

Enabling frameworks for Renewable Energy Communities

Report on good practices



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Introduction

Not too long ago, NGOs, cooperatives, local authorities and other local actors fighting for a transition towards energy democracy were hailing the finalisation of the Recast Renewables Directive (RED II).¹ Before that point, EU legislation did not even acknowledge citizens, local authorities and small and medium enterprises (SMEs) as active market players.

The Clean Energy Package (CEP) changed all of that. The CEP explicitly acknowledged the unique characteristics of energy communities, citing them as providing added value in terms of different environmental, economic and social benefits, as well as challenges in operating in the market. Specifically, the CEP defined Renewable Energy Communities (RECs) and Citizen Energy Communities (CECs), giving them a set of rights to participate across the energy market, and requiring a national enabling framework to help RECs in particular to develop.

A lot has happened since the adoption of the RED II five years (half a decade) ago. The transposition deadline has come and gone, and Europe now finds itself amidst an unprecedented energy crisis, driven by reliance on imported fossil fuels. Energy prices are high and extremely volatile, and Member States are finally waking up to the fact that they need to ramp up new installations for renewables production. These factors make empowering local actors to take an active role in the energy transition ever more pressing.

We can now see the progress – or lack thereof – of Member States in creating a favourable enabling framework that can help local actors set up, support, and participate in RECs. This report aims to highlight what Member States have done so far to include each of the elements that are required to be part of their national enabling frameworks in line with the RED II. Utilising the approach from a previous Transposition Guidance developed by REScoop.eu and ClientEarth, the report looks at what is required by the Member States. Furthermore, it provides concrete 'good practices' of what Member States have put in place so far.

This report complements [REScoop.eu's online Transposition Tracker](#), which was developed to allow stakeholders to monitor how well Member States are implementing their EU requirements relating to energy communities.

While this Report contains good examples for other Member States to follow, it was also evident upon undertaking this work that a majority of Member States have yet to

¹ Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast), OJ L 328, 21.12.2018, p 82 (REDII).

adopt the necessary legislation, policies or measures that are needed to create an enabling framework for RECs to emerge, particularly in central and eastern Europe.

Based on the findings from this report, we urge Member States to abide by their legal commitments under the RED II. We also urge the Commission to provide further assistance to Member States, for instance through Guidance or Recommendations, that can provide national and sub-national decision makers with further clarity regarding their requirements and what is possible. Furthermore, the upcoming National energy and climate plan (NECP) reporting and revision process provide a good opportunity to provide transparency on what has been done for RECs. Where little action has been taken, the subsequent revisions of NECPs provides a good opportunity for Member States to raise and communicate their ambition towards supporting a local and democratic energy transition.

Background and Status of Transposition of National Enabling Frameworks for RECs

1. EU legal context

Directive (EU) 2018/2001 (The Renewables Directive, or REDII)² requires that Member States provide an enabling framework to promote and facilitate the development of Renewable Energy Communities (RECs). This means that Member States must put in place an effective legal and administrative framework that creates a favourable environment for the development and the functioning of RECs. The purpose is not only to promote a level playing field for RECs, but also to promote and facilitate their development by mitigating the practical and regulatory challenges they face in trying to access the market.³

The REDII lists a minimum set of elements that national enabling frameworks for RECs must address. However, Member States are also free to set additional rules and provisions aiming to promote and facilitate the development of RECs. Indeed, it may be useful and necessary in some Member States to do more than requested by the REDII to allow RECs to grow at national level.

Member States have discretion to decide which, legislation, policies and measures they put in place to reach this result. Some of the approaches, therefore, may not require a legislative approach. For instance, policies such as an objective or target, or measures such as financing programmes (e.g. grant or loans) and one-stop shops to assist communities set up projects and receive mentoring or expertise, do not need to be established through a legislative act.

1.1. A step-wise approach towards assessing drivers, barriers, and policy options for enabling RECs

Article 22(3) of the REDII requires Member States to carry out an assessment of the existing barriers and potential of development of RECs in their territories. The REDII does not indicate when the assessment of barriers should be conducted. Ideally, the assessment of barriers and potential should be conducted before a Member State

² Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast), OJ L 328, 21.12.2018, p 82 (REDII).

³ See Roberts, J. (2020). "What Energy Communities Need from Regulation," *European Energy Journal* #28/#29, p 17. Available at: https://energieinstitut-linz.at/wp-content/uploads/2019/06/EEJ_07-2019.pdf.

establishes what will be in the enabling framework. Such an approach can allow national authorities and interested stakeholders to look at different issues that need to be prioritized through the enabling framework.

1.2. Elements of enabling frameworks for RECs

According to Article 22 (4) of the REDII, Member States' enabling frameworks must address the following:

- a) Unjustified regulatory and administrative barriers to RECs are removed;
- b) RECs that supply energy or provide aggregation or other commercial energy services are subject to the provisions relevant for such activities;
- c) The relevant distribution system operator cooperates with RECs to facilitate energy transfers within RECs;
- d) RECs are subject to fair, proportionate and transparent procedures, including registration and licensing procedures, and cost-reflective network charges, as well as relevant charges, levies and taxes, ensuring that they contribute, in an adequate, fair and balanced way, to the overall cost sharing of the system in line with a transparent cost-benefit analysis of distributed energy sources developed by the national competent authorities;
- e) RECs are not subject to discriminatory treatment with regard to their activities, rights and obligations as final customers, producers, suppliers, distribution system operators, or as other market participants;
- f) The participation in the RECs is accessible to all consumers, including those in low income or vulnerable households;
- g) Tools to facilitate access to finance and information are available;
- h) Regulatory and capacity-building support is provided to public authorities in enabling and setting up RECs, and in helping authorities to participate directly; and
- i) Rules to secure the equal and non-discriminatory treatment of consumers that participate in the REC are in place.

1.3. Distinguishing enabling frameworks for RECs and CECs

Indeed, both the REDII and Directive (EU) 2019/944 (The Internal Electricity Market Directive, or IEMD)⁴ require Member States to put in place enabling frameworks for RECs and Citizen Energy Communities (CECs) respectively. Nevertheless, there is an

⁴ Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (recast), OJ L158, 14.6.2019, p 125 (IEMD).

important difference between the policy aims of each enabling framework. For RECs, Member States must put in place an effective legal, regulatory and administrative framework that creates a favourable environment for the creation and the functioning of RECs. The purpose is not only to promote a level playing field for RECs, but also to promote and facilitate their development by mitigating the practical and regulatory challenges they face in trying to access the market.

Enabling frameworks for CECs on the other hand aim simply to create a level playing field so they can participate across the market. While this could suggest the need for enabling frameworks to contain special regulations or measures to correct for inherent disadvantages for CECs in gaining market access, CECs should not receive special privileges. As such, the elements that must be in the enabling framework for CECs are not as extensive as those for RECs.

