

Clean energy for EU islands **Regulatory barriers in Spain: findings and recommendations**



Completed in: December 2022

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Special thanks to our Clean energy for EU islands Community

for their input and support.

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FROM CLEAN ENERGY VISION TO CLEAN ENERGY ACTION

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Executive summary

that process is described in this booklet.

Spain has recently implemented national and regional policy measures to facilitate the energy transition on the Spanish islands. However, several major challenges remain.

Based on an **inventory** of the current legislation the Clean energy for EU islands secretariat carried out surveys and interviews to identify the barriers to clean energy deployment and the solutions to overcome those. These findings were discussed with all relevant stakeholders in two Focus Group meetings and a National Stakeholder Meeting. The result of

The barriers identified in Spain relate to grid constraints, inflexible thermal power plants, lack of legal frameworks for renewable system integration, complex and lengthy permitting procedures, spatial planning issues and need for improvement of coordination between the national and regional governments.

These barriers can be overcome, through stakeholder discussions, European-wide islands-to-islands exchange of best practices and leadership by the relevant authorities. The recommendations in this booklet serve as guidance for the accelerated renewable energy deployment on the Spanish islands.

Resumen

En España se han puesto en marcha recientemente diversas medidas de carácter legislativo y reglamentario para facilitar la transición energética de las islas españolas, tanto a nivel nacional como autonómico. Sin embargo, quedan todavía algunos retos que superar.

Con el objetivo de identificar las principales barreras normativas y regulatorias al desarrollo de la transición energética, el Secretariado de la iniciativa Clean Energy for EU islands ha llevado a cabo un **inventario de la legislación actual**, completado con encuestas y entrevistas a los actores relevantes de las islas españolas. Además, dichos actores han participado en dos reuniones temáticas (online) y una reunión presencial para debatir sobre las barreras identificadas y las recomendaciones para superarlas sugeridas por el Secretariado. El resultado de ese proceso se describe en este folleto.

Las barreras regulatorias y normativas que limitan la transición energética de las islas españolas están principalmente relacionadas con las limitaciones de la red, la falta de flexibilidad de las centrales térmicas, la falta de marcos legales para la integración de sistemas renovables, los complejos y largos procedimientos de permisos y autorizaciones, los problemas de ordenación del territorio y la falta de coordinación entre los gobiernos nacional y autonómico en relación con las prioridades del sector energético.

Estos obstáculos pueden superarse mediante el debate entre las partes interesadas, el intercambio de buenas prácticas entre islas a nivel europeo y el liderazgo de las autoridades competentes. Las recomendaciones de este folleto sirven de guía para acelerar el despliegue de las energías renovables en las islas españolas.

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Introduction

There are more than 2,200 inhabited islands in the EU. Despite having access to an abundant amount of renewable energy, such as wind, sun and waves, many of them depend on petrol imports for their energy supply. Through the deployment of clean energy assets, EU island communities can have access to reliable, clean, and competitive sources of energy. Given their insular nature, they can even become leaders in the clean energy transition. While it has often become technically and financially possible to develop renewable energy projects on islands, the current legal frameworks are not always fit-for purpose. The Clean energy for EU island secretariat embarked on the mission to identify the legal, regulatory and policy barriers to clean energy deployment and provide recommendations to overcome them.

This booklet contains the highlights of the more in-depth country study. It processes the insights gathered from literature review, surveys sent to 37 stakeholders, nine interviews, two Focus Groups attended by 14-18 participants and one National Stakeholder Meeting. The Meeting was held in Gran Canaria with representatives from the national level such as MITECO, IDAE, REE, Endesa, as well as stakeholders from the islands such as CABILDO DE GRAN CANARIA, Oficina de las energias renovable - Tenerife, Balearic Institute for Energy, ULPGC (Universidad de Las Palmas de Gran Canaria), La Palma Renovable, Oficinas Verdes de Canarias, Consorci de Residus i Energia de Menorca - Consell Insular de Menorca, the Regional Ministry of Ecological Transition, Fight against Climate Change and Territorial Planning. The barriers and recommendations represent the view of the Clean energy for EU island Secretariat and does not bind the stakeholders who contributed to it.

