide specific references to RECs and electricity communities. Proximity criteria and eligibility framework are to be clarified later through government legislation based on the Energy Law. The law stipulates that RECs are active in the renewable energy sector and have territorial production facilities, while CECs operate in the electricity sector. However, some elements of the definitions need to be further elaborated, especially what they mean at national level.

Criteria of EU definition reflected in national definition

Level of detail in the elaboration of principles contained in EU criteria

Clearly defined purpose

ICA cooperative governance principles reflected

Legal entities allowed

Citizen participation is ensured

Designated authority to oversee

Number of definitions

Coherency between both definitions

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Tools to access information

Regulatory capacity building for public authorities

NECP reporting on enabling frameworks

Support Scheme adapted for RECs

On 14 July 2022, the Latvian Parliament adopted the general legal framework for energy communities, which will enter into force on 1 January 2023.

However, the government regulations (Cabinet of Ministers) still need to be adopted in order to fully implement the EU provisions (deadline: 28 February 2023).

Altogether, the concept of energy communities is very new in Latvia and the national administration is still in the process of implementation. There is no complete funding framework or special measures for RECs in the funding programme. However, it is positive that the national administration has published specific dates by which certain elements will be implemented.

3.12 Lithuania

[REScoop.eu: REC & CEC definitions](#)

The Law of the Republic of Lithuania on Renewable Energy (the consolidated version of 2021) defines RECs as non-profit legal entities that own and develop renewable energy production facilities and have the right to produce, consume, store and/or sell energy at these installations. An analysis of several criteria of the EU definition is provided, such as the requirement of proximity and autonomy. The same law also states that priority should be given to energy from renewable sources in support programmes. Overall, the REC definition can be considered good practice, at least on paper. However, as there is no CEC definition yet, work still needs to be done on its implementation.

**Criteria of EU definition reflected
in national definition**

**Level of detail in the elaboration of principles
contained in EU criteria**

Clearly defined purpose

**ICA cooperative governance
principles reflected**

Legal entities allowed

Citizen participation is ensured

Designated authority to oversee

Number of definitions

Coherency between both definitions

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& administrative barriers**

**DSO duties around cooperation with ECs
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& licensing procedures**

**Incentives connected to network tariffs
based on a CBA**

**Non-discriminatory treatment
as market participant**

**Accessibility to low-income
& vulnerable households**

Tools to access finance

Tools to access information

**Regulatory capacity building
for public authorities**

NECP reporting on enabling frameworks

Support Scheme adapted for RECs

Laws transposing RECs into national law were passed in 2021. However, they mainly cover the definition of RECs and establish certain rights to participate in the electricity and heat sectors. However, this legislation did not cover the assessment of the potential and barriers to the development of RECs. Furthermore, it does not specify particular elements of the framework that need to be put in place. Nevertheless, 2 GW of additional production potential has been reserved for prosumers and RECs. Therefore, the government wants to develop measures around financial support to ensure that energy communities are able to develop this production capacity.

Overall, the enabling framework for RECs still needs to be considered in the implementation process. Nevertheless, the government is currently considering various options with the intention of making further progress in 2023.

3.13 Luxemburg

[REScoop.eu](#): REC & CEC definitions

Luxembourg has only proposed the transposition of the REC definition into national law. In doing so, some EU criteria were disregarded (openness and autonomy). In addition, geographical proximity was defined too narrowly and technical characteristics of different types of activities were neglected. The definition leaves the legal form open, so that any legal form could become an energy community. However, the regulator is obliged to monitor the registration aspects of RECs and service providers are prohibited from becoming a member/ shareholder of a REC.

Criteria of EU definition reflected in national definition

Level of detail in the elaboration of principles contained in EU criteria

Clearly defined purpose

ICA cooperative governance principles reflected

Legal entities allowed

Citizen participation is ensured

Designated authority to oversee

Number of definitions

Coherency between both definitions

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Support Scheme adapted for RECs

Luxembourg has implemented the provisions on RECs through a series of laws, ordinances and regulatory decisions. The implementation focussed in particular on the creation of a legal framework that enables the joint self-production and consumption of community-owned renewable electricity. This activity is treated as self-consumption in order to avoid burdensome supply regulation. The obligations for DSOs and RECs have also been clarified. Luxembourg has not officially developed an explicit support framework, nor has it carried out an assessment of the potential and barriers. Nevertheless, the Climate Agency, a national agency, also provides information on energy communities. A temporary investment aid scheme was adopted in October 2022 and a government decree provides for support for PV production by RECs in the form of feed-in tariffs.

Overall, Luxembourg has already developed some small-scale support programmes for RECs and has considered some aspects of a supportive framework for RECs in its implementation process. However, it will be important to close other identified gaps, for example in terms of making RECs more accessible to vulnerable, low-income and energy-poor households and building the capacity of local authorities.

3.14 Malta

[REScoop.eu: REC & CEC definitions](#)

In secondary legislation 545.35, Malta has included provisions for RECs and a reference to CECs, stating that this applies to exercise the derogations granted under Article 66 of Directive (EU) 2019/944 concerning common rules for the internal market in electricity and amending Directive 2012/27/EU (recast). The provisions for CECs were introduced with 545.34 (Electricity Regulations). For the most part, these provisions are a copy of the EU directives, without further explanation of what it means at national level. Malta's National Energy and Climate Plan (NECP) explicitly rejects the development of energy communities and attributes this to the lack of an energy supply market (i.e. a monopoly). Although Malta's energy system benefits from regulatory exemptions, these do not cover energy communities. Apart from the supply monopoly, Malta envisions self-consumption to be achieved. However, energy communities could engage in production, energy efficiency measures and other services, without the supply that would interfere with Malta's monopoly.

Criteria of EU definition reflected in national definition

Level of detail in the elaboration of principles contained in EU criteria

Clearly defined purpose

ICA cooperative governance principles reflected

Legal entities allowed

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Number of definitions

Coherency between both definitions

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Support Scheme adapted for RECs

Malta has included provisions for RECs in secondary legislation 545.35, while the provisions for CECs were introduced in secondary legislation 545.34 (Electricity Regulations). Overall, all references to an enabling framework for RECs or CECs and a support system that takes into account the specificities of RECs are a copy of the EU Directives without further elaboration. This means that several obstacles to the development of energy communities remain, such as the fact that citizens do not know which legal form to choose to set up an energy community, the lack of financing or the lack of available spaces for communities to develop their projects. The development of secondary legislation and bylaws is needed to further define the meaning of each principle in the Maltese context and to provide a concrete framework to enable them to participate in the market and engage in various activities.

3.15 Netherlands

[REScoop.eu](#): REC & CEC definitions

The newly adopted Energy Act 2022 implements both definitions. In particular, both are merged into a single concept known as an "energy community". RECs focus on local and renewable energy and have stricter requirements. However, there is a lack of reflection on autonomy, which means that the definition has not been fully implemented. Overall, it succeeds quite well in creating a single concept that properly distinguishes between the different participation requirements of RECs and CECs. An explanation also provides the framework for the energy community concept. This helps to provide clarity and support potential inclusion.

The definition is open to all legal entities and forms. The Energy Act does not go into more detail on the principles of participation and governance. Although this could lead to confusion, the government has the power to issue additional rules. While the activities of energy communities are subject to regulatory oversight, there is no power to monitor the registration or compliance with the conditions for the establishment of energy communities. This harbours a potential risk of abuse.

Criteria of EU definition reflected in national definition

Level of detail in the elaboration of principles contained in EU criteria

Clearly defined purpose

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Legal entities allowed

Citizen participation is ensured

Designated authority to oversee

Number of definitions

Coherency between both definitions

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Support Scheme adapted for RECs

The environment for participation in energy communities in the Netherlands is favourable. Its climate agreement sets a non-binding policy target of 50% local ownership of onshore renewable energy by 2030. However, there are many specific elements of the enabling framework that have not yet been addressed or where specific details are missing. Nevertheless, the government claims that there are no significant obstacles to the establishment of an energy community, which is arguable. However, the Dutch government has introduced financial instruments to support energy communities in preconstruction activities, and there is also a special support programme for renewables energy that supports energy cooperatives.

