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## Sustainability Dingle

# Deliverable - Best Practice Guide on Structures for Energy Communities

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**Abstract:**

# Contents

# 1 Introduction

There are a number of key areas when developing an Energy Community and this deliverable outlines the best practice in the area including the legalities involved. For the mechanisms to enable the Clean Energy Transition to prosper, the energy citizen must be engaged and empowered to be a central component of it. Energy Communities (EC's) are a mechanism to achieve this where members can take control of their energy profiles and become prosumers. New EU Directives have been implemented which place the energy citizen at the centre of this transition. Ireland is in the process of transposing these Directives into law and an opportunity exists to implement mechanisms which will have a lasting impact on our Sustainability as a nation. Key to these developments is the creation of EC's where Renewable Energy Technologies can be implemented locally such that they can be sustainably balanced using mechanisms such as Peer to Peer trading, Demand Side Management, Load Shifting and Battery Storage.

The EU has developed the Clean Energy Package (CEP) that will help the EU meet its 2030 climate and energy objectives. In particular, the Renewable Energy Directive and the Internal Electricity Market Directive contain provisions that establish a supportive EU legal framework for community ownership. In preparation for the transition to these new energy systems, each country must transpose these Directives into law to suit their specific energy markets.

EC's have been enshrined in EU law as a central pillar in delivering the energy transition which includes non-energy professionals in the process. Putting communities at the centre of the transition involves citizens in the development, ownership and ongoing reward that EC's offer. While Ireland have implemented mechanisms to allow local EC's to participate in renewable energy projects through the Renewable Energy Support Scheme (RESS) auctions, they have yet to transpose specific clauses which would enable key drivers such as energy sharing. Such mechanisms have the potential to be a game changer for EC's as they would enable them to integrate substantial levels of renewable energy to suit their local requirements once it is balanced with demand profiles using battery systems and smart grid techniques. While this is not a trivial change, there are examples from our EU neighbours which are exhibiting the advantages they were designed for.

To facilitate these energy sharing EC's as legal entities and ensure they operate within strict grid rules, they must conform under license and perform as part of the wider network guidelines. As Ireland is not yet at this point, it is difficult to predict the mechanisms that will be deployed and the rules that will be imposed. Therefore, it would be premature to issue a Best Practice Guide for full energy sharing EC's at this

point. We will, however, discuss the Regulatory concepts that underpin the EU Directives, how these may be implemented under the various aspects and how Social Science plays a key role. We will also outline the position from an Irish perspective of how setting up an EC in a locality can enable projects in the RESS market.

## 2 Regulation

The EU, through its CEP package, have introduced new provisions on the energy market design and frameworks for new energy initiatives. Specifically, the recasts of the Renewable Energy Directive (REDII) and the Electricity Market Directive (EMDII) provide basic definitions and requirements for the activities of individual and collective self-consumption as well as for two types of energy communities: i) Renewable Energy Communities (REC's) as defined in the REDII; and ii) Citizen Energy Communities (CEC's) defined in the EMDII, which allow citizens to collectively organise their participation in the energy system. These new concepts can open the way for new types of energy initiatives aimed at the empowerment of smaller actors in the energy market as well as an increase in decentralised renewable energy production and consumption, known as prosumers. The mandatory transposition into national law provides significant room for specific provisions.

The discussion and first implementation of collective self-consumption schemes – where energy can be generated and shared within groups – is ongoing in most EU Member States who are introducing a regulatory framework to support it. RECs and CEC's require a legal entity as a community umbrella, must be voluntary and open, should be primarily value driven rather than focusing on financial profits, require a specific governance and act collectively. CECs however have no geographic limitation, are based on electricity only and are technology neutral. RECs on the other hand have a proximity requirement, limited membership (shareholders or members do not include large companies) and are open to all types of renewable energy (e.g. heat and transport), but renewable energy only. The major purpose of the enabling frameworks is to promote the development and growth of ECs as a way to expand the share of renewable energy at national level.