Spain and its islands

Spain has a total of 48 islands, 16 of which are inhabited. Eleven of the 16 islands are grouped in two major archipelagos: the Balearic Islands with the islands of Ibiza, Formentera, Mallorca, and Menorca; and the Canary Islands with the islands of Fuerteventura, La Gomera, Gran Canaria, El Hierro, Lanzarote, La Palma and Tenerife.

Renewable energy on Spanish islands

The renewable energy supply on Spanish islands is relatively small compared to the mainland. While almost 50% of the power generation on the mainland comes from clean energy sources, renewable energy represents less than 20% of the electricity demand in 2020 on the Balearic and Canary island archipelagos.

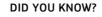
Main barriers to the Clean Energy Transition

Based on detailed assessment of the current regulatory framework and consultation with relevant Spanish stakeholders (surveys, interviews and joint meetings), the most important regulatory barriers to a clean energy transition on Spanish islands were identified¹. These are ranked by order of priority according to the stakeholders consulted.

They are:

- 1. Grid constraints and inflexible thermal plants
- 2. Lack of legal frameworks for system integration of renewable energy
- 3. Complex and lengthy permitting and authorisation procedures
- 4. Confusion and misunderstandings about the price signal
- 5. Spatial planning: Lack of long-term vision on how different land use on islands are coordinated to ensure sustainable economic development
- 6. Lack of coordination of energy sector priorities between national and regional governments
- 7. Lack of clear regulation for energy communities

Each of these barriers is presented, including recommendations for overcoming them, examples of best practices and connections to the **REpowerEU** policy. For the presented recommendations, the actors who should be responsible to initiate implementation are highlighted.





ACTION FROM



USEFUL INFORMATION

The content of this booklet is based on the "Regulatory barriers and recommendations in Spain" full study to be found on clean-energy-islands.ec.europa.eu/insights/publications/regulatory-barriers-spain-findings-and-recommendations.

Barrier 1: Grid constraints and inflexible thermal plants

Grid infrastructure constraints on Spanish Islands block or slow down renewable energy developments. Outdated grids lead to local congestion of electricity networks, preventing further deployment of renewables on the islands. Moreover, the partially outdated thermal fleet prevents more renewable energy production due to lack of their flexibility. Stringent grid connection requirements slow down the deployment hybrid projects, i.e. renewable energy combined with storage and/or self-consumption.

RECOMMENDATIONS

To cope with this barrier, we recommend island-oriented grid planning, flexibilisation of thermal generation and more flexible grid connection criteria.

1.1 Improve grid development planning

Grid reinforcements are highly necessary to achieve the decarbonisation objectives of the islands, but the gird development plans do not sufficiently take into account the ambitious islands plans. Therefore, the preparation of these grid development plans needs to involve a wider scope of islands' stakeholders in order to address islands' plans and characteristics. Strengthened cooperation between all national and island stakeholders responsible for the electricity transmission and distribution networks could improve grid development planning and modify the already approved plans, where appropriate.

1.2. Modernisation of existing thermal generation to allow flexibility

→ The secretariat recommends having sufficient state-of-the-art balancing capacity for the grid. For that purpose, modernisation of the thermal generation power plants, making them more flexible and compatible with the development of intermittent renewable energy production, should be envisaged. The competitive procedures to modernize the existing thermal fleet could be relaunched. Together with the development of adequate storage capacity and demand response management, these could provide the necessary flexibility to the grid.

1.3 Revise the grid connection criteria

The secretariat recommends that the regulator CNMC provides comprehensible guidelines regarding the grid connection criteria for hybrid projects in order to enable a smoother permitting process. For example, when asking for permits for a hybrid system, the storage capacity is added to the capacity of the renewable energy production facility, and it thus effectively counts as generation capacity. This leads to hybrid systems having to comply with stricter requirements. More flexible connection criteria would unblock these type of projects, which are highly needed in saturated grids on the islands.



