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School of Advanced Studies

Scuola Internazionale di Dottorato

Phd curriculum *Civil law and constitutional legality*



ecpe

enabling consumer
to become prosumer
in the energy transition era

International Conference

Prosumerism and Energy Communities as a Future Perspective

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COLLECTION OF ABSTRACT

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Foreword
Roberto Garetto and Ivan Allegranti

The 'ECPE - Enabling Consumers to become Prosumer in the Energy transition era' Project is led by the School of Law of the University of Camerino. The project started in July 2020, has a two-year duration and is financed by the University of Camerino, following a call for proposals.

The purpose of the ECPE Project is to collect and promote the best practices in the interpretation and application of the energy law legislation around the world. Its goal is to analyze the prosumers behaviors from a multidisciplinary and global perspective and its mission is to enhance the use of collaborative behavior in the energy consumption and production market. The ECPE Research Group, from Universities of different Countries, belongs to different scientific areas. Its members are engineers, economists, lawyers, sociologists, and architects. They cooperate into the dissemination of the research Project themes, focusing their activities on issues related to energy consumption and production.

Given that our current economy is based on fossil energy, which is no longer competitive, it is of primary importance to make a transition to an energy system based on renewable sources. This implies a rethinking of the energy market, with its transformation from a centralized system, with few and massive production plants, to a new multiform situation. It is therefore necessary to proceed from large companies and monopolies in the distribution network, to an open system with a plenty of production units where the consumer is transformed initially into an active consumer. This new consumer, that uses self-produced energy, then evolves into a prosumer, that is a consumer who becomes a producer of energy, active on the new market.

Starting from this premise, the ECPE aims to increase the energy market consumer's knowledge and awareness about the benefits of the evolution of the energy market. The Project focuses on collecting information on the energy market in many European and non-European countries, analyzing the rights and the greatest difficulties encountered by consumers within these markets, thus proposing recommendations and good practices in the use of renewable energy and new technologies and promoting an active energy citizenship.

The International Conference: sharing ideas for a cleaner and inclusive society

On March 3, 2022, it will be held in Brussels, at the Leopold Hotel, located in the European Union district of the Belgian capital, the international conference entitled 'Prosumerism and Energy Communities as a Future Perspective'. Due to the COVID-19 pandemic restrictions, the conference will also be held online at the web address: <https://elearning.unicam.it/datafile/ecpe.php> .

This event, created by the ECPE Research Group of the University of Camerino, sees the participation of academics, practitioners and policy makers from around the globe to discuss the future perspectives of prosumerism and energy communities.

The scope of this global scientific event is to enhance the already existing network founded by the ECPE Research Group as well as create occasions to discuss and share ideas on the future of energy policy making. Multidisciplinary yet intersectorial, the ECPE International Conference will be the perfect stage into strengthening international research into the studying of energy policies, energy legislation and the new phenomenon of energy prosumerism.

For instance, the effective enforcement of energy transition is one of the keys to the successful fight to climate change. The interplay between the sustainable UN Agenda 2030 goals is a new interesting ground for the development of intersectorial and multidisciplinary studies. The analysis of the main barriers and the solutions that active players around the world found to self-consumption and prosumerism, will be a key element of discussion during the conference. In fact, in our world that needs to recover from a global pandemic and continuous natural hazards and economic crisis, energy communities can play a central role in the implementation of the energy transition strategies, in order that future generations can live in a better, safer and cleaner world.

The ECPE International Conference is divided into four intertwining and defining moments. The Opening of the conference, which will highlight the scientific achievements that the ECPE Research Project has achieved in the past years such as the publication of the recent book entitled 'La via italiana alle comunità energetiche', edited by S. Monticelli and L. Ruggeri and published by Edizioni Scientifiche Italiane. The first Panel, entitled 'Energy Law & Technology: an Alliance for the Prosumerism', highlights the role of technology and law for a fair and just energy transition while the second Panel entitled 'Energy Sharing and Consumers Protection in the new Energy Markets', has the scope to highlight consumer centric thematics so that no one is left behind. Finally, the closing round table 'Sharing Best Practices and Legal Approaches on a Global Context' will be the perfect stage to create opportunities for the speakers and the online and in-presence audience to learn and question themselves on the future of Energy policies.

Abstract Collection

WELCOME & OPENING OF THE CONFERENCE - INTRODUCTORY ADDRESS

Municipalities, as the engine of PNRR and energy transition

Stefano Monticelli

Abstract

'Comunè' is a specific idea of Renewable Energy Community, that includes the Municipality at the center of the constitution of the Energy Communities on its territory.

