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WHO HOLDS THE RESPONSIBILITY:

# BETWEEN EEG AND VDE IN PV OPERATIONS

A farmer with an Agri-PV (agricultural photovoltaic) installation walks across his field. He checks the crops, inspects the drip irrigation – and in doing so, he finds himself standing inside an elektrische Betriebsstätte (electrical operating area, i.e. a restricted zone where electrical equipment is installed). According to the EEG (Renewable Energy Act), he is clearly the Anlagenbetreiber (plant operator in the economic/legal sense). According to the VDE (German Association for Electrical, Electronic & Information Technologies), however, as a layperson he is not permitted to enter the installation at all. So who, at that moment, carries the responsibility?

This example highlights a central problem: The roles in operating PV installations are not always clearly defined – and the larger and more diverse these systems become, the more relevant these uncertainties become.

**Two roles – two levels of responsibility**

- **Anlagenbetreiber (VDE 0105-100)**: responsible for the safe technical operation. Can be a natural person or a legal entity – from the farmer to a GmbH to a project company.
- **Anlagenverantwortlicher (VDE 0105-100)**: always a natural person and by definition an *Elektrofachkraft* (qualified electrical specialist). This person is responsible for all work on the installation, must implement safety measures, and comply with accident prevention regulations.

- **EEG-Anlagenbetreiber (§3, §71 EEG)**: the one who feeds electricity into the grid or makes economic use of it – not necessarily the one who knows or implements the safety rules.

The example makes it clear: The same installation can have very different responsibilities depending on whether you apply VDE or EEG definitions. In practice, these roles are often mixed together:

- **EEG-Anlagenbetreiber** = economic owner
- **VDE-Anlagenbetreiber** = safety-responsible operator
- **Anlagenverantwortlicher** = on-site electrical specialist (Elektrofachkraft)

Where clear designation is missing, a gray area with high risk emerges. Because in the event of an accident, it is not the economic responsibility that counts – but the safety responsibility.

**Why this matters**

- **For operators**: The EEG definition alone is not enough. Clear organization of operational safety is required.
- **For developers and O&M providers**: They often assume duties they may not even be aware of.
- **For investors**: Even those never physically on-site may still be held liable.

And on a practical level: With open-access systems like Agri-PV or rooftop PV without fencing, the issue becomes even more pressing – because access cannot easily be restricted.

The discussion on responsibilities shows: this is not only about technical standards, but about the intersection of law, occupational safety, and the energy industry. As long as these roles remain ambiguous, the sector remains stuck in a gray zone – one that, in the worst case, can become costly or even dangerous.

***Note:*** *This article reflects our practical experience and is not a substitute for legal advice.*

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