Overall, there is a general supportive framework that enables energy communities to engage in a range of different activities. However, the Dutch government has not yet undertaken a real assessment of the barriers and there are still a number of regulatory hurdles that need to be addressed, particularly in relation to the sharing and supply of energy.

3.16 Poland

[REScoop.eu](#): REC & CEC definitions

The government has presented legislative proposals on CECs and is working on the development of regulations for RECs. The transposition of the CEC into the proposed legislation technically covers the required participation criteria. It sets out a standard for effective control that will help provide legal clarity. However, there is an inherent geographical proximity requirement for CECs, which significantly limits the extent to which CECs can operate and potentially infringes their rights to participate in activities covered by EU legislation. Furthermore, geographical proximity is not a requirement for RECs, which means that the definition is too restrictive. The stated purpose of a CEC in the transposed legislation is also more restrictive and based on technical activities than the Electricity Directive, which is focussed on social innovation. Given the large number of legal entities that are allowed to become CECs, the lack of a supervisory or compliance mechanism harbours a significant risk of abuse.

Criteria of EU definition reflected in national definition

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Clearly defined purpose

ICA cooperative governance principles reflected

Legal entities allowed

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Support Scheme adapted for RECs

The government has proposed legislation on CECs, but there is no legislation on RECs. The transposition of the CEC into the proposed legislation technically covers the required participation criteria. It sets out a standard for effective control that will provide legal clarity. However, there is an inherent geographic proximity requirement for CECs that significantly limits the scope in which they can operate and potentially infringes on their rights to participate in activities. Furthermore, geographical proximity is not a requirement for RECs, which makes the definition too restrictive. The purpose is also more restrictive and based on technical activities than the Electricity Directive, which is focussed on social innovation. Given the large number of legal entities that are allowed to become CECs, the lack of a supervisory or compliance mechanism harbours a significant risk of abuse.

Overall, Poland has not implemented the provisions for RECs, so there is no supportive framework for energy communities and there is no assessment of the barriers and potential for their development.

3.17 Portugal

[REScoop.eu: REC & CEC definitions](#)

Portugal has introduced definitions for RECs and CECs, but the legal framework remains unclear and lacks specificity. The law on collective self-consumption largely copied the REC definition, leading to confusion about potential activities and not providing clear governance. The CEC definition, although similar to RECs, is unspecific and does not allow for adequate implementation of the Electricity Directive. The geographical proximity for RECs is stricter than required, making their participation outside the Community more difficult. The possibility for RECs to take different legal forms harbours risks of abuse as there is no monitoring power. RECs are not required to have their own installations, which could lead to passive membership and contradicts EU legislation on energy communities. Overall, there is a lack of a coherent framework that promotes the development of energy communities and there are gaps that hinder their full rights.

Criteria of EU definition reflected in national definition

Level of detail in the elaboration of principles contained in EU criteria

Clearly defined purpose

ICA cooperative governance principles reflected

Legal entities allowed

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Designated authority to oversee

Number of definitions

Coherency between both definitions

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NECP reporting on enabling frameworks

Support Scheme adapted for RECs

Portugal has implemented provisions for both RECs and CECs. The legislation includes provisions to develop an enabling framework for RECs, although none of these provisions provide details beyond those contained in the EU Directives. The Government has not yet undertaken an assessment of the drivers and barriers to the development of RECs, although it has made a statutory commitment to do so. The government has also established an investment support programme as part of its recovery and resilience plan. Some tools have also been set up to provide information to potential community initiatives, as well as an online e-portal to help register energy community self-consumption projects and facilitate the transfer of information between the DSO, energy community, etc. and the respective supplier(s). There are also some relaxed administrative procedures for the authorisation of smaller projects, but no regulations have been developed specifically for RECs. There is no specific support programme for REC projects.

Overall, while Portugal has implemented definitions for RECs and CECs, it has yet to create a comprehensive or coherent framework that allows for the development of energy communities. Although regulations on collective self-consumption have been adopted, there are a number of gaps that prevent energy communities from exercising their full rights under EU directives.

3.18 Romania

[REScoop.eu](#): REC & CEC definitions

The definition of the CEC was transposed into national law at the end of 2021. It is planned that ANRE, the national energy regulatory authority, will develop more detailed information. Implementation is therefore still ongoing. Currently, the CEC definition at EU level serves as the de facto definition of CECs in Romania. This provides very little legal clarity and requires further clarification. In response to a complaint to the Court of Justice of the European Union for failure to transpose the directive, Romania issued an emergency ordinance in November 2022. This also more or less copies the definition of RECs from the Renewable Energy Directive. It is noteworthy that ANRE bears a large part of the responsibility for the implementation of RECs and CECs at national level according to the regulations. However, ANRE has no specific duties to ensure compliance with the definitions. Given the many tasks assigned to ANRE, it will be difficult to fulfil all the tasks assigned to it. ANRE should also properly monitor compliance with the definitions and protect against corporate takeover.

Overall, a legally secure establishment of an Energy Community is not possible until there is further clarity on the criteria and procedure.

Criteria of EU definition reflected in national definition

Level of detail in the elaboration of principles contained in EU criteria

Clearly defined purpose

ICA cooperative governance principles reflected

Legal entities allowed

Citizen participation is ensured

Designated authority to oversee

Number of definitions

Coherency between both definitions

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Support Scheme adapted for RECs

In 2021, the Romanian government adopted an ordinance to transpose the CECs into national law.

This legislation was largely a copy of the CEC provisions from the Electricity Directive, with the national regulatory authority ANRE being given some duties to further transpose regulations. In response to a complaint to the Court of Justice of the European Union for failure to transpose the directive, Romania issued an emergency ordinance in November 2022. It largely follows the same approach as the implementation of the CECs. It more or less copies the text of the Directive without providing further details. Overall, ANRE bears a large part of the responsibility for the implementation of RECs and CECs at national level. In order for ANRE to be able to fulfil all the tasks assigned to it, adequate resources must be provided.

Although an overall favourable framework is seen as a result of national legislation, the details for RECs still need to be defined through concrete guidelines and measures.

3.19 Slovakia

[REScoop.eu](#): REC & CEC definitions

Law 256/2022 of 22 June 2022 amended Law 251/2012 on energy in order to define energy communities and communities that generate energy from renewable sources. Its provisions will apply from October 2022 and the legal framework was further clarified by amendment 363/2022 of 19 October 2022 to Law 309/2009 on the promotion of renewable energy sources. Against this background, the Ministry of Energy is responsible for developing the framework for RECs. It explains in more detail what the individual terms in the definitions mean in the context of Slovakia. An energy community or a community that produces energy from renewable sources must demonstrate fulfilment of the requirements for the procedure for establishing an EC, its purpose and activity in legal transactions with other participants in the electricity market or participants in the gas market Market with certificate. The certificate is issued and cancelled by the Office for the Regulation of Network Industries.

Among the problems identified in the Slovak implementation is that the autonomy principle is missing in the definition of RECs, while at the same time they generally define how profits can be distributed in the energy community, which opens the door to corporate takeover.

Criteria of EU definition reflected in national definition

Level of detail in the elaboration of principles contained in EU criteria

Clearly defined purpose

ICA cooperative governance principles reflected

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Coherency between both definitions

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Tools to access finance

Tools to access information

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Support Scheme adapted for RECs

Law 256/2022 of 22 June 2022 amended Law 251/2012 on Energy to define RECs and CECs. The legal framework was further clarified by amendment 363/2022 of 19 October 2022 to Law 309/2009 on the Promotion of Renewable Energy Sources. Against this background, the Ministry of Energy should develop the framework for RECs.

Overall, most of the provisions that define the enabling framework for RECs are a copy of the EU provisions without further elaboration of concrete measures. Furthermore, there are no specific measures for RECs in the national renewable energy support programme.