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Did you know?

REPowerEU states that member states should implement long-term grid planning and investment consistent with the planned expansion of renewable energy production capacities, considering future demand and the objective of climate neutrality.



An action is expected from:

- ✓ MITECO, Ministry for the Ecological Transition and the Demographic Challenge
- ✓ CNMC, Comisión Nacional de los Mercados y la Competencia (regulator)
- √ Transmission Grid Operator
- ✓ Distribution Grid Operators



Useful information

Network planning process

□ Electrical Plan 2021-2026

Regulations on access and connection to the networks: $\[RD1183/2020 \]$ and $\[Circular 1/2021 \]$

Barrier 2: Lack of legal frameworks for system integration of renewable energy

The existing Spanish national legislation on energy storage and self- consumption is not sufficiently adapted to the islands' characteristics (insularity, remoteness, consumption peak in summer), which is a major stumbling block to the rollout of renewable energy projects. Specific legislation for licensing and operation of innovative technological solutions significant for the islands' transition, such as storage and demand response, is also lacking.

RECOMMENDATIONS

We recommend adapting these frameworks to be fit for purpose of the island energy transition by implementing the following recommendations.

2.1 Create a legal framework encouraging storage deployment

→ The secretariat recommends that the Spanish national government would work on island- specific legal frameworks for the remuneration and operation of stand-alone storage systems on islands. This could build further on the Energy Storage Strategy and recently adopted storage regulation. Funds for development and testing of storage frameworks could be integrated in the Recovery, Transformation and Resilience Plan².

2.2. Create a legal framework for demand-side response

→ A legal framework for demand response and aggregation which specifically considers the islands' particularities, would be a step forward. Spain should consider EU best practices – as presented on page 27 of the full study - to fast-track its deployment³. To cope with the grid constraints and support integration of intermittent renewable energy production on the islands, it is necessary to develop and improve the different demand management mechanisms, such as the figure of the demand aggregator, battery management systems for electric vehicles and interruptibility for large consumers.

2.3 Use regulatory sandboxes to test storage and demand response on the islands

In line with what has been done in other EU Member States, Spanish islands could be put forward as innovative laboratories via regulatory sandboxes⁴. Legislation (RD568/2022) that allows sandboxing has been recently approved. Via this instrument, islands can be used as a test beds for the energy transition with the implementation of new technologies, innovative operation, tariffing and business models better suited to the island's needs.







Did you know?

REPowerEU – recommends promoting the testing of renewable energy technologies through innovation and sandboxing.



An action is expected from:

- ✓ IDAE, Institute for Diversification and Saving of Energy
- MITECO, Ministry for the Ecological Transition and the Demographic Challenge.



Useful information

№ Energy Storage Strategy

Regulations on acces and connection to the networks, inluding for storage facilities:

RD1183/2020

Regulation on the application process for storage:

RD 6/2022

Plan de Recuperación, Transformación y Resiliencia or 'PRTR'

³ Further reading about **Power system transformation in Spain**

⁴ Further reading about **regulatory sandboxes and experimentation clauses**

Barrier 3: Complex and lengthy permitting and authorisation procedures

Clean energy projects on Spanish Islands are facing complex and lengthy authorisation and permitting procedures. Poor coordination and lack of evenly distributed tasks between different authorities and governments at different levels can lead to substantial delay in permitting. The shortage of skilled workforce in the (local) governmental sector and the understaffing of authorities in charge of delivering the permits creates additional burden on the administrative process. In addition to bureaucratic barriers, the lack of political support of the regional and local communities can sometimes limit and further slow down the permitting and authorisation process.

RECOMMENDATIONS

To unblock renewable energy projects on the islands, we recommend guidance and simplification via the following measures.

