

Fostering Share&Charge through Proper Regulation

Fanny Vanrykel* (fanny.vanrykel@uliege.be);
Marc Bourgeois ; Damien Ernst

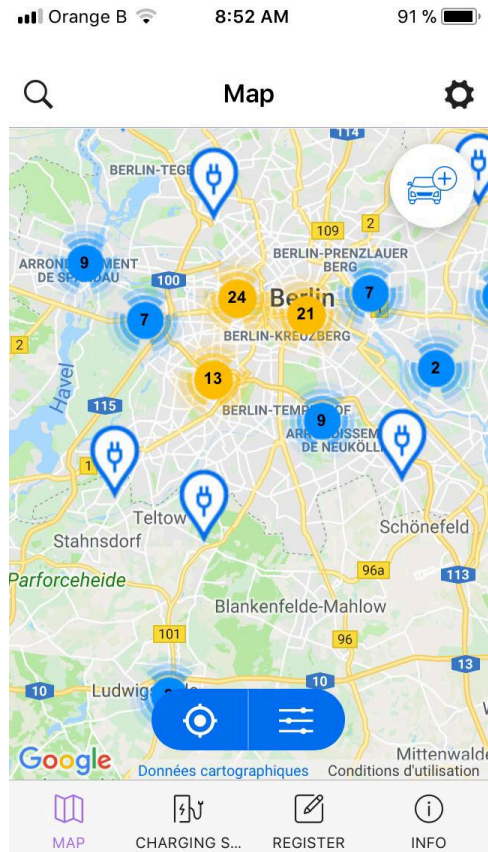
7th FSR Conference on the Regulation of Infrastructures

Research question & outline

How to create a proper regulation to foster the development of platforms like Share&Charge ?

- ▶ Functioning and assets of Share&Charge
- ▶ Legal issues associated with the development of platforms like Share&Charge
- ▶ Policy recommendations

Share&Charge: Functioning



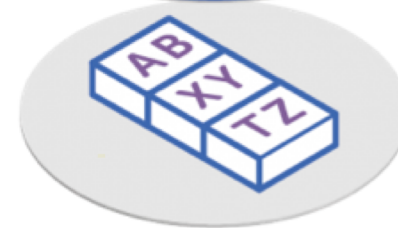
Users and
Assets



Share&Charge



Blockchain



Share&Charge: Assets

Electric vehicles

- Charging infrastructure
- Financed by the private sector (no public expenses)



