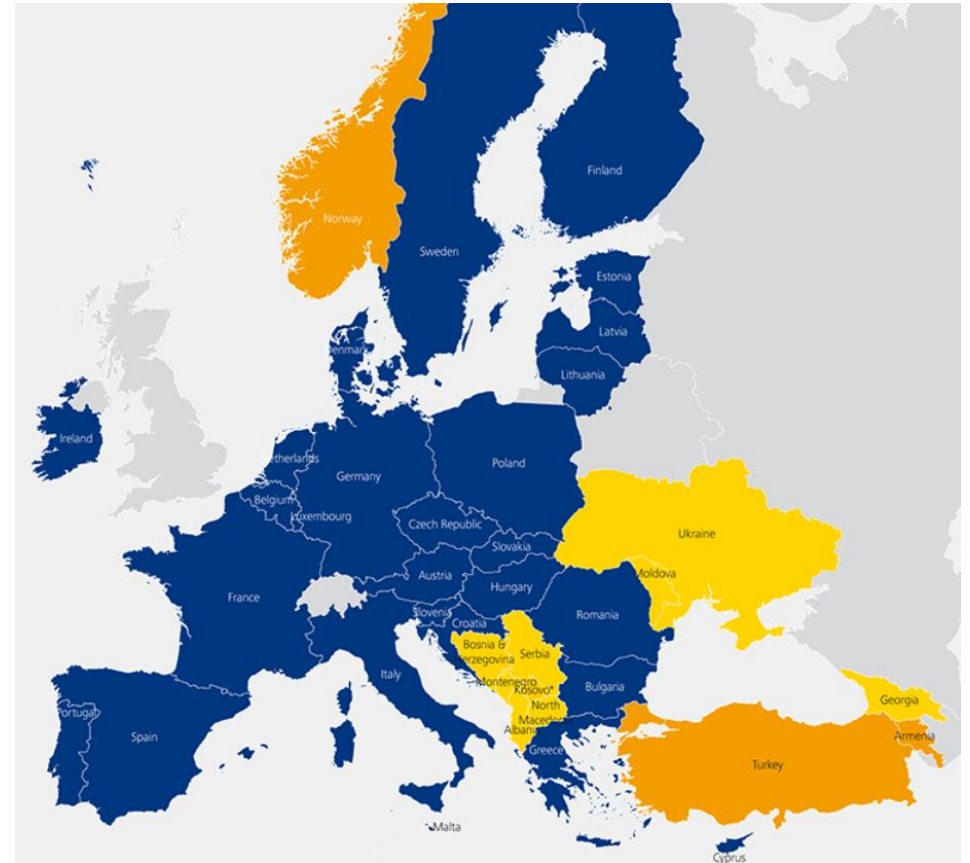


# **EnC Eternal Summer School: Session IV**

## **The Development of Renewable Energy Governance in the EU and the EnC**

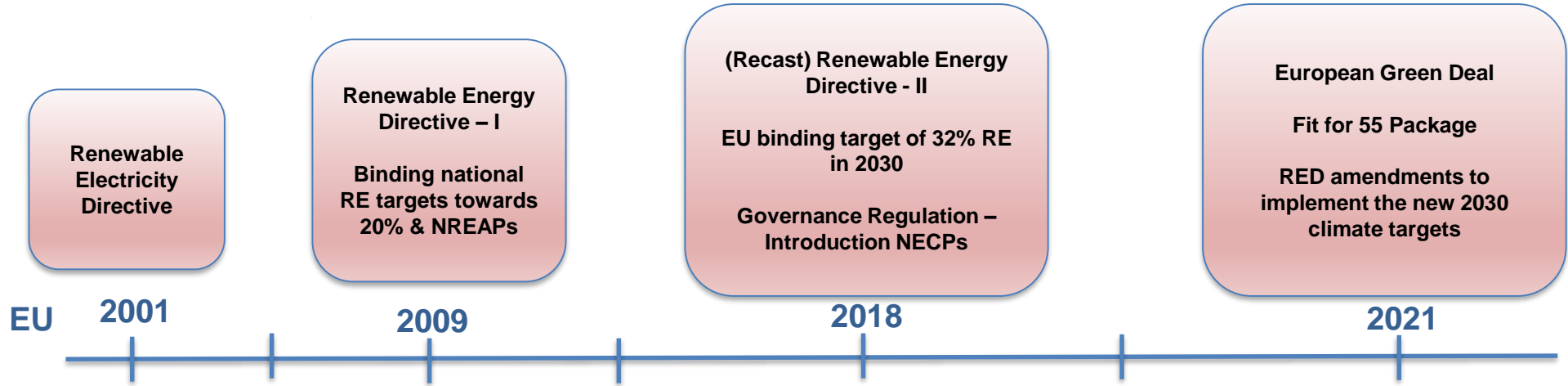
Lisse Geert van Vliet  
April 28, 2021

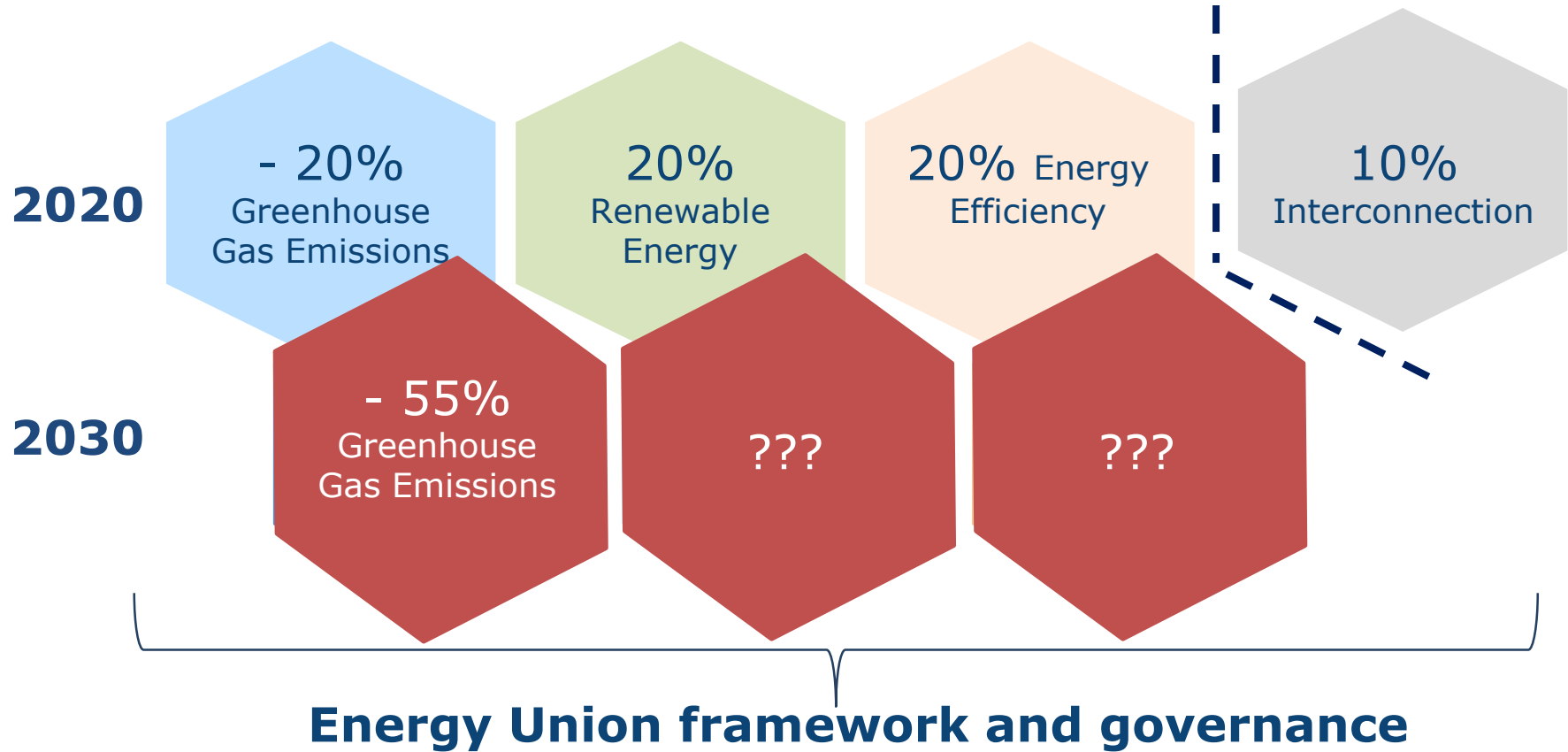
- **European approach to Energy and Climate targets**, relevant for all Member States / Contracting Parties – governance constantly in flux
- RE governance, as opposed to Greenhouse Gas (GHG) or energy efficiency (EE), is especially relevant given the **shift from nationally binding targets** under the 2020 framework to an **EU-wide ‘binding’ target** in the 2030 framework.
- Towards **“harder” soft RE governance** in the EU, but how has RE governance in the EnC developed since the adoption of the Lisbon Treaty?



