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Amendments regarding energy communities

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On 20 October 2021, Law No. 4843/2021, regulating numerous issues relating to energy markets in Greece, was published in the *Official Journal*.⁽¹⁾ Among other things, it amends certain provisions of the Law on Energy Communities.⁽²⁾

Law No. 4843/2021 provides that for-profit energy communities (ECs) may merge with other ECs provided that they apply similar agreements on distribution of profit. Further, ECs may be merged, acquired by or acquire another (non-EC) legal entity, and change their legal form in compliance with the respective laws. In such case, renewable energy source (RES) plants lose the benefits of being an EC with regard to the following matters, among others:

- operational state aid;
- the exception from the obligation to participate in RES auctions; and
- priority for connection to the grid.

ECs may also sell their RES licences to another EC of the same prefecture. If an EC sells its RES licences to individuals or legal entities (ie, not to an EC of the same prefecture), the RES project forfeits its privileges regarding:

- the consideration to be paid;
- the exemption from the auction procedure; and
- the priority for obtaining the production licence and the final connection terms (their applications will be examined by the authorities based on their submission date).

If an EC has already signed a power purchase agreement (PPA) without having participated in the auction, and are in operation, it shall be paid (irrespective of the megawatt capacity of the project) based on the reference price that would be granted to similar RES technologies that:

- are non-EC and non-agricultural projects;
- have signed a PPA without an auction; and
- start operation during the same time period.

The same applies where an EC merges in any way so as to transform into a corporation.

The law further provides that where an EC goes into liquidation or goes bankrupt, all licences and approvals issued to it shall cease to exist if they have not previously been transferred. However, where the plant has started operations, the licences and approvals continue to be valid and such plant may be transferred to a third party. In this case, such third party shall not receive operational state aid (ie, feed-in tariffs or feed-in premiums) but may sell the electricity at the market or receive state aid in the same way as any other non-EC plant in compliance with the law.

The law also provides for the possibility of virtual net metering for ECs that intend to cover the energy needs of its members and individuals that live within the same prefecture facing energy poverty. A ministerial decision to be issued upon receiving the respective REA opinion should further regulate such virtual net metering (eg, conditions, limitations, charges, time limits, and procedures for the signing of an agreement on net metering).

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Endnotes

(1) OJ A' 193/2021.

(2) Law No. 4513/2018.