



ELREN
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Carlow LEADER
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Chapter 14 Energy Policy & Legislation




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14 Energy Policy and Legislation

Clifford Guest, Tipperary Institute

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14.1 Objectives

Having completed this chapter, learners should:

- Understand the importance of policy to the development of renewable energy.
- Be aware of the nature of EU and Irish energy policy.
- Be aware of key EU and Irish energy policy.
- Understand the main legal requirements for developing a renewable energy policy in an Irish context.

14.2 What is Policy?

Policy is set by elected representatives and executives, it sets the framework and conditions for development. It is generally a slow process to develop and change. It can be positive, negative or neutral.

“At the end of the day, the formulation of public policy involves a process of making good decisions – for the public good” Sherri Torjman, 2005

14.3 European Union Policy Relevant to Renewable Energy

14.3.1 European Energy Policy Overview

In the European Union the EU Commission sets out policy in energy areas. It is responsible for proposing policies and legislation, which are then formally adopted (after negotiation) by the Council and the Parliament. The Commission produces green papers, white papers and directives. A green paper is a discussion document which eventually becomes a white paper. Neither is legally binding but set the framework for particular areas. A directive is more specific in nature and when adopted at the EU level, must be transposed by each member state into national legislation.

The Directorate General for Transport and Energy (DG TREN) deals with most energy issues. It is supported by other DGs in the key areas of implementation of internal market disciplines and environmental priorities. Other important Directorates General impacting on energy policy includes DG Agriculture and Rural Development and DG Environment. European energy policy is built on three basic pillars which are interdependent:

- enhancing competitiveness;
- protecting the environment (sustainability);
- ensuring security of supply.

14.3.2 White Paper and Action Plan for Renewable Energy

Sources (1997)

This document forms the basic policy framework within which much of the recent work on renewable energy at the EU level has been based. The central aim of the White Paper is to double the share of renewable energy in final EU energy consumption from six per cent in 1995 to 12 per cent in 2010. It also established an action plan for achieving this goal, which included the “Campaign for Take-Off” which ran from 1997 to 2003, (European Commission, 1997).

Key benefits of implementing the aims of the White Paper are stated as;

- CO2 emission reduction;
- scientific and industrial development in high technology sector;
- employment creation ;
- avoided fuel costs ;
- increased security of supply ;
- local and regional development & exports.

Key proposals in the White Paper include: access for renewable electricity supply (RES) to the electricity market, additional fiscal and financial measures, new bioenergy initiatives for transport, heat and electricity, and improved building regulations to promote RES e.g. solar heating and cooling.

Type of Energy	1995	2010
Wind	2.5 GW	40 GW
Large Hydro	82.5 GW	91 GW
Small Hydro	9.5 GW	14 GW
PV	0.03 (GWp)	3 GWp
Biomass	44.8 Mtoe	135 Mtoe
Geothermal – Electric	0.5 GW	1 GW
Geothermal – Heat	1.3 GWth	5 GWth
Solar Thermal	6.5 million m2	100 Million m2
Passive Solar		35 Mtoe
Others		1 GW

Table 14.1 Status and EU White Paper Targets for Renewable Energy

14.3.3 Green Paper towards a European Strategy for Security of Supply (2001)

The EU commission published this Green Paper for consultation in December 2000 and later as a Communication (in 2001) which summarised the results. The Paper confirmed the importance of renewable energy for the EU in the future. The driving force behind it was a growing realisation that the Union could not reach a satisfactory level of energy independence. It was acknowledged that owing to climate change and market deregulation the EU needed a fresh energy policy and the Green Paper was the mechanism chosen to discuss this issue, (European Communities, 2001).

