

**Priority question for written answer P-000312/2024
to the Commission**

Rule 138

Tiziana Beghin (NI), Maria Angela Danzi (NI), Sabrina Pignedoli (NI)

Subject: Discrepancies in legislation on energy communities

On 22 June 2021 the Commission presented the proposal for Italy's recovery and resilience plan (RRP) in which:

- in the paragraph 'Investment 1.2: Promotion of RES for energy communities and jointly acting renewables self-consumers'¹, it is established that the measure concerns installations 'in particular in municipalities with less than 5 000 inhabitants'. Thus, smaller shares of RRP are not, in principle, excluded even for municipalities with more than 5 000 inhabitants;

- table M2C2-47² contains a similar text, but without the phrase 'in particular'.

This discrepancy is in all subsequent Council decisions³ and in the Italian Renewable Energy Communities (REC) Decree⁴ of 24 January 2024, which establishes that only installations in municipalities with fewer than 5 000 inhabitants may benefit from the measure.

Can the Commission answer the following questions:

1. How does it intend to resolve this significant lexical discrepancy between the legal provision in the articles and the table?
2. Does it not consider that, in accordance with Article 22(1) and Article 4 point (e) to point (i) of the Renewable Energy Directive (RED II), limiting access to Member State support should be considered discriminatory against and/or unfair towards equivalent installations in municipalities with more than 5 000 inhabitants?
3. Given the ambitious 2030 targets for renewable energy sources, the reduced availability of administrative resources of the public administrations of municipalities with less than 5 000 inhabitants and the 30⁵ and 45⁶ days given in the REC Decree to reach full operation, does the Commission consider it appropriate to reformulate and/or abolish this limit in order to ensure full use of the measure provided for by 30 June 2026⁷?

Supporter⁸

Submitted: 31.1.2024

¹ https://eur-lex.europa.eu/resource.html?uri=cellar:a811c054-d372-11eb-895a-01aa75ed71a1.0001.02/DOC_2&format=PDF, p. 254.

² p. 291

³ https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CONSIL:ST_16051_2023_ADD_1, pp. 216 and 236

⁴ <https://www.mase.gov.it/sites/default/files/Decreto%20CER.pdf>, p. 1, last citation. 'in particular' is included at the start of page 2; p. 2, point b); 'in particular' is not included; p. 11, Article 1(3): 'in particular' is not included; p. 16, Article 7(1): 'in particular' is not included

⁵ <https://www.mase.gov.it/sites/default/files/Decreto%20CER.pdf>, Article 11(1)

⁶ <https://www.mase.gov.it/sites/default/files/Decreto%20CER.pdf>, Article 11(3)

⁷ <https://www.mase.gov.it/sites/default/files/Decreto%20CER.pdf>, p. 2, point b); p. 11, article 1(3); p. 16, Article 7(3); p. 18, Article 10(6)

⁸ This question is supported by a Member other than the authors: Mario Furore (NI)