The idea was born as a practical experience of the important study and research activities of the international project 'Enabling Consumer to become Prosumer in the Energy transition era' [ECPE]. The goal of 'Comunè' is to provide institutions, citizens, small and medium-sized enterprises, the third sector, with awareness, the right information, opportunities, tools and also support, in order to build, in the place where they live or where they work, a renewable energy community. This way they would become an active part of a transformation that will bring, in a completely ideal sense, their country, to be less polluted, less unjust, less inattentive to waste, less divided.



Stefano Monticelli is the President of Federconsumatori Lazio. For several years, he has been following the technical and regulatory evolution of renewable energy communities and has developed and directed several sustainable community and circular economy projects. He is the creator of the 'Comunè' Project and author of the research 'Energia in Comune' presented in Rome in June 2021 in the Chamber of Commerce of Rome. He has promoted and participated in numerous workshops and public events on the themes of PNRR, the Circular Economy and the regulatory evolution of Renewable Energy Communities. He has gained twenty years of experience in negotiation and contracts.

The administrative experience of Comunè - Renewable Energy Community of the Municipality of Monterotondo

Riccardo Varone

Abstract

Monterotondo is a candidate in 2021 to create one of the first energy communities in Lazio. The commitment was made by the municipal administration during the conference 'The common energy of the municipalities', held in October to promote the 'Comunè' Project of Federconsumatori Lazio and the University of Camerino, as part of the Energy Days of the European Community.

The goal is to create an energy community, that is a legally recognized subject of self-consumers of renewable sources, both public and private, gathered to produce clean electricity, share it and consume it directly on site, obtaining enormous environmental, social and economic benefits.



Riccardo Varone is the mayor of Monterotondo, a municipality of 40 thousand inhabitants in the province of Rome in Lazio and is president of Anci Lazio, the National Association of Italian Municipalities. He has participated in numerous stages of Higher Political Education and on European policies. Regularly participates in workshops and public events on the themes of PNRR and the energy transition.

PANEL I - ENERGY LAW & TECHNOLOGY: AN ALLIANCE FOR THE PROSUMERISM

Renewable Energy Communities to Boost a Fair Energy Transition towards a Carbon Neutral Europe

Mauro Albrizio

Abstract

The world is on a worrying path to approximately 2.4-2.7°C of warming. Such an increase would bring dangerous impacts on people, the environment and the economy. More needs to be done, by all countries, to address this climate emergency and achieve the Paris Agreement's 1.5°C objective. The latest science shows that the 1.5°C goal is still within reach and there are several pathways that can bring us there. All of these pathways entail steep emission reductions by 2030.

Against this background, in July last year, the European Commission released a package of revisions of climate and energy laws and additional regulations, the so called 'Fit for 55', which proposes higher climate and energy targets for 2030. The package must still be reviewed and approved by the European Parliament and the Council to be formally adopted as EU legislation.

The speech is going to provide a short analysis of how the ongoing legislative process is a great window of opportunity for the EU to align its laws with the 1.5°C goal and pave the way for a fair energy transition towards a climate neutral Europe, well before 2050, with renewable energy communities playing a key role.



Mauro Albrizio is European Affairs Director of Legambiente. He has headed the Legambiente European Policy Office since 2000, when the association decided to open its own office in Brussels to give voice to Italian environmentalism in Europe. Over all these years, Legambiente has succeeded in putting in place a powerful advocacy action building alliances in Europe with other environmental associations, trade unions and business organizations to better promote ambitious environmental policies oriented to a fair transition towards climate neutrality in Europe. A wide-ranging advocacy action that has led Mauro Albrizio to participate during all these years in the various international conferences of the United Nations both on climate and on sustainable development where Europe is called to play a leading role.

How Green is Green Energy?

Greet Deruyter

Abstract

Climate change is the motor for a lot of changes in (Western) societies of which energy transition is one that is subject to discussion in many sectors. The current tendency is a transition towards the so-called green energy by electrifying our energy consumption. However, there is no such thing as a free lunch, meaning that also 'sustainable' energy production has adverse impacts on societies all over the world. Now is the time to look beyond the technical possibilities and include ethical considerations in the debate.