Green Paper Viewpoints:

- The Green Paper considers EU energy self-sufficiency to be impossible to achieve.
- That there will be an increase in energy requirements within the EU of 1-2% per annum.
- That the EU's own energy resources are limited.
 - There are considerable amounts of coal but 4-5 times world production price
 - Oil - 8 years reserves
 - Natural Gas - 2% of world reserves (20 years)
 - Uranium - 2% of world reserves (40 years)

EU Green Paper - Conclusion

The Green Paper concluded that no one energy option on its own can meet the Union's needs. It also stated that room for manoeuvre as regards energy supply is restricted. It is the first EU paper which addressed all energy areas. It favours renewable energy supply but does not rule out nuclear power.

14.3.4 EU Directive for Electricity from Renewable Energy Sources (2001)

This EU legislation, adopted in 2001 included indicative targets for the percentage of renewable energy in gross electricity production for each EU member state by 2010 (European Commission, 2004). Key targets include:

- the establishment of a framework to increase the share of green electricity from 14 to 22% of gross electricity consumption by 2010;
- to double the share of renewable energy from 6 to 12% of gross energy consumption in the EU by 2010;
- to further compliance with the commitments made by the EU under the Kyoto Protocol.

The legislation also requires member states to establish targets for future consumption of RES-E; ensure guaranteed access for RES-E;

issue guarantees of origin for RES-E; ensure that the calculation of costs for connecting new producers is transparent and non-discriminatory. It does not propose a harmonised support system. The commission will monitor progress of the member states towards the targets set. The Irish figure for electricity from renewable energy was 3.6% in 1997. The target set by the Directive for 2010 is 13.2%.

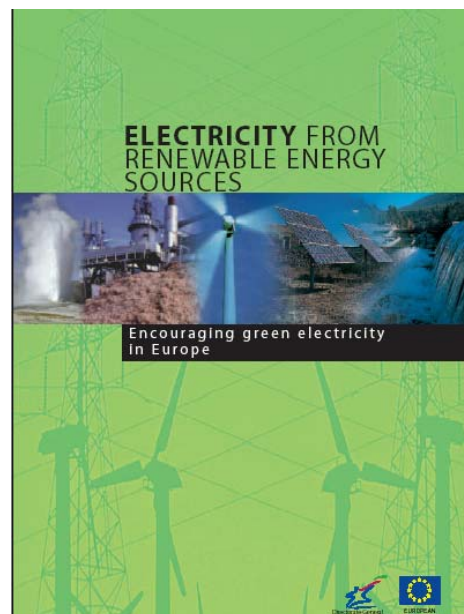


Figure 14.1 Electricity from Renewable Energy Sources

14.3.5 Directive on Biofuels (2003)

This objective of this Directive is to contribute to the reduction of EU dependence on imports of transport fuels, to contribute to the EU's Kyoto Target and to meet the target of substituting 20% of traditional fuels by alternative fuels by 2020. The Directive requires that the share of biofuels in the EU transport fuel market is 2% by 2005 and 5.75% by 2010, (European Communities, 2003a).

14.3.6 EU Directive on Green House Gas Emissions Trading (2003)

Trading of green house gas emissions is part of Kyoto Protocol. In January 2005 the European Union Greenhouse Gas Emission Trading Scheme (EU ETS) commenced operation as the largest multi-country, multi-sector Greenhouse Gas emission trading scheme world-wide. The scheme is based on Directive 2003/87/EC, which entered into force on 25 October 2003. Allowances traded in the EU ETS are held in accounts in electronic registries set up by Member States. All of these registries are overseen by a Central Administrator at EU level who, through a Community independent transaction log, checks each transaction for any irregularities. The registry system keeps track of the ownership of allowances in the same way as a banking system keeps track of the ownership of money, (European Communities, 2003b).

14.3.7 Green Paper on Energy Efficiency (2005)

This Green paper was launched as a discussion document on how to curb rising energy use in the EU and arrive at a reduction of energy use of 20% by 2020. It identified opportunities to improve energy efficiency in the EU and stated that there was technical potential to reduce energy demand by 40% through the rational use of energy.