The key to all concepts is the introduction of mechanisms that facilitate prosumers to act collectively and take control of their energy profiles. The mechanisms enable prosumers to generate, store, sell and share energy between themselves within a group. The concept of energy sharing has the potential to be the largest game changer in this transition. Peer-to-peer (P2P) energy trading is defined by the REDII as "the sale of renewable energy between market participants" by specific means including "the automated execution and settlement of the transaction". This may occur "either directly between market participants or indirectly through a certified third-party market

participant, such as an aggregator". P2P trading has the potential to enable communities to act together in a collective way such that locally integrated renewable energy can balance the aggregated load of the group. P2P platforms are emerging using distributed ledger technology such as blockchain where energy surplus can be exchanged with their members neighbours and also energy provision/matching, where prosumers can directly choose local renewable generation.

REDII was recently updated to respond to more acute climate change and the war in Ukraine. It proposes a more ambitious target of 45% Renewable Energy Supply (RES) in final energy consumption by 2030, which is consistent with the more recent legislative proposal put forward by the European Commission as part of its RepowerEU plan to phase out energy imports from Russia while accelerating the clean energy transition. It promotes more innovative renewable energy technologies, with a further indicative target for storage technologies that can improve demand-side flexibility and deliver a 5% reduction in peak electricity demand by 2030. The report proposes a series of targets for key sectors that are generally more ambitious than those contained in the original Commission proposal. The transport sector would need to deliver a 16% reduction in GHG intensity by 2030, and take more active measures to promote hydrogen, including in the 'hard to abate' maritime sector. The Council formally endorsed the final text, and the revised directive (RED III) was published in the EU Official Journal on 31 October 2023 and entered into force on 20 November 2023.

The more pertinent clauses in relation to energy sharing EC's include;

'Community energy offers an inclusive option for all consumers to have a direct stake in producing, consuming or sharing energy'

'..are entitled to arrange within the citizen energy community the sharing of electricity that is produced by the production units owned by the community'

'..to generate renewable energy, including for their own consumption, store and sell their excess production of renewable electricity, including through renewables power purchase agreements, electricity suppliers and peer-to peer trading arrangements'

'REC… the relevant distribution system operator cooperates with renewable energy communities to facilitate energy transfers within renewable energy communities'

'Member States shall provide an enabling framework to promote and facilitate the development of renewable energy communities. That framework shall ensure, inter alia, that..unjustified regulatory and administrative barriers to renewable energy communities are removed'

‘Electricity sharing enables members or shareholders to be supplied with electricity from generating installations within the community without being in direct physical proximity to the generating installation and without being behind a single metering point.’

‘REC’s….share, within the renewable energy community, renewable energy that is produced by the production units owned by that renewable energy community’

‘peer-to peer trading arrangements, without being subject….in relation to the electricity that they consume from or feed into the grid, to discriminatory or disproportionate procedures and charges, and to network charges that are not cost-reflective..in relation to their self-generated electricity from renewable sources remaining within their premises, to discriminatory or disproportionate procedures, and to any charges or fees;’

‘renewable energy community’ means a legal entity…the shareholders or members of which are natural persons, SMEs or local authorities, including municipalities’

# 3 Energy Community Aspects

EC’s and energy sharing initiatives can be set up in many different ways, depending on regulation in the specific country. As energy sharing is a relatively new concept, many EU Member States have placed limitations around certain parameters of the activity. These limitations may vary in size and nature depending on the Member State, and they may even be further relaxed over time. These can be outlined in the following areas;

**Type or size of renewable energy installations** - Legislation may explicitly limit energy sharing to certain production technologies, and there may be limits on the installed capacity (MW) that your production facility can have.

**Allocation of grid capacity -** Capacity for new grid connections is often limited, and obtaining a connection is inherently a competitive process. Depending on the Member State, the available connection capacity may be allocated on a first-come-first served basis, or through an auction model.

**Geographical proximity of participants -** The perimeter within which members or users of the installation need to be situated to participate in the energy sharing project. This figure usually corresponds to the topography of the electricity network (e.g. low or medium-voltage station), or to radius expressed in kilometres.

**Smart meter and other specific equipment** - It is a prerequisite for measuring input from the production facilities and consumption by the members within an energy sharing project to be able to optimise self-consumption and provide flexibility to the system.

**Deduction/matching period** - The deduction or matching period can vary between 15 minutes to 1 hour, which will directly impact the potential self-consumption rate, regardless of which technologies allowed, and how much savings participating consumers can expect.