Greet Deruyter is a professor at Ghent University and director of the Center for Mobility and Spatial Planning. Her educational background is in construction engineering (a long time ago) and land surveying, while she obtained her PhD in geography. Her research activities are situated mainly in the domains of geomatics (laser scanning, remote sensing, GIS) and risk assessment in relation to natural hazards (especially flooding) and the impacts of climate change. Furthermore, she teaches courses in Land surveying, 3D data acquisition and processing, and GIS at the faculty of Engineering and Architecture, and is active as reviewer of several international journals.

Energy Communities and their Tokenization

Manuel Ignacio Feliu Rey

Abstract

It will explore the possible convergence of two novel elements within the new disruptive landscape of the contemporary society: on the one hand, the liberation of energy, its consideration as a common good, the new role of the citizens and local communities and, on the other hand, new emerging and ground-breaking technologies that overturn the established settings and introduce alternative ways of social, economic, legal and political interaction, as it happens with blockchain and tokenization.

In fact, blockchain provides a marketplace to connect consumers to producers who are willing to buy local energy and it can tokenize energy. Energy can be purchased or sold in the form of tokens, payments can be streamlined: that is to say, blockchain can tokenize energy usage and reinvent energy payments.

There is no doubt that this new paradigm is becoming increasingly complex and we are yet to see whether it will take off. However, if tokenization becomes widely adopted, the tokenization of energy -yet another turn of the screw- places us at a new frontier.

In the light of the above, the analysis addresses the following questions: What is the tokenization of energy? What does it mean for the consumer? What are the risks and benefits?



Manuel Ignacio Feliu Rey is Civil law professor, director of the Researching Group DERINRE at UC3M, and scientific director of LabDINTEC at University 'Carlos III' of Madrid (UC3M). He is Member of Dertecnia (Human Rights, Diversity and Technology) Research Academic Unit and Honorary Member of the Universitary Institute Pascual Madoz (UC3M). He is Member of the 'Centro di Studi Giuridici sui Diritti dei Consumatori', at the University of Perugia (Italy), Member of the 'Polo Scientifico Didattico di Terni', at the University of Perugia (Italy) and Member of the 'Collegio Docenti del Dottorato di Ricerca in Legal and Social Sciences' of the University of Camerino (Italy). Since 1995 he has been a member of the Spanish bar association.

Costs of Development and Use of New Digital Technologies from the Perspective of Sustainability

Ivana Kunda

Abstract

In parallel with the development of the sustainable technologies which are seen as crucial for addressing the climate and environmental challenges facing society, development of other types of technologies frequently results in further pressure put on the energy capacities. In this paper the focus is on the new digital technologies, in particular frontier technologies. Amazed by possibilities and prospects brought about by the new such technologies, the costs of their development and use often remain beneath the radar of various studies. Realizing that the fast-growing production and consumerism strongly compel the advances in technological development, it is essential to pay heed to the underlying costs of their development and implementation in practice. Direct and indirect costs of developing and use of the new digital technologies need to be viewed from the sustainability perspective if society is not to compromise the abilities of the future generations.



Ivana Kunda is a Full Professor and the Head of the International and European Private Law Department at the Faculty of Law of the University of Rijeka and a Vice-Dean for Research. She was awarded the University of Rijeka Foundation Award for 2008 and the Faculty of Law Award for Research Excellence for 2019. She received several grants including the Fulbright Research Fellow scholarship and the GRUR scholarship. She regularly published in various legal topics, especially in the intersection of law and technology. Ivana was or currently is involved in research under a dozen EU, international and national projects. She was visiting professor at the University of Navarra, the IULM, the University Antwerp, the University of Ljubljana, University of Udine, WIPO Summer School and the MSU Croatia Summer Institute. She acts as a member of ILA and ATRIP and deputy president of the Croatian Comparative Law Association.

A Proof of Concept of an Energy Community

Nicola Sorrentino

Abstract

Storage systems play a fundamental role in renewable energy communities whose purpose is to increase the share of renewable energy self-consumption. The Community Energy Storage project, financed by the Italian Ministry of University, formulated and implemented the business model on a pilot basis in which the storage systems distributed among users are used from a community perspective to increase the share of self-consumption and provide services to the network. This experience and its results will then be presented.



Nicola Sorrentino, Associate Professor of Electrical Power System at University of Calabria. He has more than one hundred publications on international conferences and journals on integration of renewables in the grid, Smart Energy building, Energy communities and energy markets. He was a key person for research activities in several projects funded through the H2020, national and regional program.