- 3.1 Extend the simplified procedures, accelerate and simplify procedures for RE projects on the islands
- ⇒ Spain has already decided on some exemptions and simplified procedures for certain categories. For example, rooftop PV installations for self-consumption, depending on their size and location, may benefit from a simplified and shorter procedure. Units with an installed power up to 100 kW and connected to low-voltage, should in principle not require an Environmental Impact Assessment or a Declaration of Public Utility. The secretariat recommends an impact assessment to identify implementation bottlenecks of the simplified procedures, such as for example parts of the regulation that are still too complex, unnecessary requirements, etc. These bottlenecks can be removed by amending regulations to further simplify the procedure or ease the permitting requirements. The temporary accelerated authorisation procedure at national level could be extended to all renewable energy projects on islands.
- 3.2 Create a one-stop shop for clean energy projects on the islands
- The secretariat recommends creating a one-stop shop at the level of the Autonomous Communities, based on guidelines and regulations from the national level. A one-stop shop would make coordination and monitoring of clean energy projects easier. It would also help identify bottlenecks in implementation, understanding where there is a need for additional training or improved legislation.
- 3.3. Build capacity at local level and provide permitting guidance
- → IDAE, together with the Industry and Energy Departments of the National Government Delegations and other relevant stakeholders, should develop guidelines for the authorisation and implementation of clean energy projects. IDAE can build further on the experience of developing a guide for the installation of self-consumption projects. These guidelines should define clear, definitive, and unambiguous recommendations under which clean energy projects can be implemented in restricted areas.



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Did you know?

The RES Simplify report contains examples of eased procedures for RES self-supply and small-scale RES by easing and simplifying procedure for projects as a simple approach to speed up permitting and examples for one-stop shops.



An action is expected from:

- ✓ Autonomous Communities
- ✓ IDAE, Institute for Diversification and Saving of Energy
- ✓ MITECO, Ministry for the Ecological Transition and the Demographic Challenge



Useful information

New accelerated temporary authorisation procedure to determine the environmental approval of new wind plants of less than 75 MW generation capacity and new solar parks not exceeding 150 MW in size: RD6/2022

№ IDAE self-consumption processing guide

Barrier 4: Confusion and misunderstandings about the price signal

The operation and remuneration of electricity production facilities on Spanish islands is carried out in a different way to those located on the mainland. On the Spanish mainland there is an hourly price signal, based on the wholesale market. The RD 738/2015 defines a price signal that modulates the price from the mainland to be better suited for the islands. The price on the islands is calculated hourly as the average electricity price on the mainland, corrected by a special factor, called the 'aiming factor'. This factor is the quotient of the hourly demand and the average daily forecast demand. This means that if the demand on the island is lower than forecasted, the electricity price decreases. If demand is higher than expected, the electricity price will increase. The aim of this system is to flatten the demand curve in a sense that consumers are encouraged to shift their consumption away from peak demand. Prior to the introduction of the current price system, there was a pricing system based on the cost of generation, which did not result in matching demand and supply and reducing peak demand. However, there is no common understanding of the current price signal and its use among various stakeholders.

Price signal theoretical example				
Price _{Island} = Price _{Mainland} * Aiming Factor Where Aiming Factor is island forecast demand / island actual demand				
Case A: lower demand than expected at certain time		Case B: higher demand than expected at certain time		
Price _{Mainland}	50 €/MWh	Price _{Mainland}	50 €/MWh	
Island forecast demand	80 MWh	Island forecast demand	80 MWh	
Island actual demand	60 MWh	Island actual demand	130 MWh	
Price _{Island}	37.5 €/MWh	Price _{Island}	81.25 €/MWh	

RECOMMENDATIONS

Although the pricing system has been revised with the aim of fostering renewable energy generation, it is not always understood as such by island stakeholders and therefore we recommend implementing the following measure.