**Energy sharing between members** - When setting up an energy sharing initiative, each community needs to adopt a special formula that determines how the shared production will count towards particular members' energy bills. Sharing coefficients are regulated at the national level. Some Member States only allow for one static energy sharing coefficient to be used by all energy sharing initiatives, where every consumer receives a fixed pre-arranged share. Some Member States let EC's choose their own dynamic sharing coefficient, whereby the actual demand at a given time (e.g. hourly, every 15 minutes, etc.) determines the share of production that each member receives. In case a community struggles to determine a coefficient, they can use the standardised key provided by their DSO.

Most EU countries are focused on collective self-consumption (CSC) where a legal contract between a group which encompasses the criteria above and the system is managed by an entity. Where the group intend to manage their affairs within the EC, they must set up a distinct legal entity. There are two distinct legal concepts, Renewable Energy Communities (REC) and Citizen Energy Communities (CEC), respectively defined in article 2 and 22 of REDII and articles 2 and 16 of EMD, as outlined in Section 2 above. The table below outlines the similarities and differences of each.

| | **Criteria** | **RENEWABLE ENERGY COMMUNITIES (RECs) --** Articles 2 and 22 | **CITIZEN ENERGY COMMUNITIES (CECs) --** Articles 2 and 16 |
|---|---|---|---|
| **Similarities** | Participation | A legal entity that is based on '**open and voluntary** participation', which may be cross-border | |
| | Primary purpose | Its primary purpose 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**' | |
| | Activities | Entitled to **produce**, **consume**, **store**, **supply** and **share** energy | |
| **Differences** | Activities | Broad range of activities related to all forms of **renewable energy** | Operate only in **electricity sector**, may engage in electricity **distribution** and are **technology-neutral** (fossil fuel source or renewable) |
| | Assets ownership | Must **own the renewable energy assets** | May not be involved with energy assets |

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| | Eligibility | **Restricted Membership –** Natural persons, local authorities, MSMEs whose membership/participation is not their primary economic activity | **Any actor can participate,** but stakeholders involved in large-scale commercial activity where energy is the primary economic activity cannot make decisions |
| | Autonomy | 'Capable of remaining autonomous from individual members or other traditional market actors that participate in the community as members or shareholders' | Only mentioned for managing energy distribution network, without further details |
| | Effective control | Restricted to members or shareholders, even MSME, that are '**located in the proximity** of the renewable energy projects' | Restricted to members or shareholders that are **natural persons, local authorities or small enterprises** |

# 4 Social Science

Although EC's have significant technical aspects as outlined above, unless the citizen feels engaged with the process, the EC will not prosper. Therefore, social science aspects are just as important to include in the design of an EC. The literature points to two key dimensions underlying the diversity of interpretations of community renewable energy: Process - concerning who a project is run by and who is involved and has influence, i.e. either open and participatory or closed and institutional and Outcome - concerning how the outcomes of a project are distributed, i.e. either local and collective or distant and private. From this perspective, an 'ideal' community project would be entirely driven and carried through by a group of local people and would bring collective benefits to the local community. A project focused on the process dimension would require a high degree of involvement of local actors in the planning, setting up and running of the project. Whereas a project focused on the outcome dimension would be less concerned with who is participating in the project rather than where the benefits of it are distributed. Another possibility is to accept many different possible combinations of process and outcome, as long as the project has some degree of openness and participation, as well as some local and collective label.

EC's rely not only on the technologies deployed but also on the funding, installation, legal and operational arrangements that need to be put in place. Particular contextual factors have an important role in explaining why projects succeed. Barriers and

enablers for the implementation of energy communities in relation to social aspects depend on national, but especially local contexts, so that caution should be taken regarding simplistic prescriptions of success factors, and therefore, for every new case specific, context-dependent potentials and possibilities should be analysed.

The following is list of key non-technical aspects which should be reviewed when designing an EC for a particular jurisdiction.

**Key committed individuals -** pro-active, entrepreneurial, key committed individuals to drive a project forwards can be essential to success, as well as an effective organizing group capable of seeing new opportunities, seeking to exploit them creatively, mobilizing other actors and being able to overcome setbacks.

**Identifying partners and building relationships** - forming supportive partnerships and information-sharing networks through networking links with external organizations such as local authorities, community groups, businesses, schools, NGOs or charities can be a critical success factor, especially when local initiatives entertain strong and continuous relations with other organizations that enable them to secure long-lasting commitment and cooperation. Relations with outside networks on the local level determine partly the support of local government, economic actors, schools and other organizations. This support can translate into funding programmes and expert assistance.