The Private Side of Implementing the Energy Transition: the Role of Citizens Engagement

Lucia Ruggeri

Abstract

Energy transition requires the involvement of citizens, businesses and local authorities. For this reason it is illusory to think that only the adoption of laws by political authorities can change the structure of the energy market and promote prosumerism. The principles underpinning the energy transition need to be understood and implemented in contracts and trade relations. From this point of view, the implementation of the goals of the 2030 Agenda can be an opportunity to rethink the content of the contracts that allow both the creation of energy communities as well as the sharing of energy. The fight against poverty, the abandonment of fossil energy, the fight against climate change and the use of clean energy can be more easily achieved if they become the reason for choosing a specific type of contract or a specific contractual clause. There can be no just energy transition if negotiations do not conform to the principles of sustainability, fairness and justice.



Lucia Ruggeri is Full Professor of Private Law at the School of Law of the University of Camerino. She coordinates the PhD curriculum Civil law and Constitutional Legality at the School of Advanced Studies of the University of Camerino. Moreover, she is the director of the School of Specialization in Civil Law at the University of Camerino. Lucia Ruggeri has been a speaker at various conferences and seminars. She is an author and editor of numerous publications focused on Contract and Property Family Law. She was the coordinator of the EU Consortium PSEFS 'Personalized Solution in European Family and Succession Law PSEFS'. Currently, she is the coordinator of the EU Consortium EU-FamPro 'EU-FamPro: E-Training on EU Family Property Regimes' and the coordinator of the ECPE Project (Enabling Consumers to become Prosumer in the Energy transition era).

PANEL II - ENERGY SHARING AND CONSUMERS PROTECTION IN THE NEW ENERGY MARKETS

The Impact of Energy Poverty on Families – Some Legal Aspects

Sandra Winkler

Abstract

Energy poverty has many social implications. Thus, it is important to work on the inclusion of the citizens (in particular of the families), in the development of the right to access (easily and cheaply) energy. Precisely, it is important to increase families' awareness about their rights in this context and - even more - it is fundamental to combat the negative consequences, which arise from energy poverty.

Indeed, there is a strong connection between energy poverty and families. Looking at the statistical data all around the EU there are many families, which are facing problems regarding energy costs. Energy has to be accessible to all the citizens: its costs cannot be supposed to put part of European families in a vulnerable position. Energy poverty should not be an obstacle to family life and to the realization of the life projects of the family members. In this sense, a number of fundamental rights enshrined in the Charter of the Fundamental Rights of the European Union will be analyzed, such as the right to protection of family life or, even before that, the right to dignity, both greatly affected by the impact of energy poverty. In this in-depth analysis it will be also considered the circumstance, due to the statistical data, that often poverty is even more present in families with children. Energy poverty generates inequalities: indeed, all the vulnerable groups are in danger of social exclusion. In this deepening we will try to identify the main ones and offer some remarks about their legal consequences.



Sandra Winkler is an Assistant Professor of Family Law of the University of Rijeka, Faculty of Law (Croatia). Before she joined the Faculty of Law University of Rijeka in 2006, she collaborated as an external researcher with the Chair of Private Law and the Chair of Civil Law at the Faculty of Law University of Trieste (Italy). In 2009, she received her PhD degree in Law from the Faculty of Law, University of Verona (Italy). She was awarded a research grant at the Max Planck Institut für ausländisches und internationales Privatrecht in Hamburg (Germany) on several occasions. Her research interests include Family Law and European Family Law. She actively participates in international and national seminars and conferences and publishes scientific papers and articles in the field of Family Law and European Family Law. She was a Visiting Professor at the Faculties of Law in Verona, Trieste, Trento and Camerino. She is a member of the Croatian Comparative Law Association, as well as of the European Law Institute (ELI). She has led the PRAVRI team in the project 'Personalized Solution in European Family and Succession Law - PSEFS' (800821-JUST-AG-2017/JUST-JCOO-AG-2017) (2018-2020). Currently she leads the PRAVRI team in the project 'E-Training on EU Family Property Regimes - EU-FamPRO' - N. 101008404 - JUST-AG-2020 / JUST-JTRA-EJTR-AG-2020. She speaks and works in Croatian, Italian and English and knows German.