For this report, we only focus on the enabling frameworks for RECs. The reason for this is because the list of elements the Member States must include is longer, and because it requires more positive action to create an enabling framework. Nevertheless, it is worth noting that regulations on supply, and provisions on cooperation with the DSO to facilitate energy sharing, and fair, proportionate and transparent registration and licensing procedures could apply both to RECs and CECs equally.

1.4. Reporting requirements and links to National Climate and Energy Plans

In order to allow for EU level monitoring of Member States' enabling frameworks for RECs, Article 22(5) of the RED II provides that '*the main elements of the enabling framework and of its implementation shall be part of the updates of the Member States' integrated national energy and climate plans and progress reports*'. This requirement is also reflected in Annex I of the Regulation 2018/1999 (the Energy Union Governance Regulation).⁵

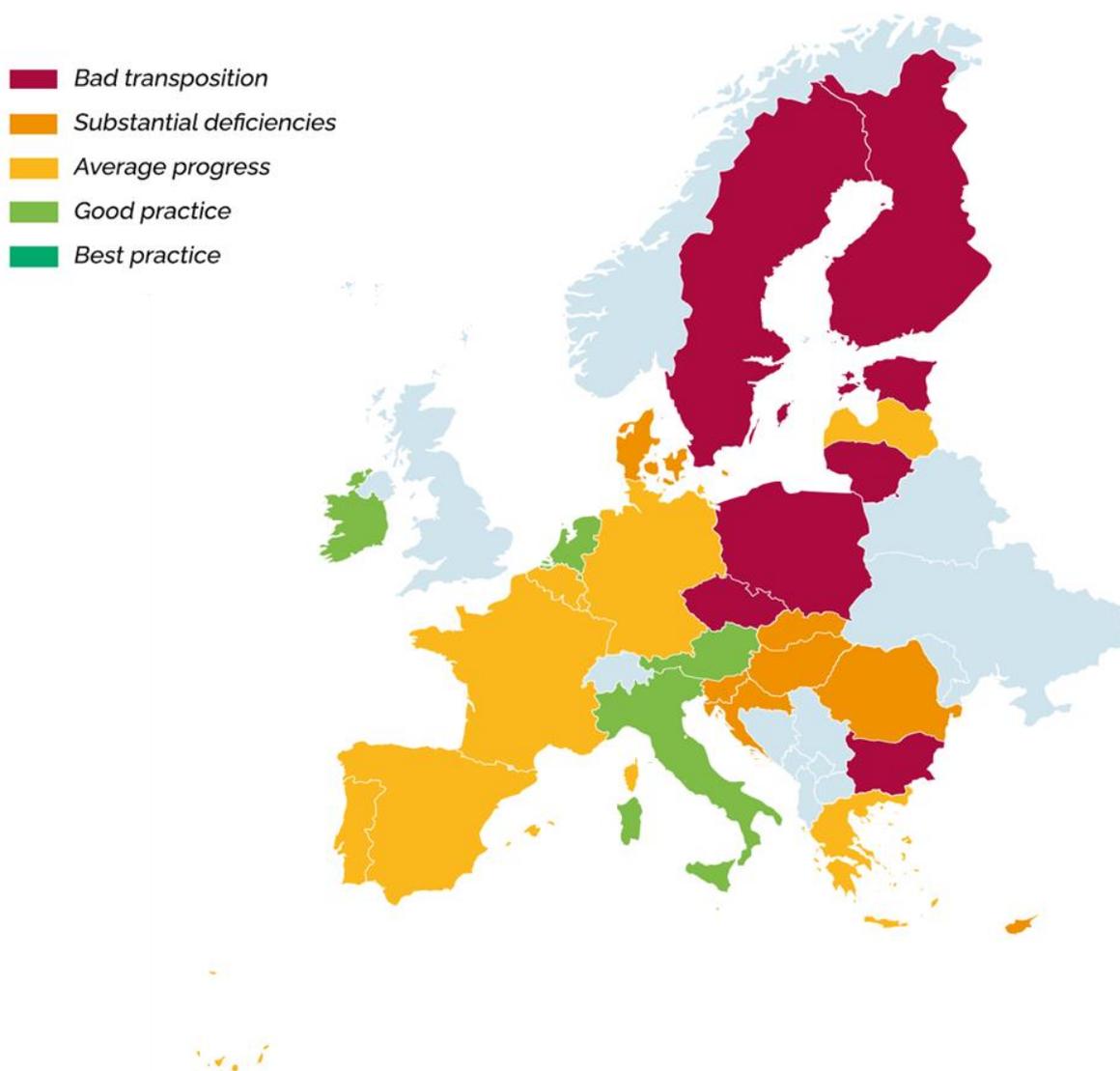
Member States are required to submit their first reports on NECP implementation by 15 March 2023. Importantly, as part of this exercise Member States will need to report on the policies and measures they have put in place to create an enabling framework for RECs, including an analysis on how well these measures are being implemented. Subsequently, Member States are required to report this information every two years.

⁵ Regulation (EU) 2018/1999 on the Governance of the Energy Union and Climate Action, OJ L 328, 21.12.2018, p 1 (Energy Union Governance Regulation), Annex I, Part 1, Section 3, 3.1.2, v. This provision also refers explicitly to Article 22(5) of the REDII.

2. Current State of Play – Trends and Takeaways

The transposition deadline for the RED II was 30 June 2021. In practice, transposition has followed a very uneven pace between different Member States. Within most countries, certain elements of the enabling framework are developed separately, rather than as a holistic exercise. As such, no Member State can be seen to have complete enabling framework for RECs. The Figure below illustrates the quality and progress of the transposition of Member States' enabling frameworks.

Figure 1: Grading Member State efforts to develop an enabling framework for RECs (January 2023)



Source: REScoop.eu (2023). *Transposition Tracker – Enabling Frameworks and Support Schemes for RECs.*

Overall, the transposition of enabling frameworks for RECs across the EU has been very messy. First, some Member States have not even assessed potential or barriers to the

development of RECs in their countries. This makes identification of specific measures difficult. On the other hand, many Member States have transposed EU provisions on energy communities in a fragmented fashion, focusing on developing energy sharing or on definitions, without setting out more basic measures to empower citizens, local authorities, SMEs and other stakeholders to set up and participate in energy communities.

It can be logically assumed that the assessment of drivers and barriers should have been completed before the transposition deadline of 30 June 2021. However, as of the writing of this Report, only five Member States were known to have conducted some type of assessment, and very few of these are actually made public. At least seven Member States say nothing about a potential assessment. A majority of Member States have written in their legislation that it is the duty of the Ministry, National Regulatory Authority (NRA) or other national authority to conduct a potentials and barriers assessment, but these have not yet been undertaken.

As of the writing of this report, four Member States (Sweden, Poland, Czech Republic, and Bulgaria) had not adopted any national legislation, policies or measures on RECs or CECs. As such, they are not included at all in this analysis.