**Citizen participation** - As community energy projects rely on the involvement and participation of members, either as volunteers, investors or other supporters, citizen willingness to participate is considered a vital factor for the success of community energy systems.

**A shared vision** - The existence of a strong shared vision can be an important condition for success, as it has the potential to create a platform for the direction of the development of the community and to strengthen the commitment to the project. Developers need not just to identify the communities and community leaders to engage with, but also to pay attention to divergent framings held by the different actors involved.

**Trust** - among the different parties in energy infrastructure decision-making is a key prerequisite for acceptance and the successful delivery of local energy projects. Trust is important both for developer-led and community-led projects, and in an initial phase is likely to be influenced by the pre-existing expectations that different actors have of one another. Many aspects for public engagement with renewable energy projects that shape local acceptance of projects include expectations about the form and impact of the proposed energy technology, expectations about the project developer, expectations about the process and expectations about what a proper distribution of

benefits should be. The expectations of renewable energy actors also need to be taken into account, especially their expectations of the public (and their responses to renewable energy projects, including the possibility of hostility to project implementation), expectations of development and decision processes, and expectation of how they should operate and engage with the public. Therefore, mechanisms that facilitate partner identification at an early stage can help to build relations of trust between actors. Trust between local people can become eroded and problematic, and disputes can open up, when people feel (legitimately or not) that they have been misled, that projects have been misrepresented in some way or that some people in the locality are benefiting or being harmed more than others.

**Community ownership** - Community ownership can be an incentive for different actors to get involved in energy community projects, as it can generate income, either through returns on investment, the sale of generated energy, or the creation of employment. There is also evidence that projects owned by communities are more locally acceptable and have fewer problems obtaining permission; ownership also means that the local community is able to determine matters such as the scale of development or its siting.

**Democratic governance** - Community ownership can be related to democratic governance, which help communities to implement sustainable energy production, keep financial resources in the community (and invest in local sustainable initiatives), and enhance the democratic influence of citizens (van der Schoor et al 2016).

**Access to funding/financial support** - Funding programs and incentives (such as Feed in Tariffs) set up by governments and agencies to support community renewable projects have been important in stimulating and enabling grassroots activity Access to funding is more likely when energy communities are formally constituted (rather than informal groups) in order to apply for grant or issue shares. The potential for income generation from FiTs can also be an incentive.

**Demonstration** - It is important to demonstrate to the community that the new technologies implemented actually work. This may take the form of initially, tradesmen installing technologies (such as solar thermal and heat pumps) in their own homes and demonstrating them to interested people or showcase them in demonstration houses or exhibitions. As a second phase, energy trade fairs can be organized, where technology suppliers can be invited. This leads to success stories early on, as a way of showing that the project is progressing and also as a way of convincing people to buy the new technologies.

**Policy context** - A supportive and stable national policy context is an important external success factor, especially through grant funding structures and financial incentive policies, such as Feed-in Tariffs and Incentives. The stability of governmental support,

together with the inclusion of community energy projects into political decision-making, mutual learning and technological experimentation processes are considered crucial factors for the development of renewable energy.

**Legal framework** - A favourable legal framework can boost the innovation potential of energy communities, providing a range of opportunities for collective self-consumption, such as improved competitiveness of business models, virtual net metering, appropriate pricing schemes or peer-to-peer mechanisms, while also ensuring that collective prosumers have enough legal support to operate in the energy market. In this sense, a crucial quality of regulatory frameworks is flexibility, especially when different solutions are allowed to emerge.

**Social incentives** - Shared ownership in renewable energy projects offers to community members other potential benefits than just financial ones, such as increased social cohesion, a sense of duty, experimenting with alternative ways of living, and demonstrating that alternatives to the existing energy system are possible. Fighting economic deprivation can also be a driver of community energy mobilization, as long as it is linked to regeneration projects or attempts to address energy poverty.

**Culture** - Without a culture of local participation, initiatives, such as EC's, cannot easily emerge. A long tradition of local cooperatives owning local production infrastructure has been an important factor in fostering a favourable environment for community engagement and acceptance of renewable energy in areas such as Denmark. In such context, local communities have practical experience with concrete projects and organizations, together with a sense of locality and responsibility.

