

## Member States' National Climate and Energy Plans – immediate opportunities for Europe's energy citizens

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### Introduction

With the conclusion of the EU's 2030 climate and energy legislative framework, there are now more opportunities than ever for citizens to get involved in the energy transition. First things first though. Before Member States write new rules that give effect to [new rights and supportive frameworks for energy citizens and communities](#), they must decide high level objectives for renewables, energy efficiency and greenhouse gas emissions reductions. This process also creates space for establishing high level support for citizen participation in the energy market. That is where you, the European citizen, come in.

National governments are required to deliver final National Climate and Energy Plans, or 'NECPs' By the end of 2019. **All Member States have already submitted their draft national plans**, which are [available on the EU Commission's website](#).

The new [Energy Union Governance Regulation](#)<sup>1</sup> (Governance Regulation) contains requirements for what governments must include in their NECPs. Specifically, **the Governance Regulation has a Template that Member States must follow while developing their NECPs.**<sup>2</sup> Member States are also required to involve citizens so that they can express their views regarding the NECPs.

Below, we present the main opportunities (both substantive and procedural) available for citizens to influence what goes into Member States' NECPs.

### 1. National objectives for citizen involvement in renewable energy production

In their NECPs, Member States are encouraged, but not required, to include objectives for renewable energy production by renewable energy communities, cities and self-consumers.<sup>3</sup> The adoption of high level targets or objectives for citizen energy would provide the basis for strong political commitment, as well as the development of a framework (including policies and measures) so that the objective or target can be met.

#### Existing examples of high level objectives or targets for energy communities

As part of its climate and energy strategy, the Scottish Government committed to developing at least 500 MW of community and locally-owned renewable energy by 2020. This non-binding objective has served as the basis for a number of supportive policies and financial measures that have been put in place. Seeing that they would surpass their target early, the Government updated

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<sup>1</sup> Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU, and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council, OJ L 328, 21.12.2018, p 1 (Governance Regulation).

<sup>2</sup> You can use this document to look through your Member States' NECP. **For the purposes of this briefing, relevant sections of the template pertaining to energy citizens and energy communities are highlighted in bold.**

<sup>3</sup> Energy Union Governance Regulation, Annex I, Part I, Section A, **2.1.(v)**.

the target to 1 GW of community and locally-owned renewable energy by 2020, and 2 GW by 2030. Furthermore, at least half of all newly-approved renewable energy projects will need to have some element of shared ownership with the local community.

In early 2019, the Netherlands adopted a political agreement on how to achieve its 2030 climate and energy goals. Importantly, the final agreement contains a non-binding objective that all new wind and solar projects should be 50% owned by the local community. The objective will serve as a basis for municipal planning of renewable energy development and feed into the planning permission process. This will guarantee that developers, when seeking permission for new projects, talk with communities to understand how they want to be involved.

## 2. Specific measures for supporting renewable energy communities and self-consumption

Beyond high level objectives, Member States are required to summarise policies and measures that they will put in place to promote and facilitate the development of renewables self-consumption and renewable energy communities under [the recast Renewable Energy Directive](#).<sup>4</sup> In addition, they must list specific measures they plan to introduce in order to create single contact points for the approval of renewable energy projects, streamline administrative procedures and provide information and training.<sup>5</sup>

These represent binding requirements. Citizens should therefore push their governments to include details in their NECPs on the national rules they will introduce to support renewable energy communities and self-consumption in compliance with the Renewable Energy Directive.

## 3. Supporting citizen participation across the energy system

In their NECPs Member States are encouraged to include: 1) national objectives and 2) for how they will ensure, broadly speaking, consumer participation in the energy system and that citizens benefit from self-generation and new technologies.<sup>6</sup>

While non-binding, it still gives citizens a basis for asking for high level objectives or targets for citizens energy communities, which can participate across the energy sector – not just in renewable energy. This could include, for instance objectives or targets (expressed in real numbers or percentages) relating to the role of citizens energy communities in energy savings, energy supply, provision of energy services, participation in flexibility, grid ownership and management, and participation across the power market in general.

## 4. Supporting role of citizens energy communities in implementing energy efficiency

Citizens and renewable energy communities already engage in a number of activities to encourage their members to reduce and better manage energy consumption. However, energy communities currently do not receive any positive policy support from national level for these activities. Such support could help to upscale interventions by community initiatives, increasing their impact and the benefits for citizens – particularly those that are vulnerable or facing energy poverty.

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<sup>4</sup> 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 (Recast Renewable Energy Directive).

<sup>5</sup> Energy Union Governance Regulation, Annex I Part I, Section A, **3.1.2(v)**.

<sup>6</sup> Energy Union Governance Regulation, Annex I, Part I, Section A, **2.4.3, and 3.4.3(i)**.

The Governance Regulation encourages Member States to link energy efficiency with support for citizens energy communities in their NECPs. Specifically, Member States must, where applicable, include policies and measures to support the role of energy communities in achieving energy efficiency policy objectives.<sup>7</sup> Concretely, this means that in their NECPs Member States are encouraged – but not required – to include policies and measures to:

- Support participation by energy communities in energy efficiency schemes and alternative measures with a social purpose under Article 7 of the Energy Efficiency Directive;
- Support energy communities in the renovation of public and private buildings in their *Long-term Renovation Strategy* to support the renovation of the national stock of residential and non-residential buildings, both public and private;
- Promote the delivery of energy efficiency services by energy communities;
- Promote participation by energy communities in the delivery of energy efficient public procurement; and
- Support energy communities in undertaking information and training measures for citizens.

For more information about what type of policies and measures citizens can ask for to support the role of citizens and renewable energy communities in energy efficiency, see our [new report on Legal Best Practices and Legal barriers for citizens energy communities and energy efficiency](#).

## 5. Ensuring citizen participation before the NECPs are finalised

Finally, the Governance Regulation requires national governments to give the public “early and effective opportunities to participate” in the preparation of draft, as well as the final, NECPs.<sup>8</sup> In doing so, governments must set reasonable timeframes allowing the public to be informed, to participate, and to express its views. Member States are also required to include a summary of public’s views in their NECPs.

These requirements raise issues around the right of citizens to participate in matters relating to the environment under [the Aarhus Convention](#),<sup>9</sup> as well as under the EU’s [Strategic Environmental Assessment Directive](#).<sup>10</sup>

Citizens should therefore be diligent in holding their governments to account if they fail to uphold relevant decision-making rights of citizens. Where there are clear failings in this regard, legal challenges – both at EU and International level – may be possible.

For more information on how to exercise your public participation rights, see here a paper by ClientEarth: [Not \(yet\) a missed opportunity: influencing the 2021-2030 NECPs through early Public Participation](#).

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<sup>7</sup> Energy Union Governance Regulation, Annex I, Part I, Section A, **3.2(v)**.

<sup>8</sup> Energy Union Governance Regulation, Article 10.

<sup>9</sup> Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

<sup>10</sup> Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, OJ L 197, 21.07.2001 P. 0030 – 0037.