



Briefing on the revision of the Renewable Energy Directive under the REPowerEU Package

Climate Action Network (CAN) Europe is Europe's leading NGO coalition fighting dangerous climate change. With over 170 member organisations from 38 European countries, representing over 1.500 NGOs and more than 47 million citizens, CAN Europe promotes sustainable climate, energy and development policies throughout Europe.

Introduction

To ensure we reach net zero emissions by 2040 and to meet our climate and biodiversity targets, EU Member States need to phase out fossil fuels and commit to a strong reduction in energy consumption and a transition of our energy system to one that is 100% based on renewable energy sources (RES) by 2040. In the coming decade and beyond, EU Member States need to significantly increase the deployment of sustainable renewable energy. The accelerated deployment should be handled with respect for biodiversity and ensure citizens and local communities are involved in the energy transition.

Renewable energy policies need to be in line with the Paris Agreement

Member States need to significantly increase the deployment of sustainable renewable energy. The proposal for amending the Renewable Energy Directive (RED) that was launched in July 2021 by the European Commission includes a renewables share of **at least 40 % by 2030**. Following the invasion of Ukraine by Russia, the European Commission made clear in its REPowerEU¹ communication, that “*the case for a rapid clean energy transition has never been stronger and clearer*”. In the legal proposal amending the RED, as part of the REPowerEU package launched in May 2022, the Commission proposed to increase the EU renewable energy target **from 40% to 45%**. Even though it is a step in the right direction, the proposed level of ambition is still too low and not in line with the Paris Agreement’s objective to limit temperature rise to 1.5°C.

¹ REPowerEU: Joint European Action for more affordable, secure and sustainable energy. COM(2022)108/3

CAN Europe supports an **EU binding target for the share of energy from renewable sources in gross final energy consumption of at least 50% by 2030²**.

Planning and mapping of renewable energy resources

In order to fully exploit the local potential of renewable energy resources, sufficient areas at regional or local level should be designated that are suitable for the deployment of renewable energy, taking also into account the corresponding grid infrastructure. This planning and mapping should create more clarity – including for the larger public - where renewable energy projects can be developed while promoting cautious use of land, seas and natural resources. In case properly implemented, planning and mapping can contribute to more stable and predictable conditions for renewable energy projects and help accelerate the roll-out of sustainable renewable energy projects.

The legal proposal amending the RED from May 2022, proposes mapping of areas necessary for national contributions towards the 2030 RES target (art 15b). For a successful process, the following issues need to be considered in the legal proposal:

- It is overly ambitious to consider that Member States will be able to identify, already one year after entry into force, the land and sea areas necessary for the installation of renewable energy installations to meet national renewable energy contributions. For a broadly supported planning and mapping process, ensuring adequate public participation, a longer timeframe needs to be specified (e.g. two years after entry into force of the directive);
- When identifying land and sea areas needed, Member States should not only identify areas ensuring national renewable energy contributions for 2030. The identified areas shall also commensurate with the estimated trajectories and total planned installed capacity needed to move to 100 % renewables by 2040. Regular updates will also be needed;
- Planning and mapping should guide technical best projects to the least sensitive sites. Spatial planning needs to be informed by sensitivity maps, which identify areas where the development of renewable energy negatively impacts sensitive communities of species and habitats;
- The plans need to be aligned with obligations under environmental legislation such as the Birds & Habitats Directives and the Marine Strategy Framework Directive. Before its adoption, the plans shall be subject to a Strategic Environmental Assessment³;
- National governments shall ensure that a bottom up approach is guaranteed, by ensuring competent regional and local authorities are involved in the process. Existing local and regional planning and mapping shall be incorporated;

² For more information on the CAN Europe position about the 2030 EU energy targets see: <https://caneurope.org/can-europe-s-position-on-the-eu-2030-energy-targets/>