- 4.1 Provide capacity building on the price signal and engage with island stakeholders on possible improvements
- It is recommended that the national government (and more specifically, MITECO) provides clear and comprehensible guidance on the functioning of this pricing signal. The secretariat has noticed that in some cases, the current price signal might not be fit for purpose. For example, this can be the case for the operation of explicit demand management. Instead of providing an incentive to store energy when the marginal cost of electricity production is low, it provides an incentive to store energy when demand is low, which can occur during night-time periods of low renewable production and higher marginal costs. It could thus be assessed if the price system needs revision in order to be better fitting demand side and demand response implementation, as well as the operation of storage. As an assessment of this pricing system could take some time, it would be advised to use regulatory sandboxes (see recommendation 2.3) to allow the DSO to experiment with different price signals..



↑ © Photo by Antenna on Unsplash.



Further action is expected from:

- ✓ MITECO, Ministry for the Ecological Transition and the Demographic Challenge
- ✓ IDAE, Institute for Diversification and Saving of Energy



Useful information

Regulation regarding operation of electricity production facilities in the non-peninsular systems:

RD 738/2015

Specific remuneration mechanism for renewable technologies and co-generation of less than 15 MW: RD 413/2014

□ Sate Aid Decision regarding Electricity production in Spanish non-peninsular territories.

Barrier 5: Spatial planning: Lack of long-term vision on how different land use on islands are coordinated to assure sustainable economic development

Access to land is one of the key challenges to the development and implementation of renewable energy projects on Spanish Islands. Energy generation conflicts with land use for agriculture, tourism or secondary residency.

RECOMMENDATIONS

To cope with these island-specific challenges cooperation between national, regional and local governments is needed to implement the following measures.

- 5.1 Provide guidelines from the national level and ensure integration of energy sector strategy with spatial planning at the regional level
- The secretariat recommends that the Spanish national government defines guidance for regional Master Plans for Energy, based on the National energy and climate plans (NECPs). These regional Master Plans should be integrated with the spatial planning in coordination with the local government and include approved areas or sites recommended for clean energy development, so called go-to areas. As islands are part of local government but also covered by the spatial and sectoral specifications of the respective regional governments, they need to be involved in the discussion.
- 5.2 Develop Regional unified criteria (for all Non-Peninsular Territories)
- → Regional requirements beyond national standards can complicate the permitting process, making projects less attractive to investors and difficult for any local initiative. The secretariat recommends drawing up land development plans coordinated by the local and town councils aimed at promoting the installation of renewable energies.



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Did you know?

REPowerEU Article 1(1) of Directive (EU) 2018/2001 adds a new definition to Article 2 to define the '**renewables go-to**' area. This area, either on land or sea, is designated by a Member State as particularly suitable for the installation of plants to produce energy from renewable sources other than biomass combustion plants.



Further action is expected from:

- ✓ Autonomous communities
- ✓ MITECO, Ministry for the Ecological Transition and the Demographic Challenge



Useful information

- Spatial Allocation Plans for Natural Resources based on Law 42/2007 on Natural Heritage and Biodiversity
- Spanish Marine Spatial Plan
- OECD 'The Governance of Land Use Country Factsheet Spain'

Barrier 6: The lack of coordination of energy sector priorities between the national and regional governments

→ Most of the previously discussed barriers result from a lack of and gaps in information sharing between different levels of government. While each level of government makes plans for the energy transition within their respective competence, there seems to be a lack of coordination.

RECOMMENDATIONS

Besides specific attention to islands in the NECP, funding from the Recovery and Resilience Facility goes to the islands and IDAE provides particular support for islands. To ensure that these actions reflect the real needs of the islands, we recommend implementing the following measures.

6.1 Create an 'island department' at national level

→ To foster the involvement of island stakeholders in national strategic & long-term energy planning and funding distribution while improving the concreteness and effectiveness of instruments and actions at national level, we recommend creating an 'island department'. This department could either be a sub-directorate for Non-Peninsular Territories in the Ministry of Ecological Transition (General Directorate for Energy Policy and Mines) or be taken up by IDAE. This department can take charge of all aspects related to clean energy on the islands and can also coordinate at the national level to ensure all tasks are aligned.