A Revolution that Revolves Around the Sun and Focuses on Sharing

Pierluigi Sassi

Abstract

The energy communities are a particularly significant phenomenon not only, and not so much, for the amount of clean energy that they can produce, but for the extraordinary meanings that this social innovation brings with it. In fact, reference is made to companies with a high social and environmental impact that can be born from the initiative of local communities, willing to collectively invest in clean energy in order to reduce - if not reset - the energy bill of each individual investor. They often use the proceeds for works and projects of social interest in their territory. Citizens are preparing to do their part by creating the conditions to escape the recurring technocratic logic of the energetic giants and rediscover the high value of their social community. Energy communities are a silent revolution, which can be defined as 'Copernican' not only because it revolves around the sun, but because it restores the right centrality to the territories and to the human beings who inhabit them. It is in that dimension, in fact, that the balance between man and nature can become alive and express all its extraordinary potential.



Pierluigi Sassi is the Founder, Business Developer & Innovation Manager. He is Innovation Manager at the MISE and chairman of the Board of Management Innovation. He has been an advisor to the Presidency of the Council of Ministers on the strategic analysis of public opinion. He is President of 'Orion Reputation Management', a network of organizations operating in research, development, innovation, marketing and communication. He is a researcher accredited by the European Community, he is the Italian President of the NGO 'Earth Day', recognized by the Secretary General of the United Nations. He has extensive experience in the fields of research and development, communication, marketing and the third sector. Founder and coordinator of numerous companies and university research centers, as a strategic consultant he has managed complex projects for public bodies of all institutional levels and multinational companies. He collaborates with RAI, Osservatore Romano, Vatican Radio.

Revision of the Energy Taxation Directive: A Brief Overview of Key Novelties

Merve Ergün

Abstract

Tax law has always been an important tool to promote existing energy policies and investments, and it is seen that new EU rules on energy taxation have been designed to accelerate the energy transition process. Both the European Green Deal and Fit for 55 Package have pointed to the revision of the Energy Taxation Directive (ETD) regulating taxation of energy products and electricity. Besides, the European Climate Law, that is binding in its entirety on all EU countries, has highlighted that energy taxation legislations would be revised. The ETD is an important instrument that has been serving the EU since 2003. However, it is widely accepted that this instrument must be updated in the light of EU's Climate Change Policy and SDGs. Hence, on 13 April 2011, EC Commission published a proposal for a Council Directive amending Directive 2003/96/EC. Should all procedural requirements be met, the revised ETD is expected to enter into force next year; therefore, it is essential to evaluate the key novelties brought by the Revision of the Energy Taxation Directive.



Merve Ergun is a PhD Student in Civil Law & Constitutional Legality at the University of Camerino and a fully qualified lawyer registered with the Izmir Bar Association. Merve specializes in tax law, renewable energy law and complex commercial dispute resolution. Thanks to her professional and academic experiences in Turkey, Austria, Germany, UK and Italy, she is highly experienced in arbitration and familiar with practical knowledge in interpreting and applying the relevant laws. She holds an LLM degree in International Commercial Law with distinction from the UK and LLB and BA degrees from Turkey. Merve has excellent command of Turkish and English and limited working proficiency in German and French. She can be reached by email at merve.ergun@unicam.it.

Intersection Between Profit and Non-profit Models: Which Perspective for Renewable Energy Communities?

Karina Zabrodina

Abstract

Many research carried out within the energy transition after the adoption of the European Directive 2018/2001 share and suggest, with regard to the organizational form of renewable energy communities, using not-profit models and cooperatives. The latter, in fact, are perfectly in line with the requirements of democracy, openness, voluntarism and non-profit logic necessary for their constitution. At the same time, however, the European legislator also mentions shareholders among those who can control the energy community, thus leaving open the possibility to use typically profit-oriented corporate models. In this context, the question arises as to whether and to what extent profit models can be exploited in the creation of energy communities, with a particular focus on social enterprise as a model in this sense capable of reconciling entrepreneurial activity with social aims.



Karina Zabrodina is a PhD student in Civil Law and Constitutional Legality at the University of Camerino funded by the Fondazione Intesa SanPaolo scholarship. She is one of the winners of the European Chapter Young Lawyers Award 2020 held by the International Academy of Family Law. Currently, she collaborates in research in energy transition through the ECPE Project – Enabling Consumers to Become Prosumer in The Energy Transition Era. In 2021 she passed the Italian Bar exam.

