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Regulatory Factsheet

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The REScoop PLUS project has the purpose to help enhance energy efficiency as a value creating activity for the European cooperatives. The energy efficiency topic is crucial to reach the EU's 2020 climate and energy targets. Specifically, EU has set a target reduce primary energy consumption in Europe by 20%¹, a target of 20% final energy consumption from renewable sources by 2020², and a target to reduce greenhouse gas emissions by 20%. In order to reach those targets, the local communities across Europe will need to be activated and the citizens will need to participate in energy saving efforts.

The REScoop PLUS project has the objective to provide tools and techniques to help REScoops³ develop energy efficiency in their organization, and to help our members understand how to become more energy sober. The project, which includes 8 cooperatives from 7 different countries, looks at the impact of the cooperative engagement and the drivers of the behavioral change in favor of a sober energy consumption.

The purpose of Work Package 6 is to explore the legal environment, or framework, in which the toolbox develop by the REScoop PLUS team will evolve. The review of the legal environment, and the guidelines toward the cooperatives, will be developed in three separate reports. This first report will deal with a broad view of the legal topics impacting energy efficiency at the European level. It will also provide insights regarding new legislation that is being discussed currently at the European level. The purpose of this report is to provide a dynamic view of the energy efficiency and data privacy laws at the EU level, and the trends that will make their future. We will close this part by giving some recommendations regarding the building of data privacy policies for REScoops.

The second report will take a look at the local legal environment of energy efficiency in each of the countries that deployed the best practices. This second report will focus on providing a context to the best practice report by identifying and analyzing the legislations of energy efficiency in 5 European countries.

The third report will provide an in-depth analysis of the Portuguese situation, where our pilot REScoop, Coopernico, will use the REScoop PLUS toolbox to carry out energy efficiency activities with its members. This report will explore the Portuguese legal context for energy efficiency, and will offer solutions to deploy the toolbox of the REScoop PLUS project. The purpose of this third report will be to help the team at Coopernico deploy some of the best practices.

Barriers to the Implementation of the Best Practices

The barriers to implementation to the best practices are not significant for most of the best practices. However, there are several threatening variables to watch over while deploying the toolkit around Europe.

Data Management

The management of personal data is crucial to the a large number of the best practices due to the nature of the data collected by the Coaching Tools. This tools are using personal data in order to

¹ Directive 2012/27/EU on energy efficiency

² Directive 2009/28/EC on the promotion of the use of energy from renewable sources

³ REScoop: Renewable Energy Source Cooperatives; cf <https://rescoop.eu/what-rescoop>

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offer support and advices to the cooperative members. In this sense, the management and protection of those personal information is crucial to the Toolkit deployment. To put privacy protection at the heart of the tools of the project, can also become a comparative advantage for the REScoops implementing those tools.

Energy Efficiency Support Schemes

All European countries have a form of energy efficiency support scheme, may it be through a “white certificate” scheme or an alternative policy mechanism. Those support schemes are usually not supporting the REScoops (because of their size and the local nature of their impact). However, the work that has been done through the project is speaking in favor of the integration of Energy Cooperatives has a mechanism to be supported by mechanisms implemented through the Article 7.

Original Regulatory Environment

We structured this report around best practices identified in five target countries (France, Belgium, Denmark, Spain and Italy). We will go through 5 sections, one for each country. The list of selected best practice was published in the report 4.2 of the REScoop PLUS project. The full list is reproduced here :

Best Practice	REScoop	Country of Origin
One Tariff System	Ecopower	Belgium
Energie ID	Ecopower	Belgium
Dr Watt	Enercoop	France
Technical Support	Hvidovre Fjernvarme	Denmark
Package Approach	EBO Consult	Denmark
Return Flow Temperature Optimization	SEV	Italy
Info Energia	Som Energia	Spain

When analyzing the best practices, we realized that the regulations impacting them are rather similar between each of the countries. Those areas are:

- Data Privacy : All the tools using and processing personal data (Dr Watt, Energie ID, etc.) are subject to the rules, and relevant restrictions, regulating the use of personal data.
- Price of the Energy: In a wide range of the proposed services (One Tariff System, Tariff Optimization or the Package Approach) the regulation of energy prices is key to influencing whether consumers are incentivized or not to moderate their energy use and, hence, uptake of services provided by the REScoops.