6.2 Support the development and implementation of Island Clean Energy Transition Agendas

→ The recommended 'island department' could provide support to islands in drawing up and implementing climate and energy plans with clear targets for 2030, outlining solutions for renewable sources. The involvement of key stakeholders in preparation of such island specific strategic documents should be fostered.

The support should be coupled with capacity building and technical assistance from the 'island department'. Capacity building can take the form of workshops for municipalities, guidelines for energy transition and examples of roadmaps from similar municipalities or regions. Where there is not enough capacity on the islands, the taskforce can provide support through technical assistance (IDAE) to engage external support for short-term projects.

Lastly, it is needed to allocate adequate human resources to the islands to develop such plans. Islands need local transition teams to develop and drive Clean Energy Transition Agendas.







An action is expected from:

- ✓ IDAE, Institute for Diversification and Saving of Energy
- ✓ MITECO, Ministry for the Ecological Transition and the Demographic Challenge (possibly within the Directorate General for Energy Policy)



Useful information

Spanish Integrated National Energy and Climate Plan 2021 - 2023

Strategic Energy Planning at national level based on Article 10 of Law 24/2013

Barrier 7: Lack of clear regulation for energy communities

⇒ Spain has adopted some national legislation on community energy and (collective) self- consumption but the regulation is unclear and does not include a clear view on how to create an energy community or how local stakeholders can get involved. There is also a lack of knowledge on the municipal level on what energy communities are and how they can contribute to the clean energy transition on their island.

RECOMMENDATIONS

As energy sharing and the concept of energy communities is particularly relevant to overcome some of the barriers for clean energy transition specific to the islands, we recommend implementing the following measures.

7.1 Adopt a clear regulatory framework for energy communities with identified benefits

The Spanish legal system recognises the right to self-produce and self-consume renewable energy in multiple forms, which allows for flexibility in the self-consumption design. Collective self-consumption, sharing of electricity generation among customers connected at low voltage within a distance of 500 m is also allowed. Renewable Energy Communities are not fully regulated. RDL 23/2020 partially transposed the RED II EU Directive, since it adopted the definition of these communities and entitled them to participate in auctions. But further regulation on distribution tariffs, contractual relations, remuneration mechanisms etc. is still needed. One of the priorities for the clean energy transition on the Spanish islands should thus be the development of an enabling regulatory framework for energy communities. Several EU and national projects identify legal barriers and provide solutions and best practices which could be used as guidance.⁵

7.2 Provide capacity building and information for municipalities

→ Involvement and support from the municipalities is an important factor for successful island energy community projects. To cope with the lack of knowledge and capacity on the concept of staff at the municipalities, the secretariat recommends raising awareness on the side of municipalities so that they know what energy communities are and how they can be part of them and support their development.



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Did you know?

REPowerEU - facilitating citizen and community participation

To facilitate citizen and community participation, Member States should stimulate the participation of citizens, including from low and middle-income households, and energy communities in renewable energy projects. Take measures to encourage

passing the benefits of the energy transition on to local communities thus enhancing public acceptance and engagement.



An action is expected from:

- ✓ MITECO, Ministry for the Ecological Transition and the Demographic Challenge
- ✓ IDAE, Institute for Diversification and Saving of Energy.



Useful information

Regulation on energy communities:

RDL

23/2020

 IDAE Guide for the Development of Instruments for the Promotion of Local Energy Communities

Such as Bridge, Lightness, Prospect2030 - Interreg, DECIDE

Comparison to other countries

Some of the identified legal and regulatory barriers in Spain are also present in several of the other countries which were part of the study.



