

## SMARTENERGY – SIX PACK TRAINING SERIES

# REGULATION FOR ENERGY COMMUNITIES IN ITALY

## INITIAL APPROACH AND FUTURE OBJECTIVES

March 2nd, 2021

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## EU REFERANCE

**Directive (EU) 2018/2001 of 11 December 2018 on the  
promotion of the use of energy from renewable  
sources (RED II)**

**LEGAL – ADMINISTRATIVE – TECHNICAL  
GUIDELINES**

**SHORT-MID-LONG -TERM OBJECTIVES**

## NATIONAL REFERANCE

**Art. 42 bis of Legislative Decree n° 162 of December 30, 2019 converted and approved by Law n° 8/2020**

**Particular attention to art.21 and 22 of RED II**

**art. 21) Renewables self-consumers**

**art. 22) renewable energy communities**

## Art. 42bis D.Lgs n.162/2020 – L. 8/2020

The decree allows the activation and implementation of self-generation and self-consumption of energy from renewable sources, individually and collectively, and form energy communities as legally acknowledged independent entities

The monitoring of the development of these initiatives shall operate as an experimental phase to collect results and feedback for assessment and evaluation, in the process of full ratification and implementation of the EU Directives 2018/2001 (RED II) and 2019/944 on the regulation of electricity in internal markets

Art. 42bis is valid and applies until 60 days after full ratification takes place of RED II Directive

## Art. 42bis D.Lgs n.162/2020 – L. 8/2020

Art. 42bis sets out the conditions on:

- How to create a formal, recognised entity between and including private persons, SME companies, associations, local councils, in order to achieve the objective of self-producing and self-consuming, without overstepping the boundaries of becoming a commercial or industrial activity;
- How these recognised entities shall operate and on what terms and conditions they shall function to produce, consume, store and sell electricity from renewable sources through written sales agreements and contracts:
  - 1) the energy plant based on renewable sources, shall have a maximum capacity of 200 KW

## Art. 42bis D.Lgs n.162/2020 – L. 8/2020

- 2) the sharing and distribution of energy is made with the use of the existing grid
- 3) The energy is shared for instantaneous consumption or systems of accumulation built within the entity premises
- 4) The points of absorption for consumers and the points of admission for production are connected to the low-tension grid and transformation cabin

## Art. 42bis D.Lgs n.162/2020 – L. 8/2020

### The end-user consumers:

- 1) Maintain their rights as end-users including the right to choose the provider
- 2) They can recede from the formed entity at any moment on condition that any financial obligations are settled
- 3) The relation between entity members is disciplined under a written contract which indicates the reference person that represents the entity and acts on behalf of the entity.

## Art. 42bis D.Lgs n.162/2020 – L. 8/2020

### The decree:

- Delegates ARERA the Italian Regulatory Authority for Energy, Networks and Environment to adopt the technical provisions and regulations to immediately activate art. 42 bis and assist communities and local councils in proactive initiatives to form the energy communities and assigns to ARERA the monitoring tasks previously mentioned
- Delegates the MISE – Ministry for Economic Development to issue resolutions and provisions to regulate the management of financial incentives recognized to the energy communities formed under these regulations and conditions

## ARERA RESOLUTION N. 318, August 5th, 2020

The resolution provides for :

- Requirements necessary to form the entities that can benefit for art. 42 bis with significant reduction of administrative obligations, duties and costs to access formal recognition and application;
- The services to receive and approve applications and manage the verification of financial incentive rights and its payments is delegated to the GSE – Gestore Servizio Elettrico, a national government authority which provides management for national electricity services system;
- The GSE verifies the requirements and signs a contract with the entity for formal recognition of the right to operate and to receive financial incentives according to operating conditions

## ARERA RESOLUTION N. 318, August 5th, 2020

The resolution provides for :

The reciprocal duties and obligations on the community ( to its reference person) and the GSE in managing the contract with regards to :

- Changes in the number of end –users
- Periodic submission of technical information on energy production, consumption, climate impact, state of condition of renewable installations, participation at GSE inspections
- The GSE elaborates and assess the technical data received and must give feedback on line to the community with its results including the incentives to be paid
- The GSE has periodic obligation to report to ARERA updating implementation proceedings and results

## MISE DECREE 16th September 2020

The Ministry of Economic Development establishes the incentives:

The energy produced by each of the renewable energy installations forming part the configurations of collective self-consumption or of community renewable energy and that is shared, has right, for a period of 20 years, to an incentive rate in the form of a tariff premium of:

- a) 100 €/Mwh when production plant is part of a collective self-consumption configuration;
- b) 110 €/Mwh when the plant is part of a renewable energy community

The right to the incentive begins from the date of contract signing with the GSE Authority.

## **MISE DECREE 16th September 2020 – Monitoring activities**

**In implementation of monitoring duties, the GSE publishes, every six months, a report on each of the recognised entities containing the following information:**

- a) power of the plants and technologies used;**
- b) the amount of electricity supplied and shared;**
- c) the amount of incentive resources provided, separately for each entity and evidence of the resources allocated to shared and not shared energy;**
- d) type of beneficiaries;**
- e) average times for recognition of the entities, for signing of contracts and access to incentives;**
- f) proposals for more effective or efficient measures.**



# Thankyou for your kind attention !!!

**e2B Consulting srls**  
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## **E2B Consulting srls**

is a services company of professional experts in technical, legal and financial assistance to support the Public Administration or Private Companies, in energy efficiency projects regarding buildings, public lighting, DHN, energy communities

E2B Consulting srls and its experts has provided technical assistance services in 6 ELENA projects in Italy: Province of Chieti, Province of Savona, Province of Bergamo, City of Genova, Ministry of Defence, and Chamber of Commerce of Foggia

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