



Recommendations for the uptake of the existing market barriers (legal analysis)

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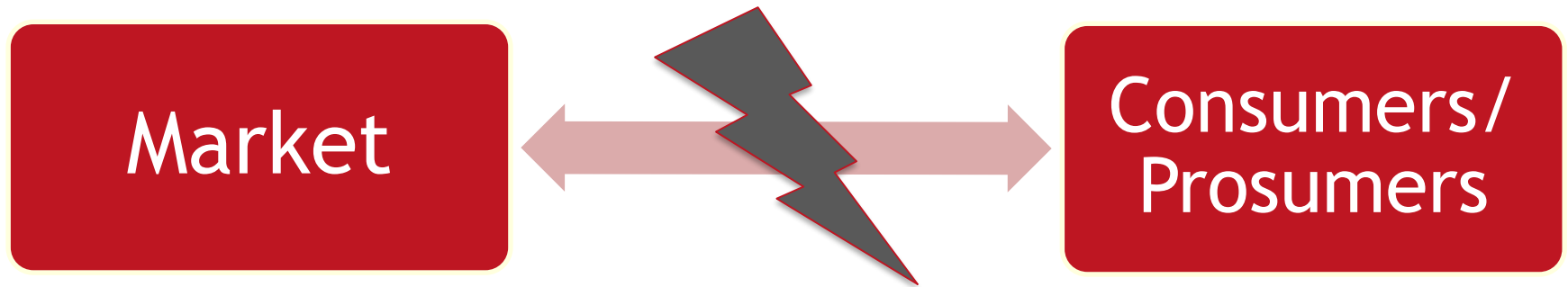


