

(English version)

**Priority question for written answer P-001533/24
to the Commission**

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(20 August 2024)

Subject: Energy communities prevented from accessing dispatch markets

Article 16 of Directive (EU) 2019/944 ⁽¹⁾ requires Member States to ensure that citizen energy communities are able to access all electricity markets, of which dispatch markets are one. Article 22 of Directive (EU) 2018/2001 ⁽²⁾ requires Member States to ensure that renewable energy communities have the right to access all suitable electricity markets, directly or through aggregation, in a non-discriminatory manner.

In Italy, Directive (EU) 2019/944 was transposed by way of Legislative Decree No 210 of 8 November 2021 ⁽³⁾, and Directive (EU) 2018/2001 by way of Legislative Decree No 199 of 8 November 2021 ⁽⁴⁾.

However, the 2023 ACER report on barriers to demand response notes that the Italian regulatory framework does not allow energy communities to access dispatch markets ⁽⁵⁾.

In view of the above:

1. Given that it is impossible for citizen energy communities and renewable energy communities to access the dispatch market, does the Commission believe that Italy has properly implemented Article 16 of Directive (EU) 2019/944 and Article 22 of Directive (EU) 2018/2001?
2. What steps will it take to ensure that energy community citizens and renewable energy communities can participate in flexibility mechanisms, including by means of aggregation?

Submitted: 20.8.2024

Answer given by Ms Simson on behalf of the European Commission
(17 September 2024)

Pursuant to Article 16 (3) (a) of Directive (EU) 2019/944 ⁽¹⁾, citizen energy communities should benefit from an enabling regulatory framework which enables them to access all electricity markets, either directly or through aggregation.

Article 22 (2) (c) of Directive (EU) 2018/2001 ⁽²⁾ ensures that renewable energy communities have direct access to all suitable energy markets both directly or through aggregation.

Electricity markets include markets for the trading of energy, capacity, balancing and ancillary services in all timeframes pursuant to Article 2(9) of Directive (EU) 2019/944.

The Commission is aware that in 2023, the Italian Regulatory Authority for Energy, Networks and Environment (ARERA) adopted a comprehensive reform of the rules on dispatching ⁽³⁾.

These rules will come into force on 1 January 2025 with the aim of implementing incentive mechanisms for those who contribute to the system's flexibility and open access to a larger number of participants, including renewable and citizen energy communities.

The Commission will continue to follow this work to ensure full compliance with the regulation (EU) 2019/943 and Directives (EU) 2019/944 and (EU) 2018/2001.

The Commission has started the process of drafting a new network code on demand response ⁽⁴⁾. These Union wide rules shall further clarify rules, responsibilities and procedures for all market participants, including aggregators.

¹ Paragraph 3(a): The directive is available online: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L0944>

² Paragraph 2(c): The directive is available online: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32018L2001>.

³ By way of Article 14, entitled 'Active customers and citizen energy communities'. Legislative Decree No 210 of 8 November 2021 is available online at: <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2021-11-08;210>.

⁴ By way of Article 31, entitled 'Renewable energy communities'. Legislative Decree No 199 of 8 November 2021 is available online at: <https://www.gazzettaufficiale.it/eli/id/2021/11/30/21G00214/sg>.

⁵ Available online: https://www.acer.europa.eu/sites/default/files/documents/Publications/ACER_MMR_2023_Barriers_to_demand_response.pdf.

⁽¹⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019L0944>

⁽²⁾ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2018.328.01.0082.01.ENG&toc=OJ:L:2018:328:TOC

⁽³⁾ Delibera ARERA 345/2023/R/2019 <https://www.arera.it/atti-e-provvedimenti/dettaglio/23/345-23>

⁽⁴⁾ <https://www.acer.europa.eu/documents/public-consultations/pc2024e07-public-consultation-draft-network-code-demand-response>