



France

Energy Communities Policy Framework



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Overview

The definitions of Renewable Energy Communities (RECs) and Citizen Energy Communities (CECs) were introduced in French law by the **Climate and Energy Law of 2019**¹ and the **Ordinance of 2021**² which transposed the EU provisions on RECs and CECs (an identical copy of the elements of the EU Directives on the subject). The definitions, rights and obligations, enabling frameworks as well as support schemes were finalised and specified by the **2023 law related to the acceleration of the production of renewable energies**³ and the **2023 implementing decree on energy communities**⁴. The main provisions governing RECs and CECs are now codified in Articles L291-1 to L291-4 and Article R291-1 to R293-1 of the **Energy Code**.⁵

France's policy intervention in favour of local and citizen initiatives started before the discussion and implementation of the Clean Energy Package, around community and citizen energy projects, collective self-consumption and crowdfunding in participative renewable energy projects. Therefore, the current policy framework combines this pre-existing approach of shared governance and citizen projects, with the energy communities concept introduced by EU Directives, resulting in a somehow complex framework.

The national network of local and citizen energy projects is small but rapidly growing.

1. Energy Community Definitions

Two definitions exist, with associated rights and obligations. Some provisions are applied indistinctly to both RECs and CECs, grouped under the concept of energy communities (ECs). Moreover, some regulatory clauses are applied to so-called citizen energy projects based on governance models with local control by citizens and local authorities.

1.1. Renewable Energy Community

As defined in Article L291-1 of the French Energy Code, a REC is **an autonomous legal entity**, in the sense of Article 3 of Annex 1 to the European Commission recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (2003/361/EC), meeting the following **four cumulative criteria**:

¹ Law n°2019-1147 of 8 November 2019 on Energy and Climate. Available at: [LOI n° 2019-1147 du 8 novembre 2019 relative à l'énergie et au climat \(1\) - Légifrance](#)

² Ordinance n° 2021-236 of 3 March 2021. Available at: [Ordonnance n° 2021-236 du 3 mars 2021 portant transposition de diverses dispositions de la directive \(UE\) 2018/2001 du Parlement européen et du Conseil du 11 décembre 2018 relative à la promotion de l'utilisation de l'énergie produite à partir de sources renouvelables et de la directive \(UE\) 2019/944 du Parlement européen et du Conseil du 5 juin 2019 concernant des règles communes pour le marché intérieur de l'électricité - Légifrance](#)

³ Law n° 2023-175 of 10 March 2023 on the acceleration of the production of renewable energies. Available at: [LOI n° 2023-175 du 10 mars 2023 relative à l'accélération de la production d'énergies renouvelables \(1\) - Légifrance](#)

⁴ Decree n° 2023-1287 of 26 December 2023 related to energy communities. Available at: [Décret n° 2023-1287 du 26 décembre 2023 relatif aux communautés d'énergie - Légifrance](#)

⁵ French Energy Code. Available at: [Code de l'énergie - Légifrance](#)

- 1) It is based on **open and voluntary participation**;
- 2) Its **shareholders or members** are:
 - natural persons;
 - small and medium-sized enterprises (SMEs), as defined in Paragraph 8 of Article 2 of Directive (EU) 2018/2001 on the use of renewable energy⁶, that are autonomous;
 - local authorities and their groupings;
 - mixed economy companies;⁷
 - funds recognised as social entrepreneurship initiatives specialised in capital investments in renewable energy projects;
 - companies whose purpose is the development of renewable energies, benefiting from the license "solidary enterprise of social utility" and abiding by the aforementioned definition of SMEs; and
 - associations whose members are individuals, SMEs, local authorities and their groupings, as well as mixed economy companies.

Article L291-1 further specifies that, when a private company participates in a REC, this participation cannot constitute its main commercial or professional activity.