Source: Energy Community Website

## II. EU Governance of Renewables 2020 to 2030





### 2020

The 2009 RE Directive introduced obligatory **National Renewable Energy Action Plans (NREAPs)**, which include: renewable energy, biomass policy, contribution of technology estimate, renewable heating and cooling, the use of cooperation mechanisms, biofuel sustainability and the transport sector.

Both a NREAP that does **not respect the obligations** set out in the 2009 RE Directive and a **deviation** by a Member State from its NREAP trajectory constitute **an act of non-compliance**

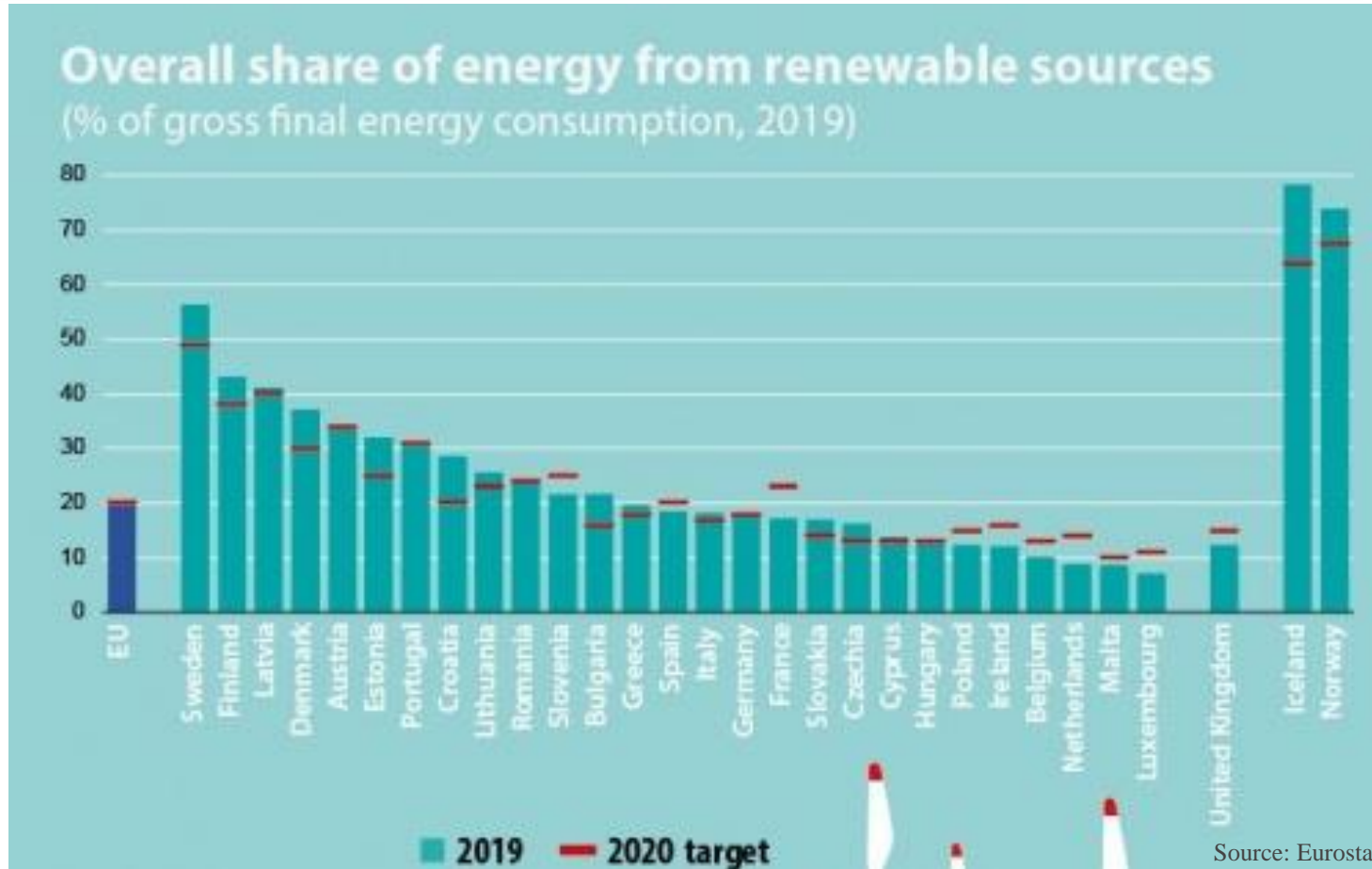
The Commission bases its performance assessment and the final **decision on infringement procedures** on the NREAPs (unlikely)  
-> Incentivizing a **Statistical Transfer** and peer-pressure through a **Transparency Platform**

