

Energy cooperative as a legal form of community energy development

The objective of the project is to define a legal framework facilitating development of energy cooperatives and helping them achieve community energy goals. The subject of research are legal aspects of renewable energy sources (RES) development, considered as an answer to the growing demand for energy. Alternative ways of generating energy are developed in order to overcome the shortcomings of the large-scale fossil fuels power industry – e.g. maintenance of power grids and environmental pollution. In order to overcome the above-mentioned shortcomings, the concept of a distributed energy system was developed, which is having a larger number of energy sources but with smaller generation capacities, many of which would be based on RES. Distributed energy was adopted as the paradigm by community energy movement, whose goal is to develop local social projects building RES installations.

Many initiatives within the community energy movement were developed in the form of cooperatives, due to their democratic governance and profit-sharing structures. With the growing popularity of this form of business in the RES sector, they have been referred to as energy cooperatives. Such types of enterprises have been positively evaluated for their impact on the well-being of local communities, as they benefit the producers, are environmentally friendly, and support the development of civil societies. Currently, most energy cooperatives operate in some of the EU Member States. In Poland, the development of energy cooperatives is slowed down by the restrictive conditions for establishing an energy cooperative and the lack of knowledge of potential founders about the possibility of operating in this legal form.

The main objective of the project is to determine the extent to which a country's legal regulation influences growth of energy cooperatives. Its achievement will be allowed by answering the following research questions – what is the extent to which development of energy cooperatives relies on legal framework? Which type of support system is most beneficial to developing energy cooperatives? What kind of legal framework allows energy cooperatives to best meet the goals of community energy?

The research team plans to investigate the legal framework for conducting economic activity by energy cooperatives in the EU Member States where they are the most thriving – in Germany, Austria, Denmark, Italy and Spain - and determine whether the regulation in force in these countries allows to achieve the community energy objectives. As part of comparative research, the provisions in force in above-mentioned EU Member States will be compared with the Polish legal regulation in order to develop *de lege ferenda* conclusions. The other aim of the project is to influence the activities of public administration in the field of energy policy in order to increase energy security at the local level.