Moreover, when an SME member of a REC wishes to sell its shares, it should inform the local authority or group of local authorities with the highest participation so this member can exercise a right to buy over the shares within two months of this notification. In the absence of pre-emption, the company can freely sell its shares.

- 3) It is **effectively controlled by shareholders or members located close to the renewable energy projects** to which it has subscribed and which it has developed.

The **geographical proximity criterion** was specified by the 2023 implementing decree on energy communities.⁸ The criterion varies depending on the shareholder or member of the REC:

- Natural persons: when the person resides in the department where one of the projects of the REC is implemented or in an adjacent department.
- Associations: when the association's members include at least 20 natural persons meeting the geographical proximity criterion (mentioned in the point above) and participating in the effective control of the REC.

⁶ The category of micro, small and medium-sized enterprises (SMEs) is made up of enterprises which employ fewer than 250 persons and which have an annual turnover not exceeding EUR 50 million, and/or an annual balance sheet total not exceeding EUR 43 million.

⁷ Société d'économie mixte (SEM) are public limited companies in which the local authority must own between 51% and 85% of the capital. Their legal status is set out in Title II of Chapter V of Book I of the General Local Authorities Code.

⁸ Article R291-2 of the Energy Code

- SMEs: when its registered office (or of one of its secondary establishment) is located in the department where one of the projects of the REC is implemented or in an adjacent department.
- Regions: when each project of the REC is implemented within the territory of the region.
- Departments: when each project of the REC is implemented within the territory of the department or in an adjacent department.

Local authorities and their groupings: when each project of the REC is implemented within the territory of the local authority of its grouping, or in an adjacent local authority or its grouping.

- 4) Its **primary objective is to provide environmental, economic or social benefits** to its shareholders or members or to the local areas where it operates, rather than to generate financial profits.

As stated in Article L291-1 and L292-1, RECs and CECs must be **autonomous legal entities**. In French law, this autonomy is aligned with the EU legal definition of SMEs. As per Article 3 of Annex I of the Commission recommendation of 6 May 2003 concerning SMEs, an autonomous SME is a company that is neither a linked enterprise⁹ or a partner enterprise¹⁰.

The 2023 implementing decree on energy communities provides further specifications aiming to safeguard the autonomy of energy communities from corporate control¹¹. If an enterprise holds more than 10% of the voting rights and 10% of the equity and quasi-equity of a REC or a CEC, or controls or is controlled (directly or indirectly) by such a company, then its employees may not hold, directly or indirectly:

- Individually, more than 10% of the voting rights and equity/quasi-equity of the REC or CEC.

⁹ Entreprises are 'linked enterprise' if:

- an enterprise has a majority of the shareholders' or members' voting rights in another enterprise;
- an enterprise has the right to appoint or remove a majority of the members of the administrative, management or supervisory body of another enterprise;
- an enterprise has the right to exercise a dominant influence over another enterprise pursuant to a contract or to a provision in its memorandum or articles of association;
- an enterprise, which is a shareholder in or member of another enterprise, controls alone, pursuant to an agreement with other shareholders in or members of that enterprise, a majority of shareholders' or members' voting rights in that enterprise.

¹⁰ 'Partner enterprises' are all enterprises which are not classified as linked enterprises within the meaning of paragraph 3 and between which there is the following relationship: an enterprise (upstream enterprise) holds, either solely or jointly with one or more linked enterprises within the meaning of paragraph 3, 25 % or more of the capital or voting rights of another enterprise (downstream enterprise).

An enterprise may be considered as autonomous, and thus as not having any partner enterprises, even if this 25 % threshold is reached or exceeded by a certain categories of investors (namely 'business angels', provided the total investment of those business angels in the same enterprise is less than EUR 1 250 000; universities or non-profit research centres; institutional investors, including regional development funds; autonomous local authorities with an annual budget of less than EUR 10 million and fewer than 5 000 inhabitants), provided that those investors are not linked, either individually or jointly to the enterprise in question.

¹¹ Article R291-1 and R292-1 of the Energy Code.