From the Member States that have transposed something, it is possible to note four trends. First, around half of the Member States have not yet adopted legislation, policies or measures on any of the elements from the enabling frameworks. Second, some Member States have adopted definitions of RECs as well as some basic rights, without delving into the elements of the enabling framework. A Third group of Member States has copy-pasted EU legislation on enabling frameworks into national legislation, without elaborating any further details. Another fourth group of Member States have adopted some, but not all, required elements of the enabling framework. It is also important to mention that a number of Member States are actively in the process of planning or developing legislation and other measures that would help set up an enabling framework for RECs. As such, the process is fluid and the situation is likely to change.

Where Member States have addressed specific issues, these have typically pertained to reducing regulations for energy sharing, and licensing for supply and production. Some Member States have also set up registration processes for RECs so they can be acknowledged and treated as a REC, as well as separate procedures for obtaining a grid connection. Many other Member States have assigned duties to various national authorities, but without adopting any concrete measures.

Regarding energy sharing, some Member States have elaborated specific duties for distribution system operators (DSOs) so that they cooperate with RECs to enable energy sharing. In some Member States, detailed regulations are already in place allowing for

the operationalization of this activity. Practice around the incentivization of this activity through reductions in grid tariffs or other taxes and levies varies between Member States that provide specific tariffs (e.g. Austria, Italy) and Member States that do not provide any incentive (e.g. the Flemish Region of Belgium). Only a few Member States' NRAs have undertaken a cost and benefit analysis (CBA) to determine the impacts of special tariffs for energy sharing, although some other Member States have allocated authority to the NRA to perform a CBA in the future.

There is still a lack of concrete measures to ensure low-income and vulnerable households can participate or benefit from a REC. Only five Member States (Italy, Portugal, Greece, the Brussels Region of Belgium, Spain) have included this in their transposition thus far (Denmark has pre-existing measures). There is also a lack of progress on the development of concrete measures so that citizens can access tools to facilitate finance, information and capacity building.

Lastly, a number of Member States require RECs, in their statutes or in another agreement on rights and responsibilities, to include provisions that ensure non-discrimination and the ability to enter and leave. This is true in particular in the context of a REC that sets up energy sharing. A couple Member States (The Flemish and Brussels Regions of Belgium, and Croatia) have also included provisions on dealing with internal disputes and complaints within the energy community. Other Member States implement a one-member-one-vote principle, while others also place limitations on the share of investment one particular member can have.

Given that Member States are required to report on their enabling frameworks by 15 March 2023, this marks a good time to assess the extent of Member States' progress in building out enabling frameworks for RECs, and citizen participation in the energy transition generally. Energy communities rely on a transparent Commission-led process to ensure Member States are held accountable, particularly where they have failed to act.

Identifying good examples for designing enabling frameworks for RECs

1. Ensuring an enabling regulatory framework – a level playing field

Energy communities, particularly RECs, represent a unique type of non-commercial market actor in the energy system. While legal ownership and governance structures employed by energy communities can deliver a number of local socio-economic and environmental benefits, RECs also experience more difficulties operating within traditional regulatory frameworks compared to traditional commercial market actors because of their traits.

The recitals to the REDII acknowledge that the unique characteristics of energy communities that set them apart from other traditional commercial market actors create challenges that affect their ability to participate in the market on a level playing field. Recital 71 of the REDII states that *“the specific characteristics of local renewable energy communities in terms of size, ownership structure and the number of projects can hamper their competition on an equal footing with large-scale players, namely competitors with larger projects or portfolios.”*⁶

To address the lack of a level playing field, the REDII states that *“[measures to offset the disadvantages relating to the specific characteristics of local IRECs] in terms of size, ownership structure and the number of projects include enabling IRECs to operate in the energy system and easing their market integration.”*⁷

RECs still need to comply with many obligations and responsibilities to be able to participate in the energy system. In particular, the REDII ensures responsibilities and obligations are attached to activities such as supply and distribution, including balancing responsibility.⁸ Nevertheless, the REDII foresees a balance between maintaining relevant obligations and ensuring a level playing field for RECs. This reflects the general EU legal principle of ‘equal treatment’, which prohibits *“treating*

⁶ Recital 46 of the IEMD also contains similar acknowledgment of CECs.

⁷ Again, Recital 46 of the IEMD also contains similar, albeit softer language: “[CECs] should be allowed to operate on the market on a level playing field without distorting competition, and *the rights and obligations applicable to other electricity undertakings on the market should be applied to [CECs] in a non-discriminatory and proportionate manner.*” (Emphasis added).

⁸ REDII, Art 22(4)(b).

*similar situations differently and treating different situations in the same way, unless there are objective reasons to do so.*⁹

As such, enabling frameworks for RECs under Article 22(4) must ensure that in applying duties and obligations:

- 1) Non-discriminatory treatment of RECs as a market actor is maintained;¹⁰
- 2) Unjustified regulatory and administrative barriers for RECs are removed;¹¹ and
- 3) RECs are still subject to proportionate and transparent procedures, including registration and licensing procedures.¹²

This balance in regulation is necessary to ensure RECs can undertake activities like production, collective self-consumption, local supply, energy sharing, or peer-to-peer trading alongside other more commercial and professionalised market actors.

There are a number of ways to ensure a level playing field for RECs, including:

- Differentiation – Where a different set of rules is applied to energy communities.
- Reduced/simplified burden – Where certain obligations are not fully applied or certain standards are lowered for energy communities, or where administrative procedures are streamlined to make them easier to meet or understand.
- Flexibility – Providing energy communities with alternative means of complying with the same obligations as other market actors.
- Capacity building support – Where the regulator or government provides administrative support, technical advice, assistance, or funding for outside advice on matters related to licensing, registration, or finance.

The examples presented below represent a mix of these types of regulatory measures.

1.1. Removal of unjustified regulatory and administrative barriers

Out of 23 Member States that have transposed provisions on RECs, 11 of them have not addressed the removal of unjustified regulatory and administrative barriers. A handful of Member States have directed the Ministry, another national authority, or a working group to study different barriers, especially around administrative procedures, with a

⁹ VEMW and Others (Case C-17/03) [2005], ECR I-4983, paras. 41-48; and Citiworks AG (Case C-439/06) [2006] ECR I-3913, para. 42. See also Roberts (2020), n. 3, at p 17

¹⁰ REDII, Art 22(4)(e)

¹¹ REDII, Art 22(4)(a).

¹² REDII, Art 22(4)(d).

view to removing them. In some cases, the Ministry has the authority to propose measures. Three Member States (Cyprus, Italy, and Estonia) provide the NRA with the authority to monitor and ensure removal of different barriers.

For more technical activities such as energy sharing or supply, a couple of trends have emerged. First, in order to enable energy sharing, at least five Member States (Austria, the Brussels and Walloon Regions of Belgium, Denmark, Lithuania and Luxembourg) have decided to frame energy sharing as a distinct activity from supply. Otherwise, energy sharing projects would have to comply with onerous retail supply license obligations. Within this framing, energy sharing is regulated more similarly to collective self-consumption, where the rules allow for the sharing of production between members within a set frame of time from production (15 minutes to one hour) and within a certain geographic proximity. In this case, the participants still maintain a relationship with their traditional supplier to meet the rest of their consumption needs.

