

Workshop on Flexibility to achieve MS Renewable Energy targets

16 April 2008

Permanent Representation of Germany to the European Union
8 - 14, rue Jacques de Lalaing, 1040 Bruxelles

- 9:45** **Welcome and Introduction**
Michael Kuxenko (Permanent Representation, Germany)
Silvo Skornik (Ministry for Energy, Slovenia)
- 10:00** **Overview of the economic aspects**
Moderator: Jacques Lengyel (Ministry for environment, sustainable development and spatial planning, France)
Expectation of the situation in the different Member States
Existing Potentials and their exploitation
Presentation: Paul Wilson (BERR, United Kingdom)
- 10:30** **Legal impacts of free trade with GOs on operator level (persons)**
(Art. 8 and 9 para 3)
Moderator: Jacques Lengyel (Ministry for environment, sustainable development and spatial planning, France)
Introduction of free trade of GO as a rule (Art. 9 para 3)
- What cases are likely? Which role do companies play in supplying and purchasing? What are the relevant incentives?
Legal impacts for national support schemes
- Feed in schemes: Art. 8 para 1 a
- Green Certificate (obligation) schemes: Art. 8 para 1 b
- Renewable Certificate schemes (for disclosure as in Directive 2001/77): Art. 8 para 1 c
Legal impacts of Art. 9 para 3: Is there a case Art. 8 para “1 d”?
- Is there an EU market in parallel to national schemes?
Legal impact of Art. 3 para 2 in conjunction with article 9
- Economic impacts of Art. 8 and 9 (“competition for highest subsidy”)
- Effects on “cheaper” technologies (hydro, wind onshore, biomass, heating/cooling technologies)
- Effects on “more expensive” technologies
- How can investment support (EU or national Funds or programmes) further be used? Can it be restricted to investments accounting for MS target achievement?

Impacts on the “import” side and on the “export” side

Presentation: Karina Veum (European Commission)

Presentation: Martin Schöpe (Federal Ministry for the Environment, Germany)

Discussion

Summary: Claude Turmes (MoEP)

11:45 Coffee Break

12:00 Scope of GO, Different Nature of the “GO”

Moderator: Martin Schöpe (Federal Ministry for the Environment, Germany)

- For Electricity? For Heating/Cooling? For Biofuels?
- Under the current RES-E-Directive
- Under the new COM Proposal

Art. 8 para 2: Understanding and consequences of Art. 8 para 2

Art. 8 para 3: Understanding and consequences of Art. 8 para 3

What are the consequences of this extended nature of Go?

Presentation: Ron van Erck (Ministry for Economy, Netherlands tbc)

Presentation: Dietmar Preinstorfer (Energie-Control, Austria)

Discussion

13:00 Lunch

14:15 Flexibility mechanisms – Possibilities and consequences

Art. 9 para 1: Member state level trade

Moderator: Marc Strauss (Permanent Representation, France)

- Cases: How and when can MS trade be organized? Are joint projects, MoUs, bilateral agreements possible?
- Understanding of preconditions?
- Role of competent body? Role of operators?

Art. 9 para 2 (Prior authorization): Conformity of restrictions with EU internal market law and practical applicability

Exemptions of Art. 9 para 2: energy security, environmental objectives, achievement of targets: Scope and depth of trade restriction

- What are potential practical cases for the three options? What can be restricted, to what extent: for specific technologies? For specific time periods? For specific support instruments?

- To what extent can access to support schemes and transfers be restricted? Complete exemption in trade participation? Thresholds? Discrimination issues within the authorization scheme?
- Restrictions for the “Import side” <> for the “Export side”
- Which MS would be likely to introduce restrictions, for what reasons and to what extent?
- How do Art. 28 – 30 of the EC Treaty affect Art. 9 para 2?
- Risk of potential restraint order by the ECJ?

Presentation: Tom Howes (European Commission)

Presentation: Nina Neumann (Ministry for the Environment, Germany)

Discussion

15:15 Coffee Break

15:30 Possible alternatives to COM Proposal

Moderator: Martin Schöpe (Ministry for the Environment, Germany)

- National closed support schemes and flexibility as a rule
- Different (limited) definition of GO as an option?
- Possible alternative models for flexibility
- Role of private sector in alternative models? What are potential incentives? Joint Implementation or common target sharing as a model?
- What Articles or para need to be changed, to what extent?

Presentation: Hugo Lucas Porta (IDEA, Spain)

Presentation: Mariusz Kawnik (Ministry of Economy, Poland)

Discussion

17:00 Closing