### 2030

The Governance Regulation introduced **integrated National Energy and Climate Plans (iNECP)**, including short term (10 years) and long term (50 years) strategies based on the **European Semester Model**

MS are obliged to submit plans to reach their national contributions to the EU binding RE target, including **(1) biennial progress reports** and **(2) annual reporting**. The sum should amount to an achievement of the EU target, monitored by the **Commission**  
-> **Recommendations** to be addressed by the following reporting cycle.

We can witness a change in the extent to which the Commission can address the **Ambition Gap** and **Delivery Gap**, as well as in the credibility of the data on which the analysis is based



Under the 2030 framework, the Commission has **the right to assess national contributions** towards the 2030 EU RE target provided in the iNECPs, granting it specific competences to **address both a possible Ambition Gap or Delivery Gap**.

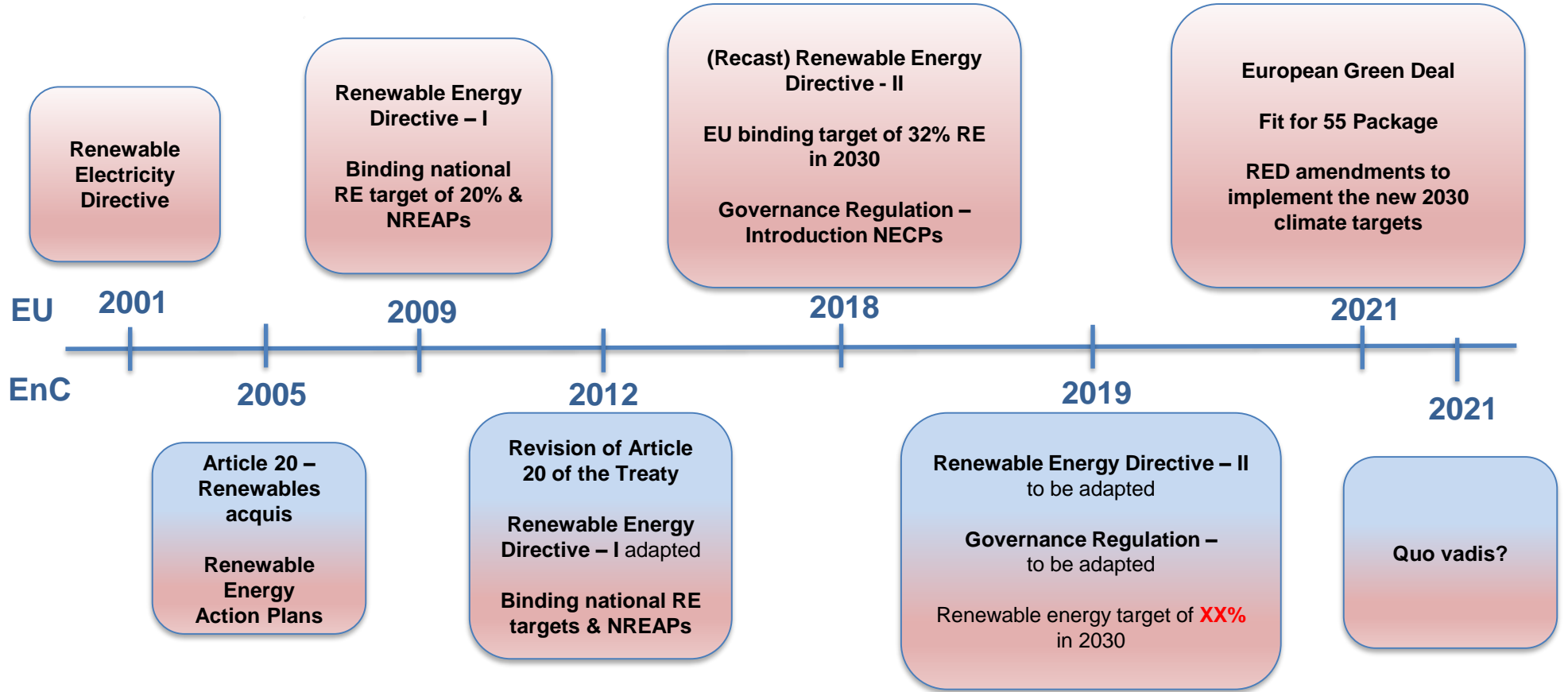
- > **Ambition Gap**, individual Member State Recommendations that adjust the national RE contributions to a sufficient level (non-binding).
- > **Delivery Gap**, MS missing national reference point targets, need to be back on track within a year through the implementation of additional measures or provide justifications for a possible deviation