In three Member States (Netherlands, Brussels Region of Belgium, Denmark), legislation foresees the possibility to reduce obligations attached to a supply license – or removes them altogether. The Netherlands' recently revised Energy Law, which is presented below, exempts certain eligible energy communities from the need of a supply license. concrete regulations still need to be developed by the Ministry. In Ireland, there is a special distinction for 'small suppliers'. However, they still currently need to comply with the same duties as large suppliers. While no longer part of the EU, the United Kingdom (UK), a Parliamentary Bill that is currently debated could provide local renewable community projects with a right to supply themselves through favourable service contracts with large incumbent utilities.¹³

It is notable that during the energy crisis, energy communities that act as a retail supplier have faced significant challenges, mainly related to guarantees needed to keep operating on the market, higher administrative burden and the inability to hedge on the market. It is likely that in order for new supply models to emerge, the entire regulatory framework should be revisited, particularly for small local actors, such as local authorities and cooperatives that want to supply their members with their owned renewables production.

¹³ See Power for People (2022). Available at: <https://powerforpeople.org.uk/>.

Examples from Member States



Netherlands - The Energy Act contains a provision that allows an energy community producing electricity or gas to supply without a license if:

- over the period of a year, the energy community does not supply more electricity or gas than it imports into the system on an annual basis;
- the electricity/gas is supplied to end customers with a small connection, who are members or shareholders of the energy community; and
- the energy community does not have more members or individual shareholders than a number to be determined by ministerial regulation;

The Regulator is charged with developing further regulations to operationalize this rule. However, details are still pending. Interestingly, this exemption may apply to a supplier outside the Netherlands, as long as it supplies less than 500 end customers with a small connection and they are located in areas along the Dutch national border. This provision promotes local/regional cooperation between bordering communities with Germany and Belgium.



Estonia – The Competition Authority is in charge to watch out to ensure that no obstacles or limitations are established by market participants regarding consumption of self-generated electricity and the development of energy communities.



Slovenia - establishes a community enabling programme adopted by the Ministry. This should be updated every three years and promotes and facilitates the development of RECs based on an assessment of obstacles and opportunities for their development.



Brussels, Belgium - No supplier license required for energy communities for sharing electricity between members. However, the community must be balancing responsible, or delegate the responsibility to a third party.



Austria - Energy sharing is regulated as a distinct activity separately from supply. The legal framework for electricity suppliers (EIWOG 2010) is not applicable for the internal relationship of the community (i.e. production that is shared within the energy community). However, if the community provides other energy services, the community must respect rights and obligations (e.g. supplier).

1.2. Fair, proportionate and transparent procedures, including registration and licensing procedures for RECs

Out of 23 Member States that have transposed provisions on RECs, 12 of them have not addressed registration and licensing procedures for them. Of the Member States that have addressed registration and licensing procedures in some way, this is mostly to register the REC with the NRA or another registry, or to notify/register an energy sharing project with the DSO.

Notably, four Member States address the issue of obtaining a grid connection for RECs. Ireland and Lithuania both have separate grid connection procedures for RECs and other self-consumption projects. France has stated that it will reduce grid connection fees for RECs, while the Austrian Coordination Office for Energy Communities has published guidance on obtaining a grid connection. A few other Member States (Austria, Germany Portugal) contain simplified licensing procedures for production installations below a certain installed capacity.

The Austrian example in particular shows how crucial one-stop shops can be. Nevertheless, many communities have complained that licensing and registration procedures, particularly for energy sharing and for obtaining a grid connection for production installations, are often opaque, do not follow timelines, are overly costly.

Examples from Member States



France - As part of the Roadmap, the Ministry will lower the grid access connection fee for all installations under a certain capacity (500kW) in a way the grid tariff covers up to 60% of the connection fee.



Austria – RECs will face several registration or licensing procedures, depending on its activities.

- Registration - Energy communities must notify the DSO of the community's establishment. The establishment of a legal entity that meets the requisite criteria is also a prerequisite for the registration of the energy community with the grid operator.
- Grid connection - In 2022, the NRA published comprehensive guidelines on obtaining a grid connection for production installations.
- Construction permits for production - Obtaining approvals for production installations differs by region. The Carinthia Electricity Management and Organisation Act provides for a simplified procedure for power generation plants

intended solely for emergency power supply or with a peak load capacity of up to 500 kWp.



Brussels, Belgium - Registration is required for an entity to be considered an energy community. This designation must be approved by the Regulator, Brugel. To do this, the energy community must submit an application form and its articles of association or other constitutive documents (which also has minimal requirements to ensure compliance with participative and governance criteria). A decision must be provided within 60 days. The process is simple enough and it ensures that energy communities are really based on organizational principles, and that such principles are respected. This should help reinforce trust amongst citizens who might be interested in joining or setting up an energy community.

1.3. Non-discriminatory treatment of RECs and its members as market actors and final consumers

Of 23 Member States that have transposed provisions on RECs, 11 of them still need to meaningfully address non-discrimination of RECs. Of the Member States that have mentioned non-discrimination in the transposition, 10 copy-paste the text of the EU directive without elaborating any further provisions. Only three Member States have gone further. Italy and Latvia have indicated further regulations or measures, particularly around the relationship between energy communities and other market actors such as suppliers and DSOs. The Netherlands has essentially banned market actors from disadvantaging or preventing final customers from participating in an energy community.

One issue that is becoming more prevalent with the growing activity of renewable electricity sharing is the roles of traditional suppliers. Many of them are devising additional charges or fees for consumers that engage in self-consumption or participate in an energy sharing initiative. Other national legislations potentially penalize participation in energy communities though the loss of certain rights, like the right to universal service, as is suggested in Hungary at the moment.

Examples from Member States



Netherlands - The Energy Act creates a rule that prevents a market participant from disadvantaging or preventing a final or active customer from participating in an energy community. Provisions in agreements between market actors and final or active customers that contravene this rule are voidable.



Italy - ARERA is supposed to adopt measures, among which is to ensure that energy communities can participate in all markets for electricity, directly or through an aggregator, in a non-discriminatory way.



Latvia - The Cabinet of Ministers is required to adopt detailed regulations regarding the relationships between the RECs and other energy users, with the energy suppliers (merchants) and also the DSO.

2. DSO duties around cooperation with RECs and facilitation of energy sharing

Article 22(4)(c) of the REDII requires Member States to ensure that DSOs ‘cooperate’ with RECs to facilitate ‘electricity transfers’ within the community. Due to the novel nature of energy sharing at the time of the CEP negotiations, the duty to cooperate was not elaborated upon. As such, the REDII merely requires Member States to allocate duties to the DSO that allow RECs to effectively undertake the activity of energy sharing – it does not articulate which duties must be in place or how to ensure these duties are met.