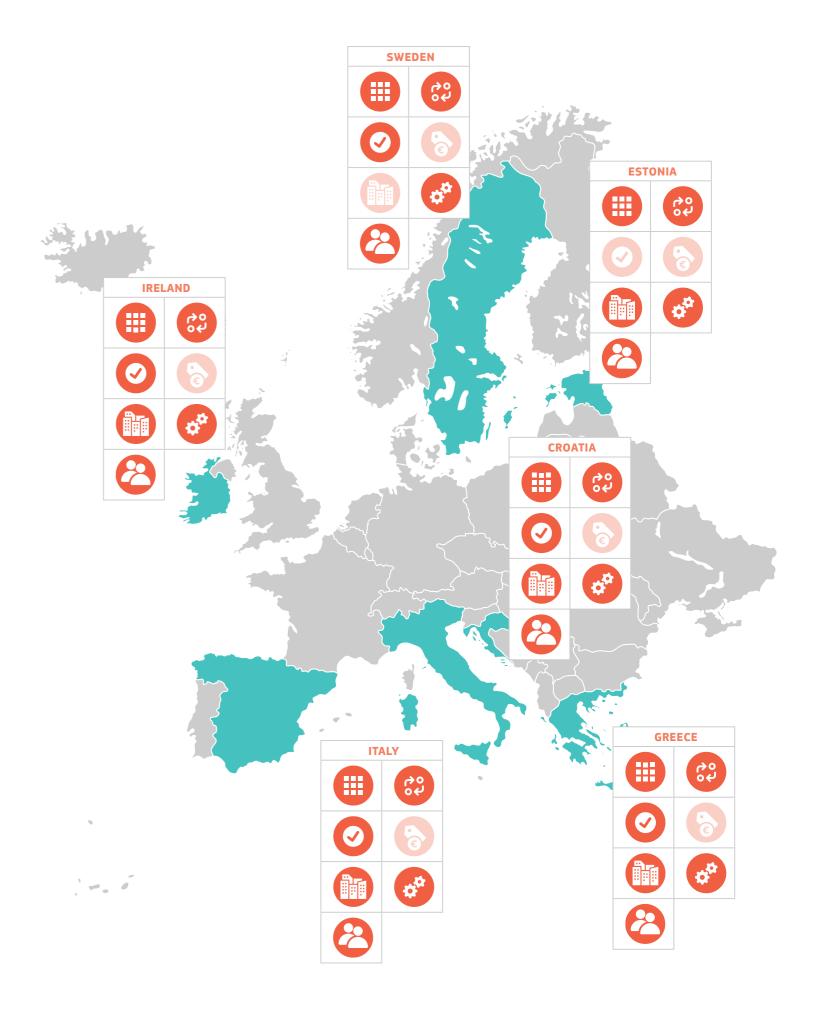
If the type of barrier present in Spain is also present in an other country, the corresponding icon is bright.



If the type of barrier is not present, the corresponding icon is faded.

Type of barrier		Spanish barriers summary
	GRID	Grid constraints and inflexible thermal plants .
아 아	SYSTEM INTEGRATION	Lack of legal frameworks for system integration of renewable energy.
O	PERMITTING	Complex and lengthy permitting and authorisation procedures.
0	PRICE SIGNAL	Confusion and misunderstandings about the price signal.
	SPATIAL PLANNING	Lack of long-term vision on how different land-use islands are coordinated to assure sustainable economic development.
o ^o	COORDINATION & STRATEGY	The lack of coordination of energy sector priorities between the national and regional governments.
2	ENERGY COMMUNITIES	Lack of clear regulation for energy communities.

[→] Note that while the same type of barrier can be present across countries, the specificities and involved actors can vary. For a full comprehension, please refer to the full study to be found on clean-energy-islands.ec.europa.eu/insights/publications/regulatory-barriers-in-spain-findings-and-recommendations



Further reading

Regulatory barriers in Spain: findings and recommendations

Read here the full study | Clean energy for EU islands (europa.eu)

Spanish islands with a Clean Energy Transition Agenda (CETA)