Electricity grid

- Reduces grid congestion due to EV charging

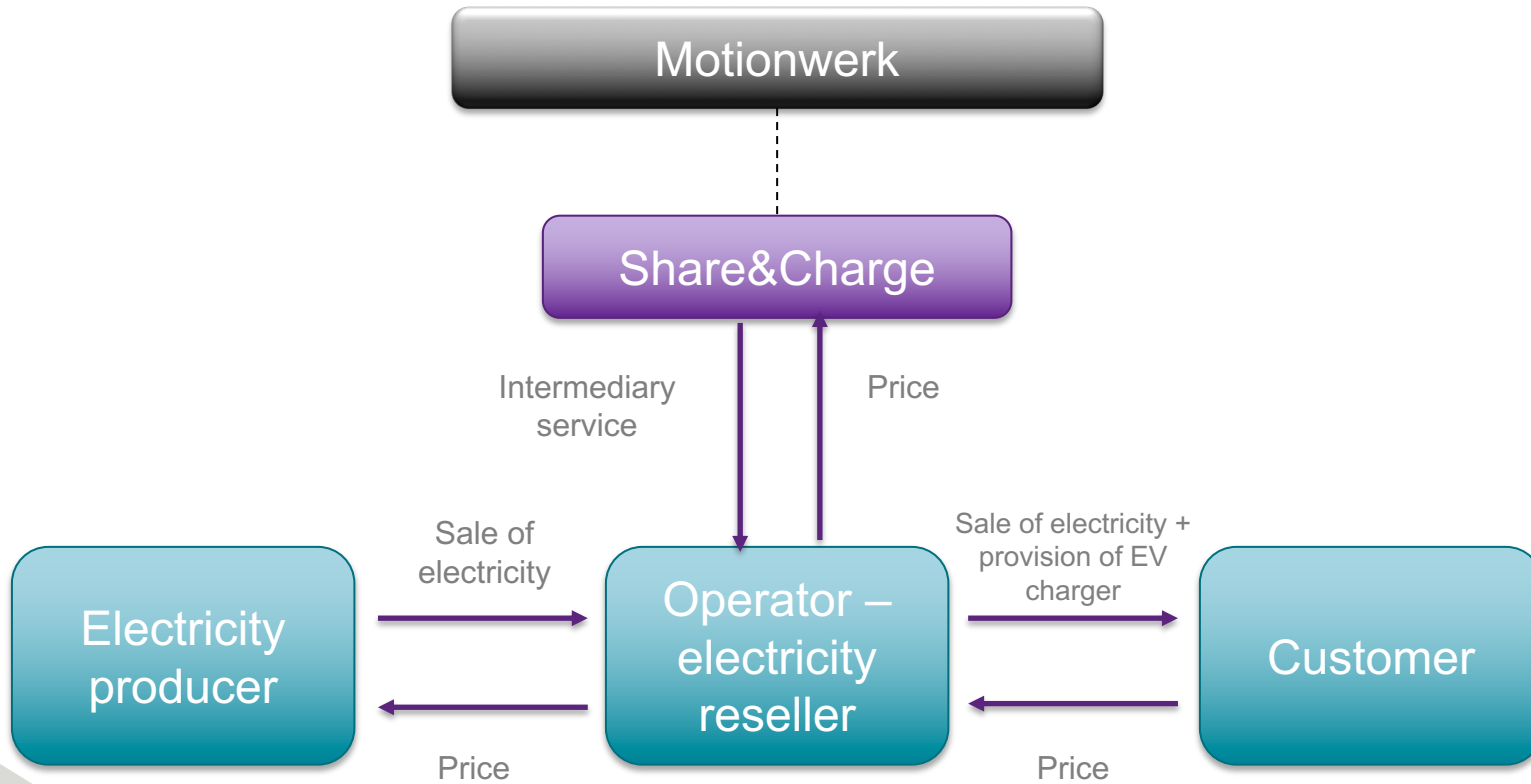
Decentralized electricity production

- Reduces grid overload (V2G)
- Increases flexibility (matches local demand and local production)