Slowly, national practice in creating regulatory frameworks for energy sharing for RECs is developing and some trends are now beginning to emerge, particularly around how energy sharing is defined, registration and other administrative procedures, duties and responsibilities of different market actors depending on their role in energy sharing, incentives structures, and technical parameters.¹⁴

Only a few Member States have developed detailed regulations, procedures and price structures for the role DSOs are required to play vis-à-vis RECs and other incumbent retail suppliers. However, it is too early to tell which frameworks are the most facilitative of the uptake of energy sharing by RECs. As such, the examples below should be seen as a suite of options for addressing different obligations and duties of DSOs to facilitate energy sharing.

A number of issues have been raised regarding the reluctance of DSOs to take their roles seriously. There have been numerous complaints that DSOs fail to adhere to set deadlines during the registration/grid connection process, to provide transparency,

¹⁴ Tual, R., Theesfeld, V., and Zieher, M. (2022). *Energy Sharing Regulation in the EU: REScoopVPP first policy and market recommendations*. Deliverable for Horizon 2020 Project REScoopVPP. Available at: [https://uploads.strikinglycdn.com/files/d0f7e7f1-5434-4f17-ab7a-68f6da40884f/First%20policy%20and%20market%20recommendations%20\(1\).pdf](https://uploads.strikinglycdn.com/files/d0f7e7f1-5434-4f17-ab7a-68f6da40884f/First%20policy%20and%20market%20recommendations%20(1).pdf).

engage in proper communication with prospective projects, to effectively share data, and to ultimately approve a connection to the grid.

Examples from Member States



Luxembourg - Communities are entitled to share renewable energy production for the consumption of the members within a 15 minute netting period. Rights and duties for the DSO and other market actors have been developed through legislation and subsequent regulations. The DSO is in charge of collecting data on the energy taken from the grid, consumed, produced and shared. It shares this data with the REC and the suppliers. The DSO must set up an IT platform so that the REC can access the consumption and production data of its member and allocate the shared energy. The REC itself is free to define its own allocation key for how the energy will be shared among the members. The REC must also report via the same platform the shared energy distribution monthly.



Austria – Network users have a legal right vis-à-vis network operators to participate in an energy community (REC or CEC). Among the duties that are allocated to the DSO within the scope of this obligation are the duties to:

- Respond to requests for applications of access to the grid within 2 weeks;
- Install a smart meter upon request within 2 months;
- Enter into a contract with the energy community;
- Measure consumption of members in an energy community, as well as feed-in/purchase from production installations;
- Make available quarter-hourly data to suppliers and the energy community (including its members) on the following day; Data must be available free of charge and on-line;
- Allocate shares (either dynamic or static) of generation between members.



Wallonia, Belgium - The DSOs have fairly specific duties to enable energy sharing. DSOs have an obligation to cooperate with energy communities and active customers acting collectively within the same building to promote their development under transparent and non-discriminatory conditions. DSOs must also implement, according to the regulated tariffs, the necessary technical, administrative and contractual arrangements, in particular with regard to electricity metering. To this end, the DSO determines the volumes of electricity consumed within the framework of the energy sharing operation and those taken individually on the basis of the production and consumption readings and the applicable distribution key set out in the agreement. The NRA, The Walloon Energy Commission (CWaPE) can draw up, in

consultation with the DSOs, a list of standard distribution keys that can be applied as well as the procedures for any change in these keys. The DSO must also communicate to the energy community or to the representative of the active customers acting collectively within the same building, the measurement data relating to the electricity produced and injected by the production unit(s) and taken individually respectively by each participant as well as only the information necessary for their invoicing. They must also transmit the data necessary for invoicing to the respective suppliers of the participants or active customers.



Italy – The NRA, ARERA, should adopt the necessary measures so that the DSOs and the TSO (Terna) cooperate to allow, to the extent possible in a simplified manner, the implementation of the provisions on energy sharing. In particular, DSOs are invited to make available the perimeter of the medium voltage sub-station under which an energy community shares energy, according to Article 32 b) of DL 199 and article 14 of DL210. The ministry will enact rules ensuring the DSOs and the TSO cooperate for the development of energy communities and active consumers, including for energy sharing and participation in market for energy services. Italy's Energy Service System Operator, Gestore Servizi Energetici (The Manager of Energy Services, or GSE) will monitor the development of these energy community and active consumption schemes. In particular, GSE should predict the evolution of electricity for which tariffs and levies are applicable according to the development of this trends and the overall need of financing the energy system.



Croatia - The DSO is obliged to provide services to the energy community of citizens related to the energy sharing in accordance with the rules and price list of non-standard services of the operator of the distribution system and the general conditions for using the network and supplying electricity. The DSO is responsible for validating production that is shared by the members of the community and for communicating this data to the supplier and the community. The energy community itself also has a duty to register with the DSO and provide it with the requisite information so that energy sharing can take place. Detailed regulations have been adopted to facilitate this activity.

3. Contributing to energy system costs and providing incentives based on a cost-benefit analysis (CBA)

The main way for energy system costs to be recouped from customers connected to the grid, including active customers and energy communities, is through network charges. Network charges can take a variety of forms and are very diverse between, and even within, different Member States.

In the early days before the onset of the energy crisis, successful business models have been based on the ability to receive incentives through reductions in network and other taxes, levies, and charges from energy sharing.

Article 22(4)(d) of the REDII requires network charges for consumers participating in energy sharing through a REC to be cost-reflective. Furthermore, relevant charges, levies and taxes should ensure that participants in energy sharing contribute in a fair and balanced way to the overall cost sharing of the system, in line with a cost-benefit analysis developed by the NRA. It is worth noting that under Article 18(1) of Regulation (Electricity Regulation), network charges “*shall not create disincentives for self-generation, self-consumption or for the participation in demand response.*”

The EU legal framework, therefore, envisions that participants in energy sharing through a REC may receive incentives linked to network and other energy system-related charges as long as they are balanced. Furthermore, the decision must be based on a cost-benefit analysis (CBA) that looks at different trade-offs, including ensuring fairness in shouldering energy system costs, and encouraging energy sharing in a way that contributes to operational efficiency and flexibility in the network.

Most Member States that have transposed this requirement have simply written the provisions into legislation and have given the NRA the competence/responsibility to conduct a CBA. However, no concrete action has been taken. Some Member States do not provide a special tariff incentive, although the NRA will undertake a CBA shortly. Other Member States have introduced special tariffs for sharing renewable electricity within the scope of a particular grid typology (e.g. low and medium-voltage grid level).