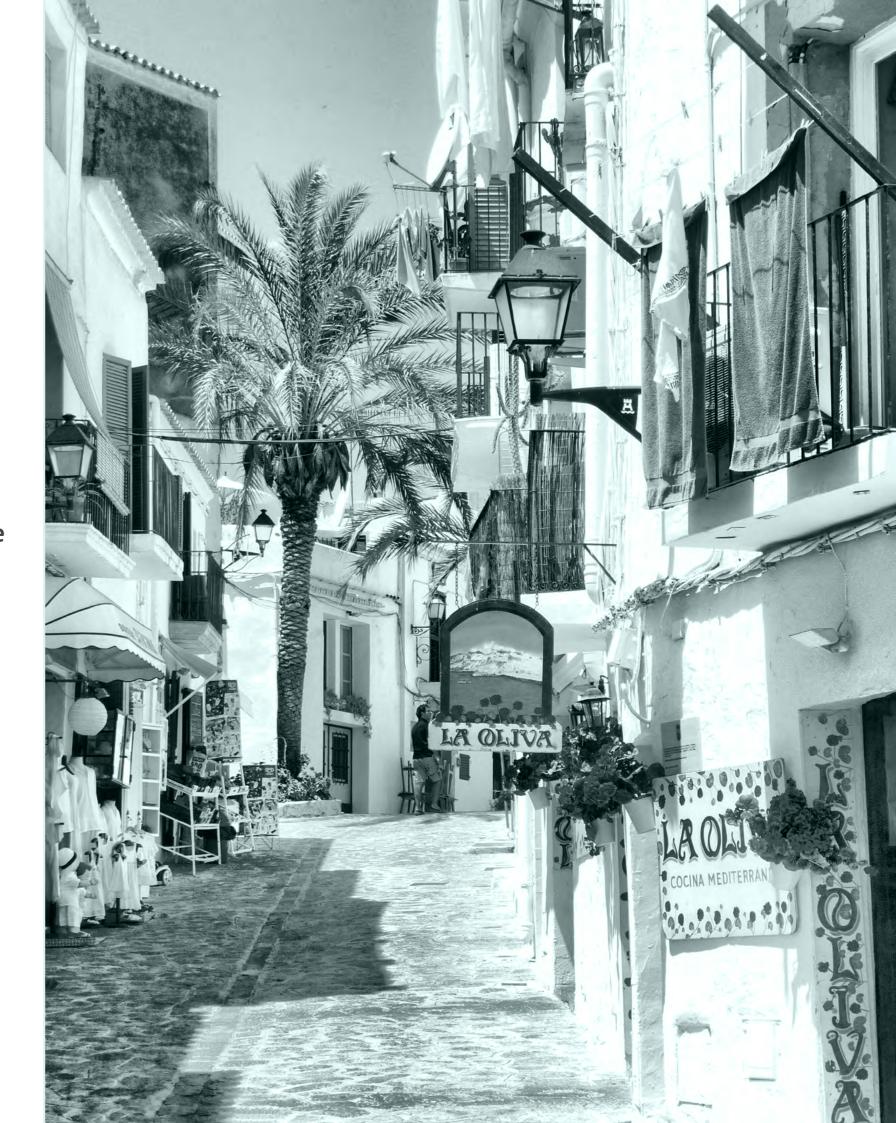
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Spanish islands that have received technical assistance

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Regulatory Framework in Spain

- 🥱 Spain | Clean energy for EU islands (europa.eu)
- Renewable energy support (RES)
- Grid-related policies
- ⊠ Energy efficiency policies (EE)
- **∇** Community energy policies
- Other clean energy supporting policies
- Relevant energy sector authorities



[→] Spanish island © Photo by Belinda Fewings on Unsplash.

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↑ Spain National Stakeholder meeting © Photo by Clean energy for EU islands secretariat.



1 Energy Academy Spain Edition took place on La Palma focusing on the energy transition on the Canary Islands.

© Photo by IDAE.



1 What if La Palma runs out of petrol in 5 years time? That was the question stakeholders discussed during the workshop with La Palma Renovable on the Canary Islands. © Photo by Jan Cornillie

