

COLLECTIVE SELF-CONSUMPTION AND ENERGY COMMUNITIES

LEGISLATIVE REFERENCE DATA BASE



European
Commission

Clean energy for all Europeans



Gruppo Professione Energia - The Energy Professionals (GPE) is the integrated consulting firm founded and managed by Marco Pezzaglia, a graduate in electrical engineering from the Polytechnic of Milan in 1993, began his career in the field of modeling and studies of electrical systems in a liberalized environment at the Italian Experimental Electrotechnical Centre (CESI www.cesi.it). In 2001 he joined the Authority for Electricity and Gas (now Regulatory Authority for Energy, Networks and the Environment – ARERA www.arera.it) where, in 2003, he was appointed Head of the Electricity Networks unit, dealing in particular with the terms and conditions for accessing to the electricity networks of production and consumption plants (connection and rules for dispatching) and the use of the interconnection network with foreign countries. On 1st January 2007, he took up the position of Head of the Renewable Sources, Energy Production and Environmental Impact Unit within the Markets Department, where he was actively involved in issues relating to assessments of the development of renewable sources, production and consumption systems and access to the system and the electricity market for electricity production and self-production/self-consumption systems. Since the beginning of 2010, he has been providing strategic consultancy and services in the energy sector both to private customers and to numerous sector associations, with particular reference to technical-regulatory and market issues. Expert in Energy Management certified EN 11339.

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The Short paper product is part of a series of specific studies on particular topics of interest to the energy sector and regulation. The articles are made available by the author on request, either from www.enusyst.eu (Energy User Systems) or on his own LinkedIn page. For further requests or further information, please contact GPE.

The information contained in this document is purely reconnaissance: to this end, some technical details for the benefit of the narrative have been omitted. The author does not assume responsibility for any choices and actions that market operators may make on the basis of the information contained in the document. It should be noted that the application of the regulations on user systems must be duly analysed in relation to each specific case.

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1. Subject matter and purpose

This document is intended to make a practical contribution to the current process of developing legislation on collective self-use and the energy community. Although there is a proliferation of application proposals of all kinds for these models, effective implementation of the principles contained in the directives can only take place on the basis of a gradual implementation that takes due account of the current market architecture and settlement system, without neglecting the active role of the electricity networks already present in the territory.

For these reasons, after a brief reference to the definitions indicated by European regulations, this document refers to regulations actually adopted on collective self-use and energy communities in various European countries.

Nevertheless, new models can be studied, but the analysis and study of actual implementations of a general nature (and not experimental) is considered to be the most valid starting point.

This document represents a first version that can be subsequently integrated also on the basis of possible external contributions. In order to fully understand this document, it is assumed that the reader is already aware of the basic notions of energy systems of users. For further information, please consult the downloadable text at the following link www.enusyst.eu or contact Gruppo Professione Energia.

2. Main definitions

Renewables self-consumer: means a final customer operating within its premises located within confined boundaries or, where permitted by a Member State, within other premises, who generates renewable electricity for its self-consumption, and who may store or sell self-generated renewable electricity, provided that, for a non- household renewables self-consumer, those activities do not constitute its primary commercial or professional activity¹.

Jointly acting renewables self-consumers: means a group of at least two jointly acting renewables self-consumers in accordance with point (14) who are located in the same building or multi-apartment block;².

Renewable energy community: means a legal entity:

- (a) which, in accordance with the applicable national law, is based on open and voluntary participation, is autonomous, and is effectively controlled by shareholders or members that are located in the proximity of the renewable energy projects that are owned and developed by that legal entity;
- (b) the shareholders or members of which are natural persons, SMEs or local authorities, including municipalities;
- (c) the primary purpose of which is to provide environmental, economic or social community benefits for its shareholders or members or for the local areas where it operates, rather than financial profits

¹ Article 2 point 14) of the Directive (EU) 2001/2018

² Article 2 point 15) of the Directive (EU) 2001/2018

Energy community of citizens³: a legal person based on voluntary and open participation, effectively controlled by shareholders or members who are natural persons, local authorities, including municipalities, or small enterprises whose main purpose is to provide its members or the territory in which it operates with environmental, economic or social benefits at community level, instead of generating financial profits. An energy community of citizens may participate in the generation, including generation of energy from renewable sources, distribution and supply of electricity, in its consumption, aggregation, energy storage or energy efficiency services, charging services for electric vehicles or providing other energy services to its shareholders or members.

Closed distribution system⁴ means a system that distributes electricity within a geographically limited industrial, commercial or shared services site and, subject to paragraph 4, does not supply household customers, if:

- (a) for specific technical or safety reasons, the operations or production process of the users of that system are integrated; or
- (b) the system distributes electricity primarily to the owner or operator of the system or their related undertakings.

³ Not yet officially defined

⁴ Not yet officially defined, but in practice identical to the definition in Article 28 of Directive 2009/72/EC.

3. Reference legislative data base

Spain

On 6th of April Royal Decree 244/2019, of 5th of April, was published in the Official State Gazette, regulating the administrative, technical and economic conditions of self-consumption of electrical energy, which implies a profound reform of self-consumption in Spain.

https://www.boe.es/diario_boe/txt.php?id=BOE-A-2019-5089

France

With the Ordonnance n° 2016-1019 of 27 juillet 2016 relative to the self-consumption of electricity, the system of self-consumption has been reformed introducing also the concept of collective self-consumption.

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000032938257&categorieLien=id>

Following a consultation process, the Commission de Regulation de l'Energie adopted a decision regulating network tariffs for collective self-consumption.

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000037257966&categorieLien=id>

https://www.legifrance.gouv.fr/jo_pdf.do?id=JORFTEXT000037257966

Greece

The new law 4513 was voted by the Greek Parliament and published on January 23rd, 2018. Citizens, municipalities and small and medium-sized local businesses are encouraged to directly participate in energy projects, with priority being given to Renewable Energy Sources

https://www.kodiko.gr/nomologia/document_navigation/341480/nomos-4513-2018

Germany

In July 2017 the tenant electricity model (in German, also translated as 'landlord-to-tenant electricity supply model') was formalised by the German government with a dedicated subsidy framework for this model set out in an amendment to the German renewable Energy Act (EEG) 2017.

https://www.bmwi.de/Redaktion/EN/Downloads/renewable-energy-sources-act-2017.pdf?__blob=publicationFile&v=3

Austria

From 2017 it will be possible to implement an energy sharing model at the condominium level in Austria.

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20007045>

Switzerland

In January 2018 Switzerland introduced an innovative regulatory framework for collective self-consumption which could be applied to any distributed energy technology

Ref. Swiss Energy Act (Energiegesetz, EnG) Art. 16/17