Examples from Member States



Austria – Members of RECs that engage in energy sharing are eligible to benefit from reduced grid fees. The level of reduction depends on the level (high, medium low tension) of the grid that is used for the activity:

- For RECs that use the low voltage grid only, reduction is 57%;
- For RECs that use the low and medium voltage grid, the reduction is 28% reduction for 6/7 and 64% for 4/5. These reductions in charges are also eligible for 20% VAT reductions. Quantities generated and consumed within a REC are not taken into account when determining the renewable levy to be paid by the consumer on electricity, as well as gas. Nevertheless, this levy has been suspended for all consumers with the current energy crisis.

The NRA must publish a CBA by the end of the first quarter of 2024. The NRA must then make a determination whether RECs and CECs are contributing fairly to system costs.



Brussels, Belgium - Legislation sets out that the tariff structure must promote the sharing of electricity from renewable energy sources, taking into account the structure of the existing distribution network, while also ensuring a balance between solidarity in covering the overall costs of the networks as well as the contribution to taxes, charges, surcharges, fees. It also calls for a cost-benefit analysis to inform the development of tariffs for participants in an energy community that shares electricity. This implies that incentives for energy sharing are possible, but it also allows additional charges to be added. In October 2022, the DSO approved tariffs, which include minimal incentives for shared electricity (over a 15 minute period) within buildings and under the low voltage network. The NRA, Brugel, is currently conducting a CBA of a tariff structure for electricity sharing, which should be published in the first semester of 2023.



Italy - A premium tariff is envisaged to support energy sharing and storage, and is paid by the Energy Services Manager (GSE). Installations under 1MW owned by a REC or participating in collective self-consumption operation are eligible. This dedicated premium tariff is granted to consumers only for the share of energy which is simultaneously (on hourly basis) produced and consumed under the same primary grid station (medium voltage).



Latvia - The issue of grid tariffs is envisaged to be dealt within the next approval (by the Public Utilities Commission) of the distribution grid tariffs methodology expected by 2023. The Amendments on the Electricity Market Law provide the principal option for differentiated tariffs. Namely, it has been stated that "*the power distribution system services' tariffs might differentiate between the levels of voltage, power capacity, electricity consumption, electricity delivered to the distribution grid or the profiles of electricity customers*". Thus, it opens potential space to elaborate differentiated tariffs for electricity sharing depending on used voltage and other parameters.

4. Accessibility to low-income or vulnerable households

RECs can play a significant role in using renewable energy sources and clean technologies to help alleviate energy poverty and improve living conditions for low-income and vulnerable households. To date, some RECs have adopted a specific aim and activities to alleviate energy poverty, usually through a combination of renewables generation and interventions that address energy efficiency. The Recitals of the REDII confirm the importance of participation of vulnerable and low-income households in renewable energy communities. They recognize that empowering collective forms of

self-consumption (including through RECs) help fight energy poverty (through reduced consumption and lower supply tariffs).¹⁵

On the other hand, low-income and vulnerable households, which are mostly affected by energy poverty, experience more difficulty accessing RECs, which are still largely accessible only to households that have disposable income to invest and participate. For RECs to unlock their full social innovation potential, these barriers need to be addressed so that all citizens can benefit from them.

In their enabling frameworks for RECs, Member States are required to ensure that participation in such initiatives is accessible to all consumers, particularly low-income or vulnerable households. This does not mean that all vulnerable or low-income households are required to participate in RECs. Rather, it requires Member States to put in place policies and measures that encourage or require RECs to make it easier for vulnerable and low-income households to participate, as well as put in place support for such households to participate in RECs. The aim should be to remove practical, financial and other barriers that might otherwise result in the exclusion of vulnerable and low-income households from participating in RECs.

Recital 67 to the REDII state that it is important to assess *"the possibility to enable participation by households that might otherwise not be able to participate, including vulnerable consumers and tenants"*. As such, we recommend that when assessing barriers and potential for the development of RECs at national level, Member States provide a particular focus on enabling vulnerable and low-income households, and tenants (not just home owners) to participate in RECs.

The development of enabling measures for low-income and vulnerable households to participate and benefit from RECs has been very slow. Only a few Member States have put in place some concrete measures to help vulnerable and low-income families access or benefit from RECs. All of them are included in the examples below. More Member States have written the requirement into their national legislation, but have not taken any further concrete action so far.

Examples from Member States



Greece - There are some mentions of the role of energy communities in addressing energy poverty in the Law 4513/2018. It is mentioned as one of the objectives of such initiatives, while also it is possible for an energy community to provide electricity for free to

¹⁵ REDII, recital 67.

energy poor consumers in the context of virtual net metering projects, even if such consumers are not members to the community.



Spain – Containing a budget of 40 million euros, has been set up under Spain's Recovery, Transformation and Resilience Plan to promote development of RECs. The “fight against energy poverty” is one of the criteria it considers for receiving financial assistance. Through the involvement of (mainly) municipal administrations in specific RECs, the participation of vulnerable households is prioritised. The National Strategy Against Energy Poverty 2019 also establishes that among the measures to be considered in the medium/long term in the fight against energy poverty, the promotion of thermal and/or electrical self-consumption in association should be taken into account.



Italy - Article 31,1 d) of the Legislative Decree 199/2021 states that participation in RECs is open to all consumers, including low income or vulnerable households. Also, Article 11(7) of the legislative decree for CECs makes a reference to vulnerable consumers and specifies that the local authorities that participate in CECs should adopt initiatives to promote participation in the communities of vulnerable customers, so that the latter can access the environmental, economic and social benefits ensured by the community itself.



Brussels, Belgium - There are no supportive policies or measures to promote participation in energy communities by low-income and vulnerable households. However, Energie Commune, as a facilitator, will organize a workshop focused on how to undertake energy sharing in social housing.



Denmark - Legislation transposing energy communities into Danish law does not say anything explicitly about low-income and vulnerable households. Nevertheless, pre-existing legislation on Tenants Democracy has been used as a basis for community projects, particularly around district heating and solar thermal.

5. Tools to facilitate access to finance

Article 22(4)(g) of the RED II requires Member States to make tools available so that RECs can access finance. The aim of this requirement is to de-risk investments by members of the REC in renewables projects, which is typically a barrier to raising finance. A number of measures have been put in place by Member States to make it easier for RECs to access finance for their projects. First, several Member States have put in place guarantee, or grant-to-loan schemes (e.g. revolving funds) that RECs can access in order to fund pre-construction work (e.g. feasibility studies, permits, legal agreements, etc.).

Other measures that have been developed by Member States are intended to incentivise investments by individuals into community projects. For instance, low-interest loans may be provided for community investments (e.g. district heating). Special tax treatment has also been provided to individuals that invest in social and community enterprises.

The Netherlands, Ireland, and Germany have designated revolving funds that can provide grants and loans to prospective community projects. Other Member States provide zero-interest loans (Italy) or direct grants (Denmark) for activities, including not just projects but also outreach and education. Finally, a number of Member States are making use of EU Funding sources such as Cohesion funding, and funding under Recovery and Resiliency Funds.