# 5 Ireland

Prior to the transposition of the EU directives into their national law, some EU Member States had already legislated to facilitate energy sharing using the public grid, through what is called collective self-consumption (CSC). As a result, those two legal concepts of energy communities (REC's and CEC's) and CSC intersect at some point but are not subordinate to each other. CSC may be part of energy communities' activities as energy sharing but may also happen outside an energy community, and not all energy communities share energy.

As the transposition of the EU Directives in Ireland are in the early phases from an energy sharing perspective, most of the aspects discussed above cannot be adequately assessed. RECs and CEC's requiring a legal entity, being voluntary and open, primarily value driven rather than focusing on financial profits, requiring a specific governance and act collectively are all criteria that have yet to be put into practice. As energy sharing

is not yet allowed, the proximity requirements of an REC are not implemented to a network/feeder/substation level.

Although the EU Directives outlined above have been passed for some time, Ireland is well behind in transposing these into national law. Government bodies such as the Regulator (CRU) and the Department of Environment, Climate & Communications (DECC) have issued various consultations around Active Consumers which explores terms and other concepts around new energy activities such as aggregation, energy storage, demand response, flexibility, and energy sharing with interested stakeholders. There have been significant information gathering exercises through Calls for Evidence and Roadmap plans - however, there has been little progress in their implementation.

Prior to the Clean energy for all Europeans package, Ireland had already developed the concept of Sustainable Energy Communities (SECs), whose broad definition includes communities that work together to develop a sustainable energy system. Although this type of community has already focused on energy efficiency, renewable energy and smart energy solutions, Ireland has not yet transposed the technical aspects of the European directives into national law.

However, the government, through DECC has started establishing the energy community concept by issuing several support schemes for renewable energy projects developed by energy communities. The first competition of the Renewable Electricity Support Scheme (RESS) in 2020 has given a definition of RECs to let them benefit from these supportive measures. In addition to complying with European terms, this definition includes the “one member, one vote” condition. The RESS scheme ringfences a part of Irish electricity network capacity for projects qualified as community-led projects, which are exclusively owned by RECs beginning with second round of tenders. This mechanism ensures that RECs compete with each other, rather than with larger project developers. Also, within the RESS, the Sustainable Energy Authority of Ireland (SEAI) has been commissioned for providing access to expertise, advice and development assistance to these communities.

Recently, DECC issued the Small-Scale Renewable Electricity Support Scheme (SRESS) for stakeholders integrating renewables above 50kW and potentially up to 6MW and having a government backed scheme to provide a floor price for the energy. The scheme aims to support larger non-domestic renewables self-consumers, such as farms, public buildings, commercial and industrial entities, as well as to provide a route to market for Renewable Energy Communities (REC’s) and other small-scale solar PV developments. Although this scale of project may be suitable for self-consumption, any residual renewable electricity not consumed is only eligible for export payments rather than collective self-consumption. Therefore, and despite these mechanisms, collective self-consumption is not yet enabled in Ireland.

# 6 Conclusion

EC's are a mechanism to enable the energy citizen to engage in the energy transition and mobilise their profiles and assets to play a meaningful part. The technical aspects of the EU Directives, such as energy sharing, facilitate these groups to act as a collective and maximise the self-consumption within the cluster and sweat the assets of the local grid infrastructure. Globally, we must move away from fossil fuel driven energy systems and EC's can enable local groups to integrate meaningful levels of renewable energy assets. This will become even more important as we transition other energy vectors other than electricity, such as Heat and Transport, away from fossil fuels. As these vectors are electrified, they must be supplied from renewable sources and EC's will allow more of this demand to be satisfied locally.

The regulation and legal aspects for EC's has been put in place from the EU and many of the member states have already transposed them enabling them to flourish in their jurisdictions. This is providing live pilot sites demonstrating the advantages EC's can bring and fostering the environments where the various concepts are working. This demonstrates the criteria whether CSC, REC's and CEC's, or a combination of them, may suit the requirements of national and local energy markets.

We have shown that the technical aspects of EC's are well developed and the rules around aspects such as proximity, grid integration, data access and EC control are established and well represented in the Directives. There is also extensive literature on best practice on the social science aspects of EC's and the importance of governance, trust, policy and culture on the effectiveness of these local groups.

Ireland can now grasp the opportunities that EC's can bring. There is an abundance of best practice from all aspects of the market from regulation and legalities to social science and technology. The first moves with SEC's must be developed to enable the regulatory framework for CSC and energy sharing to prosper within legal structures.

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