³ Pursuant to Directive 2001/42/EC

- Member States shall ensure that financing of qualified staff and skilling of local authorities commensurate with the increased deployment of renewable energy projects⁴;
- Member States shall consider the huge potential of involving citizens actively in the energy system as renewable self-consumers, collective self-consumers or renewable energy communities;
- Stakeholder involvement in the different stages of the process must be guaranteed;
- Minimum space needed for the deployment of renewable energy projects should be legislated and safeguarded by existing laws on regional spatial planning. Unreasonable regulations on general minimum distances should be abolished. These rules rather intensify conflicts instead of avoiding them. Public acceptance can be successfully increased through active engagement of citizens, and local communities in the energy transition;
- Best available knowledge and science-stakeholder involvement should be considered. Citizen science⁵ and engaging the public in gathering data can also improve biodiversity mapping;
- Radar installation for civil aviation and military interests are hampering the permitting and development of renewable energy projects in several EU Member States. Even though national security needs to be maintained, the planning and mapping exercise should look into possible solutions that allow the lifting of certain restrictions and allow more land to be available for renewable energy projects;
- In order to reduce impacts on land, sea and biodiversity, renewable energy projects can be a combination of different technologies or with different land and sea uses. Whenever a renewable energy project is being designed, project developers should be encouraged to look more into these options. Member States should look into policy options to stimulate these approaches;
- In case bioenergy is considered, it must be ensured that bioenergy delivers significant, near-term greenhouse gas savings compared to fossil fuels. Only fast-decaying wastes and residues with no alternative and/or lower emission use could be supported as potential sources;
- No further expansion of hydropower plants should be considered due to their impact on freshwater ecosystems, unless existing facilities are upgraded;

Seizing opportunities for accelerated deployment

Even though there was already an urgent need to speed up the deployment of renewables in order to stop using fossil fuels driving the climate crisis, since the invasion of Ukraine by Russia, pressure increased on Member States to act quickly also to achieve energy security. Member States need to ensure the acceleration of the energy transition is keeping people and biodiversity at the heart.

⁴ <https://www.localstaff4climate.eu/the-manifesto/>

⁵ Citizen science is scientific research performed by non-professional scientists (citizen scientists). Citizen scientists can work independently, but they often work together with professional scientists. Citizen science is a very valuable scientific research method. Not only does it generate new scientific knowledge, but it can also generate spectacular results in community building and science education

Even though there is a lot of potential for rooftop solar PV, it is clear that in many Member States this potential is far from taken. In May 2022, CAN Europe and its members demonstrated that there are still significant barriers at national level which impede a higher uptake of rooftop solar PV, and many Member States still lack the right regulatory framework and enabling environment. It is imperative that Member States take the necessary steps to remove current barriers quickly and ensure the current policy framework is improved and the right incentives are in place for a higher uptake of rooftop solar PV⁶. Member States should also take the necessary steps for other areas where solar PV can be expanded, such as parking lots, along highways and train tracks.

Member States should look more into options of using brownfields such as old quarries, closed mines⁷ or old industrial areas. In addition to the reuse of land, developing brownfields for renewable energy can in many cases offer additional benefits such as proximity to urban areas, more localised energy supply to areas with high energy demand, lower transmission loss and proximity to substations, grid connection and road networks. However, there are also challenges such as contamination⁸.

The legal proposal revising the RED is putting forward to designate renewables go to areas where the deployment of renewable energy is not expected to have significant environmental impacts (art 15c):

- The pressure to speed up the deployment of renewables is increasing. There are plenty of opportunities which Member States have so far not seized. However, in order to make progress, Member States need to take urgent action to remove barriers as well;
- Only low impact zones should be identified as renewable go to areas where faster permitting could be considered. However, the current legal proposal is creating uncertainty. The stipulation for exemption of environmental impact assessments (EIAs) in renewables go to areas cannot be supported. The proposal for an exemption is not only concerning from an environmental point of view. It also takes away the opportunity for local communities to be consulted on the project in their neighbourhood;
- To avoid conflicts, the list of renewable go to areas should be limited and much more prescriptive in the legal proposal. These areas include artificial and built surfaces, such as rooftops, transport infrastructure, parking areas; brownfields such as waste sites, industrial sites and mines; as well as urban waste water treatment sites where appropriate. When appropriate, the contamination levels will be assessed;
The designation of renewables go to areas will however not be sufficient to speed up the deployment of renewables in low impact zones. In addition to assessment of potential and designation, Member States should also establish a comprehensive roadmap to remove barriers (which goes beyond permitting issues, such as lack of clear and ambitious deployment strategy, incomplete legislative framework, insufficient grid infrastructure, issues connected to support schemes, etc) and to enhance the accelerated deployment of renewable energy technologies in these areas;