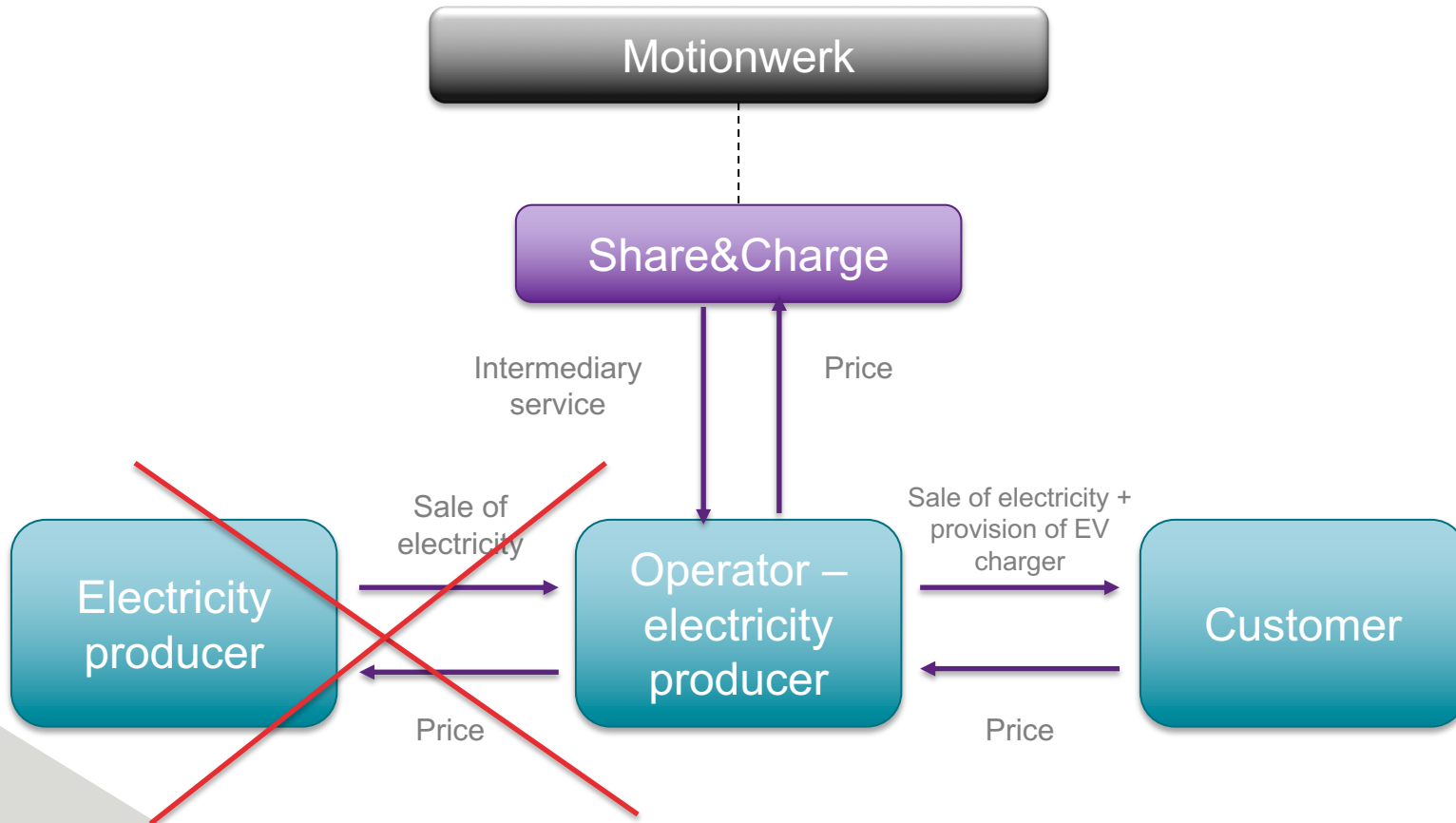
Scenarios: Case 1



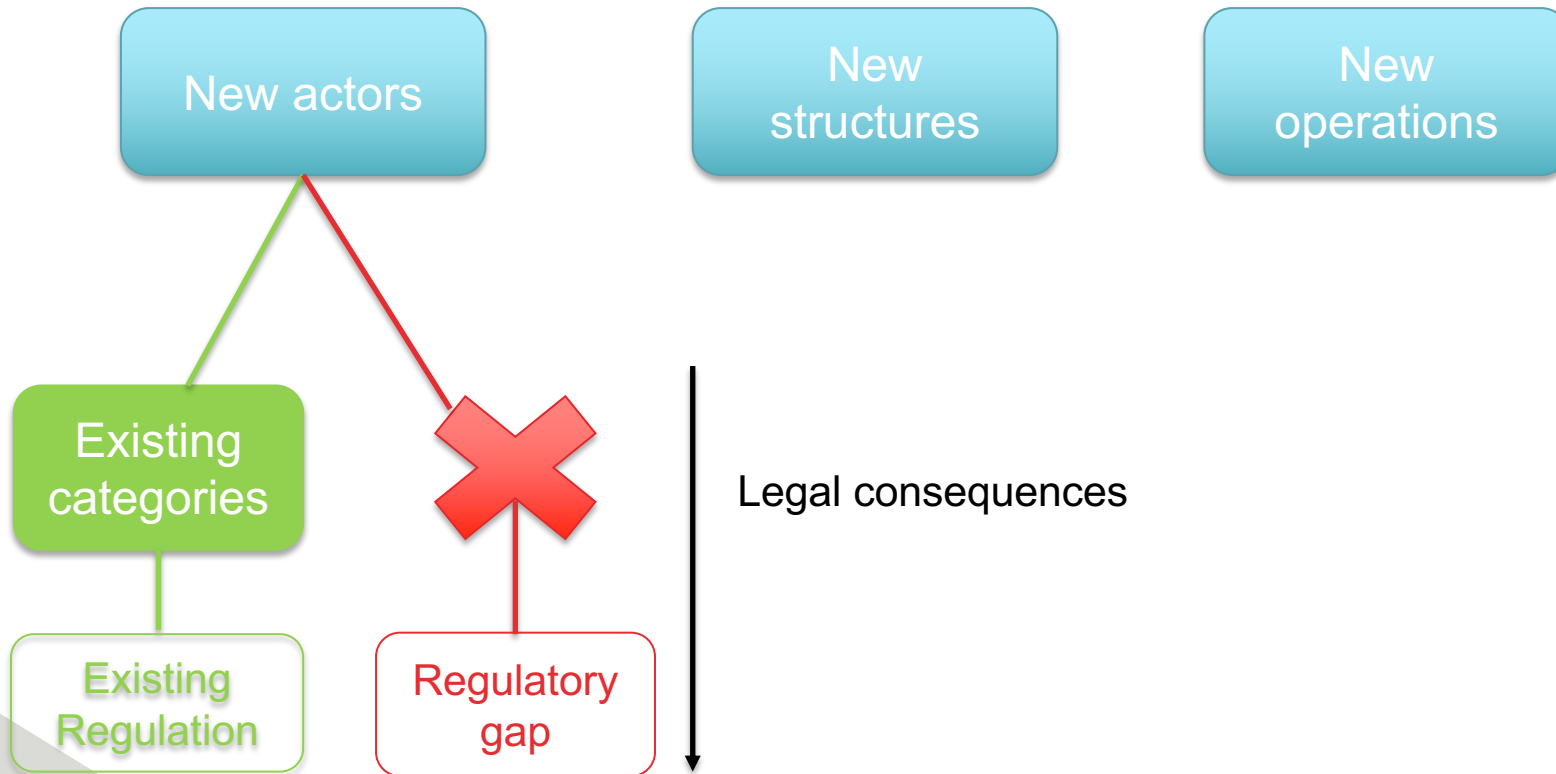
Scenario: Case 2



Scenario: Case 3



Share&Charge Disrupting or Challenging Existing Tax Frameworks



Legal Issues : scenario 1

Energy Taxation

- Definition of prosumers
- Implementation of advantageous scheme
- Net metering
- Premium (qualiwatt)/ green certificates

Personal Income Tax

- No specific rules but favourable interpretation
- Electricity supply and sale of green certificates NOT taxable
- If installations exclusively used in the private sphere

VAT

- No specific rules but favourable interpretation
- Depends on whether sale of electricity surplus (in function of the meter used)
- And on whether the electricity producer is already a taxable person

Legal Issues: Scenario 2 & 3

Energy Taxation

- ❑ Qualification:
 - Scenario 2: Electricity supplier or end consumer ?
 - Scenario 3: prosumer ? Electricity supplier ?

- Consequences on licenses requirement and taxes/ fees/ tariffs due

Personal Income Tax

- ❑ Qualification of the incomes
 - Sale of electricity
 - Provision of the EV charger
 - Sale of green certificates - scenario 3

- Professional income ?
- Income from movable/ immovable property ?
- Miscellaneous income?
 - Normal management of private assets ?

