

DECIDE Energy Community Monitor

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1. INTRODUCTION AND OVERVIEW

This is the first of a series of „Energy Community Monitors“ that will provide an overview of regulatory developments related to Energy Communities in all EU 27 Member States (MS). EU Member States had to transpose the provisions related to Citizen Energy Communities (as set in the Electricity Market Directive (EMD) by 31.12.2020 and the provisions for Renewable Energy Communities (as set in the updated renewable energy directive (REDII)) by the end of June 2021. Most Member States missed the deadline for the EMD transposition, a range of Member States however have met the deadline of the REDII.

Definitions¹

The Clean Energy Package contains two definitions of energy communities: The **concept of Citizen Energy Communities (CEC)**, which is contained in the recast of the electricity market directive (EMD) and **Renewable Energy Communities (REC)**, a concept which is contained in the REDII.

According to the recast of the EMD, “Citizen Energy Communities constitute a new type of entity due to their membership structure, governance requirements and purpose” where the purpose is framed around the provision of services/benefits for members of the local community – as opposed to profits. The definition is therefore an acknowledgment that CECs organizational structure can be used by citizens, small businesses and local authorities to participate across the energy sector. Citizen Energy Communities have a strong emphasis on non-discriminatory access to the electricity markets, either directly or through aggregation. The definition of CECs identifies different types of activities that CECs could engage in that are not limited to renewable energy.

In contrast, Renewable Energy Communities defined in the REDII have more stringent governance requirements, are limited to renewable energy sources, and are rooted in local communities. There is also a stronger obligation for member states to incentivize and support the development of RECs, not just to provide a level playing field in the energy market (as is the case for CECs). Renewables self-consumption should be seen as a potential activity of a renewable energy community among other potential activities it could undertake (e.g. sale of energy to the market). The REDII also defines individual “renewables self-consumers” as well as “**jointly acting renewables self-consumers**”. The frequently used term **collective self-consumption** (CSC) corresponds to “jointly acting renewables self-consumers”.

¹ See Frieden et al., 2020

While most western EU countries had draft or final legislative frameworks for RECs already last year and are working on designing frameworks for CECs, many new EU member states were delayed with the legislative processes. In the last months, however, particular progress was made in some of the new member states with almost all of them having an ongoing legislative process to transpose the EU directives on energy communities. Estonia, Croatia, Poland, Romania and Hungary for example have presented legal frameworks for CECs, RECs, or for both, while in Latvia, Bulgaria and the legislative process has started.

Country	Renewable energy communities	Citizen energy communities
Austria	✓	✓
Belgium: Wallonia	✓	draft
Belgium: Flanders	✓	✓
Czech Republic	-	-
Croatia	draft	draft
Denmark	draft	✓
Estonia	draft	draft
Finland	-	-
France	✓	✓
Greece	✓	✓
Hungary	draft	-
Ireland	draft	draft
Italy	✓	draft
Lithuania	✓	-
Luxemburg	✓	-
Portugal	✓	-
Poland	draft	draft
Romania	-	draft
Slovenia	✓	draft
Spain	draft	-
Sweden	draft	draft

Figure 1: Status quo of energy community transposition, July 2021

As the figure above shows, the transposition is happening at different speeds. Analyses made in DECIDE show that some of the Member States provide a rather basic definition simply embedding the EU provisions into national law, while others have elaborated more complex regulatory frameworks taking into account national circumstances and needs. In

some EU Member States the role of energy communities is unclear. While a few countries such as Austria see a need for implementing energy communities to avoid an increasing share of fluctuating renewables impacting the grid, other Member States don't see a short term need for implementing this concept and just provide a basic framework for energy communities to comply with the need to transpose the EU directives (Peeters et al., 2021).

Different starting points, energy histories and energy system needs

The DECIDE stakeholder workshops and interactions showed there are different starting points, energy histories and energy system needs. Some Member States have existing approaches for collective energy action and organisational structures to build on in defining energy communities. For instance, several countries, such as Austria, introduced collective self-consumption schemes even before the adoption of the Clean Energy Package and aim to extend such approaches toward RECs (see Frieden et al., 2020).