The EU thereby assumes both **the role of judge and jury**, since it (1) **assesses the progress** made by MSs towards the EU wide RE targets through the reporting obligations, and (2) provides the MSs with **feedback and takes corrective action**, if deemed necessary in case of an Ambition or Delivery Gap.

- The Governance Regulation has granted the Commission the power to use **‘delegated acts’** when the collective individual contribution is expected to be insufficient.
- When the Commission finds an Ambition Gap, it might recommend a variety of **gap-filling mechanisms** to be implemented
- The integration of RE target reporting with reporting on EE and GHG in a iNECPs **enhances transparency and accountability**, and the monitoring and enforcement powers of the Commission have been strengthened

**However**, for a **lack of ambition** in the iNECP or non-compliance with the Commission’s Recommendations, **no infringement procedure** is possible.

### III. EnC Governance of Renewables 2020 to 2030





The adoption of the 2009 RE Directive **granted the EnC Secretariat similar oversight powers** as the European Commission under the EU's 2020 framework. It thereby took over the role to oversee the submission of NREAPs, by making use of the EU's 2020 template.

The Contracting Parties were bound to submit **their first NREAPs** to the EnC Secretariat by 30 June 2013 with progress reports submitted by 31 December 2014 and every two years thereafter. The Secretariat sent **overall progress reports to the Ministerial Council** one year after.