Figure 14.2 Green Paper on Energy Efficiency

In December 2005, the Commission adopted this detailed action plan designed to increase the use of energy from forestry, agriculture and waste materials. The plan details more than 20 actions, most of them to be implemented from 2006 onwards. The plan included reviews of how fuel standards can be improved, how to encourage the use of biomass for transport, heating and electricity generation and also proposes a campaign to inform farmers and foresters about energy crops, (European Commission, 2005).

14.3.8 The Green Paper on a European Strategy for Sustainable, Competitive and Secure Energy (2006)

This Green Paper is designed to stimulate ideas on what should be done to deal with practical challenges and problems in the energy sector. It sets the three main objectives of Europe's energy policy as; Sustainability; Competitiveness and Security of Supply. It puts forward a number of concrete proposals to meet these three objectives, (European Commission, 2006a):

- The need to complete the internal gas and electricity markets.
- The need to ensure that EU internal markets guarantee security of supply and solidarity between Member States.
- The need for a Community wide debate on the different energy sources.
- The need to deal with the challenges of climate change in a manner compatible with the EU's Lisbon objectives
- The need for a strategic energy technology plan.
- The need for a common external energy policy.

14.3.9 An Energy Policy for Europe (2007)

The European Commission issued a communication to the European Council and European Parliament on a new Energy Policy for Europe in January 2007. It comprised an integrated energy and climate change package on the basis that energy accounts for 80% of all greenhouse gas emissions in the EU. The three key objectives of the communication were to combat climate change, limit the EU's dependence on energy imports and to promote jobs

and growth. The initiative seeks to create a true internal energy market, accelerate the shift to a low carbon economy and to increase energy efficiency. The Council of the European Union, issued presidency conclusions on the 9th March 2007, which endorsed the Commission's Communication and formally launched an "Energy Policy for Europe" (EPU). The key targets and objectives of the EPU are as follows;

- Raising the share of renewable energy to 20% by 2020;
- Increasing the level of biofuels in transport fuel to 10% by 2020;
- Improving energy efficiency by 20% by 2020;
- Reducing greenhouse gas emissions by 30% by 2020 compared to 1990, provided that other developed countries commit themselves to comparable emission reductions. The EU makes a firm independent commitment to achieve at least a 20% reduction of greenhouse gas emissions by 2020 compared to 1990. The European Council has decided that a differentiated approach to the contributions of the Member States is needed.

As a milestone in the creation of an Energy Policy for Europe (EPA) and as a spring board for further action, the European Council has adopted a comprehensive energy Action Plan for the period 2007-2009, based on the Commission's communication. The Action Plan sets out the way in which the EU's internal market for gas and electricity will become more interconnected and integrated. It also looks at enhancing energy efficiency, increasing the use of renewable energy, developing technology, promoting EU energy solidarity, ensuring nuclear safety and security and keeping tabs on energy trends, (Council of the EU, 2007).

14.3.10 Final Conclusion on EU Policy

EU energy policy is complex, detailed and previously had no enforcement element. This is now changing with the issuing of directives which are legally binding on member states. EU energy policy now has significant impact on Ireland.

14.4 Irish Policy Relevant to Renewable Energy

14.4.1 Irish Renewable Energy Overview

National energy policy in Ireland is determined by the Minister of Communications, Marine and Natural Resources. In effect Irish policy reflects those of the European Union as a whole and the Irish energy policy tracks the three pillars of European policy. An increasingly important dimension to energy policy is North/South Co-operation. The Irish Government and the devolved administration in Northern Ireland have been supportive of energy initiatives that are mutually beneficial (McQuade, 2005).

14.4.2 Green Paper on Sustainable Energy (1999)

The Green Paper set an overall target to increase the contribution of renewables from 2% of TPER in 2000 to 3.75% in 2005. It also aimed to increase the percentage of electricity generated from renewable sources from 6.3% in 2000 to 12.39% by 2005. This was to include installing an extra 500MWe of renewable electricity capacity by 2005, (Department of Public Enterprise, 1999).