3.20 Slovenia

[REScoop.eu](#): REC & CEC definitions

Slovenia transposed the directives on renewable energy and the electricity market, including most of the provisions on energy communities, in July and October 2021 with Acts No. 2570 on the promotion of the use of renewable energy sources (ZSROVE) and No. 3349 on electricity supply (ZOEE). Nevertheless, some criteria are a copy of the EU directives and require further elaboration of their meaning at national level. This framework replaces and complements the previous framework on community self-supply (i.e. collective self-consumption), which was established in 2019. CECs are also authorised to be active in most markets and activities, but cannot own or manage a distribution network. In March 2022, the implementing rules on how RESC can set up collective self-consumption within the Community were laid down.

**Criteria of EU definition reflected
in national definition**

**Level of detail in the elaboration of
principles contained in EU criteria**

Clearly defined purpose

**ICA cooperative governance
principles reflected**

Legal entities allowed

Citizen participation is ensured

Designated authority to oversee

Number of definitions

Coherency between both definitions

[REScoop.eu](#): Enabling frameworks & support schemes

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**Accessibility to low-income
& vulnerable households**

Tools to access finance

Tools to access information

Regulatory capacity building for public authorities

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Support Scheme adapted for RECs

Slovenia transposed the directives, including most of the provisions on energy communities, in July and October 2021 with Acts No. 2570 on the promotion of the use of renewable energy sources (ZSROVE) and No. 3349 on electricity supply (ZOEE). In line with the guidelines that have been incorporated into national legislation, the specificities of renewable energy communities (RESC) should be taken into account in support programmes and in urban and local planning strategies. Energy Communities of Citizens (ECC) are also authorised to be active in most markets and activities, but cannot own or manage a distribution network. The implementing rules that define how RESC can set up collective self-consumption within the community were established in March 2022.

Overall, transport provides a basis for the development of supporting measures and a support programme for energy communities. However, concrete measures on certain aspects of the support framework are still missing and specific measures for RESCs have not yet been included in the national support programme for renewable energy.

3.21 Spain

[REScoop.eu: REC & CEC definitions](#)

Spain introduced the definition of RECs in Royal Decree-Law 23/2020 to encourage the participation of citizens and local authorities in renewable energy projects. The definition largely mirrors the EU definition, but without explaining specific details on the individual terms. The measures aim to integrate RECs as new market participants on an equal footing in competitive procedures. The Spanish NECP and the "España Puede" plan contain additional measures to promote energy communities. Nevertheless, there is a lack of clear delineation of the types of legal entities that can be used for RECs and there is no regulatory body overseeing the definition, which could cause abuse and lack of trust on the part of citizens. The implementation of the CEC definition is expected in 2022.

Criteria of EU definition reflected in national definition

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Support Scheme adapted for RECs

Spain has introduced the definition of RECs, but much of the regulatory framework for them is still pending. Incentive measures in collective self-consumption have favoured the development of energy community projects, although specific adaptations for RECs are lacking. The incentive framework for collective self-consumption is favourable, but not specifically tailored to RECs. It is unclear whether the government has conducted an official assessment of the potential and barriers for RECs. However, the IDEA has developed a guide that identifies barriers for energy communities. The government is promoting the role of RECs in tackling fuel poverty through interesting initiatives and is using funding from the recovery plan to support energy communities. Some regions have set targets and support frameworks for energy communities. Overall, Spain has taken the first steps towards the enabling framework for RECs, but still needs to address regulatory aspects to make the development fairer and more proportionate.

3.22 Sweden

[REScoop.eu](#): REC & CEC definitions

The Swedish government has not yet submitted a formal legislative proposal for the implementation of energy communities. However, the Swedish Energy Regulatory Authority has proposed recommendations for the implementation of the law. The regulator proposes a concept, the energy community, with two operational definitions: CECs and RECs. This creates a single concept as the basis for CECs and RECs and should promote consistency within the concept. The regulator also proposes that energy communities be managed as business associations under the Business Associations Act. This governs the decision-making process, in which by default one person has one vote. Nevertheless, the ICA principles are generally covered, and openness and voluntary participation are covered by the regulator's recommendations. Participation in RECs is restricted to people living in geographical proximity, which is narrower than the Renewable Energy Directive. However, the regulator implies that RECs need only specify their geographic proximity, which implies a form of flexibility. The purpose of both CECs and RECs is clear. In addition, regulatory oversight of registration and compliance with the requirements of the definition is proposed. One drawback is that RECs and CECs do not appear to allow the provision of benefits to non-members, which significantly limits the social innovation potential of energy communities.

Criteria of EU definition reflected in national definition

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Clearly defined purpose

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Citizen participation is ensured

Designated authority to oversee

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Support Scheme adapted for RECs

Sweden has not officially implemented any of the provisions on RECs or CECs from the EU directives. There are no specific guidelines or measures to promote energy communities or their inclusion in support programmes for renewable energy.

4 Comparison and Interpretation

The national implementation of the Renewable Energy Directive in the EU countries varies greatly, with significant differences in implementation as of December 2022 according to the REScoop.eu Transposition Tracker.

According to the Energy Communities Repository⁵⁸, as of November 2023, 23 member states refer to energy communities in their legislation. RECs are defined 20 times, CECs 17 times and other energy communities 7 times. In 19 EU countries there are support schemes, while in 15 countries there are opportunities for energy sharing that are anchored in law. An assessment of the potential and barriers, which is required by RED II in Article 22, exists in 14 member states. The introduction of regulations for energy communities has taken place in most Member States, but there is a tendency for these to be mainly in the form of primary legislation, while concrete implementing acts or regulations are still limited. The focus is on the gradual development of definitions, with the development of framework conditions progressing more slowly. Although the Member States specify rights and framework conditions for energy communities in their legislation, there is often no detailed elaboration. It can be seen that while energy sharing is emphasised, other potential activities of energy communities are addressed in less detail.

Countries such as Belgium, Denmark, France, Germany, Ireland and Italy have implemented the definitions for REC and CEC well in line with the criteria of RED II, with Ireland standing out as particularly exemplary. Greece and Lithuania are also on an acceptable path. In general, progress in the implementation of the definitions has so far been particularly evident in the authorisation of legal entities, the appointment of supervisory authorities and the number of definitions established in the countries of the EU.

In terms of enabling framework conditions and funding programmes, there is a clear reluctance in national implementation. Austria is leading the way here in a positive sense, followed by Italy, Ireland and the Netherlands. In the EU as a whole, the provision of instruments for access to funding and the adaptation of funding programmes for RECs are the most advanced.

Overall, these developments show that RED II is still being implemented differently in the EU countries, with some countries more advanced than others. Despite good practice examples from some countries, it is clear that the efforts of the EU countries to transpose RED II into national law by mid-2021 have not yet been completed across the board.

⁵⁸ Energy Communities Repository, Webinar replay and presentations: Legal frameworks, drivers and barriers for energy communities, https://energy-communities-repository.ec.europa.eu/energy-communities-repository-news-and-events/energy-communities-repository-news/webinar-replay-and-presentations-legal-frameworks-drivers-and-barriers-energy-communities-2023-11-23_en

In the following, the five partner countries of the ECOEMPOWER project in particular will be compared in their national frameworks for energy communities. The focus will be on the implementation of EU directives, possible legal forms, applicable classes of energy communities, the facilitation of energy sharing and available support schemes:

Transposition

The following table provides a comparison of the five partner countries in accordance with the evaluation of the REScoop.eu Transposition Tracker: ⁵⁹

	Czech Republic	France	Germany	Greece	Italy
REC definition	yes	yes	yes	yes	yes
CEC definition	yes	yes	no	yes	yes
Enabling frameworks	no	partially	partially	partially	partially
Support schemes	no	no	yes	partially	yes

The Czech Republic has not yet introduced legislation on energy communities and a draft law is in preparation. Therefore, there are no established definitions for RECs and CECs yet. Enabling frameworks and support programmes have not yet been published.