In new member states, on the other hand, collective self-consumption schemes are hardly existing and cooperatives have a negative connotation given the past political/economic system leading to a lack of support in introducing them. A survey carried out in Bulgaria in 2020 concluded that 67% of respondents would not want to participate in a renewable energy cooperative. In addition in some of the new member states, such as Croatia, past negative experiences with decentralized heating networks still cause skepticism towards decentralized solutions.

Germany is an exception in the transposition process as the country has not yet started. One reason is that Germany not only has a success story with citizen-financed projects, but energy supply is often already regional with municipal utilities having an important role and being trusted by citizens.

2. COUNTRY DEVELOPMENTS

This chapter provides insights into legislative and policy frameworks published in 2021. Detailed information on countries that have introduced drafts of final legislative frameworks already earlier can be found in (Frieden et al., 2020).

2.1. TRANSPOSITION UPDATES

Hungary, Croatia, Romania, Poland have published draft legislative frameworks in the last months, in Estonia, a regulatory framework is emerging and supported by the DECIDE project.

Hungary

Hungary has adopted a legal framework in May 2021 defining active consumers as well as RECs (Hungarian Government, 2021a). The draft law does not provide further details on the size of companies that can participate. RECs and will be currently limited to electricity. Proximity will be defined via a limitation to the HV or MV substation area.

The Hungarian National Energy and Climate Plan (Hungarian Government 2020), which was published at the beginning of 2020, mentions a three-step community integration to support the goals of climate neutrality by the end of 2050. The main priority is to extend net metering (or an equivalent incentive programme) to apartment blocks. Laying the groundwork for establishing communities within the transformer zones is a second-level goal. The option of managing “village heating plants” as energy communities is mentioned as a third step (Hungarian Government, 2020).

Already in January 2021, Hungary published a call for pilot RECs. The call for proposals aimed to support the implementation of workable and traceable pilot projects that can serve as an example to others based on their institutional and operational experience, while exploring the potential of energy communities, aggregation and active user behaviour. For seven selected projects a budget of 5,8 Mio Euro will be made available (Hungarian Government, 2021a).

Hungary has submitted its recovery and resilience plan in May 2021. As part of Component F - Energy (green transition) it plans to support the integration of weather-dependent renewable energy production and the flexibility of the electricity system. This includes a faster roll out of smart meters and supporting the investments in residential solar systems, and electrification of residential heating systems in combination with a solar system (Hungarian Government, 2021b).

Romania

In April 2021, the Romanian Ministry of Energy published a draft law defining active consumers and Citizen Energy Communities. The law basically transposes the EMD provisions. It provides that Citizens Energy Communities may operate the electricity distribution network (“community networks”) (Romanian Government, 2021).

So far Romania already has introduced a definition of a prosumer “as a final customer who owns electricity generation installations, including cogeneration, whose main activity is not the production of electricity”. A prosumer can consume, store and sell electricity from renewable sources produced in his building (including an apartment building), a residential area, a shared service location (commercial or industrial), or in the same closed distribution system. Prosumers get an exemption from the annual and quarterly purchase obligation of green certificates, but also from the payment of all related tax obligations for the electricity produced (self-consumption / surplus sold to suppliers). The units for the production of electricity from renewable sources can have an installed capacity of no more than 100 kW per location of consumption (Romanian Government, 2020).

Croatia

Croatia has published draft provisions for CECs and RECs. The amendment of its electricity law that will transpose the EMD was open for public consultation until 8 May 2021. It mostly follows the EMD Art. 16 provisions defining citizen energy communities, however, plans to set spatial boundaries at the level of municipalities, resembling RECs: The owner of a share or member in the energy community of citizens may be a natural or legal person, a micro-enterprise or small enterprise whose place of residence, establishment or business premises is in the area of the local self-production unit. In addition, a member of the citizens' energy community may also be a medium-sized enterprise or a large enterprise whose place of business or business premises is in the area of the local self-government unit but they cannot exercise any control. The voting rights are independent of the ownership share in the energy community of citizens (Croatian Government, 2021). Therefore it follows the principle of one member - one vote. The share of a member in an energy community is limited to 40 %. The draft of the RES law defines RECs rather generally according to the EU definitions and requirements. It sets, however, a limit for the total connected power of all production facilities of 500 kW. For both, RECs and CECs, the production capacity is limited to 80% of the consumption capacity of the members.