The Green Paper also set out the following objectives:

- energy consumption reduction;
- the establishment of a Renewable Energy Strategy Group for wind;
- modification to the Alternative Energy Requirement scheme;
- direct sale to final customer allowed;
- examination of net-metering*;
- guaranteed grid access for certain EU-supported projects.

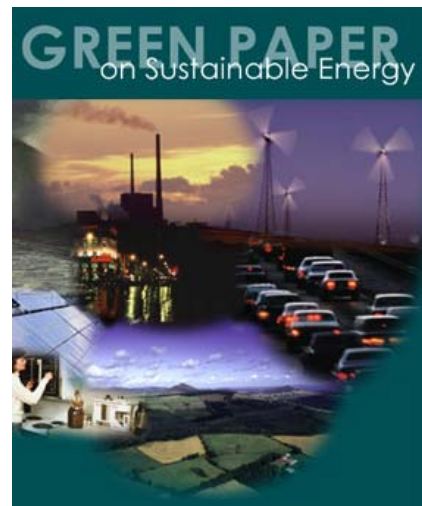


Figure 14.3 Green Paper on Sustainable Energy

* Net Metering – Involves the removal of the backstop in the standard domestic meter so that the meter will run backwards when electricity is being exported. Thus the number of exported units will be netted off the consumption, (CER, 2006).

14.4.3 Alternative Energy Requirement (AER)

Six Alternative Energy Requirements (AER) competitions were held between 1995 and 2003. Under the scheme, winning bidders are entitled to a 15-year power purchase agreement whereby the ESB buys the electricity output of the winning facility at the bid price. The AER was the principal mechanism for supporting development of renewables in Ireland up to 2003; it has now been replaced by the Renewable Energy Feed-In Tariff 2006 (REFIT).

14.4.4 Commission for Energy Regulation

The Commission for Energy regulation (CER) is an Independent body established by the Irish Government which is responsible for regulating and overseeing the liberalisation of Ireland's energy sector. The CER was initially established and granted regulatory powers over the electricity market under the Electricity Regulation Act, 1999. The enactment of the Gas (Interim) (Regulation) Act, 2002 expanded the CER's jurisdiction to include regulation of the natural gas market. It authorises the construction of new generating plant and licenses companies to generate and supply electricity.

14.4.5 National Climate Change Strategy (2000)

Published by the Department of the Environment and Local Government (2000), this strategy identifies how Ireland will reduce emissions of greenhouse gases in order to comply with our commitments under the Kyoto Protocol. The strategy recognises that the burden for the Kyoto commitment period and beyond must be borne equitably within the economy. The measures identified for the energy sector are as follows:

- ceasing coal use at Moneypoint Electricity Generating Station by 2008 and fuel switching towards less carbon intensive fuels;
- an expansion of renewable energy;
- maximisation of CHP;
- an enhanced demand side management programme under the Irish Energy Centre (now Sustainable Energy Ireland).

14.4.6 Sustainable Energy Ireland

Sustainable Energy Ireland is Ireland's national energy authority; it was established by the Government in 2002. SEI's mission is to promote and assist the development of sustainable energy in Ireland. SEI is responsible for: advising Government on policies and measures on sustainable energy; implementing programmes agreed by Government and stimulating sustainable energy policies and actions by public bodies, the business sector, local communities and individual consumers. It operates a number of key grant programmes to encourage the development of sustainable energy, including the:

- Greener Homes Scheme;
- House of Tomorrow;
- Bioheat Boiler Deployment Programme;
- Combined Heat and Power (CHP) Deployment Programme;
- Renewable Energy Research, Development and Demonstration (RERDD) Programme.

14.4.7 Mineral Oil Tax (MOT) Relief on Biofuels I&II

Under the 2004 Finance Act the Department of Finance launched the "Pilot Programme for Mineral Oil Tax (MOT) relief on Biofuels". Under the programme eight million litres of biofuel was awarded MOT relief in a number of categories (pure plant oil; biodiesel and bioethanol). The scheme was awarded through a competitive process in which applicants were invited to submit proposals for consideration. The scheme concentrated on the pure plant oil category in particular.