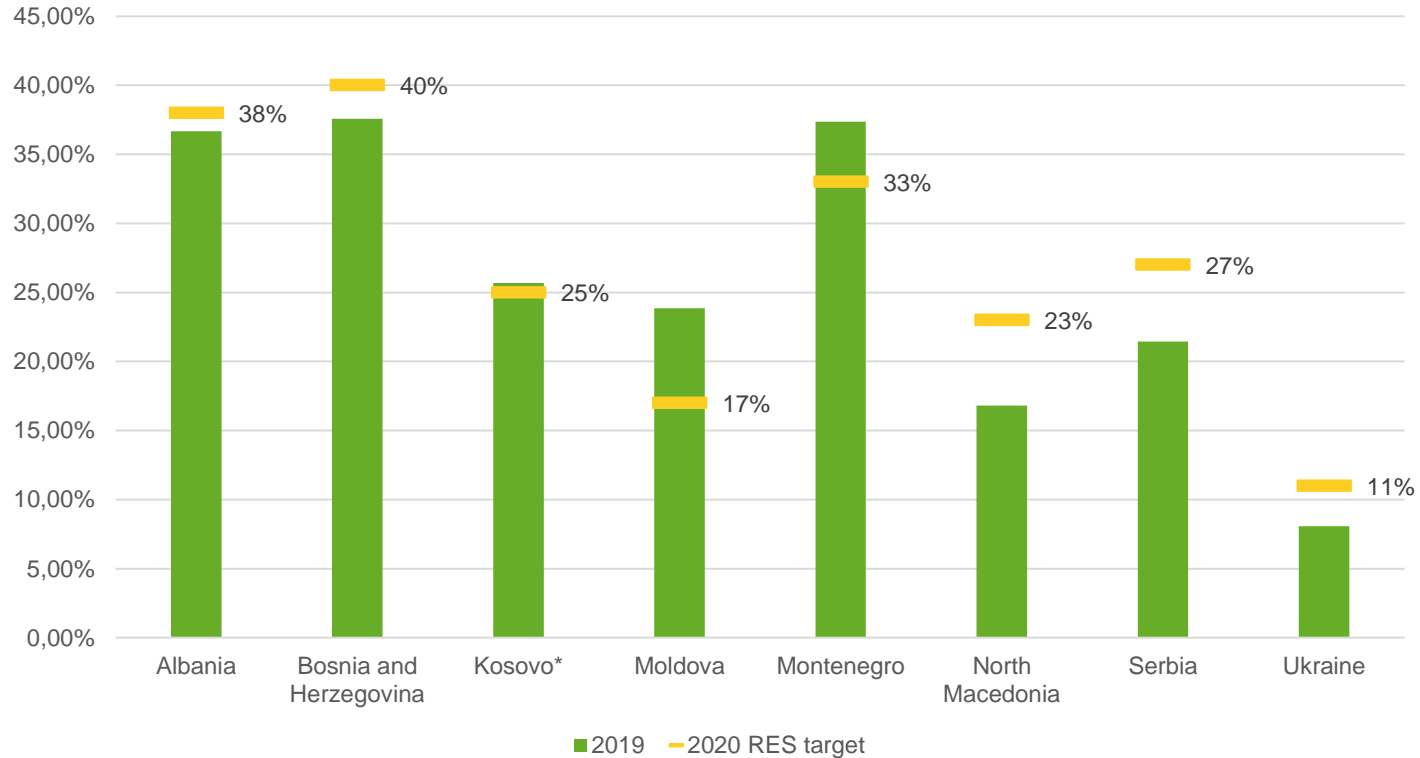
While the role for the Secretariat and their **methods have been identical** to the Commission in the EU internal governance framework, the **lack of reliable data** in the Contracting Parties and **the initial lack of ownership** seem to be the main differences.

In the absence of reliable data, some Contracting Parties have revised their baseline values

-> **Downward revision of North-Macedonia 2020 RE target** because of biomass consumption statistics.

The **Ministerial Council** decided that Albania, Bosnia and Herzegovina and Northern Macedonia had failed "to adopt and to notify to the Secretariat, within the prescribed time limit a National Renewable Energy Action Plan"

Share of renewable energy in gross final energy consumption



Source: Eurostat & Ukraine Progress report on Implementation of RES.

“**Legal gap**” without the Governance Regulation in place, for the 2030 framework in the EnC the following three unresolved issues are leading:

- (1) “What should be the individual level of contribution by the contracting parties (towards a regional target)?”;
- (2) “How should enforcement be understood?”, and;
- (3) “Will there be a similar level of ambition as the EU?”

The Commission has commissioned a **study to establish the 2030 targets** for the Contracting Parties

The EnC has engaged with each Contracting Party in order to discuss and **support them in setting the targets through capacity training**

**Gap-filling mechanisms for the EnC are currently not an option** due to the fact that a regional target will need to be adopted in order to make them work. The EnC is left with **naming and shaming** as their most effective tool

However, an important role in this process is currently fulfilled by the **Renewable Energy Coordination Group (RECG)**, which offers technical support for the implementation of secondary legislation

**No NECPs have been adopted** thus far, only North-Macedonia sent an official draft, while Bosnia & Herzegovina, Montenegro, Georgia, Ukraine and Albania are in the process of sending theirs.

