Vienna Forum on European Energy Law



COMPETENCE YOU CAN COUNT ON.

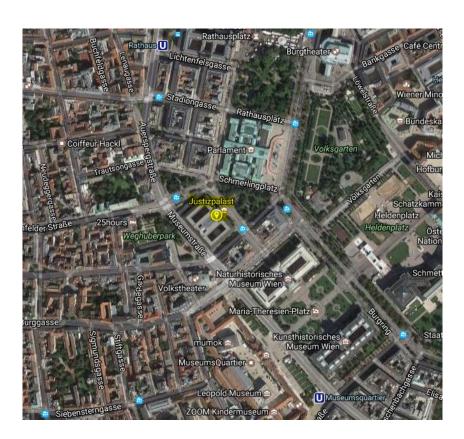
The Renewable and Energy Efficiency Package

Where do we stand?

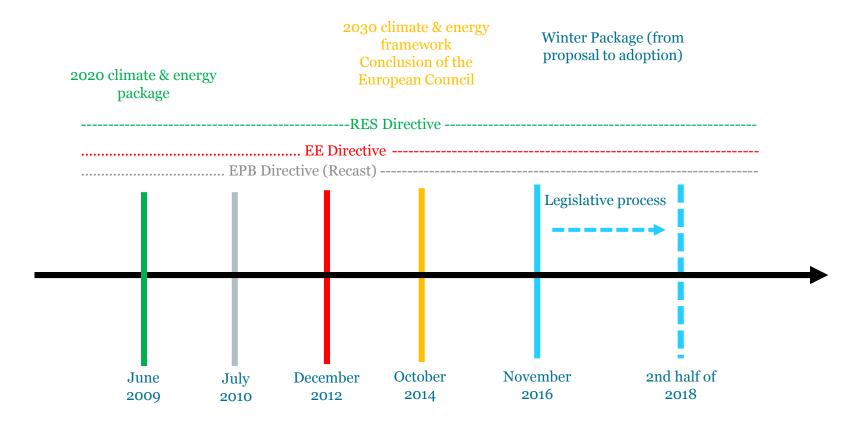
Johannes Barbist Partner Vienna, 5 May 2017

WHERE DO WE STAND?

"Justizpalast" (Supreme Court) Vienna



WINTER PACKAGE WHERE DO WE STAND, WHERE DO WE GO?



WHERE DO WE STAND? RENEWABLE ENERGY

- > RES Directive 2009/28/EC
 - Target: 20 % renewables in the final energy consumption by 2020
 - legally binding national targets
 - orchestrated transition to RE successful (from 10.4 % in 2007 to 17 % in 2015)

- > EU policy goals
 - at least 27 % renewables in 2030 (collective target for EU)
 - EU becoming world's #1 on renewables

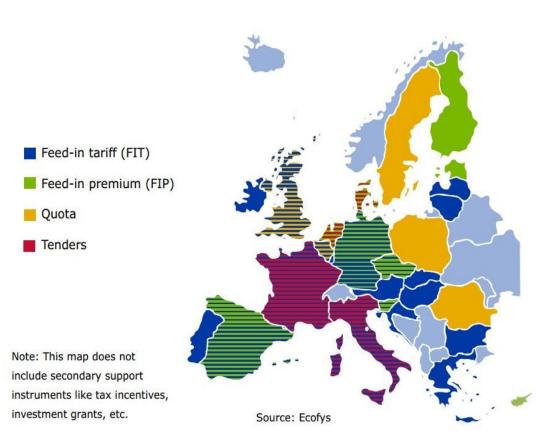


WHERE DO WE STAND? RENEWABLE ENERGY – EXEMPLARY PROBLEMS (I)

- > National targets / actions
 - significant performance differences of EU Member States / fragmentation of local markets / in general no incentive for cross-border participation
 - high costs for tax payers / electricity consumers in some EU Member States (e.g. GE)
 - no incentive for self-consumption of RE at building level and "prosumer" activities
 - (district) heating and cooling sector (50% of total energy demand in Europe): still high dependance on fossil fuels
 - No coherent and sustainable policy vis-à-vis biomass for energy / biofuels (strong lobbying groups at national level, etc)
- > no investor certainty post 2020

WHERE DO WE STAND? RENEWABLE ENERGY – EXEMPLARY PROBLEMS (II)

- > National support schemes in recent years successful, **BUT** diversified accross the EU (*map to the right dated* 2014), e.g.:
 - investment aid
 - tax benefits
 - green certificates
 - feed-in tariffs
 - premium payments



WHERE DO WE STAND? RENEWABLE ENERGY – EXEMPLARY PROBLEMS (II)

- > National support schemes in recent years successful, **BUT**
 - not (always) cost-effective, not market-based
 - grid and system development needs, balancing needs
 - in some EU Member States no stable and predictable legislation
 - new "State Aid design" already in place (→ see Environmental and Energy State Aid Guidelines 2014 - EEAG), but transition period
 - > Current debate in Austria (draft Amendment to Eco Energy Act): last chance to collect public subsidies on basis of "old" state aid regime (feed-in tariff decoupled from market price, full compensation of higher costs, "perfect bankability")

WHERE DO WE STAND? ENERGY EFFICIENCY

- > EE Directive 2012/27/EU
 - Target: 20 % improvement by 2020
 - indicative national energy efficiency targets



- > EU policy goals
 - at least 27 % (30 %) improvement in 2030
 - extend energy saving obligations (1,5% of energy consumption p.a.) until 2030
 - improve EE in buildings
 - improve energy performance of products (Ecodesign)
 - inform consumers (Energy Labelling)

WHERE DO WE STAND? ENERGY EFFICIENCY – EXEMPLARY PROBLEMS

- > lack of
 - guidance for member states and for large enterprises
 - transparency in metering and billing no clear and timely information about energy consumption for consumers
 - verification rules → difficulties in drawing reasonable conclusions regarding confidence in the totality of measures
- > EE in buildings: underinvestment → renovation rate of buildings per year: 1%
- > complicated
 - calculation of energy savings
 - eligibility criteria for the purposes of Art 7 EED



WHERE DO WE STAND? MACRO-ECONOMIC FIGURES

- > The renewable energy sector in Europe
 - employs more than 1 Mio persons
 - accounts for ~ EUR 144 billion p.a.
 - holds 40% of the world's renewable energy patents
- > RE deployment cut ~ EUR 20 billion of fossil fuel imports in 2014
- > Out of the EFSI-transactions approved by the EIB, 23% are in the energy sector; ~ half of the projects in this sector are related to renewable energy investments



Source: European Commission



COMPETENCE YOU CAN COUNT ON. Johannes Barbist Partner T +43 (1) 534 80 – 520 barbist@bindergroesswang.at