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**100% RENEWABLE**  
EUROPE



# Guidelines to Faster and Fairer Permitting for Europe's Renewable Energy Transition

October 2023





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**100% RENEWABLE**  
EUROPE



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.

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# Introduction

To achieve net zero emissions by 2040 and meet our climate and biodiversity targets, it's imperative for EU Member States to phase out fossil fuels, strongly reduce energy consumption, and transition to a 100% renewables-based energy system by 2040. Over the coming years EU Member States must substantially scale up their renewable energy production<sup>1</sup>, primarily solar and wind. It's paramount that the accelerated deployment not only respects biodiversity, specifically Nature Directives, but also involves citizens and local communities, ensuring adherence to the highest environmental and social standards throughout every phase.

In the wake of Russia's invasion of Ukraine, the EU's overreliance on fossil fuels was exposed. In response, the EU has placed increased focus on the swift deployment of renewable energy sources as a vital countermeasure. Simplifying permitting and administrative procedures had already been a central aspect of the previous revision of the Renewable Energy Directive (RED II). Soaring energy costs and a looming climate crisis underscores the urgency needed to further streamline these processes. Yet, recent research assessing barriers to wind and solar energy projects across all 27 EU countries and the UK highlighted administrative hurdles, such as planning and permitting, as the most predominant and critical impediments to new renewable developments in Europe<sup>2</sup>.

In the meantime, several new policies have already been put in place and should already be implemented. Monitoring of their implementation and reviews are either ongoing or on the horizon. Yet, the pivotal questions remain: how are these measures now being implemented? Are they effectively driving progress?

This briefing seeks to contribute to this discussion. The first chapter provides an overview of permitting related policy and regulatory landscape delving into the most recent regulatory developments. Through case studies and critical analyses, the second chapter offers insights into the policy implementation of most recent permitting rules in some of the Member States. The final chapter introduces a comprehensive checklist intended for the successful acceleration of renewable energy sources (RES) deployment. The core focus is to encourage more participation from citizens and local communities while ensuring that biodiversity protection remains central in permitting. The goal is to offer a practical and useful tool, serving as a compass for monitoring and reviews to ensure that we are on the right path.



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1 According to the updated Paris-Agreement compatible scenario, Europe must meet at least 50% of its final energy consumption from renewable sources by 2030 and 100% by 2040. See [www.pac-scenarios.eu](http://www.pac-scenarios.eu).  
2 [https://www.eclareon.com/sites/default/files/res\\_policy\\_monitoring\\_database\\_final\\_report\\_01.pdf](https://www.eclareon.com/sites/default/files/res_policy_monitoring_database_final_report_01.pdf)

# Relevant Policies and Developments in EU Renewables Framework

There are several renewables related policies which have a link with permitting and admin procedures of renewable energy projects.

## Renewable Energy Directive (RED)

- **2018:** RED II adopted<sup>3</sup>, which amended provisions related to permitting and administrative procedures (Articles 15, 16, and 17).
- **July 2021:** As part of the Fit for 55 package, the European Commission proposed revisions to the RED. This review saw limited modifications to the permitting and admin procedures articles, such as the introduction of paragraph 15.9.
- **May 2022:** Following Russia's invasion of Ukraine in February 2022 and the consequent EU energy price crisis, the REPowerEU plan was unveiled, proposing further amendments to the RED. These introduced amongst others measures to further simplify and streamline the administrative permit-granting procedures applicable to renewable energy projects, along with new stipulations for spatial planning and mapping. The revised RED is set to enter into force soon, with Member States expected to transpose by July 2024 new provisions on permitting processes and timescales, and spatial planning for grid infrastructure and storage projects; approve spatial plans for renewable energy projects 18 months after entry into force of the RED revision and designate 'renewable energy acceleration areas' 27 months after entry into force.

## European Council Emergency Regulation on the acceleration of renewable energy deployment

Amid ongoing RED revisions as part of the Fit for 55 package and REPowerEU, in October 2022, the European Council called on the European Commission to urgently submit concrete decisions on fast-tracking of the simplification of permitting procedures to accelerate renewables deployment.

In December 2021, a Council regulation specifically targeting an accelerated deployment of renewables was adopted<sup>4</sup> and entered into force at the end of that month. This regulation, temporary until June 2024, includes actions targeted to accelerate the deployment of renewable energy sources, through fast tracking of the simplification of permitting procedures. The Regulation focuses on specific technologies (such as heat pumps and solar equipment) and on certain types of projects (such as repowering and ongoing permit granting processes under certain conditions) which have the highest potential for quick deployment. The legislation also introduced exemptions from certain assessments under EU environmental legislation. The regulation serves as a bridge until Member States transpose several new provisions with regards to permitting and spatial planning from the revised RED.