Aggregators as enablers

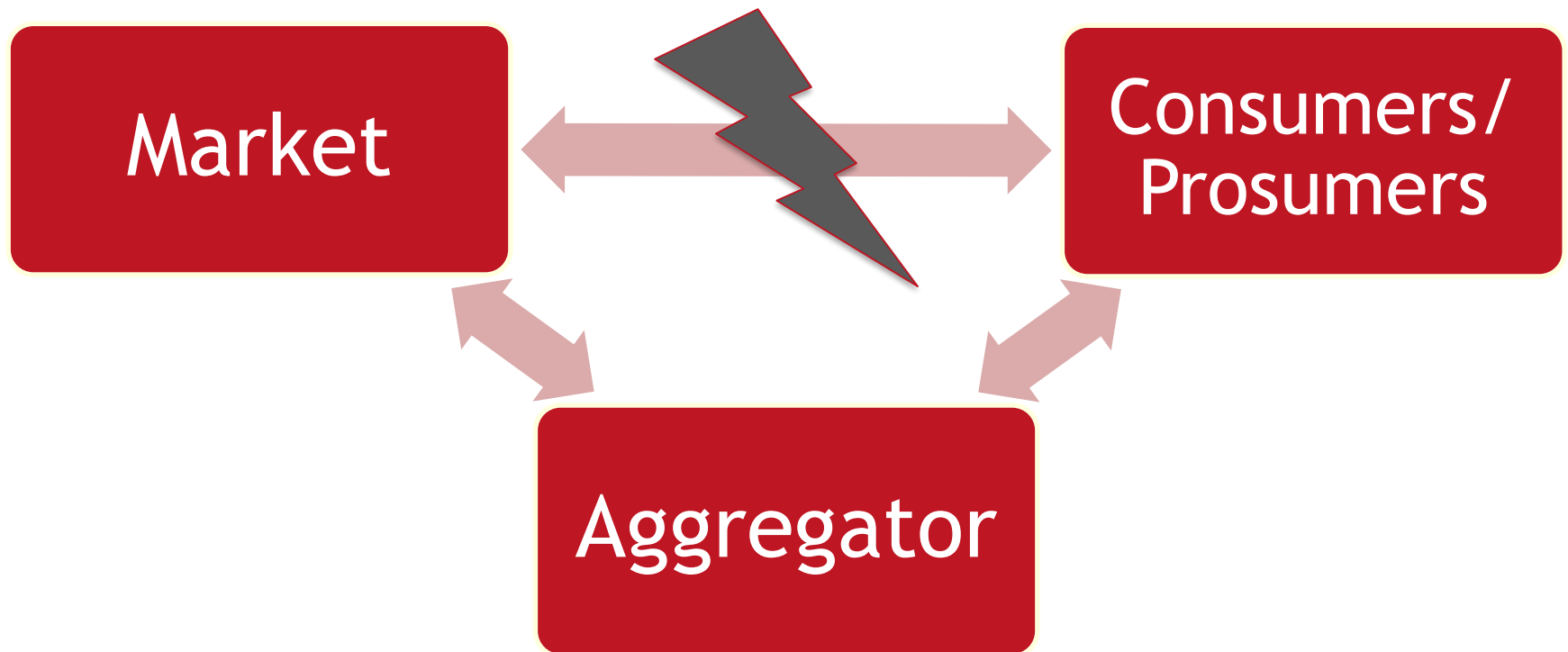


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Aggregators as enablers



Aggregators as enablers



Aggregation in the *Clean Energy Package*

- **(Informal) dialogues:**
 - Governance Regulation, **Renewables Directive (RED II)**, Energy Efficiency Directive → finalised!
 - **Internal Energy Market Regulation & Directive** → to be finalised in Dec 2018.
- **Art. 1 IEM-Reg.:** This Regulation aims at setting fundamental principles for well-functioning, integrated electricity markets, which [...] **facilitate aggregation** of distributed demand and supply [...]
- **Art. 2 No. 14 IEM-Dir.:** **Aggregator** means a market participant that **combines multiple** customer loads or generated electricity for sale, for purchase or auction in any **organised energy market**.
- **Art. 2 No. 15 IEM-Dir.:** **Independent aggregator** means an aggregator that is not affiliated to a supplier or any other market participant.



Provisions on market access and participation



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Aggregators as equal market players

- **General market principles, Art. 3 IEM-Reg.**
 - Market participation of consumers and small businesses shall be enabled by aggregation [...]
- **Access to balancing markets, Art. 5 IEM-Reg.**
 - **Commission/Parliament:** All market participants shall have (full) access to the balancing market, be it individually or through aggregation.
 - **Council:** Balancing markets, including prequalification processes, shall be organised in such a way as to: [...]
ensure access to **all prequalified market participants**, be it individual or through aggregation

Demand response through aggregation, Art. 17 IEM-Dir.

- MS shall **allow and foster participation** of demand response through aggregation.
- Each market participant, including independent aggregators shall have **the right to enter electricity markets without consent** from other market participants.
- Final customers who have a contract with independent aggregators shall **not face undue payments**.
- Aggregators shall be **financially responsible for imbalances** they cause.



Provisions on local settlement of generation and self-consumption



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Renewable self-consumers, individually or through aggregators, are entitled to... (Art. 21 RED II)

... generate renewable electricity, including for their own consumption, store or sell their excess production of such electricity, including through renewables PPA, electricity suppliers and **peer-to-peer trading arrangements, without being subject:**

- in relation to the electricity that they consume from or feed into the grid, to discriminatory or disproportionate procedures, and charges and to network charges that are not cost-reflective;
- in relation to their self-generated electricity from RES remaining within their premises, to discriminatory or disproportionate procedures, and to any charges or fees;
 - **Exceptions: MS may apply non-discriminatory and proportionate charges and fees in certain cases**

Renewable energy communities are entitled to... (Art. 22 RED II)

... generate, consume, store and sell renewable energy, including through power purchase agreements;

[...]

... access all suitable energy markets both directly or through aggregation in a non-discriminatory manner;



Provisions on data and privacy protection and data access



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Two important parallel developments

- New General Data Protection Regulation ('GDPR') is in force since 25th May 2018
 - GDPR replaces Data Protection Directive from 1995:
 - **GDPR is directly applicable in all Member States**
 - MS have to reform their national data protection law
- Important provisions regarding data protection and access as part of the *Clean Energy* package

Favourable positions in respect of data protection and access, Art. 17 & 23 IEM-Dir.

- **Protection of customers' personal data**

MS have to set a framework that contains non-discriminatory and transparent rules and procedures for data exchange between market participants engaged in aggregation [...] that ensure **easy access to data** on equal and non-discriminatory terms while **fully protecting** commercial data and **customers' personal data**.

- **Aggregators as eligible parties**

Commission and Parliament: [...] authorities shall specify the **eligible parties** which may have access to data of the final customer with their explicit consent (...) **Eligible parties shall include** at least [...] **aggregators** [...]



The national level



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Relation between EU and national legislation





Conclusions



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Conclusions

- *Aggregators are described as enablers for the consumers' / prosumers' access to the market.*
- *Non-discriminatory market access and participation for aggregators is an important topic in the Clean Energy Package.*
- *The legislative acts regarding renewable self-consumers and renewable energy communities are already finalised.*
- *They are likely to facilitate self-consumption and therefore can be a positive aspect for aggregators in the future.*
- *Access to and exchange of data is crucial for aggregators; as is a high level of protection of customers' data.*
- *Besides the EU legislation, the national level has to be considered as well.*



Thank you

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