ADR & Prosumers. The Case of Greece

Vassiliki Koumpli

Abstract

Energy from renewable sources has greatly promoted 'prosumer' ideology, which has become a trend in the energy sector. Technologies are already in place and it is full reality today that the energy consumers are able to produce, consume and share a part or all of their needed energy from renewable sources. This can also be done on a collective basis, through the Energy Communities. The establishment of effective mechanisms for resolving disputes in which prosumers are involved is not only a necessary tool for customer protection but also an instrument for improving market performance. In this framework, the growing field of ADR schemes may represent an efficient, speedy and low cost tool to solve 'prosumer disputes'. The Greek regulatory framework on both prosumerism and ADR is gradually evolving and worth examining.



Vassiliki Koumpli is a Supreme Court Lawyer, Senior Associate at 'Metaxas & Associates Law Firm' and Senior Research Fellow at the Hellenic Institute of International and Foreign Law and the Hellenic Energy Regulation Institute. Her main focus lies on energy law, EU law, competition and state aid law and international and comparative law. She is also extensively experienced in dispute resolution, being Mediator & Arbitrator MCI Arb and Mediation Trainer at Panteion University of Social and Political Sciences. She participates in numerous organizations and associations (e.g. Chartered Institute of Arbitrators, European Court of Arbitration, ICC Hellas Mediation & ADR Committee, Hellenic Union of Mediators etc.) and she regularly writes and speaks on the topics of her interest at national and international fora.

Brazil and the New Legal Framework for Distributed Energy Generation: Challenges for Energy Transition

Maria Cristina De Cicco and Ari Rogério Ferra Júnior

Abstract

The new legal framework for distributed generation in Brazil was approved in January 2022. Previously, the rules for own production and use of electricity were determined by regulations of the Brazilian National Electric Energy Agency. However, Law No 14.300, of January 6, 2022, regulates the rules for micro and mini energy generation and institutes the electricity compensation system and the renewable energy program. The new legal framework also defines what are: local self-consumption; remote self-consumption; consortium of electricity consumers; consumer-generator; ventures with multiple consumer units; shared generation; microgeneration and distributed mini-generation; electricity compensation system; between others. At the same time, the legal framework provides for transition rules for consumers who used distributed micro and mini-generation before the approval of the law, formerly granted by the National Electric Energy Agency, until the year 2045 and which rules will be applied during the period of transition. The legal framework for energy generation has the capacity to generate more legal certainty for prosumers; on the other hand, the new legal structure can also attract investors and encourage the consortium of electricity consumers.



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The Active Participation of the Energy Consumer in the New Self-Production Models.

Choice and Consumer Rights

Manuela Giobbi

Abstract

The new energy self-production models based on the use of renewable sources allow greater production variability and encourage active participation in the energy market for the consumers.

All consumers have the right to choose how to produce, use, store or exchange the energy generated individually or collectively. But it is necessary to ensure consumers to maintain their rights and obligations without being subject to unjustified or discriminatory conditions or procedures that would prevent their participation in a renewable energy community.



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The Energy Community as a New Tool for 'Participatory Citizenship' in the European Energy Market

Maria Francesca Lucente

Abstract

The energy transition process has strongly promoted the recognition of a central role for consumers, making them more and more involved in the energy market. The energy community of citizens (CEC) is placed in this perspective. It is based on the principles of decentralization and localization and aims to promote a bottom-up approach that allows the implementation of territorial actions with the purpose of a greater participation of citizens. It combines technological solutions of energy efficiency and decarbonisation, with significant social and economic benefits. The speech, starting from a succinct analysis of the EU directive 944/2019, intends to highlight how, in a logic of sustainable territorial development, the CEC and the consequent 'participatory citizenship' in individual member states, can give ordinary citizens an important impulse. That goes well beyond the various participatory models and recognizes their greater power as regards the tools and methods of production and consumption of energy.



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Tackling Energy Poverty in Central Asia

Meruyert Narenova

Abstract

Energy is one of the most important basic utilities, which has an impact on the overall living standard of the population. Central Asia is the region with a vast variety of energy resources, but still not reaching an appropriate level of energy consumption. Though there were some similarities of the energy policy in the past, currently due to differences in the economic development the countries of the region have to tackle challenges of modern transition to energy sustainability on their own. Harmonization of the energy policy is on the top agenda in the region to provide the population with the proper energy consumption level.