<sup>3</sup> Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources

<sup>4</sup> Council Regulation (EU)2022/2577 of 22 December 2022 laying down a framework to accelerate the deployment of renewable energy

## Additional REPowerEU Package Initiatives

As part of the REPowerEU Package, the European Commission also introduced a Recommendation on speeding up permit-granting procedures for renewable energy projects and PPAs<sup>5</sup> and the EC Guidance to Member States on good practices to speed up permit-granting procedures for renewable energy projects<sup>6</sup>. The European Commission included in the Recommendation measures which they consider more difficult to legislate. It focuses amongst others on improving internal coordination, facilitating citizen and community participation, digitised procedures, sufficient human resources and skills, etc.

An EU Solar Energy Strategy<sup>7</sup> was adopted in May 2022, which identified barriers and challenges in the solar energy sector and outlined initiatives to overcome them and accelerate the deployment of solar technologies.

## Challenges and Impacts

The past five years have witnessed substantial shifts in the EU's regulatory framework concerning permitting and administrative procedures. The incomplete transposition and implementation of RED II provisions were further complicated by the pressures following Russia's invasion of Ukraine to accelerate the renewable energy deployment and take further action to streamline the permit-granting procedures. It appears that the implementation of the Council Regulation is also lagging behind. At the same time, exemptions introduced in environmental assessments have raised concerns about potential impacts on biodiversity and local community engagement.<sup>8</sup>

## Upcoming Policy Reviews & Opportunity to Enhance the Framework

In the upcoming months, a series of reviews concerning policies that influence permitting rules will be undertaken:

- **The Council Regulation on the acceleration of renewable energy deployment:** The regulation indicates a review by 31 December 2023, amongst others in view of the need to further accelerate the deployment of renewable energy.
- **The Recommendation on speeding up permit-granting procedures for renewable energy projects and PPAs:** The Commission will review the implementation two years after its adoption to assess whether further measures are required. The expected timeline for this review is May 2024. The assessment will take into account information submitted by the Member States.
- **The revised RED (art 15.9):** According to this article, by 2 years after entry into force, the European Commission shall consider if additional measures are needed to support Member States in the implementation of the articles regulating the permit-granting procedures. This includes the potential formulation of indicative key performance indicators.

All of these reviews offer the opportunity to enhance the existing framework by integrating stakeholder feedback, ensuring an adequate and effective on-ground implementation. This will be pivotal in achieving the urgently needed acceleration of renewable energy project deployment. At the same time, it should seamlessly maximise citizen and local community participation and ensure a robust protection for our biodiversity.

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5 C(2022) 3219

6 EC Staff working document. SWD(2022) 149

7 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2022%3A221%3AFIN&qid=1653034500503>

8 RepowerEU package and environmental roll-back, May 2022 <https://caneurope.org/g10-letter-to-commission-on-repowereu/>

# Policy Implementation: Insights from the Ground & Case Studies

**The RES Simplify project**<sup>9</sup> has been instrumental in shedding light on the complexities of permitting and administrative procedures. It provides insights on the simplification of permitting and administrative procedures for renewable energy installations. The consortium leading the study, looked amongst others into the implementation of a number of items from articles 15, 16 and 17, following transposition of RED II. The assessment<sup>10</sup> showed mixed results (e.g. single contact points limited to a few Member States, lack of policies setting deadlines for permit granting, etc).

Beyond the insights from the RES Simplify project, there are several provisions in legal texts and policies that facilitate the monitoring of implementation and potential review of stipulations concerning permitting and administrative procedures.

**The National Climate and Energy Plans (NECPs)** were introduced by the Governance Regulation<sup>11</sup> and should outline how EU Member States will implement and meet the 2030 climate and energy targets. These plans encompass the targets, policies and measures devised by Member States to fulfil their climate and energy commitments from 2021 to 2030. The first plans were submitted in 2018-2019. The plans also needed to include policies and measures related to streamlining project permitting and administrative procedures, amongst others in relation to articles 15, 16 and 17 of the RED II<sup>12</sup>. However, several plans lacked clear measures to simplify permitting for renewable energy projects<sup>13</sup>.

By mid March 2023, Member States had to submit the first progress reports on how they have been implementing their NECPs so far<sup>14</sup>. From the reports that are currently available and accessible<sup>15</sup>, the data provided on policies and measures is currently hard to analyse.

At the same time, to be in line with the EU Green Deal, updated EU climate and energy targets for 2030, and revised climate and energy legislation, the NECPs are now in the process of being updated. In the guidance for the Member States on the updated NECPs<sup>16</sup>, it is highlighted that a particular challenge that needs to be addressed by the updated NECPs concerns permitting.

Even though there are – in some cases at least on paper – opportunities to give input into some of these processes (eg public participation linked to drafting of NECPs), in several occasions, input of the civil society has been limited, while they could have been crucial in assuring broader public acceptance for the acceleration of renewable energy deployment, when ensuring nature protection and effective engagement of citizens and local communities. Moreover, broader stakeholder engagement, including civil society, provides a valuable reality check, ensuring that plans and policies are grounded in practical knowledge and real-world situations.

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9 Technical support for RES policy development and implementation – Simplification of permission and administrative procedures for RES installations (RES simplify). Final report.