- Jointly, more than 33% of the voting rights and equity / quasi-equity, nor a greater share than the combined holdings of other individuals, local authorities and their groupings.

Furthermore, the company and its employees together must not hold more than 40% of the voting rights and equity / quasi equity of the REC or CEC.

Quasi-equity is defined by partner current accounts and convertible bonds that cannot be unilaterally converted.

Regarding the **legal form**, a REC or a CEC can take the form of¹²:

- a public limited company (*société anonyme*) or a simplified joint-stock company;
- a cooperative of collective interest (*société cooperative d'intérêt collectif – SCIC*); or

an association under the 1901 law. With regard to the **membership structure**, unless the legal entity is composed of at least 20 natural persons, it must include at least two different categories of "members" for RECs or of "members eligible to control the community" in the case of CECs. The list of members must include all those who benefit from the environmental, economic or social advantages that the REC or the CEC provides, free of charge or against payment.

Regarding the **governance and control** of RECs and CECs, one category of members (only once fulfilling the proximity conditions for the case of RECs) is presumed to exercise effective control when it owns, directly or indirectly, a fraction of the voting rights higher than 40%, and that no other category directly or indirectly holds a fraction more significant than the one of that first category of members. Individuals constitute a category when there are 20 of them (i.e. 20 citizens or more). To note that, as per the definition of 'autonomous legal entity' a shareholder may not hold more than 25% of the voting rights. This means that a category exercising effective control, and therefore holding more than 40% of the voting rights, must necessarily be made up of multiple shareholders or members.

The **statutes of the REC or the CEC** determine the community's membership and governance conditions. The statutes of the legal entity must also guarantee that the participation of the different categories respects these ceilings mentioned above for the lifetime of the community.¹³

1.2. Citizen Energy Community

As per Article L292-1 of the French Energy Code, a CEC is defined as an **autonomous legal entity**¹⁴ in the sense of the European Commission recommendation 2003/361/EC, similarly to a REC (see also box above on the application of the autonomy condition for RECs and CECs). A CEC must meet the following **three cumulative criteria**:

- 1) It is based on **open and voluntary participation** of **any type of members or shareholders** (unlike RECs, there are no restrictions on the types of members or shareholders that can

¹² Article L291-3 (for RECs) and L292-4 (for CECs) of the Energy Code

¹³ Articles L. 291-3 (for RECs) and L. 292-4 (for CECs) of the Energy Code

¹⁴ To note that autonomy is not a requirement for CECs in the EU Directives, however it has been introduced in the French Energy Code to align the two concepts of RECs and CECs.

join a CEC; however, effective control of the CEC may only be exercised by certain limited categories of members, as outlined in point 2 below)

- 2) **Effective control** can only be exercised by the categories of members who are:
- natural persons;
 - local authorities and their groupings;
 - mixed economy companies;¹⁵
 - small enterprises as defined in paragraph 11 of Article 2 of Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 concerning common rules for the internal market in electricity, to the extent they are autonomous;¹⁶
 - funds recognised as social entrepreneurship initiatives specialised in capital investments and fulfilling the missions defined in Article L292-2 of the Energy Code (i.e. the activities of the CECs outlined in Section 2.2. below).
 - companies whose purpose is to develop these missions (defined in Article L292-2), benefiting from the license "solidary enterprise of social utility" and abiding by the definition of small enterprises; and
 - associations whose members are individuals, small enterprises, local authorities and their groupings, as well as mixed economy companies.
- 3) **Its primary objective is to provide environmental, economic or social benefits** to its members, shareholders or the local areas where it carries out its activities rather than to generate financial profits.

A CEC can take the **same legal forms¹⁷ as a REC, and the same rules on the membership structure, governance and control apply**, as described in Section 1.1. above.