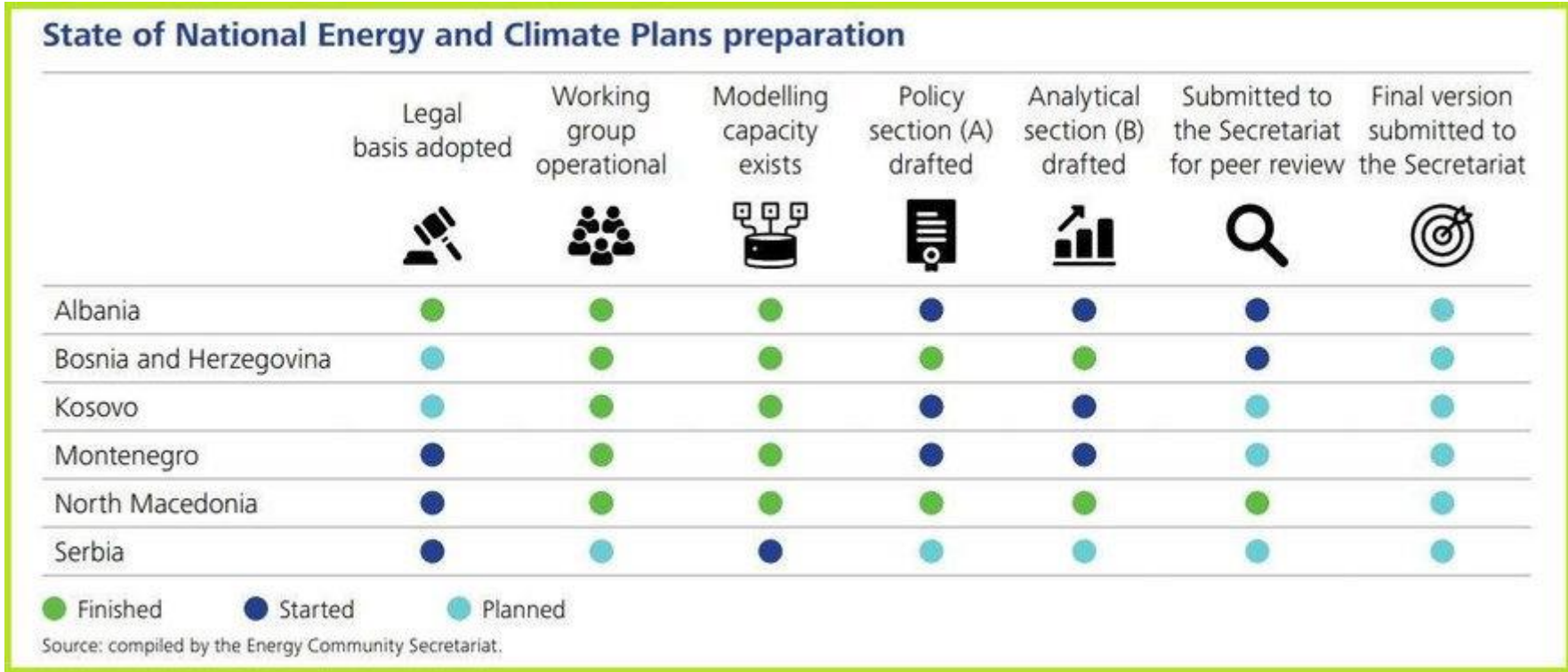


Image: Balkan Green Energy News, information by the Energy Community Secretariat

- Decrease of the ‘harder’ governance elements.
- Stocktaking - increase in Accountability:
  - EU: MS' in a closer relation with the EU.
  - EnC: CP's in a closer relation with RE policy making.
- Caveats:
  - Only partial implementation of the Energy *Acquis* in the Energy Community
  - No agreement on the 2030 RE targets for the EnC CP's
  - Absence of effective Sanctioning Mechanism in the Energy Community
  - New EU climate targets currently under discussion



**THANK YOU**  
**FOR YOUR ATTENTION**

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