Estonia

A new legislation related to energy communities in Estonia is to be expected in summer. Estonia is currently amending its Energy Management Organization Act as well as its Electricity Market Act. In its Energy Management Organization Act Estonia will include the main REC definitions as set in article 21 of the RED. The draft law highlights that Estonia's current commercial law already provides an opportunity to start operating as an energy community, but for the sake of legal clarity, the law will be amended with a detailed REC definition. Regarding consumer protection, the Competition Authority and the Consumer Protection Board will supervise the activities of the community. Detailed provisions e.g. related to proximity are not yet defined.

Current discussions on Estonia's implementation of energy communities consider the COMETS project that has established a vision for the future development of energy communities in Estonia including a survey among relevant stakeholders (Ivask, 2021a). The study concluded that support measures must include a requirement to set up an energy cooperative. There is a range of barriers however: So far cooperatives cannot get commercial loans. KredEx, a government founded financing institution, may assist cooperatives. The study also emphasises that housing associations will have an important role. They have expressed a clear interest and willingness to set up an energy cooperative with several apartment buildings, sharing a solar park with neighbours, setting up an energy storage system, joint parking and charging system for electric cars and bicycles) (Ivask, 2021a).

Poland

In May 2021 Poland has published amendments to its electricity act and its renewable support act. The law doesn't clearly specify the term energy community as either a REC or a CEC. It defines energy communities as an energy cooperative operating in the area of one DSO or a gas distribution network. It supplies electricity, biogas or heat, in the case of electricity with a rated voltage lower than 110 kV (Polish Government, 2021).

For the amount of electricity generated in all installations of renewable energy sources of an energy cooperative, and consumed by the cooperative consumers, reductions of grid surcharges and taxes apply. Energy cooperatives don't need to pay RES charges, the capacity fee and the cogeneration fee. Also, energy communities are exempt from excise duty provided that the renewable production installations of the energy cooperative do not exceed 1 MW (Polish Government, 2021).

There are some general limitations on the generation capacity:

- The total installed electrical capacity of all renewable energy installations of the energy cooperative cannot exceed 10 MW and needs to cover not less than 70% of own needs during the year.
- In the case of biogas the annual capacity of all installations does not exceed 40 million m³.
- In the case of heat the total achievable thermal power does not exceed 30 MW.

The cooperative needs to operate in the area of a rural or urban-rural commune and there cant be more than three communities of this type directly adjacent to each other; the number of its members should be less than 1000.

2.2. REGIONAL AND LOCAL POLICY PLANS

Apart from emerging regulatory frameworks on national levels, energy communities gain more importance also in regional or local policy goals and strategies. Three examples are outlined in this chapter.

The 2030 Tartu city energy and climate plan

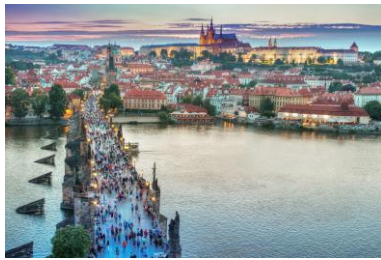


Picture taken by Makalu from Pixabay

The plan states: (Ivask, 2021b)

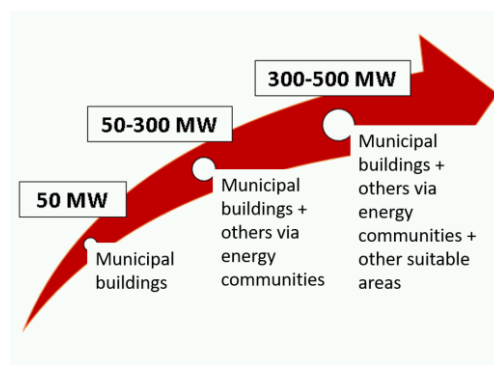
- that there will be priority electricity activities (Solar power plants) with a total capacity of at least 1.5 MW to be built on municipally-owned buildings,
- that the development of a scheme and business model for the local consumption of renewable energy produced in the Tartu region will be advanced and
- that in order to alleviate energy poverty at the municipal level, the city aims to support the establishment and promotion of renewable energy communities.