In contrast, France has legally defined RECs and CECs, with a focus on autonomy for RECs and open membership for CECs. The legislation largely mirrors the EU directives, but shows weaknesses in the implementation of concrete measures. There is no specific support for RECs in the national support programme and a revision of the framework is underway.

On the other hand, in Germany the term REC has been introduced by "Bürgerenergiegesellschaft", but the CEC definition is still missing. The application of national co-operative regulations remains. Although there are some advantages for BEGs, there is a significant backlog in the implementation of RED II provisions. The 2022 amendment to the EEG has reorganised some framework conditions, but gaps remain, particularly with regard to energy sharing.

Furthermore, Greece does not yet have an implementation draft for RECs and CECs, but the existing legislation already contains some good elements. A new definition of "energy community" has been introduced that includes EU elements. The legislation offers interpretations on insularity, energy poverty and community

⁵⁹ REScoop.eu, Transposition tracker - Definitions, <https://www.rescoop.eu/transposition-tracker>

interests. However, there is still a need for further implementation and temporary support measures have been introduced.

At last, Italy has legislated the definitions of RECs and CECs. The REC definition emphasises autonomy, while the CEC definition emphasises open membership and diverse activities. Italy has made some progress in implementing support measures for RECs, especially at regional level. However, a comprehensive assessment of barriers and potentials is still pending.

As a result, Italy performs best overall in the implementation of EU directives. In contrast to the EU, the enabling frameworks are particularly noteworthy, with which, for example, national tools to access finance and information have been made available. France and Germany also offer individual but good examples within their established definitions and support schemes for their national energy communities. Greece can keep up acceptably with regard to the implemented definitions, but only scores highly when it comes to enabling frameworks in terms of careful accessibility to low-income and vulnerable households. The Czech Republic has a longer way to go in providing certainty, guidance and incentives for energy communities in implementing decrees, anyway new energy law act defining broadly energy communities and active customer was adopted in December 2023.

Legal forms

In the partner countries, a selection of different legal forms is possible, which vary in their practicability for the successful establishment and operation of energy communities. Germany and Italy have the greatest variance, where in principle all legal forms are possible. France also offers a selection for different organizational forms and purposes. While in the Czech Republic only cooperatives and associations are possible, in Greece it is only the form "civil cooperative", which has suitable conditions for energy communities.

Classes of energy communities

Similarly, in terms of the different types of energy communities, the national options and their practical quality are challenging to compare. ECOEMPOWER refers to the following ten:

- Collective generation and trading of electricity
- Generation-Consumption Communities
- Collective residential & industrial self-consumption
- Energy positive districts
- Energy islands
- Municipal utilities
- Financial aggregation and investment
- Cooperative Financing of Energy Efficiency
- Collective service providers
- Digital supply and demand response systems

In Germany, all of these are initially possible to different degrees, but so far only three of them are very common. In Greece, seven are possible, while in the Czech Republic and France there are three each. In Italy, there is only one special yet remarkable class, which was not mentioned above: Virtual electricity sharing.

Energy sharing

When it comes to energy sharing, Italy wins with its excellent legal support mechanisms in relation to the virtual electricity exchange. France has also made energy sharing possible for its citizens since 2017, which offers some advantages for them, but does not provide any legal financial incentive other than feed-in tariffs for excess electricity. Greek energy sharing is possible for energy communities, energy cooperatives and energy clusters, but there are challenges with virtual net metering projects, particularly in case of citizen-led energy communities, and there are currently no specific subsidies. Germany has so far only enshrined one type of energy sharing in law: tenant power is already common and subsidized in two ways. In addition, the coalition agreement of the current government states that framework conditions for energy sharing are to be created for the first time. Various models have already been developed to support the national legislative process. The Czech Republic could overtake the German implementation: There is still no energy sharing but it is planned by the end of 2026. The development of a funding framework for this remains to be awaited.

Support schemes

To take a closer look at the national support mechanisms of the five partner countries, a distinction can be made between the favourable framework for renewable energy projects and the special preferential treatment of energy communities. The following section will focus primarily on the latter:

In the Czech Republic, no special conditions or privileges apply to energy communities. The legal framework for energy communities in this country is still in the development phase. In contrast, in the French renewable heat sector, the maximum subsidy rate increases by 15% if the project is managed by an energy community. These incentives could help to encourage the participation of energy communities in heat projects and strengthen their role in the sector. For German energy communities that are BEGs with a capacity of less than 1 MW, there is no need to submit a business plan for tenders. In addition, BEG projects are exempt from tenders under certain conditions of the EEG 2023. In certain cases, these regulations could already help to facilitate the participation of citizen-led energy communities in renewable energy projects. The support conditions for energy communities in Greece are comprehensive and offer a variety of privileges. Energy communities are eligible for support under the Investment Law, can participate in EU co-financed projects and use virtual net metering. However, participation in tenders is mandatory for most energy communities. Finally, looking at Italy, energy communities do not currently participate in the electricity market, but receive discounts on system costs as they reduce the use of the electricity grid. The investment costs for renewable energy plants can be supported by various subsidies, including non-refundable funds, tax deductions and local contributions.

Feed-in by energy communities takes place via "earmarked withdrawal", so that no state feed-in tariff is involved. With regard to exactly this type of support scheme for renewable energy projects, such as statutory feed-in tariffs, there is no such incentive in the Czech Republic either - in contrast to France, Greece and Germany.

5 Conclusion

This summary shows that EU Member States are showing both progress and restraint in creating a favourable framework that can help local actors to establish, support and participate in energy communities. Most EU Member States have introduced regulations for energy communities, although the focus is mainly on primary legislation and specific implementing laws or regulations are still rare. There is a tendency towards the gradual development of definitions, while the development of frameworks is slower. Although rights and frameworks are mentioned in Member States' national Energy community legislation, there is often a lack of detailed elaboration of these aspects. There is a particular focus on energy sharing, which is positive, while other potential activities of energy communities are often less thoroughly addressed. While this summary provides good examples for others to follow, it is also clear that most EU countries have not yet adopted the necessary legislation, policies or measures to create a favourable framework for energy communities.

Looking more closely at the five ECOEMPOWER partner countries, Italy currently performs best in the implementation of EU directives. Compared to the other member states, the Italian enabling frameworks are particularly noteworthy. With this, for example, national tools to access finance and information have been made available. France and Germany also offer individual but good examples within their established definitions and support schemes for their national energy communities. Greece can keep up appropriate with regard to the implemented definitions, but only scores highly when it comes to enabling frameworks in terms of careful accessibility to low-income & vulnerable households. The Czech Republic still has a longer way to go, but hopes are pinned on an upcoming draft legislation that might finally introduce helpful framework conditions for energy communities.

Read more:

- The Energy Communities Repository has collected data from EU Member States on their existing policies and regulations for energy communities under the Clean Energy Package. As another valuable resource, the [Policy database](#) was launched by the end of 2023. The information is freely accessible in a database.⁶⁰
- Beyond the Transposition Tracker, there is the [REScoop.eu Financing Tracker](#), which assesses whether and how EU public funds (Recovery & Resilience, Cohesion, and Modernisation Funds), are being used by Member States to support energy communities.⁶¹
- Within its toolbox, REScoop.eu published the policy paper [Enabling frameworks for Renewable Energy Communities: report on good practices](#). This report aims to show what member states have done so far to address each of the elements that need to be part of their national frameworks, in line with RED II. In addition, it contains concrete best practices that some of the EU countries have implemented so far.⁶²

⁶⁰ Energy Communities Repository, Policy database, https://energy-communities-repository.ec.europa.eu/energy-communities-repository-legal-frameworks/energy-communities-repository-policy-database_en

⁶¹ REScoop.eu, Financing tracker, <https://www.rescoop.eu/financing-tracker>

⁶² REScoop.eu, Enabling frameworks for Renewable Energy Communities: report on good practices, <https://www.rescoop.eu/toolbox/enabling-frameworks-for-renewable-energy-communities-report-on-good-practices>

6 List of Abbreviations

CBA	Cost-benefit analysis
CEC	Citizen Energy Community
DSO	Distribution system operator
EC	Energy community
EU	European Union
ICA	International Cooperative Alliance
IEMD	Internal Electricity Market Directive
NECP	National Energy and Climate Plan
PV	Photovoltaic
REC	Renewable Energy Community
RED II	Renewable Energy Directive
RES	Renewable energy source
SME	Small and medium-sized enterprise
TSO	Transmission system operator

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Únor 2024

SHRNUTÍ NÁRODNÍCH RÁMCŮ PRO VYTVOŘENÍ KOLEKTIVNÍCH A SPOLUPRACUJÍCÍCH SYSTÉMŮ DODÁVEK ENERGIE NA MÍSTNÍ A REGIONÁLNÍ ÚROVNI



Projekt **ECOEMPOWER - ECosystems EMPOWERing at regional and local scale supporting energy communities** je financován Evropskou výkonnou agenturou pro klima, infrastrukturu a životní prostředí (CINEA) v rámci Grantové smlouvy č. 101120775.