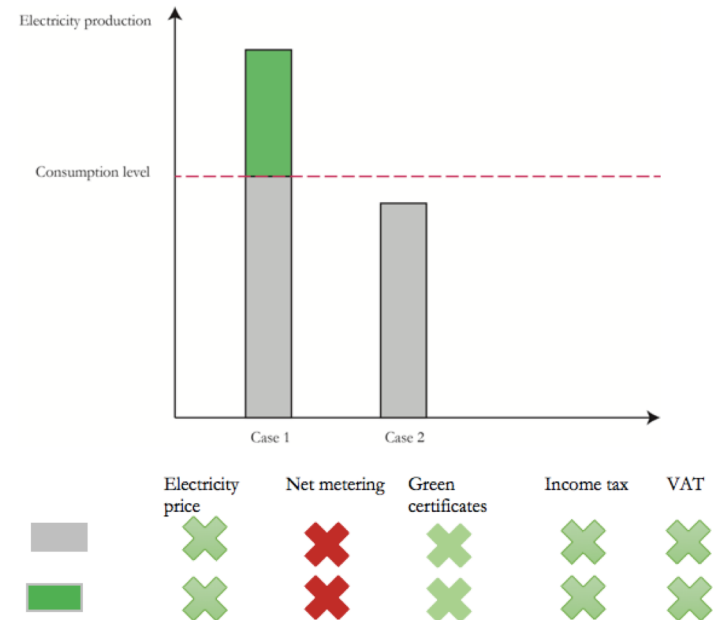
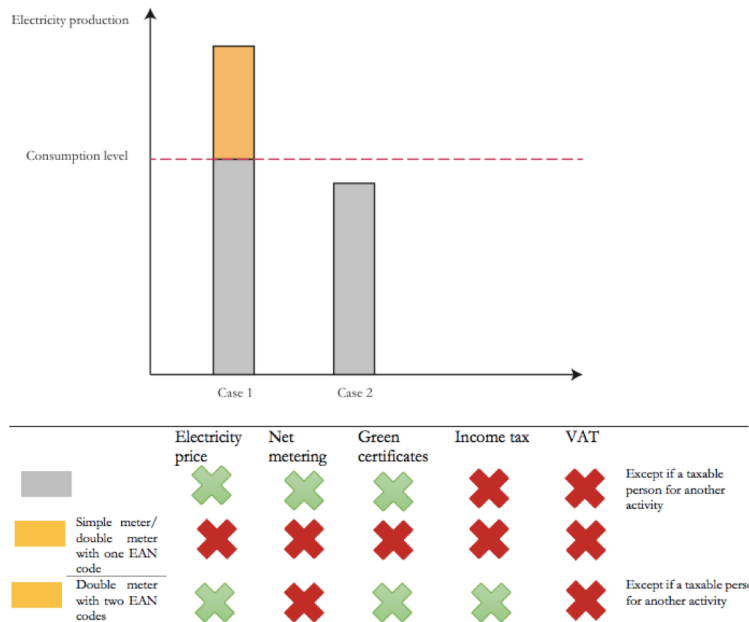
VAT

- ❑ Qualification of the operations : supply or services / supply of goods ?
 - Sale of electricity
 - Provision of the EV charger
 - Sale of green certificates - scenario 3
- ❑ What is the primary operation ?
- ❑ Qualification of the platform (Share&Charge): agent or commissioner ?

- Consequences on the rate and right to deduction
- Normal rate of 21%?

Preferential treatment sharing economy ?

Conclusion and Policy Recommendation



Conclusion and Policy Recommendations

- ▶ Some of the existing concepts are poorly suited or legal consequences unsatisfying
 - Recommendation 1: Enact regulation to consider operator of platforms like Share&Charge an end consumer
 - Recommendation 2: Clarify the legal status of the platform

- ▶ Current tax framework is extremely favorable to prosumers injecting electricity into the grid but not to other forms of electricity storage
 - Recommendation 3: Remove this discrimination/ differentiation and value V2G models

- ▶ Preferential treatment for specific operations of the sharing economy but does not apply to models like Share&Charge
 - Recommendation 4: Modify current framework to value models like Share&Charge for providing infrastructure and reducing grid congestion

Thank you for your questions/ comments