Prague Carbon Mitigation Strategy 2030



Picture taken by Pexels from Pixabay

Prague plans a major expansion of the energy community in the city (especially collective self-consumption in apartment buildings as first step) as part of its Carbon Mitigation Strategy by 2030); in 2022, the first projects are planned to be operational. (Source: Karasek, 2021)



Plan for the Promotion of Local Energy Communities of the Valencian Community



Image by Andrea Casello from Pixabay

The government of the Valencia region aspires that by 2030 all the municipalities of the Valencian territory will have local energy communities. The plan has four main strategic lines:

- promoting the interest of society in general and its involvement in the energy transition and in particular in local energy communities;
- train the different agents that participate in the model to facilitate the development of new communities;
- facilitate technical-administrative development and
- promote cooperation, acting as a catalyst for synergies.

Different measures are articulated around these lines, ranging from awareness and dissemination campaigns, tax credits and other rates, or the creation of a platform, where all usable public and private surfaces are registered, as well as the validation of an observatory of barriers and normative work, the establishment of specific aid regimes, with financing and aid for the installation of demand management systems. (Source: Institut Valencià de Competitivitat Empresarial, 2021).

3. COMPARING DESIGN ELEMENTS

3.1. INCENTIVES FOR ENERGY COMMUNITIES

Local grid tariffs and/or reduction of surcharges

Some EU countries are developing or have in place local electricity tariffs specifically for RECs or collective self-consumption (Austria, Portugal, France) while others have plans to develop new tariffs in the future (Spain, Belgium, Denmark) (see Peeters et al., 2021). Also, in the Czech Republic lower grid tariffs for CSC are being discussed (Karasek, 2021).

It needs to be noted that reduced tariffs generally do not apply to the entire consumption of an energy community but only to the electricity exchanges/self-consumed within the community. These reduced tariffs thereby reflect for instance the fact that subordinate grid levels are used to a lower extent. In Portugal and France, the tariffs explicitly refer to self-consumption, not to energy communities. Sometimes the reduction of the grid fees includes a also a reduction of taxes and surcharges. Figure 2 below shows current country plans.

Member state	Network tariff for CSC/REC	Other tariff elements
Austria	No consumption-based grid fees for grid level superordinate to LV or MV REC. Net capacity-based tariffs	Removal of consumption-based renewables surcharges and electricity tax
Italy	Refund of consumption-based part of network tariff, covering transmission-related costs	-
Portugal	Consumption-based grid fees above the grid level of REC do not need to be paid	Reduction of consumption-based surcharges (policy costs CIEG: 100% for CSC, 50% for individual self-consumption in the first 7 years)
France	Tariff for collective self-consumption	
Belgium (Wallonia/ Flanders)	To be defined based on expected benefits	To be defined based on expected benefits
Poland	-	Removal of consumption based surcharges
Spain	No grid fees for CSC within 500m limit between production and consumption connection points (neither capacity-based, nor consumption based fees).	No other tariff elements reduced.

Figure 2: Reduction of grid-related charges (based on Frieden et al., forthcoming, 2021)

There are two aspects related to local tariffs: Cost reflectiveness and possible support of collective self-consumption and RECs. Both motivations are embedded in the EU framework, even though in different pieces of legislation (electricity market rules in the EMD and Renewable Energy directive, and the requirement to support renewable energy communities defined in the REDII (see Frieden et al., 2020). Reductions of the tariff element for the grid use as proposed can serve cost-reflectiveness, while the reduction of taxes and surcharges falls under the supportive nature. However, grid tariff reductions do represent reduced costs, and can have a supportive nature as well. Therefore, in practice, there is the risk that the boundary between policy goals and energy market regulation cannot be drawn clearly (see Peeters et al., 2020). The extent to which the financial losses for the DSOs will be

covered by non-participating consumers is dealt with differently in the Member States. While Austria plans to recover the financial losses of DSOs caused by reduced network fees, Italy does not have such plans.

