

# Legal barriers for community power projects & how they can be overcome

Josh Roberts

Lawyer (US Qualified), Climate & Energy

27/05/2014



Co-funded by the Intelligent Energy Europe  
Programme of the European Union



# What do legal frameworks for community power consist of?

- Consist of laws and policies at local, national and EU level that generally impact the development of community renewables projects
  - legal ownership models
  - targets/strategies
  - financial support schemes for renewable energy
  - land use planning and other local regulatory frameworks;
  - grid ownership/management; and
  - energy market/supply

# Some of the main 'legal' barriers for community power

- Lack of an overall policy strategy/goal for supporting community power initiatives
- Reductions in/lack of national support schemes for renewable energy
- Planning restrictions and administrative barriers
- Grid access/use frameworks that do not account for community power
- Lack of recognition for the 'energy citizen'

# *‘Community Power: Model Legal Frameworks for Citizen-owned Renewable Energy’*

- Report intended to identify national best practices for supporting community power
- ClientEarth carried out research and analysis of law and policy in Germany, Denmark, Spain and the UK
- Contains recommendations for creating a legal framework that enables community power

# 1. Overcoming legal barriers at the National level

- Development of an overall plan or strategy
- Promotion of community ownership and/or participation
- Integration of community power into renewable energy planning frameworks
- Address financial gap (e.g. Guarantees, loans, grants, tax breaks, etc.)
- Stable support regime for renewables
- Special consideration for community projects in national grid codes
- Optimised implementation of existing EU legislation on renewables, energy efficiency, energy performance in buildings, energy taxation, internal energy market

## 2. Overcoming barriers at EU Level – looking at 2030

- 2030 Framework should make more explicit recognition of the value and the need to support **community power** and **energy citizenship** as a way to meet EU climate and energy objectives
- Community power should be integrated explicitly into relevant EU legislation
- Community-friendly application of State aid rules, national support schemes
- Competition/internal markets should focus on reducing barriers that maintain market concentration of big players
- Expanded role for citizens and SMEs in EU energy governance fora
- Credible governance framework that ensures effective long-term delivery of climate and energy objectives, ensures investor certainty, and is sustainable over time (i.e. Climate Act for Europe)

# Thank you

Joshua Roberts

+44(0) 207 749 5975

[jroberts@clientearth.org](mailto:jroberts@clientearth.org)

@AttyforEarth

[www.clientearth.org](http://www.clientearth.org)

[www.facebook.co.uk/ClientEarth](https://www.facebook.co.uk/ClientEarth)

@ClientEarth



*The sole responsibility for the content of this presentation lies with the authors. It does not necessarily reflect the opinion of the European Union. Neither the EACI nor the European Commission are responsible for any use that may be made of the information contained therein.*



Co-funded by the Intelligent Energy Europe Programme of the European Union