2. Rights and obligations

2.1. Renewable Energy Communities

A REC can **produce, consume, store and sell renewable energy**, including through renewable Power Purchase Agreements (PPAs). RECs can **access all relevant energy markets**, either directly or by aggregation, in a non-discriminatory manner.¹⁸

¹⁵ Société d'économie mixte (SEM) are public limited companies in which the local authority must own between 51% and 85% of the capital. Their legal status is set out in Title II of Chapter V of Book I of the General Local Authorities Code.

¹⁶ 'small enterprise' means an enterprise which employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million

¹⁷ For CECs, legal form requirements are described in Article L292-4 of the Energy Code (identical to Article L291-3 for RECs)

¹⁸ Article L.291.2 of the Energy Code

Energy sharing is allowed, provided that the rights and obligations of the REC members as final consumers are maintained.¹⁹ In addition, for the sharing of electricity, the scope of this activity falls within the scope of individual and collective self-consumption (CSC), and relevant provisions must apply (see box below on CSC).

Collective self-consumption (CSC) in France²⁰:

In France, CSC is the supply of electricity between one or more producers and one or more final consumers bound together within a legal entity (including energy communities), whereby input and output metering points are located within the same building or multi-apartment block. The default geographical scope of CSC is the building level connected to the low or medium voltage distribution grid. A CSC operation can be extended to a perimeter of 2 km between the two furthest consumption or production points, if the cumulative capacity of the production installations does not exceed 3 MW, and if all the connection points are connected to the low voltage distribution grid. By exemption and upon approval by the ministry that must take into consideration in particular the isolation of the project site, the dispersed nature of its habitat and its low population density, the geographical scope can exceptionally be extended to 20 km. Moreover, for an extended collective self-consumption operation, when one of the participating producers or consumers is a fire and rescue service, the distance between the two most distant participants may be extended to 20 km.

The legal entity organising a CSC operation informs the DSO of how the self-produced electricity has been shared among the members (static and dynamic sharing key is possible). The DSO establishes for each consumer the share of self-consumed and supplied electricity to be billed by the "residual" supplier chosen by the member. The electricity of the CSC operation transits through the public distribution grid, connecting the consumers and producers. No licensing is required but the CSC operation needs to be registered by the DSO: the legal entity, the producer and the consumers are contracting with the DSO. The DSO connects the users to the grid, and ensure they have a smart meter.

The residual supplier collects the grid tariffs also for the shared electricity, while the other taxes are collected by the entity billing the shared energy, usually the energy producer. The shared energy can be priced: in this case, the VAT is due. It can also be passed on without a price. The netting period is the same as the balancing period in France: 30 minutes until January 2025, then 15 minutes.

It is worth noting that France's existing framework for collective self-consumption (in place since 2016) aligns broadly with the EU's energy sharing definition under the amending Electricity Market Design Directive (EU) 2024/1711 in terms of structure, governance and geographic scope, although additional provisions might be necessary to fully transpose the EU provisions.

2.2. Citizen Energy Communities

A CEC can engage in **production, including from renewable energy sources, supply, aggregation, storage, sale of electricity**. It can also **provide different energy services** to its

¹⁹ *ibid*

²⁰ Defined in Article L315-1 to L315-8 of the Energy Code.

members, including but not limited to energy efficiency and charging of electric vehicles. CECs can access all relevant electricity markets, either directly or by aggregation, in a non-discriminatory manner.²¹

CECs engaging in electricity sharing must maintain the rights and obligations of the CEC members as customers.²²

A CEC is financially **responsible for the imbalances it causes in the electricity system**. They can manage their balancing obligations directly or delegate them to a third party in accordance with Article 5 of Regulation (EU) 2019/943.²³

Electricity sharing is allowed, provided that the rights and obligations of final consumers are maintained. In this activity, RECs and CECs operate under the same rules, although a CEC is restricted to electricity sharing only (see box on CSC above).²⁴

3. National Registry of energy communities

France has **not set up** a central registry of energy communities.