Mechanism contained within Energy Efficiency Obligation schemes or related policies⁴: Such legislation can have a direct impact on the success and failure of the economic models of the best practices. It is therefore useful to know if a certain system could be leveraged in order to make a best practice as or more successful in the target countries.

⁴ Those policies are commanded by the Article 7 of the Directive 2012/27/EU on energy efficiency
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National Environments Summary

Country	Expert	Main Characteristics
France	Enercoop	<ol style="list-style-type: none"> 1- <i>The price of the Energy</i>: the fixed price calculation being a low transparency and accountability process is putting market actors under pressure 2- <i>Data Privacy</i>: several best practices have been put in place at Enercoop that are encouraging a responsible collection and processing of data 3- <i>EEO scheme</i>: The French certificate scheme is not allowing for proper recognition of the behavioral actions.
Belgium	Ecopower	<ol style="list-style-type: none"> 1- <i>The price of the Energy</i>: The fluctuation of the grid tariffs in Belgium make for a significant disparity of energy prices between regions. 2- <i>Data Privacy</i> : The Belgian legislation is not going to change much and Energie ID has put in place several best practices around data management. 3- <i>EEO scheme</i> : There is no mechanism.
Denmark	EBO Consult	<ol style="list-style-type: none"> 1- <i>The price of the Energy</i>: The construction of the energy price for heat in DK is especially positive for REScoops. 2- <i>Data Privacy</i>: RAS 3- <i>EEO scheme</i>: The support scheme in DK is strongly supporting the implementation of the best practice of the toolkit.
Spain	Som Energia	<ol style="list-style-type: none"> 1- <i>The price of the Energy</i>: The price of the energy in Spain is presenting an opportunity by having almost of third of it sum under the suppliers' control 2- <i>Data Privacy</i>: The lack of transparency in the Spanish market is offering an opportunity for the REScoop to provide support to the members in understanding the protection of their data. 3- <i>EEO scheme</i>: This is a standard "white certificate" scheme.
Italy	SEV	<ol style="list-style-type: none"> 1- <i>The price of the Energy</i>: The prices of heating in Italy is a three tier standard calculation. 2- <i>Data Privacy</i>: The data privacy regulation in Italy is rather similar to European standard with the exception of the implementation of a data hub. 3- <i>EEO scheme</i>: This is a standard "white certificate" scheme.

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A look at the Future

The third report of the REScoop PLUS project is looking at collecting regulatory best practices supporting the development of the Toolkit and providing recommendations toward the implementation of the Clean Energy Package. This report also provides an overview of :

- The Non-profit regulation for district heating (DK) : this piece of legislation is preventing companies providing district heating to the Danish citizens to produce excessive profits on this activity.
- The automatic municipal guarantee for low interest loan in district heating (DK): This mechanism is allowing the support of the development of district heating by Danish local municipalities
- The support scheme to municipalities to invest in return flow (IT) : This mechanism is allowing local Alto-Aldige municipalities to invest in the optimization of local district heating networks
- The public fund for Community projects (NL) : This fund is supporting the development of citizen-lead projects by providing bridge funding.

The large overall of the European legislative framework will be implemented in the Member States in the next three years, impacting heavily national legislations. The REScoop PLUS consortium provides recommendations to European and National policy makers on how to adapt the new package.

European Recommendations

1. In their implementation of the Renewables Directive, and in their NECPs, Member States should design policies and measures that maximize the potential synergies between support for renewable energy communities and investments or actions that result in behavioural change around energy efficiency and building renovations.
2. In their enabling frameworks required under the Renewable Energy Directive, Member States should develop policies and measures that assist low-income and vulnerable households can benefit from, and can access, cheap renewables and energy efficiency services through participation in energy communities.
3. In their NECPs, Member States should provide concrete policies and measures to support energy communities in encouraging energy efficiency at household level and in addressing energy poverty, particularly in the areas of:
 - a. energy efficiency schemes and alternative measures with a social purpose under Article 7 of the EED
 - b. renovation of public and private buildings
 - c. the delivery of energy efficiency services
 - d. in the delivery of energy efficient public procurement
 - e. information and training measures for citizens

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