Examples from Member States



Denmark – In an Executive Order, passed in Autumn 2022, the government provided authority for the Danish Energy Agency to issue grants for projects related to securing renewable energy projects by local communities. It is possible to apply for funding to:

- Disseminate information; and
- Plan, establish and organize projects around production, supply, storage, flexibility and energy efficiency.

The objective of the grant programme is also to support projects that show how energy communities can be included in projects that can relieve the electricity grid, as well as community climate, environmental and social benefits, cooperation between energy communities and other actors, aggregation of energy communities.



Netherlands - Together with the Ministry of Economic Affairs, InvestNL and the Green Fund, Energie Samen has set up the Development Fund for energy cooperatives ('Ontwikkelfonds voor energiecoöperaties'). The National Green Fund provides loans from the Development Fund to Energie Samen as fund manager. The business office of Energie Samen does the implementation of the fund management in cooperation with regional umbrella organizations and project offices. When financial closure for the project is achieved, the cooperative pays back the money made available with a premium. In this way, the Development Fund ultimately sustains itself. Renewable energy cooperatives and associations can borrow money from the Development Fund for:

- staff support (project supervisor) from a member project office;

- 'out-of-pocket costs' for specialist research or other necessary steps to arrive at a fundable business case and an irrevocable permit for the project.

Currently, the provinces of South Holland, Utrecht, Limburg and Drenthe contribute to the fund and energy cooperatives from these provinces can apply for funding. In each of these regions, a regional coordinator is appointed by the fund manager (Energie Samen).



Latvia - Latvia's EU Cohesion Policy Programme for 2021-2027 includes the measure No 2.1.4 to promote PV systems (including storage equipment for produced electricity). Beneficiaries of this programme are the commercial sector, municipal capital companies, cooperatives, energy communities and households. It is planned to establish a financial instrument, which will be administered by the state-owned development financing institution "ALTUM".



Italy - The Ministry provides information on how to access finance. There is also coordination between measures introduced by the National Recovery and Resilience Plan (PNRR) and the instruments for sectoral incentives. In particular, to promote renewables for community energy and self-consumption, criteria and methods are defined for granting financing interest-free up to 100% of eligible costs, for the development of the energy community, in small municipalities through the construction of RES production plants, also combined with energy storage systems. The same coordination will apply to the conditions for cumulation with the tariff incentives for self-consumption.

6. Tools to facilitate access to information

Article 22(4)(g) of the REDII requires that in their enabling frameworks for RECs, Member States make information available on how to set up a REC. Furthermore, Article 18(6) of the REDII requires that Member States, along with local and regional authorities when appropriate, develop information, awareness-raising, guidance or training programmes to inform consumers how to exercise their rights as active customers. These programmes should also cover practical aspects (e.g. technical and financial) of developing renewables projects through self-consumption and RECs.

The aim of these activities should be to inform citizens of:

- how to exercise their rights as active consumers;
- benefits of exercising such rights; and

- the technical and financial practicalities of engaging in renewables individual/collective self-consumption and development of different activities through a REC.

While distinct, these obligations are significantly linked to each other. Article 18(6) is not limited to RECs and applies more broadly to the uptake of renewables production by citizens and other local actors. Nevertheless, both articles provide an obligation to contribute towards capacity building through information sharing, awareness raising and practical guidance on activities. This obligation could also be met through funding local social enterprises or local authorities in order to provide information and expertise to community groups and citizens.

Furthermore, while Member States have a stand-alone requirement to set up a single contact point for the permitting of new renewable projects, such contact points are also relevant tools for accessing information. In particular, they can serve as a one-stop shop where citizens can capacity building materials, advice, training and other outreach that they need in order to develop REC projects.

Of the examples to emerge in the transposition, two general models have emerged. First, the national government may designate an existing authority or agency with the task of organizing an online portal. This portal usually acts as a focal point for obtaining practical information pertaining to finance, legal and regulatory issues, technical and planning, etc. Some Member States also use these portals to facilitate mentoring or access to expertise.

Second, Member States may fund a local authority or non-governmental/civil society organisation to provide outreach, as well as practical information and capacity building materials. This model tends to be employed in smaller countries, or at regional and local levels. Where municipalities already serve as a single contact point for permitting, they may be particularly suited to act as an information/expertise facilitation tool for RECs.

Examples from Member States



Ireland - The Irish Government has made efforts to replicate the CARES Scheme from Scotland, which acts as an one-stop shop to help RECs develop projects. The Sustainable Energy Authority of Ireland (SEAI) has been appointed as an online one-stop shop. The SEIA facilitates the provision of advice and support to communities, both through providing access to mentors and specialist expert advisors. It also contains a Community Energy Resource Toolkit. This is aimed at providing practical guidance modules across a number of different areas (including technology options, business planning, project

development stages, setting up an organisation / governance strategy) to support project development and delivery of a project. It contains modules on onshore wind, solar PV, planning processes, and grid connections.



Austria – Under the National Climate and Energy Fund, the government established a Coordination Office for Energy Communities in Summer 2021. Together with the public advisory institutions in the federal states, the Coordination Office provides an online one-stop shop aiming to ensure that energy communities can be easily set up and operated and be active in energy markets. It also has the responsibility of making administrative procedures more efficient, faster and transparent. On this latter point, it has a role of coordinator vis-à-vis the Ministry of Climate (BMK), regulatory authority (E-Control) and regional governments ("Bundesländer"). It contains guidelines for start-ups, financing, and pilot projects, a help desk to answer questions, legal information, and a link to experts. It also provides general information on what energy communities are, their benefits, a national map, as well as information on model contract and statutes that must be entered to set up an energy community and enter into relevant agreements.



Brussels, Belgium – An NGO, Energie Commune, has been appointed as a Facilitator by the Government of Brussels. Its mission as Facilitator is to support project leaders, provide legal/technical/economic tools, and inform potential stakeholders. It is also providing guidance and workshops to municipalities.



Slovakia – Under the law transposing RECs, the Ministry must designate a contributory organization within to act as a contact point for guiding administrative procedures. This contact point will provide information regarding the establishment, operation and development of CECs and RECs, among others. The Ministry will also be required to publish information on its website about support measures for consumers, including low-income consumers, vulnerable consumers, active customers, and renewable energy communities.

7. Regulatory capacity-building for public authorities

Article 22(4)(h) of the REDII requires Member States' national enabling frameworks to ensure that "*regulatory and capacity-building support is provided to public authorities in enabling and setting up renewable energy communities, and in helping authorities to participate directly.*"

Public authorities and local citizen initiatives are natural allies in pursuing local renewable energy projects. A study of Energy Cities from May 2019 underlines a 'natural' relationship between local public authorities and energy cooperatives.¹⁶ Furthermore, a report by REScoop.eu demonstrates a number of examples where local municipalities are partnering up with cooperatives to co-invest in local projects, or are revising their public procurement procedures to allow RECs to participate in public tenders.¹⁷

However, there are a number of difficulties encountered by local authorities when they want to support RECs. Local authorities often require support around staffing, resources, and development of knowledge and skills (e.g. to work on business plans, governance and financing models). Furthermore, authorities need to have good in-house legal, technical and financial capacities and resources.¹⁸ Without the necessary resources, their ability to support RECs and citizens is very difficult. In some cases, RECs actually provide support to small local authorities.