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MANAŽERSKÝ SOUHRN

V rámci projektu ECOEMPOWER financovaného Evropskou unií je připraveno toto s cílem nastínit národní rámcové podmínky pro vytvoření kolektivních a kooperativních systémů zásobování energií na místní a regionální úrovni. Tříletý koordinační a podpůrný projekt s názvem "ECOsystems EMPOWERing v regionálním a místním měřítku" se zaměřuje na podporu regionálních orgánů jako významných aktérů energetických komunit prostřednictvím zřízení jednotných kontaktních míst. Partnerskými zeměmi projektu jsou Česká republika, Francie, Německo, Řecko a Itálie.

Projektové konsorcium se opírá především o existující dokumentaci, zejména o "Transposition Tracker", který vydává REScoop.eu a který popisuje současný právní a regulační rámec všech 27 členských států EU. Sledování hodnotí pokrok jednotlivých států při transpozici evropských směrnic RED II¹ a IEMD². Partneři projektu tento cenný zdroj doplnili a interpretovali tak, aby poskytl jak evropský přehled, tak konkrétní poznatky pro pět zemí projektu ECOEMPOWER. Výsledná analýza podpoří projektové partnery při rozvoji jejich vlastních společenství a přípravě budoucích plánů.

Několik zemí EU, především Belgie, Dánsko, Francie, Německo, Irsko a Itálie, úspěšně zavedlo definice společenství pro energii z obnovitelných zdrojů a občanských energetických společenství v souladu s kritérii směrnice RED II. Irsko je v této souvislosti zvláště zdůrazňováno. Kromě toho bylo dosaženo pokroku, zejména pokud jde o udělování povolení právníkům osobám, jmenování dozorcích orgánů a počet definovaných společenství v zemích EU. Rakousko má celkově nejlepší rámec a podpůrné činnosti, následuje Itálie, Irsko a Nizozemsko. Celkově však stále existuje neochota a nejistota ohledně těchto vnitrostátních implementací.

Mezi pěti partnerskými zeměmi projektu ECOEMPOWER vyniká Itálie, která je v implementaci směrnic EU nejpokročilejší. Italský rámec s vnitrostátními nástroji pro přístup k financování a poskytování informací je pozoruhodný. Francie a Německo rovněž poskytují dobré příklady v rámci svých zavedených definic a podpůrných programů pro národní energetické komunity. Řecko je dobře sladěno s implementovanými definicemi a vyniká zejména promyšleným přístupem pro domácnosti s nízkými příjmy. Česká republika má před sebou delší cestu v poskytování jistoty, vodítek a pobídek pro energetické komunity v připravovaných prováděcích vyhláškách, každopádně nový energetický zákon definující široce energetické komunity a aktivního zákazníka byl přijat v prosinci 2023.

Toto shrnutí poukazuje na to, že členské státy EU vykazují jak pokrok, tak neochotu při vytváření příznivého rámce, který může pomoci místním aktérům zakládat, podporovat a podílet se na energetických komunitách. Ačkoli většina zemí EU zavedla určité předpisy pro energetické komunity, často se zaměřuje především na primární legislativu a konkrétní prováděcí zákony nebo nařízení jsou vzácné. Existuje tendence k postupnému

¹ RED II:

Směrnice Evropské unie o obnovitelné energii 2018/2001 stanoví závazné cíle pro podíl obnovitelných energií na celkové spotřebě energie do roku 2030 a také rámcové podmínky pro podporu a integraci obnovitelných energií do energetického mixu členských států. Podporuje tak rozšiřování udržitelných zdrojů energie s cílem snížit emise skleníkových plynů a dosáhnout cílů EU v oblasti klimatu.

² IEMD:

Směrnice Evropské unie o elektřině 2019/944 stanoví opatření na podporu vnitřního trhu s elektřinou prostřednictvím podpory přeshraničního obchodu, integrace obnovitelné energie a posílení práv spotřebitelů v EU. Směrnice si klade za cíl podporovat účinné využívání obnovitelné energie s cílem podpořit energetickou transformaci a zajistit bezpečnost dodávek.

definování společenství, zatímco vývoj podpůrných rámců je pomalejší. Ačkoli jsou ve vnitrostátních právních předpisech členských států pro energetická společenství často zmiňována práva a podmínky, často chybí podrobné rozpracování těchto aspektů. Pozitivní je zaměření na sdílení energie, zatímco ostatní potenciální činnosti energetických společenství jsou často řešeny méně pečlivě. Tento přehled poskytuje cenné příklady, kterými se můžeme inspirovat, ale je zřejmé, že většina zemí EU dosud nepřijala potřebné právní předpisy, politiky nebo opatření, které by vytvořily příznivé prostředí pro rozkvet energetických společenství.

Tento dokument je pravidelně aktualizován a odkazuje na další existující dokumenty z různých zdrojů.

Février 2024

RÉSUMÉ DES CADRES NATIONAUX POUR LA MISE EN PLACE DE SYSTÈMES COLLECTIFS ET COOPÉRATIFS D'APPROVISIONNEMENT EN ÉNERGIE AU NIVEAU LOCAL ET RÉGIONAL



The project **ECOEMPOWER - ECOsystems EMPOWERing at regional and local scale supporting energy communities** receives funding from the European Climate, Infrastructure and Environment Executive Agency (CINEA) under Grant Agreement n°101120775.



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RÉSUMÉ

Dans le cadre du projet ECOEMPOWER financé par l'UE, cette synthèse est préparée pour présenter le cadre et les conditions nationales pour la mise en place de systèmes collectifs et coopératifs d'approvisionnement en énergie à l'échelle locale et régionale. Le projet de coordination et de soutien d'une durée de trois ans intitulé "ECOSystems EMPOWERing at regional and local scale supporting energy communities" se concentre sur le soutien aux autorités régionales en tant que facilitatrices du développement des communautés d'énergie par la mise en place de guichets uniques. Les pays partenaires du projet sont la République tchèque, la France, l'Allemagne, la Grèce et l'Italie.

Le consortium du projet s'appuie principalement sur la documentation existante, en particulier le "[Transposition Tracker](#)" publié par [REScoop.eu](#), pour décrire le cadre juridique et réglementaire actuel des 27 États membres de l'UE. Le tracker évalue les progrès nationaux dans la transposition des directives européennes [RED II](#)¹ et [IEMD](#)². Les partenaires du projet ont complété et interprété cette précieuse ressource pour fournir à la fois une vue d'ensemble européenne et des informations spécifiques aux cinq pays du projet ECOEMPOWER. L'analyse qui en résulte aidera les partenaires du projet à développer leurs propres cas et à préparer de futurs plans.