Support for self-consumed electricity

In Italy, self-consumers receive a subsidy on self-consumed electricity. This incentive will be 110€ for energy communities and 100€ for condominiums for each MWh self-consumed. This incentive will last 20 years and it is aimed to pay back the renewable plant investment. (Peeters et. al, 2021). In Ireland, RECs are part of the Renewable Electricity Support Scheme (RESS) (Irish Government, 2020). A part of the auctioned support volume is set aside for community-led projects. The auction means that projects will get contracts to provide electricity at a guaranteed price up to the next 16.5 years. In 2020, the average price for all successful projects across the entire auction- including wind, solar and community energy was €74.08 per MWh (Irish Government, 2020).

Investment support

The Czech Republic will provide investment support for energy communities from its modernisation fund. Currently, 1.5% (approximately 2.1 billion CZK - 81 million Euro) is earmarked for supporting the set-up of community energy (State Environmental Fund ČR, 2020). However, also the two largest programs of the Modernization Fund related to heat and RES are open for community energy projects. The Modernization Fund is a new European instrument financed from the sale of emission allowances, which aims to help the Czech Republic and nine other EU Member States finance the transition to less emission-intensive energy sources. Depending on the price of emission allowances, the fund will have approximately CZK 150 to 200 billion between 2021 and 2030, divided into nine programs with different levels of allocation (State Environmental Fund, 2020).

Lithuania has earmarked 128 million Euro renewable support for the period 2021-2027 for enterprises and RES communities. The concept of support is currently under discussion (Sveklaitė, 2021).

3.2. SPATIAL BOUNDARIES

RECs need to be “effectively controlled by shareholders or members that are located in the proximity of the renewable energy project” (REDII).

So far Member stated took the following approaches for defining REC boundaries:

- Distance or administrative structures
- Typology of the public grid (Energy community behind the LV, MV, HV transformer)
- Case by case judgement, based on criteria, taking into account existing activities
- Combination of these approaches

Country	Approach
Austria	LV/MV
Belgium/Wallonia	LV/MV and distance
Belgium/Flanders	LV/MV and activity
Hungary	MV/HV
Slovenia	LV
Luxembourg	HV
Italy	MV/LV
Ireland	LV, MV
Croatia	Municipality, LV
Lithuania	Municipality
Greece	Regional/system-related, depending on location
Portugal	Case by case decision

Figure 3: Approached to define the boundaries of Renewable Energy Communities (Source: Joanneum Research)

Note that the term proximity does not relate to proximity of members to the production plant but to the proximity of control, which means the majority of voting rights should be held by “shareholders or members that are located in the proximity of the renewable energy projects” (Art 21, REDII). Therefore, next to spatial boundaries often additional criteria are defined e.g. stating which part of members need to be located within the physical boundaries, if not all.

3.3. ORGANISATIONAL FORM

Regarding the organisational form of energy communities, several Member States list potential options for the type of legal entity that may be chosen. In Greece, a specific type of cooperative is foreseen for energy communities, also Poland and Slovenia describe cooperatives as the needed organisational form in their draft laws for citizens energy communities (Polish government, 2021; Slovenian government, 2021). In Spain, a dedicated legal framework for “Energy Consumption Cooperatives” already exists (Cooperativas de Consumo) on which could be built.

3.4. ENERGY POVERTY MITIGATION

Energy poverty mitigation is gaining increasing importance in the context of energy communities in southern and eastern European member states. Greece has explicitly embedded the reduction of energy poverty as a prime goal of energy communities in its legal framework, also establishing specific measures. In particular, the inclusion of vulnerable or poor households in the Greek net metering scheme without requiring membership in the energy community may be an important approach to reduce barriers for these groups (Frieden et al., 2020). Bulgaria and Hungary plan to put a focus on energy poverty in the upcoming legislation on energy communities according to their National Energy and Climate Plans.

Portugal

Portugal plans in the context of the Recovery Program and Resilience (PRR) to allocate at least 300 million euros of European funds between 2021 and 2025 to energy efficiency actions in residential buildings covering all types of households, but with a focus on low-income households in a situation of energy poverty” (Portuguese Government, 2021). According to the document 35 million euros will be used to implement collective self-consumption projects and renewable energy communities”, including the promotion of local structures for the support and monitoring of families in situations of energy poverty (Portuguese Government, 2021).

