

ETIP-PV input to the Net Zero Industry Act Implementing Regulation

Public consultation input on the Implementing Regulation “Renewable energy auctions – Implementing Act on non-price criteria”

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Other PV bodies have commented or will comment on the Implementing Regulation ([European Solar PV Industrial Alliance](#), [Solar Power Europe](#), [European Solar Manufacturing Council](#))

We, ETIP-PV (European Technology and Innovation Platform on Photovoltaics), limit our comments to three areas:

- Use this NZIA IR to create incentives for the sharing of PV plant operational data
- Involve ETIP-PV in advising Member States on appropriate criteria
- Align implementation of non-price criteria across all Member States to not fragment the single market

Incentives for PV operational data sharing

If better models of PV systems could be created, they could be used to coax productivity from a given plant or potential site for a plant. For negligible cost, these gains would reduce, marginally, the cost of meeting 2030 targets, and they would do so without interfering with other policy objectives (e.g. making PV in EU, adopting circularity principles in the PV deployments).

But before companies selling monitoring tools or researchers can launch final versions of these new models, they need to train their test models with large amounts of data from operating systems.

Only a few companies (the largest inverter manufacturers, say, or the largest project developers) may have this data in-house. Other companies having access to it are companies that have, perhaps over several years, negotiated individual system monitoring contracts with plant owners¹, but they often have no mandate to share that data further. Companies may find it hard to break into the market for plant monitoring and plant optimisation consultancy. Researchers in the public sector also need this data.

A practical, quick way to increase the pool of data available to new entrants would be to encourage data owners to share what they have. ETIP-PV has detected in the PV community a willingness for plant owners to share data **if they may be compensated for the value of their data**. The Implementing Regulation should highlight that:

¹ Some examples of such monitoring companies: 3E, Powerfactors, Inavitas, Envision Monitoring, Smarthelio

- Operational data from plants covered by “[auctions that do not specifically focus on innovation](#)” is without doubt valuable, and necessary for achieving rapid progress in plant optimisation.
- The sharing of operational data addresses a “market failure”: multilateral sharing is not happening because the sharer is not being compensated for allowing a wide range of entities to read his data.
- Rewarding data sharing in proportion to the breadth of the audience receiving the data and the detail of the data is appropriate.
- A Member State can claim an auction that compensates data sharing towards its Article 26 quota via the “innovation” non-price criterion.

Why now? Why this idea in this legislation?

The NZIA Art 26 Implementing Regulation is the perfect vehicle for establishing principles around RES auction design where considerations other than “lowest cost” prevail. It is the place to draw attention to the capacity of state aid to resolve certain market failures around the four families of award criteria highlighted in NZIA and to rule in the eligibility of state aid to resolve them. Those quantities of state aid, in being determined through auctions as Art 26 requires, will be determined efficiently.

This IR and the auctions it will inspire from next year will only govern a part of the volumes of only the publicly supported RES market. Furthermore, not all those volumes will have innovation criteria put on them, and even when they do, data sharing might not be one of the innovation criteria used. Of course, a company’s participation in an auction will be voluntary. In other words, NZIA is a way “softly softly” to introduce the PV deployment industry to the idea that sharing of data can happen and that the sharing will be compensated. **But Member States do need a black-on-white assurance in the IR that this activity is “Art 26”-compatible.**

The time is right. It is the ambition of the European Commission, per the [Competitiveness Compass](#), “to improve and facilitate secure private and public data sharing” because “the availability of large and high-quality data is an essential component of developing AI.” From 12 Sept of this year, the Data Act will apply, putting the data in the hands of the owners of the devices that generate it. With this IR, for PV plants, we hope to persuade them to share it further. Next year, the first in which Member States must use NPCs, will also coincide with the launch of the Common European Energy Data Space, which could facilitate compliant bilateral or multilateral sharing.

Some further advice to Member States on implementing data sharing

- In the scenario of sharing detailed data, collect electrical, environmental and irradiance data as per [2023 DOE Solar Data Prize](#)², the irradiance data gathered and shared according to the [BSRN Baseline Surface Radiation Network](#) methodology. The metadata to gather are also those used in the Solar Data Prize, including location, inverters, mounting, module technology, instrumentation.
- Data quality is important, with quality ensured via the methodology in this [Progress in Photovoltaics article](#) (for example).

² Also known as [American-Made Solar Data Bounty Prize](#). The DoE has run other PV open energy data initiatives requiring less information to be made public: the [PV Fleet Performance Data Initiative](#).

- Though possibly difficult for older digital monitoring tools, faults and maintenance tickets should be logged and shared.
- Where a PV plant owner already uses a monitoring company to monitor and benchmark its arrays, it should be able to simply mandate that company to share its data further. The advantage would be that if the monitoring company has cleaned the data, it is this cleaned data that is shared.

ETIP PV role in advising on non-price criteria

Art 16 of the Implementing Regulation says, “The methodology for the assessment of the bids shall be designed following consultation and collaboration with stakeholders and experts,” which we take to mean that these groups will assist in the design of the auction (perhaps the language could be clearer).

The role of ETIPs specifically is not mentioned, though perhaps it should be considering the tight link that the NZIA will have to the SET Plan in future (unmentioned in the Implementing Regulation, and also to be corrected).

While ETIP-PV cannot offer extensive data evaluation, it would offer assistance to Member States, based on its availability and resources, in the choice of non-price criteria for PV, particularly those focused on innovation, sustainability, and grid integration. This will be a logical extension of our work to define priorities for “technology-push” R&D funding instruments in our [Strategic research and Innovation Agenda](#). The [European Solar PV Industry Alliance has supported](#) such a role for us.

Ensure aligned implementation of NPC across Member States: no fragmentation

We support Recital 2 which says, “Harmonised implementation of the criteria should reduce transaction costs for economic operators and Member States and avoid fragmentation of the internal market in accordance with the principle of Union added value.” The EU must strive for harmonised implementation of the criteria. While the recital accepts the Member States’ right to set any rules they may want providing they concord with this IR, in practice we hope for dialogue between them in order to reach common criteria at least for resilience, environmental profile and innovation. Perhaps the Commission can find a way to express this hope more forcefully, or could provide a forum for this dialogue? Alignment is one way to fight ‘gold plating’, decried in the [Communication simplification ‘A Simpler and Faster Europe’](#).

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