Plusieurs pays de l'UE, principalement la Belgique, le Danemark, la France, l'Allemagne, l'Irlande et l'Italie, ont mis en œuvre avec succès les définitions des communautés d'énergie renouvelable et des communautés d'énergie citoyenne conformément aux critères de la RED II. L'Irlande est particulièrement mise en avant dans ce contexte. En outre, des progrès ont été réalisés, notamment en ce qui concerne l'autorisation des entités juridiques, la nomination des autorités de contrôle et le nombre de termes définis dans les pays de l'UE. L'Autriche dispose globalement des meilleurs cadres d'habilitation et régimes de soutien, suivie de l'Italie, de l'Irlande et des Pays-Bas. Dans l'ensemble, cependant, des réticences et des incertitudes persistent quant à la mise en œuvre de ces mesures au niveau national.

Parmi les cinq pays partenaires d'ECOEMPOWER, l'Italie se distingue comme étant le plus avancé dans la mise en œuvre des directives de l'UE. Le cadre italien, avec ses instruments nationaux pour l'accès au financement et la fourniture d'informations, est remarquable. La France et l'Allemagne sont également de bons exemples dans le cadre de leurs définitions établies et de leurs programmes de soutien aux communautés d'énergie nationales. La Grèce est bien alignée sur les définitions mises en œuvre, et se distingue particulièrement par ses cadres pour l'accès réfléchi des ménages à faibles revenus. La République tchèque a encore du chemin à parcourir pour

¹ [RED II](#):

[La directive européenne sur les énergies renouvelables 2018/2001 fixe des objectifs contraignants pour la part des énergies renouvelables dans la consommation totale d'énergie d'ici 2030 et établit des conditions-cadres pour la promotion et l'intégration des énergies renouvelables dans le mix énergétique des États membres. Elle favorise ainsi l'expansion des sources d'énergie durables pour réduire les émissions de gaz à effet de serre et atteindre les objectifs climatiques de l'Union européenne.](#)

² [IEMD](#):

[La directive sur l'électricité de l'Union européenne 2019/944 établit des mesures visant à promouvoir le marché intérieur de l'électricité en favorisant le commerce transfrontalier, l'intégration des énergies renouvelables et le renforcement des droits des consommateurs dans l'Union européenne. La directive vise à promouvoir l'utilisation efficace des énergies renouvelables afin de soutenir la transition énergétique et garantir la sécurité d'approvisionnement.](#)

fournir des certitudes, des orientations et des incitations aux communautés d'énergie, en espérant que le prochain projet de loi introduira des cadres de soutien.

Cette synthèse montre que les États membres de l'UE font preuve à la fois de progrès et de réticence dans la création d'un cadre propice pouvant aider les acteurs locaux à établir, soutenir et participer aux communautés d'énergie. Bien que la plupart des pays de l'UE aient introduit certaines réglementations pour les communautés d'énergie, l'accent est souvent mis sur la législation primaire et les lois ou règlements d'application spécifiques sont rares. La tendance est à l'élaboration progressive de définitions, tandis que le développement de cadres est plus lent. Bien que les droits et les conditions soient souvent mentionnés dans la législation nationale des États membres relative aux communautés d'énergie, ils manquent souvent d'une mise en oeuvre détaillée. L'accent mis sur le partage de l'énergie est positif, alors que d'autres activités potentielles des communautés d'énergie sont souvent moins bien traitées. Cette synthèse fournit des exemples précieux à suivre, mais il est clair que la plupart des pays de l'UE n'ont pas encore adopté la législation, les politiques ou les mesures nécessaires pour créer un environnement favorable à l'épanouissement des communautés énergétiques.

Les mises à jour régulières et les références à une documentation existante avancée provenant de diverses sources sont censées caractériser la nature de ce document.

Februar 2024

ZUSAMMENFASSUNG DER NATIONALEN RAHMENBEDINGUNGEN FÜR DIE ERRICHTUNG VON KOLLEKTIVEN UND KOOPERATIVEN ENERGIEVERSORGUNGS- SYSTEMEN AUF LOKALER UND REGIONALER EBENE



Das Projekt **ECOEMPOWER - ECOsystems EMPOWERing at regional and local scale supporting energy communities** wird von der European Climate, Infrastructure and Environment Executive Agency (CINEA) unter dem Grant Agreement n°101120775 gefördert.



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EXECUTIVE SUMMARY

Im Rahmen des EU-finanzierten Projekts ECOEMPOWER wird diese Zusammenfassung veröffentlicht, um die nationalen Rahmenbedingungen für die Errichtung von kollektiven und kooperativen Energieversorgungssystemen auf lokaler und regionaler Ebene zu skizzieren. Das dreijährige Koordinierungs- und Unterstützungsprojekt mit dem Titel "ECOSystems EMPOWERing at regional and local scale supporting energy communities" konzentriert sich auf die Unterstützung regionaler Behörden als Förderer von Energiegemeinschaften durch die Einrichtung von zentralen Anlaufstellen. Die Partnerländer des Projekts sind die Tschechische Republik, Frankreich, Deutschland, Griechenland und Italien.

Das Projektkonsortium stützt sich hauptsächlich auf bestehende Unterlagen, insbesondere auf den [von REScoop.eu veröffentlichten "Transposition Tracker"](#), der den aktuellen rechtlichen und regulatorischen Rahmen aller 27 EU-Mitgliedstaaten beschreibt. Der Tracker bewertet die nationalen Fortschritte bei der Umsetzung der europäischen Richtlinien [RED II](#)¹ und [IEMD](#)². Die Projektpartner ergänzten und interpretierten diese wertvolle Ressource, um sowohl einen europäischen Überblick als auch spezifische Erkenntnisse für die fünf ECOEMPOWER-Projektländer zu gewinnen. Die daraus resultierende Analyse wird die Projektpartner bei der Entwicklung ihrer eigenen Fälle und der Vorbereitung künftiger Pläne unterstützen.

Mehrere EU-Länder, vor allem Belgien, Dänemark, Frankreich, Deutschland, Irland und Italien, haben die Definitionen für Renewable Energy Communities und Citizen Energy Communities in Übereinstimmung mit den RED II-Kriterien erfolgreich umgesetzt. Irland ist in diesem Zusammenhang besonders hervorzuheben. Darüber hinaus wurden Fortschritte erzielt, insbesondere im Hinblick auf die Zulassung von juristischen Personen, die Ernennung von Aufsichtsbehörden und die Anzahl der definierten Begriffe in den EU-Ländern. Österreich verfügt insgesamt über die besten Rahmenbedingungen und Förderprogramme für Energiegemeinschaften, gefolgt von Italien, Irland und den Niederlanden. Im Großen und Ganzen gibt es jedoch immer noch Vorbehalte und Unsicherheiten in Bezug auf solche nationalen Umsetzungen.

Unter den fünf ECOEMPOWER-Partnerländern ist Italien bei der Umsetzung von EU-Richtlinien am weitesten fortgeschritten. Der italienische Rahmen mit nationalen Instrumenten für den Zugang zu Finanzmitteln und die Bereitstellung von Informationen ist bemerkenswert. Auch Frankreich und Deutschland liefern mit ihren etablierten Definitionen und Förderprogrammen für nationale Energiegemeinschaften gute Beispiele. Griechenland hat sich gut an die umgesetzten Definitionen angeglichen, überzeugt aber vor allem mit Rahmenbedingungen für einen durchdachten Zugang für einkommensschwache Haushalte. Die Tschechische Republik hat noch einen längeren Weg vor sich, wenn es darum geht, Sicherheit, Orientierung und Anreize für

¹ RED II:

Die Erneuerbare-Energien-Richtlinie 2018/2001 der Europäischen Union legt verbindliche Ziele für den Anteil erneuerbarer Energien am Gesamtenergieverbrauch bis 2030 fest und schafft Rahmenbedingungen für die Förderung und Integration von erneuerbaren Energien in den Energiemix der Mitgliedsstaaten. Sie fördert damit den Ausbau nachhaltiger Energiequellen, um Treibhausgasemissionen zu reduzieren und die Klimaziele der EU zu erreichen.