This pilot scheme was followed up with a second scheme called the "Biofuels Mineral Oil Tax Relief Scheme II" which was announced in the 2005 budget. This scheme also operated as a competitive process with applicants submitting proposals by August 28th 2006. There were 102 applications under the scheme with 16 biofuel projects granted excise relief.

This scheme aims for two per cent of the fuel market to be taken up by biofuels by 2008. The level of excise relief will start at €20 million in 2006 and will be increased to €35 million in 2007 and to €50 million in each of the following three years. This relief is expected to support the use and production in Ireland of some 163 million litres of biofuels per year. This is 20 times the current level of biofuels that is excise-relieved, (European Commission 2006).

14.4.8 Renewable Energy Feed-In Tariff (ReFIT)

The Renewable Energy Feed in Tariff (ReFIT) Programme will support the construction of an initial target of at least 400 megawatts of new renewable energy powered electricity generating plants. ReFIT aims to more than double the contribution of renewable sources in electricity production from 5.2% in 2004 to 13.2% by 2010 by increasing the total capacity of renewable energy technologies built to 1,450 MWe. Under the programme, project developers are free to negotiate with any electricity suppliers in the liberalised electricity market. The purchase price is negotiated between the generator and supplier directly. The consumer interest is protected by imposing price caps beyond which compensation to suppliers will not be paid. Contracting suppliers will be compensated for the net additional costs incurred (up to the price caps notified in the programme notes) from the Public Service Obligation (PSO) levy funded by electricity consumers. This type of support is associated with the “fixed feed in tariffs” which has proven successful in many EU states, (DCMNR, 2006a)

Price Support Caps.

Large Scale Wind category	€57 megawatt hour (MWh).
Small Scale Wind category	€59 MWh.
Hydro	€72 MWh.
Biomass Landfill Gas	€70 MWh.
Other Biomass	€72 MWh.

14.4.9 Green Paper – Towards a Sustainable Energy Future for Ireland (2006)

The Green Paper published by the Department of Communications, Marine and Natural Resources sets out energy policy options for energy supply and energy use that meets the needs of consumers and business and that can support and sustain Ireland's economic growth. It precedes the publication of an energy White Paper. The key goals of energy security, environmental sustainability and competitiveness directly reflect EU policy (DCMNR, 2006b).



Key targets include:

Figure 14.4 Green Paper (2006)

- renewable sources to supply 30% of all electricity by 2020;
- biofuels - 5.5% of demand by 2010;
- peat stations to co-fire up to 30% biomass;
- reliance on emerging technologies, including clean coal and wave/tidal technology.

14.4.10 Bioenergy Action Plan for Ireland (March 2007)

This action plan sets out an integrated strategy for collective delivery of the potential benefits of bioenergy resources across agriculture, enterprise, transport, environment and energy sectors. It was compiled under a cross departmental working group lead by senior Government ministers. The Government has mandated a high level Bioenergy Working Group comprising all relevant Departments and Agencies to oversee progress on strategies and targets and ensure good collective working to accelerate deployment of

Ireland's bioenergy resources, (DCMNR, 2007a). Some of the key actions points under the plan are as follows:

- Biofuel target of 5.75% for road transport fuel by 2010;
- Biofuel target of 10% for road transport fuel for 2020;
- Support research into second generation biofuels;
- Target of 5% renewable share in the heating sector for 2010;
- Target of 12% renewable share in the heating sector for 2020;
- Expand the commercial Bioheat Scheme;
- Increase support for research projects across the bioenergy sector;
- CIE transport companies to ensure that all their new fossil fleet purchases are capable of using blends of at least 30%;
- CIE transport companies mandated to move as soon as possible towards a 5% blend in all their existing diesel fleet;
- Expand existing programme of biomass heating in schools;
- Introduce an additional €6 million energy crop "top up" payment of 480 per hectare on top of the existing EU Energy Crops Premium of €45 per hectare payment;
- Introduce an €8 million Bioenergy Scheme to provide establishment grants to encourage farmers to plant new energy crops such as miscanthus and willow;
- Introduce a €1.2 million dedicated Wood Biomass harvesting machinery grant programme for wood chippers and forest residue bundlers;
- Promote the use of biofuel at up to 5% blends in Local Authority fleets;
- Install bioenergy heating systems in OPW buildings as the standard norm;
- Install biomass CHP technologies in future major site developments for the OPW.