4. BARRIERS AND NEEDS WHEN OPERATIONALIZING ENERGY COMMUNITIES

Even if most EU Member States will have basic legislative frameworks for energy communities in place this year, operationalizing the concept still faces a range of barriers as observed so far and highlighted in DECIDE stakeholder and expert workshops.

Barriers include:

Data Access

Data access is being discussed in several member states. DSOs often provide data only once a day or even less frequently, which will not be suitable for use under peer-to-peer electricity or flexibility provisions. In Belgium and Austria, smart meters will have an interface with which the energy community can read out real-time data but energy communities will have to pay for the interfaces and communication infrastructure.

National legal provisions and regulations

Some of the existing national legal provisions may limit the establishment or operation of energy communities. In Estonia for example, cooperatives cannot get commercial loans. In Croatia, cooperatives cannot carry out leasing activities as they are no business actors.

In Spain and other Member States, the public sector law hampers collective actions – for example, it sets a limitation on two different electricity suppliers at the same point of consumption, which limits sharing energy from neighbours PV plants.

Also, in some countries there is a lack of clear national regulations for the implementation of specific technologies, such as storage technologies that cause long delays in the successful operation of energy communities (e.g. setting up of the Schoonschip floating neighborhood in North Amsterdam (the Netherlands) took almost 12 years).

Administrative barriers

In many EU Member States it is complex and bureaucratic for the municipalities to get grants. Also, municipalities may need to go through a tendering process to acquire additional services that they may need to operate energy communities. For small municipalities without many staff resources simplifications are therefore needed (Barsic, 2021).

Lack of clarity of benefit of an energy community

DECIDE pilots have pointed out that in some cases it is hard to motivate people to join a community energy action if the financial benefits are not obvious. Therefore, pilots have found additional benefits that can be offered to members such as community building, energy management or the possibility to compare energy use among members of the community. The energy system/market and regulations are complex and not easy to understand for stakeholders not usually involved in this sector. Therefore, it is extremely important to make the process of forming an energy community and the benefits/operation of an energy community clear to citizens to assure higher participation. Also, energy collective action and communities across the EU cannot be approached with a one-size fits all approach, especially when it comes to communication with members of the community. Appropriate and essential communication needs to be tailored to a specific community and clear in transferring the message.

Enabling factors include:

Existing organisational and communication structures

Energy communities could build on existing organisational structures such as housing associations that in particular are widespread in Eastern European countries. In order to build long lasting energy communities, DECIDE's social scientists showed that, based on analysis of various initiatives, successful energy community initiatives build on existing citizen initiatives/groups/clubs that already have ongoing communication with the community.

Municipalities and local authorities as enablers

Municipalities have a possible strong role as enablers of energy communities. The municipality can participate directly in the activities of the energy community as a member or, for example, a representative in the council of the cooperative (Ivask, 2021a). The energy community can support the achievement of the climate goals set by the municipality, contribute to the creation of a sustainable living environment in the municipality such as more attractive housing. Local government support also increases trust between the government and residents (Ivask, 2021a). A survey in Bulgaria shows that about 50% of respondents want local authorities to establish energy communities (Trifonova, 2021).

5. CONCLUSIONS

The last months showed important progress towards transposing the EU provisions related to energy communities, with new Member States catching up. The ways Member States transpose energy communities however are very diverse considering their technical, socio-economic structures. Countries have different starting points, energy histories and energy system needs. Member States therefore often build on existing approaches for deploying decentralized renewables when defining energy communities.

The report outlined that a range of barriers are legal and administrative nature, legal certainty at the national level will be of high importance for energy communities to be deployed. Regulatory frameworks also need to be complemented by policy and other enabling conditions, which are only partly visible so far in most Member States and are often limited due to financial support or a lack of understanding of their design. As this report illustrated some of the aspects of forming energy communities however are political and cultural and hard to tackle in the short term with regulation and financial support alone. Energy collective action and communities across the EU therefore cannot be approached with a one-size fits all approach, especially when it comes to communication with members of the community. An important role in establishing energy communities is the involvement of existing trustworthy actors, such as municipalities but also existing community structures.

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