² IEMD:

Die Elektrizitätsrichtlinie 2019/944 der Europäischen Union legt Maßnahmen zur Förderung des Elektrizitätsbinnenmarktes fest, indem sie den grenzüberschreitenden Handel, die Integration von erneuerbaren Energien und die Stärkung der Verbraucherrechte in der EU vorantreibt. Die Richtlinie zielt darauf ab, die effiziente Nutzung erneuerbarer Energien zu fördern, um die Energiewende zu unterstützen und die Versorgungssicherheit zu gewährleisten.

Energiegemeinschaften zu schaffen, wobei man auf den bevorstehenden Gesetzesentwurf hofft, um unterstützende Rahmenbedingungen einzuführen.

Diese Zusammenfassung macht deutlich, dass die EU-Mitgliedstaaten sowohl Fortschritte als auch Zurückhaltung bei der Schaffung von Rahmenbedingungen zeigen, die lokalen Akteuren bei der Gründung, Unterstützung und Beteiligung an Energiegemeinschaften helfen können. Obwohl die meisten EU-Länder einige Vorschriften für Energiegemeinschaften eingeführt haben, liegt der Schwerpunkt häufig auf der Primärgesetzgebung, und spezifische Durchführungsgesetze oder -vorschriften sind selten. Es besteht eine Tendenz zur schrittweisen Entwicklung von Definitionen, während die Entwicklung von Rahmenwerken langsamer verläuft. Obwohl Rechte und Bedingungen in den nationalen Rechtsvorschriften der Mitgliedstaaten für Energiegemeinschaften häufig erwähnt werden, fehlt es häufig an einer detaillierten Ausarbeitung dieser Aspekte. Die Konzentration auf Energie Sharing ist positiv, während andere potenzielle Aktivitäten von Energiegemeinschaften oft weniger sorgfältig behandelt werden. Diese Zusammenfassung liefert wertvolle Beispiele mit Vorbildcharakter, aber es ist klar, dass die meisten EU-Länder zum jetzigen Zeitpunkt noch nicht die notwendigen Rechtsvorschriften, Strategien oder Maßnahmen verabschiedet haben, um ein günstiges Umfeld für das Wachstum von Energiegemeinschaften zu schaffen.

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Φεβρουάριος 2024

ΠΕΡΙΛΗΨΗ ΤΩΝ ΕΘΝΙΚΩΝ ΠΛΑΙΣΙΩΝ ΓΙΑ
ΤΗ ΔΗΜΙΟΥΡΓΙΑ ΣΥΛΛΟΓΙΚΩΝ ΚΑΙ
ΣΥΝΕΤΑΙΡΙΣΤΙΚΩΝ ΣΥΣΤΗΜΑΤΩΝ
ΕΝΕΡΓΕΙΑΚΟΥ ΕΦΟΔΙΑΣΜΟΥ ΣΕ ΤΟΠΙΚΟ
ΚΑΙ ΠΕΡΙΦΕΡΕΙΑΚΟ ΕΠΙΠΕΔΟ



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EXECUTIVE SUMMARY

Στο πλαίσιο του χρηματοδοτούμενου από την ΕΕ έργου ECOEMPOWER, η παρούσα περίληψη συντάσσεται για να περιγράψει τα εθνικά ρυθμιστικά πλαίσια για τη δημιουργία συλλογικών και συνεργατικών συστημάτων ενεργειακού εφοδιασμού σε τοπική και περιφερειακή κλίμακα. Το τριετές έργο συντονισμού και υποστήριξης με τίτλο "ECOsysteMS EMPOWERing at regional and local scale supporting energy communities" επικεντρώνεται στην υποστήριξη των περιφερειακών αρχών ως διαμεσολαβητών των ενεργειακών κοινοτήτων με τη δημιουργία καταστημάτων μιας στάσης (ΚΜΣ). Οι χώρες εταίροι του έργου είναι η Τσεχική Δημοκρατία, η Γαλλία, η Γερμανία, η Ελλάδα και η Ιταλία.

Η κοινοπραξία του έργου βασίζεται κυρίως στην υπάρχουσα τεκμηρίωση, ιδίως στον ["Transposition Tracker" που δημοσιεύεται από το REScoop.eu](#), για να περιγράψει το ισχύον νομικό και κανονιστικό πλαίσιο και των 27 κρατών μελών της ΕΕ. Ο παρακολουθητής αξιολογεί την εθνική πρόοδο στη μεταφορά των ευρωπαϊκών οδηγιών [RED II](#)¹ και [IEMD](#)². Οι εταίροι του έργου συμπλήρωσαν και ερμήνευσαν αυτόν τον πολύτιμο πόρο για να παράσχουν τόσο μια ευρωπαϊκή επισκόπηση όσο και ειδικές γνώσεις για τις πέντε χώρες του έργου ECOEMPOWER. Η ανάλυση που προκύπτει θα υποστηρίξει τους εταίρους του έργου στην ανάπτυξη των δικών τους περιπτώσεων και στην προετοιμασία μελλοντικών σχεδίων.

Αρκετές χώρες της ΕΕ, κυρίως το Βέλγιο, η Δανία, η Γαλλία, η Γερμανία, η Ιρλανδία και η Ιταλία, έχουν εφαρμόσει με επιτυχία τους ορισμούς για τις Κοινότητες Ανανεώσιμων Πηγών Ενέργειας και τις Ενεργειακές Κοινότητες Πολιτών σύμφωνα με τα κριτήρια του RED II. Η Ιρλανδία υπογραμμίζεται ιδιαίτερα στο πλαίσιο αυτό. Επιπλέον, έχει σημειωθεί πρόοδος, ιδίως όσον αφορά την αδειοδότηση νομικών προσώπων, τον διορισμό εποπτικών αρχών και τον αριθμό των καθορισμένων όρων στις χώρες της ΕΕ. Η Αυστρία διαθέτει συνολικά τα καλύτερα ευνοϊκά πλαίσια και καθεστάτα στήριξης, ακολουθούμενη από την Ιταλία, την Ιρλανδία και τις Κάτω Χώρες. Συνολικά, ωστόσο, εξακολουθεί να υπάρχει απροθυμία και αβεβαιότητα όσον αφορά τις εν λόγω εθνικές εφαρμογές.

Μεταξύ των πέντε χωρών-εταίρων του ECOEMPOWER, η Ιταλία ξεχωρίζει ως η πιο προηγμένη στην εφαρμογή των οδηγιών της ΕΕ. Το ιταλικό πλαίσιο με τα εθνικά μέσα για την πρόσβαση στη χρηματοδότηση και την παροχή πληροφοριών είναι αξιοσημείωτο. Η Γαλλία και η Γερμανία παρέχουν επίσης καλά παραδείγματα στο πλαίσιο των καθιερωμένων ορισμών και των προγραμμάτων στήριξης για τις εθνικές ενεργειακές κοινότητες. Η Ελλάδα είναι καλά ευθυγραμμισμένη με τους εφαρμοσμένους ορισμούς, αλλά ξεχωρίζει ιδιαίτερα με τα πλαίσια για τη μελετημένη πρόσβαση των νοικοκυριών με χαμηλό εισόδημα. Η Τσεχική Δημοκρατία έχει περισσότερο δρόμο να διανύσει όσον αφορά την παροχή ασφάλειας, καθοδήγησης και κινήτρων για τις ενεργειακές κοινότητες, ελπίζοντας ότι το επερχόμενο σχέδιο νόμου θα εισαγάγει υποστηρικτικά πλαίσια.

¹ RED II: Η οδηγία 2018/2001 της Ευρωπαϊκής Ένωσης για τις ανανεώσιμες πηγές ενέργειας θέτει δεσμευτικούς στόχους για το μερίδιο των ανανεώσιμων πηγών ενέργειας στη συνολική κατανάλωση ενέργειας έως το 2030 και καθορίζει τους όρους-πλαίσιο για την προώθηση και την ενσωμάτωση των ανανεώσιμων πηγών ενέργειας στο ενεργειακό μείγμα των κρατών μελών. Έτσι, προωθεί την επέκταση των βιώσιμων πηγών ενέργειας για τη μείωση των εκπομπών αερίων του θερμοκηπίου και την επίτευξη των κλιματικών στόχων της ΕΕ.