⁶ For more detailed analysis and a list of concrete policy recommendation: <https://caneurope.org/content/uploads/2022/05/Rooftop-Solar-PV-Country-Comparison-Report-2.pdf>

⁷ <https://caneurope.org/coal-regions-to-become-renewables-hubs-through-just-transition/>

⁸ Hairl S. Mohd. Radzuan (2020). Utilisation of brownfield sites for renewable energy generation in building sustainable cities.

- Member States shall use all appropriate tools and datasets to identify the areas where the renewable energy plants would not have a significant environmental impact, including wildlife sensitivity mapping;
- If the list of renewables go to areas is clearly defined in the legal proposal, it will be possible for Member States to designate them much faster (e.g. within one year after entry into force of the directive).

Ensure fast permitting is effectively leading to faster deployment

There have been several calls for faster permitting of renewable energy projects because Member States need to significantly increase the deployment of sustainable renewable energy.

It has been demonstrated in several reports⁹, that numerous barriers block, slow or hinder the deployment of wind and solar, and that barriers related to administrative processes are among the biggest roadblock to developments in Europe. Especially high complexity, long duration and low transparency of administrative procedures are registered. Opportunities for faster permitting of renewable energy projects should be taken. However, faster permitting or allowing priority status for certain types of renewable energy projects might not necessarily lead to faster deployment. Unclear or opaque decision processes might in the end lead to the opposite: a slower deployment rate, higher costs and a lower public acceptance.

- Avoiding and reducing negative impacts on land, sea and biodiversity will reduce uncertainty and costs for project developers. If better impact assessments on habitats and/or species are carried out early in the spatial planning phase, there will be a possibility to speed up further down the permitting process. These assessments should be based on an **ex-ante analysis** of potentially threatened species by the respective project. The analysis should be used to create a standardised framework at national level which simplifies evidence-based decision-making for authorities;
- Digitalization of the permitting process will not only help in speeding up the process, but might also lead to fewer mistakes made during the submission of formal documents¹⁰.
- In its Recommendation on speeding up permit-granting procedures, the European Commission added that Member States should ensure sufficient and adequate staffing, with relevant skills and qualifications, for their permit-granting bodies and environmental assessment authorities. To ensure this action will effectively be implemented, provisions need to be integrated in the legal proposal amending the RED itself. Member States need

⁹ Such as in : Eclareon (2022). Barriers and best practices for wind and solar electricity in the EU27 and UK.

https://www.eclareon.com/sites/default/files/res_policy_monitoring_database_final_report_01.pdf and RES Policy Monitoring Database <https://resmonitor.eu/en/>

¹⁰ Where digital services are deployed, additional provisions must be provided to address the digital divide. Member States must provide alternative access options to residents who have limited access, or ability to use, digital services (access, language barriers, literacy barriers, disability, etc.). https://caneurope.org/content/uploads/2022/05/01_The-social-benefits-of-climate-action_14.pdf (recommendation 6)

to ensure that financing of qualified staff and skilling of local authorities commensurate with the increased deployment of renewable energy projects;

- An exemption for Environmental Impact Assessments (EIAs) cannot be generally awarded for renewables go to areas (art 16a(3)). Consultations under SEAs of national or regional plans are of a different nature and cannot be used as an argument to replace consultations under EIAs of nearby projects. Faster permitting should not lead to less opportunities for citizens and local communities to engage in the permitting process. Through EIAs, local communities get an opportunity to be consulted on a project nearby;
- A comprehensive and up-to-date overview of projects for which there is a permit request should be publicly available. Transparency is crucial. Easy access to a register with maps and additional information of all projects (above a certain size) presented or approved should be made available for the larger public.