Meruyert Narenova is docent of the Economic department of the University of International Business (Almaty, Kazakhstan). She earned a PhD in Economics and was a Fulbright Scholar. She has been working in an administrative position as advisor to UIB President with responsibility for scientific and international projects. Her research interests relate to modern development of the national economy, multilateral trade and globalization, long-term sustainability and competitiveness. She is national coordinator for EU funded projects (TEMPUS and Erasmus+) and national expert for FIBAA and EACEA. She is author of several publications on international business, multilateral trade issues and contemporary Kazakhstan's economic development. She is a member of the research group of the ECPE Project (Enabling Consumers to Become Prosumer in the Energy transition era).

Emerging Prosumers and the Circular Impacts in Japan

Kozue Kashiwazaki, Hiroyoshi Sano and Norihisa Shima

Abstract

Energy production and consumption has been a critical issue in Japan. In order to apply the concept of 'prosumer' in Japan, we will introduce emerging prosumer actions, especially focusing on small-scale actions. Based on the case studies, the possibility of circular impacts of prosumers on the society and economy will be discussed.



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The Fight to Energy Disconnection in a Post-Pandemic Scenario

Roberto Garetto

Abstract

Energy production, storage and distribution must be accessible, secure, sustainable, and equitable. In the legal sphere, this raises the question of energy justice. According to the Treaty on the Functioning of the European Union, a principle of energy solidarity needs to be applied in energy policies with regards to situations of vulnerability, in a perspective of justiciability of energy solidarity. Energy Poverty is indeed a problematic issue, which requires solidaristic support for vulnerable consumers. Furthermore the Covid-19 pandemic generated a severe economic crisis, which increased the incidence of energy poverty. It is therefore pivotal to detect possible actions aimed at addressing energy poverty in an emergency situation. Spain can be considered as a case study in this perspective. In an existing framework of specific attention to the problem of energy poverty, in order to address the pandemic, this Country provided support measures for avoiding energy disconnection for vulnerable consumers. However, despite the appreciable intent, the application of this protective regulation is still sometimes inadequate.



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The Notion of Consumer: Comparative Legal Profiles

Maria Paola Mantovani

Abstract

Consumer law attends the growing diffusion of logic based on a collaborative economy. Emblematic of this process is the prosumer that the sharing economy has placed next to the consumer and the professional. Arising from this is the idea of carrying out a renewed reflection on the notion of consumer and prosumer in both domestic and French contexts. Nowadays we speak of the postmodern consumer as a paradigm of a new contractual model and a new way of understanding the relationship between businesses and the market. If, on the one hand, the emergence of new economic dynamics and new contractual models has seemingly fuelled the debate on a potential extension of the notion of consumerism, on the other hand it must not make us forget the impact that the creation of different sub-systems might have on the general system.



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Italian ADR Framework in the Field of Energy and the Role of ARERA

Maria Pia Gasperini

Abstract

Pursuant Article 26 of Directive (EU) 2019/944, Member States shall ensure that within the internal market for electricity final customers have access to simple, fair, transparent, independent, effective and efficient out-of-court mechanisms for the settlement of disputes concerning rights and obligations established under this Directive. Where the final customer is a consumer such mechanisms shall comply with the quality requirements of Directive 2013/11/EU. In the field of energy, the implementation of ADR Directive in Italy has resulted in a particular situation: the Regulatory Authority ARERA established a list of ADR entities accrediting them for management of ADR voluntary procedures, in compliance with Legislative Decree 130/2015; however, it authorized the same entities, with its own regulatory provision, to manage ADR mandatory procedures, excluded from implementation of ADR Directive by Legislative Decree 130/2015.



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Workers' Cooperative and Energy Communities in Japan

Junichiro Kusumoto and Kinji Matsuo

Abstract

The energy communities are a new tool to obtain decarbonisation, but also to boost the involvement of citizens in the goals of the Sustainable Development Agenda 2030. The Japanese experience of the cooperative societies could be an important object of study. The Japanese multipurpose model of workers' cooperative could be considered one of better practices useful also for energy prosumerism both in a practical and philosophical perspective.



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Tax Profiles of 'Renewable Energy Sources': From the 'European Green Deal' to Fiscal Incentives for an Ecological Energy Transition. What Perspectives?

Salvatore Antonello Parente

Abstract

In view of the objectives of environmental sustainability and climate neutrality, advocated by the Paris Agreement and the 'European green deal', energy taxation represents a fundamental tool for the gradual replacement of renewable ecological sources to traditional fossil fuels, also in order to achieve cost savings and rethink energy supply models in a promotional dimension of the tax authorities, to progressively reduce greenhouse gas emissions through the use of renewable and environmentally friendly energy sources.