² IEMD: Η οδηγία 2019/944 της Ευρωπαϊκής Ένωσης για την ηλεκτρική ενέργεια καθορίζει μέτρα για την προώθηση της εσωτερικής αγοράς ηλεκτρικής ενέργειας, προωθώντας το διασυνοριακό εμπόριο, την ενσωμάτωση των ανανεώσιμων πηγών ενέργειας και την ενίσχυση των δικαιωμάτων των καταναλωτών στην ΕΕ. Η οδηγία αποσκοπεί στην προώθηση της αποδοτικής χρήσης των ανανεώσιμων πηγών ενέργειας, προκειμένου να υποστηριχθεί η ενεργειακή μετάβαση και να διασφαλιστεί η ασφάλεια του εφοδιασμού.

Η σύνοψη αυτή υπογραμμίζει ότι τα κράτη μέλη της ΕΕ παρουσιάζουν τόσο πρόοδο όσο και απροθυμία στη δημιουργία ενός ευνοϊκού πλαισίου που μπορεί να βοηθήσει τους τοπικούς φορείς να δημιουργήσουν, να υποστηρίξουν και να συμμετάσχουν στις ενεργειακές κοινότητες. Παρόλο που οι περισσότερες χώρες της ΕΕ έχουν θεσπίσει κάποιους κανονισμούς για τις ενεργειακές κοινότητες, η εστίαση είναι συχνά στην πρωτογενή νομοθεσία και οι ειδικοί εκτελεστικοί νόμοι ή κανονισμοί είναι σπάνιοι. Υπάρχει μια τάση προς τη σταδιακή ανάπτυξη ορισμών, ενώ η ανάπτυξη πλαισίων είναι πιο αργή. Αν και τα δικαιώματα και οι προϋποθέσεις αναφέρονται συχνά στην εθνική νομοθεσία των κρατών μελών για τις ενεργειακές κοινότητες, συχνά δεν υπάρχει λεπτομερής επεξεργασία αυτών των πτυχών. Η εστίαση στον διαμοιρασμό ενέργειας είναι θετική, ενώ άλλες πιθανές δραστηριότητες των ενεργειακών κοινοτήτων συχνά εξετάζονται λιγότερο προσεκτικά. Η παρούσα περίληψη παρέχει πολύτιμα παραδείγματα προς μίμηση, αλλά είναι σαφές ότι οι περισσότερες χώρες της ΕΕ δεν έχουν ακόμη υιοθετήσει την απαραίτητη νομοθεσία, πολιτικές ή μέτρα για τη δημιουργία ευνοϊκού περιβάλλοντος για την άνθηση των ενεργειακών κοινοτήτων.

Οι τακτικές επικαιροποιήσεις και η παραπομπή σε υπάρχουσα τεκμηρίωση από διάφορες πηγές έχουν ως στόχο να χαρακτηρίσουν τη φύση του παρόντος εγγράφου.

Febbraio 2024

RIEPILOGO DEI QUADRI LEGISLATIVI NAZIONALI PER LA CREAZIONE DI SISTEMI DI FORNITURA DI ENERGIA COOPERATIVA E COLLETTIVA, A LIVELLO LOCALE E REGIONALE



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EXECUTIVE SUMMARY

Questo documento nasce all'interno del progetto ECOEMPOWER, cofinanziato dall'Unione Europea, e intende illustrare il panorama dei quadri legislativi nazionali per la creazione di sistemi di fornitura di energia cooperativa e collettiva, sia a livello locale che regionale. Il progetto, che ha una durata di tre anni ed è chiamato "ECOEMPOWER - ECOsystems EMPOWERing at regional and local scale supporting energy communities", è impegnato a supportare le autorità regionali come facilitatori delle comunità energetiche, attraverso la creazione di one stop shops. I partner del progetto sono in Repubblica Ceca, Francia, Germania, Grecia e Italia.

Il consorzio ha basato la presente analisi su documentazione già esistente, in particolare sul "[Transposition Tracker](#)" [pubblicato da REscoop.eu](#), per descrivere l'attuale quadro legale e normativo dei 27 Stati membri. Il Transposition Tracker valuta i progressi nazionali nella trasposizione delle direttive europee [RED II](#)¹ e [IEMD](#)². I partner del progetto integrano ed interpretano questa fonte accreditata per fornire uno sguardo sia a livello europeo che a livello dei cinque paesi dei partner di ECOEMPOWER. L'analisi che ne risulterà supporterà i partner del progetto nello sviluppare le proprie iniziative e nel preparare progetti futuri.

Vari paesi europei, principalmente Belgio, Danimarca, Francia, Germania, Irlanda e Italia, hanno implementato con successo le definizioni europee di Comunità Energetica Rinnovabile (CER) e Comunità Energetica dei Cittadini (CEC), in linea con i criteri della Direttiva RED II. L'Irlanda si è particolarmente distinta in tal senso. Inoltre, progressi sono stati fatti in particolare relativamente all'autorizzazione delle entità legali, alla nomina di organismi di controllo e alla definizione di alcuni specifici termini nei paesi europei. L'Austria ha il migliore quadro normativo e schemi di supporto, seguita da Italia, Irlanda e Olanda. In generale, tuttavia, vi è una diffusa riluttanza nelle trasposizioni e incertezza nelle implementazioni nazionali.

Fra i cinque paesi dei partner di ECOEMPOWER, l'Italia è la più avanzata nell'implementazione delle direttive europee. Il quadro italiano, composto da strumenti nazionali per l'accesso ai finanziamenti e da disponibilità di informazioni, è degno di nota. Anche Francia e Germania costituiscono buoni esempi nelle loro consolidate definizioni e nei programmi di supporto per le comunità energetiche. La Grecia è allineata in relazione alle definizioni, ma si distingue in particolare per le misure di contrasto alla povertà energetica.

Questo documento evidenzia come gli stati membri dell'Unione Europea mostrino sia progressi che resistenze nel creare un quadro normativo favorevole alla creazione, al supporto e alla partecipazione a comunità energetiche da parte degli attori locali. Sebbene la maggior parte dei paesi europei abbia introdotto alcune regolamentazioni per le comunità energetiche, il focus è spesso sulla legislazione primaria, mentre specifiche leggi per l'implementazione sono rare. Vi è sicuramente una tendenza verso lo sviluppo graduale delle definizioni, mentre la creazione del quadro normativo è più lento. Sebbene i diritti e le condizioni siano spesso citate nelle legislazioni nazionali per le comunità energetiche degli Stati membri, spesso questi aspetti non vengono

¹ RED II: Direttiva sull'energia rinnovabile dell'Unione Europea 2018/2001 fissa dei livelli vincolanti della componente di energia rinnovabile rispetto al consumo totale al 2030 e stabilisce delle condizioni generali per la promozione e integrazione delle energie rinnovabili nel mix energetico degli stati membri. Promuove inoltre l'ampliamento delle fonti di energia sostenibile per ridurre i gas climalteranti e raggiungere gli obiettivi europei sul clima.

² IEMD: Direttiva Europea sull'elettricità 2019/944 definisce le misure per incentivare il mercato interno dell'elettricità, attraverso la promozione il commercio internazionale, l'integrazione dell'energia rinnovabile e il rafforzamento dei diritti dei consumatori nella UE. La direttiva intende promuovere l'uso efficiente dell'energia rinnovabile per supportare la transizione energetica e assicurare la sicurezza dell'approvvigionamento.

dettagliati in maniera adeguata. Questo documento fornisce esempi che costituiscono fonte di ispirazione per altri stati, ma è chiaro come la maggioranza degli stati europei non abbia ancora adottato la legislazione, le politiche e le misure necessarie per creare le condizioni ideali alla diffusione delle comunità energetiche.

Costanti aggiornamenti e riferimenti alla documentazione esistente da varie fonti sono parte integrante di questo documento.