4. Assessment of obstacles and removal of barriers

It is unclear whether or not such assessment of obstacles for renewable energy communities has been performed. No trace or publication of such assessment mandated by the French States has been found.

5. Enabling Framework

A **common enabling framework for both RECs and CECs** has been outlined in the law and implementing decree, and is applicable to both RECs and CECs, defined as Energy Communities (ECs).

The **distribution system operators (DSOs) for electricity, gas and district heating must cooperate with ECs for energy sharing**.²⁵ The implementing decree specified that the cases in which an energy community must compensate the network operator, and the conditions for

²¹ Article L. 292.2 of the Energy Code

²² *ibid*

²³ Article L. 292.3 of the Energy Code

²⁴ Article L. 292.2 of the Energy Code

²⁵ Article L. 293.2 of the Energy Code

determining that amount, are defined, if necessary, according to the provisions governing electricity and gas tariffs in Articles L.341-1 to L.341-5 and L.451-1 to L.451-3 of the Energy Code.²⁶

In addition, ECs have to declare their installations to the electricity, gas, heating and cooling DSOs prior to their commissioning and use of the grid.²⁷

ECs benefit from a proportionate and non-discriminatory treatment for their rights, activities and obligations as final consumers, producers, suppliers and market operators.²⁸

Furthermore, ECs are **not allowed to own or manage a gas or electricity distribution network**. They can establish, manage and own a district heating or cooling network, provided that they notify their will to the competent local authority of the territory where it is established.²⁹

In addition, ECs have a priority right to buy back their own guarantees of origin for biogas and electricity before or after they have been put on auctions.³⁰

Lastly, when a shareholder, partner or member of an EC wishes to leave the community, and this departure results in the termination of a contractual relationship concerning the supply of electricity (including, where applicable, a collective self-consumption operation), the provisions of Articles L.224-14 and L.224-15³¹ of the French Consumer Code apply with regard to the termination of that contractual relationship.³²

6. Access to financing and support

As per the provisions in the EU Renewable Energy Directive (RED), the feed-in premium for installations producing electricity from renewable energy sources has to be established in a way it takes into account the production costs, the revenues, the national objectives but also the cases in which RECs or CECs owns the installations, should this notified state aid be approved by the European Commission.

ECs are not exempted from tendering but could benefit from provisions that are meant for all energy initiatives engaging local communities and authorities. For instance, besides the predominant and compulsory price criterion, and other non-compulsory economical, technical, environmental, geographical and energy security criteria, one selection criterion to assess the

²⁶ Article R293-1 of the Energy Code

²⁷ Article L. 293.1 of the Energy Code

²⁸ Article L. 293.3 of the Energy Code

²⁹ Article L. 293.2 of the Energy Code

³⁰ Article L. 314.14 of the Energy Code

³¹ These articles provide that: The consumer can switch energy suppliers within **21 days** of requesting the change. The contract is automatically terminated on the effective start date of the new supplier's contract. If the termination is not related to a change of supplier, the consumer can terminate the contract on their desired date, but no later than **30 days** after notifying the supplier of the termination. Moreover, The consumer must receive their final bill within **4 weeks** of the contract termination. The supplier may only charge termination fees if they are justified, based on actual costs incurred by the network operator, and these costs must have been explicitly stated in the initial offer. No fees can be charged solely for changing the supplier. If there is any overpayment, it must be refunded within **2 weeks** after the final bill is issued.

³² Articles R291-3 and R292-2 of the Energy Code

bids in the tenders can be the share of the capital of the legal entity developing the project owned by or offered to:

- inhabitants in the geographical proximity of the project;
- local authorities in the geographical proximity of the project;
- joint stock companies with public and private capital; or
- cooperatives.

In its National Energy and Climate Plan (NECP) for 2021-2030 (submitted in 2024)³³, France indicates that “the State is actively supporting the development of public projects (bonus in public procurement procedures, legislative provisions in the Law on Acceleration of Renewable Energy Production (APER), Decree on Energy Communities, etc.)”. Moreover, the NECP states that “at the time, it is not envisaged to impose targets [related to energy communities] on a local level”.