The strategy - adopted within the EU with the 'Clean energy package' (set of measures consisting of four regulations and four directives approved between 2018 and 2019) and implemented by the domestic laws of the Member States - intends to transform the economic system according to a circular, efficient, competitive, sustainable and inclusive paradigm, through the implementation of clean technologies, favored by the provision of incentive fiscal policies, in order to promote, in the long term, the production of completely decarbonised energy with a consequent zero climate impact.

As part of the program called 'Fit for 55', the European Commission has presented a series of proposals aimed at achieving the objectives expressed by the European Green Deal, consisting of a 55% reduction in net carbon dioxide emissions by 2030 (compared to at previous levels) and energy neutrality to be achieved by 2050 through a series of regulatory interventions aimed at modifying or revising the European framework for the taxation of energy products.

According to the objectives, the Directives on energy efficiency and renewable sources, those on the emissions trading system, on transport, as well as on the creation of a new EU own resource, called the 'Carbon Border Adjustment Mechanism' (CBAM).

The 2030 Agenda for Sustainable Development, an ambitious action program for people, planet and prosperity, signed in September 2015, also deals with issues relating to the energy sector, setting 17 objectives and 169 targets that address the dynamics of sustainable development in an economic, social and environmental dimension.

In this context, the theme of energy is divided into multiple objectives, the common feature of which is the need to increase the diffusion of clean energy to counteract environmental degradation and reduce the risk of catastrophic events: objective number 7 intends to ensure access for all to affordable, reliable, sustainable and modern energy systems to significantly increase the share of renewable energies by 2030 and double the global rate of improvement in energy efficiency.

Almost simultaneously with the preparation of the 2030 Agenda, with the Communication entitled 'A framework strategy for a resilient Energy Union, accompanied by a forward-looking climate change policy' COM (2015) 80 final, which can be considered the a prodromal act to the adoption of the 'climate package', in relation to the energy policies adopted within the EU, concerns were expressed deriving from the fact that the Union still imports too high a percentage of its energy needs and highlighted the role that they could have played individual citizens in the energy transition process.

The reflection, taking its cue from the measures developed at EU and domestic level, focuses attention on the tools, mechanisms and tax incentives aimed at operating the energy transition in an ecological key, also from a *de iure condendo* perspective.



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The Out-of-court Management of Litigation in the Era of Prosumerism and Renewable Energy Communities

Marco Valeau

Abstract

A Renewable Energy Community is made up of consumers or rather of a particular category of consumers called 'prosumers'. The goal of the speech is to analyze the possible methods of managing the dispute that will involve the Renewable Energy Communities and the role that internal subjects, such as shareholders, and any external subjects, such as consumer associations, will take on. In fact, pending regulatory and jurisprudential developments, both at national and supranational level, the aim is to include the Renewable Energy Communities in the group of subjects identified as consumers, or at least to consider the protections typically provided for in favor of consumers to be applicable to them. It is indeed believed that, for the best management of the dispute, the Renewable Energy Communities must be entrusted, through memoranda of understanding, to the consumers associations which, for years in Italy, have been the best example of protection of consumers' interests.



Marco Valeau is a lawyer, founder and owner of the 'Valeau Law Firm', specializing in energy law, UE law, civil law. He participates in numerous organizations and associations, including Federconsumatori Lazio. Thanks to the awareness obtained in Federconsumatori Lazio, he gained experience in the field of equal conciliations, in the field of energy, being in position of representing the consumers. He regularly participates in workshops and public events on PNRR and energy transition issues and is one of the authors of the book 'La via Italiana alle comunità energetiche' (The Italian way to the Renewable Energy Communities).

Renewable Energy Communities: Governance and Establishment Contracts

Andrea Scivoletto

Abstract

The issue of sales contracts that arises in the context of the establishment and organization of the 'Comunè' Renewable Energy Community is of central importance since these contracts are used in order to regulate various aspects of the existence of the CER itself. In fact, this type of contract assumes relevance both with regards to the sale of the surplus renewable electricity of the CER, and the purchases made by individual members and/or shareholders who, as provided by the Directive 2018/2001, so-called RED II, and by the subsequent national transposition legislation (Legislative Decree 8 November 2021 No 199).

The purchase and sale contracts are also fundamental with regards to the ownership relations of renewable energy production plants, with respect to which the analysis of all contracts, such as loan for use, lease or private public partnership, is equally essential.



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