14.4.11 Government White Paper – Delivering a Sustainable Energy Future for Ireland, (March 2007)

The White Paper sets out the Government's Energy Policy Framework for 2007-2020, the objective of which is to deliver a sustainable energy future for Ireland. It is supported by the National Development Plan 2007-2013 with some €8.5bn being invested in energy. This will be funded in part by the exchequer, by the Semi-State energy bodies and from other non-public sources. A key component of the White Paper is a joint commitment from the Irish and UK Government's to an All-Island Energy Framework, (DCMNR, 2007b). Some of the key actions points under the White Paper are as follows:

- Target of 33% for renewable electricity by 2020;
- Target of 30% co-firing of biomass at existing peat stations by 2015;
- Expanded financial supports for renewable energy generators;
- €150 million for energy research, including ocean energy and wind technologies;
- Target of 20% saving in energy across, transport, electricity and heating through improvements in energy efficiency and conservation;
- Target of 33% energy savings across the public sector;
- Transfer the ownership of the electricity transmission grid from the ESB to EirGrid;
- Deliver an all-island energy market by the end of 2007;
- Construction of a new electricity interconnector to the UK by 2011.

14.4.12 National Climate Change Strategy 2007-2012 (April 2007)

The National Climate Change Strategy 2007-2012 sets out how Ireland will meet national commitments under the Kyoto protocol. It builds on progress made since the original National Climate Change Strategy was published in 2000 and includes measures put in place under that strategy. It also includes measures from the National Development Plan 2007-2013, Transport 21, the Energy White Paper and the Bioenergy Action Plan. The strategy sets out on a sectoral basis a combination of existing and additional measures to reduce Ireland's greenhouse gas emissions by over 17 million tonnes of carbon

dioxide equivalent in the period 2008-2012. The strategy shows that the total contribution of measures adopted will account for 80% of the effort required for Ireland to meet its Kyoto commitments. The remaining 20% will be made up by Ireland's use of flexible mechanisms. The flexible mechanisms allow Kyoto Protocol Parties to support the development of clean technology in the developing world in return for emissions credits. €270 million has been allocated under the National Development Plan 2007-2013 for investment in such projects over the lifetime of the strategy (Department of the Environment, Heritage and Local Government, 2007). The following are a number of key additional measures under the strategy:

- National Ocean Energy Strategy;
- Support for inclusion of aviation in EU Emissions Trading scheme;
- Revised building regulations in 2008 to aim for 40% improvement on current thermal performance standards;
- Levy on incandescent bulbs to encourage shift to low energy bulbs;
- Smart meters to be supplied to all electricity customers;
- Support for waste to energy projects under the REFIT scheme;
- Energy efficiency measures to be funded in social housing programmes;
- Multi-annual Climate Change Awareness campaign.

14.4.13 Possible Legal Requirements for a Renewable Energy Project

These include;

- Planning permission
- CER Licence to Construct an Electricity Generating Station
- CER Licence to Generate Electricity
- There are additional requirements if a project has a waste management element. These may include a:
 - Waste Licence
 - Waste Permit

14.5 Sources of Further Information

Commission for Energy Regulation	www.cer.ie
Sustainable Energy Ireland	www.sei.ie
Department of Communications, Marine and Natural Resources	www.dcmnr.gov.ie
Department of Environment, Heritage and Local Government	www.environ.ie
European Commission: DG Transport and Energy	http://ec.europa.eu/energy/index_en.html

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