Although there is **no specific national support schemes for energy communities in France** at the moment, some support is provided to ECs (and to citizen energy initiatives more generally), such as **different bonuses in procurement procedures** as mentioned in the NECP. Some of these support schemes are outlined below:

- Although price is the primary criterion for selection projects in tendering procedures for renewable energy production, 2 to 5 points are awarded to projects involving local authorities and citizens. The more local actors and citizens are involved, the higher the bonus. For instance, some tenders from the Energy Regulation Commission include a **‘shared governance’ criteria**³⁴
- Small wind energy projects (of less than six turbines and less than 3 MW per turbine), controlled by natural persons, local authorities or energy communities are exempted from tenders and can benefit directly from a feed-in premium without any tendering procedure³⁵;
- Cooling and heating networks, generally initiated by local authorities, are supported by a Heating Fund managed by the French national environmental agency ADEME.³⁶ In 2025, a 10% bonus will be applied for projects that include citizen governance of the heating distribution network project. The modalities and conditions are still to be assessed and approved by ADEME;
- Groups of farmers carrying out biogas projects can also benefit from financial support for their preliminary studies and for carrying out the project;
- ADEME co-finances the national energy communities and citizen energy support network [Energie Partagée](#) and most Regional ADEME Delegations, as well as most Regions co-

³³ France – Final updated NECP 2021-2030 (submitted in 2024). Available at: France - Final updated NECP 2021-2030 (submitted in 2024) - European Commission

³⁴ Energie Partagée, Guide des outils de financement de projets EnR citoyens et des Communautés Énergétiques.

Available at: [c7-2-guide-des-outils-de-financement-de-projets-enr-citoyens-et-des-communautés-energetiques.pdf](#)

³⁵ This is subject to potential changes in the near future as a consultation was held in 2024.

³⁶ Fond Chaleur ADEME, available at: Le Fonds Chaleur - La chaleur renouvelable, c'est profitable

finance the Energie Partagée regional support network dedicated to citizen projects and ECs

Energie Partagée provides support to energy communities

In addition to this direct institutional framework, energy communities benefit from a robust network recognised and supported by ADEME: the Energie Partagée movement.

Since its founding in 2010, Energie Partagée is the national network of French energy communities. It has supported more than 400 citizen-led projects based on a robust framework: the Energie Partagée label. This label assesses projects based on 15 criteria organised into five key areas: territorial interest, local engagement, ethical and citizen-based finance, shared governance and ecological impact.

A key pillar of Énergie Partagée's support to energy communities is its citizen savings investment fund, Energie Partagée Investissement (EPI) with €46 million invested in over 160 renewable energy projects.

Beyond financing, Energie Partagée plays a leadership role in the French community energy network by leveraging its National Resources Center, Energy Communities Observatory, and team of capacity-building experts. It coordinates 13 regional support networks that offer technical assistance, capacity building, and awareness raising activities on the ground.

7. Other provisions on energy communities

France also set up a specific **framework on public offerings for the financing of renewable energy production projects by citizens and local authorities**. Under this framework, private companies and cooperatives created to own and operate one or more renewable energy units can raise capital from:

- Natural persons, in particular those living in proximity of the production units;
- Local authorities of the territory where it operates; and
- RECs.³⁷

This fundraising can be done directly by the developer or through a variety of funds, namely social funds specialised in renewable energy production and benefitting from a public license "solidary enterprise of social utility", participative investment advisors, crowdfunding counsellors and investment service providers.

³⁷ Article L294-1 of the Energy Code

Local authorities can also invest capital in private companies and cooperatives with a vote of their council, provided that they abide by the general rules on the participation of local authorities in the private sector.



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A stylized sunburst logo consisting of a semi-circle of thin white lines radiating from a central point, positioned to the left of the text.

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