Member States have proposed different approaches to help local authorities assist energy communities and to participate in their own initiatives. These range from aiming to increase staff in local authorities (France), the development of guidelines and workshops for how local authorities can support and participate in energy communities (The Brussels Region of Belgium) to the provision of finance (e.g. under Recovery and Resiliency Funds).

One issue that seems to have been missed is the support that local authorities need in providing public space for REC projects, or to integrate them into competitive bidding for the provision of different public services related to citizen empowerment (outreach, education, energy savings interventions, etc.). These activities almost always implement public procurement rules, which are complex and difficult to navigate.¹⁹ Local

¹⁶ Bolle, A. (2019). *How cities can back renewable energy communities - Guidelines for local and regional policymakers* (Energy Cities). Available at: <https://energy-cities.eu/publication/how-cities-can-back-renewableenergy-communities/>; and SCAALE 20 30 50 (2022). *Community Energy Municipal Guide*. Available at: <https://www.sccale203050.eu/out-now-sccale-20-30-50-community-energy-municipal-guide/>.

¹⁷ REScoop MECISE (2018). *REScoop.eu – Municipality Approach*. Project Deliverable 2.3. Available at: <https://uploads.strikinglycdn.com/files/41e2baa5-54ea-4121-b2c1-831ba41a78bf/REScoop%20MECISE%20-%20REScoop%20-%20Municipality%20Approach.pdf>.

¹⁸ For example, "Such expertise can be needed in cases where local authorities have to act as mediator between different parties, for example when agreements cannot be found between cooperatives and DSOs on specific smart grid projects, a problem encountered by a growing number of local governments across Europe." Bolle (n 13).

¹⁹ For examples of integrating energy communities in public procurement, see d'Herbemont, S., Roberts, J., and Kirak, M. (2022). *The Municipal Guide*. D4.4 for the H2020 Project COMPILER: Integrating community power in energy islands. Available at: .

authorities are also gaining more responsibilities regarding local energy planning, which will require further resources and expertise.

Examples from Member States



France - As part of its Roadmap of *10 Measures to Support Renewable Energy Citizens*, the Ministry announced that it will clarify how regional and national support schemes can co-exist. Furthermore, it plans to increase by 50% the number of local governance advisors in the regions.



Latvia – Under its Law on Energy, the Ministry of Economics, in co-operation with the Ministry of Environmental Protection and Regional Development, is required to elaborate and publish dedicated Guidelines for the Formation of Energy Communities, including recommendations for public persons (public authorities) regarding the provision of public support for energy communities and their participation in energy communities, by 30 June 2023.



Spain - Some capacity building support exists for public authorities (although not regulatory). The Instituto para la Diversificación y el Ahorro de la Energía, (The Institute for Diversification and Saving of Energy, or IDAE), an Agency under the Spanish Ministry, has produced a Guide for Renewable Energy Communities, as well as the Guide for the promotion of RECs with a municipal perspective by the Diputación de Barcelona is a good example of this. Moreover, the CE-Aprende and CE-Oficinas calls for proposals, under the Recovery and Resiliency Plan, aim to set up a network of support activities from which public authorities may benefit, including the creation of subsidised offices across the Spanish territory.



Austria - Austria has set up the programme E5 supporting local authorities to engage in the energy transition, including through energy communities. The Coordination Office also contains a number of guidance materials to help municipalities.



Brussels, Belgium - As a Facilitator for the Brussels Government, Energie Commune, an NGO, aims is to support local authorities. It will publish a guide for municipalities and organize a workshop to explore the development of energy communities with municipalities.

8. Securing equal and non-discriminatory treatment for consumers participating in a REC.

Article 22(4)(i) of the REDII requires Member States' enabling frameworks to contain rules to ensure equal and non-discriminatory treatment of consumers who participate in the REC. This provision means that rules should prevent the REC from imposing overly-strict criteria for entry and exit from the REC, adopting unclear or unfair rules pertaining to voting and decision-making rights, especially as they may pertain to different categories of members (e.g. natural persons, SMEs, local authorities). For example, in the internal decision making of the REC, certain members should not have disproportionate voting rights compared to other individual members. In this way, Article 22(4)(i) can be seen as a guarantee that RECs are run democratically, similar to the principle of democratic member control.

Member States have diverged on their approach, but equal treatment of members is typically addressed in the foundational statutes or rules that an energy community must conclude between itself and the members. Otherwise, some Member States have required an additional agreement on the rights and responsibilities between the members and the energy community. Energy communities are also subject to requirements such as the need for the language to be clear, transparent, and non-discriminatory. Some Member States have gone further, requiring minimum requirements to be included in foundational or contractual internal agreements within the energy community. Lastly, several Member States have implemented the autonomy principle through one-member-one-vote decision making, and/or limitations on the total amount of shares that any member can hold within the energy community.

Examples from Member States



Portugal: Participants in an energy community are required to enter into an agreement with the community concerning its rights and obligations. The agreement must contain, among other things, content that is expressed in clear and comprehensible language, and includes all information relevant to the understanding of the rights and obligations of the parties. These agreements are prohibited from discriminating between participants.



Belgium: All three regions (Flanders and Brussels) have adopted fairly strong legislation governing the relations between the members and the energy community. This is largely due to the legislation being significantly influenced by an existing cooperative sector, which makes up most of the energy communities in existence today. In Flanders, to

ensure fair and non-discriminatory treatment of members, energy communities' founding statutes or rules must include, among other information:

- provisions on the costs of the community and the allocation of any profits generated by the activities of the energy community,
- provisions on the effective control or control of the activities of the energy community and the voting method within its the bodies,
- the determination of the distribution key, if the energy community shares energy,
- the method of lodging a complaint with the energy community and of initiating procedures for the settlement of disputes;
- provisions on the rights and obligations of the energy community and its members or partners on respect for privacy and the protection of personal data; and
- conditions for the accession to and exit from the energy community, and if applicable, the conditions for the accession to and exit from energy sharing in accordance with the technical regulation for the distribution of electricity.

The conditions must also be transparent, objective, fair, non-discriminatory and proportionate.

In Brussels, the statutes must also contain provisions to guarantee autonomy vis-à-vis its individual members and other market players who cooperate with it in other ways.



Croatia – energy communities are required to be autonomous, which it clarifies to mean voting rights are independent of ownership share and are according to the one-person-one-vote principle. Ownership is also limited to not more than 40% of the share.



Germany: No member or shareholder of a citizen energy company may hold more than 10% of the voting rights.



Ireland: RECs have a requirement to be autonomous, which is expressed as one-member-one-vote.