10 The assessment was conducted from April to December 2022

11 Regulation on the governance of the energy union and climate action. EU 2018/1999

12 See Annex I of the Governance Regulation, chapter 3.1.2 – contact points, streamlined procedures, info and training, etc

13 European Commission (2020). An EU-wide assessment of National Energy and Climate Plans. COM(2020) 564 final, pg 6. “Member States are invited to fast track and make better use of the following measures, which are generally not included or sufficiently detailed in their NECPs. ....streamlining permitting (e.g. single contact point), swift procedures for repowering.....”.

14 Countries must submit these progress reports every two years, starting from this year. Following submission by EU countries to the EC via the online platform, the progress reports go through a quality assurance and control process.

15 Some Member States denied access to stakeholders (last check: 26 September 2023).

16 Commission notice on the Guidance to Member States for the update of the 2021-2030 national energy and climate plans. (2022/C 495/02)

In addition to the official monitoring tools, stakeholders also conducted analyses of implementation of permitting rules. The analysis of Solar Power Europe<sup>17</sup> looked into the implementation of the permitting and planning measures in 16 EU Member States, based on 8 key indicators. Their findings show amongst others that modernisation of the administration, digitalisation and streamlining of processes or staffing and training of administrative staff is happening too slowly. They also show that Member states succeed most in implementing simplified processes for rooftop PV, as well as simplified grid connection. But the scale of ambition falls short when it comes to PV on artificial surfaces.

The following case studies provide insights on the state of permitting rules and their implementation in various EU Member States, and points to particular challenges that still exist.

## Germany

### Implementation of accelerated and streamlined environmental assessments in designated areas for onshore wind energy as per article 6 Council Regulation (EU) 2022/2577 ( Felix Schmidt, WWF Germany)



#### Background

In 2022, the German government has legislated that two percent of Germany's total area shall be designated for onshore wind energy in a bid to speed up deployment, establish a reliable horizon for investments and reach the country's target of 80 percent renewable electricity by 2030<sup>18</sup>. Each Federal State has been assigned an intermediate spatial target for 2027 as well as the final spatial target for 2032. While some Federal States have already agreed to reach the final target by the end of 2025, others are yet to fully implement the regulation<sup>19</sup>.

#### Application of article 6 Council Regulation (EU) 2022/2577 / §6 WindBG

In Germany, designating areas for the generation of electricity from onshore wind energy can mainly take place through two pathways, depending on the specific Federal State and its local regulation: either the Federal Building Code or Regional Spatial Planning applies.

Following the EU's emergency regulation, the German government has implemented §6 WindBG<sup>20</sup> which transposes the EU's directive regarding exceptions from environmental assessments into national legislation. The paragraph applies to the main types of areas in already existing spatial plans as well as spatial plans that have been drafted but that have not yet received approval by the authority<sup>21</sup>. The main areas that can be used to deploy onshore wind energy are "priority areas" (Vorranggebiet) which generally exclude other forms of use if they are incompatible with the main function of the area (i.e. electricity production from wind turbines), "areas under reserve" (Vorbehaltsgebiet) which do not necessarily exclude other forms of use, and "suitable areas" (Eignungsgebiet) which aim at concentrating a specific type of use while generally excluding it elsewhere<sup>22</sup>. The regulations of §6 WindBG apply in areas that have undergone a Strategic Environmental Assessment (SEA) which is the case for spatial plans that have been approved after the 20th July 2006. The paragraph does not apply in Natura 2000 areas, national parks and nature reserves.

#### Legal implications of §6 WindBG

In all designated areas in which the above-mentioned preconditions apply, the project specific Environmental Impact Assessment (EIA) as well as the species assessment will be replaced by a modified assessment in ongoing permitting procedures as well as in new permitting procedures while the emergency regulation is still in place. The developers may request to conduct a voluntary EIA if they do not switch to the permitting procedure in accordance with §6 WindBG provided that the permitting

<sup>17</sup> <https://www.solarpowereurope.org/press-releases/new-analysis-eu-country-action-on-renewable-acceleration-laws-is-as-low-as-13>

<sup>18</sup> BMWK (2022). The Onshore Wind Energy Act. Expanding wind energy for Germany. <https://www.bundesregierung.de/breg-de/schwerpunkte/klimaschutz/onshore-wind-energy-act-2060954>

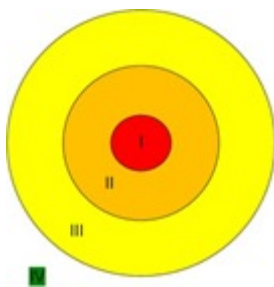
<sup>19</sup> FA Wind (2023). Umsetzung der Flächenbeitragswerte aus dem Windenergieflächenbedarfsgesetz (WindBG) in den Bundesländern. [https://www.fachagentur-windenergie.de/fileadmin/files/Veroeffentlichungen/Planung/FA\\_Wind\\_Umsetzung\\_WindBG\\_Laender\\_2023.pdf](https://www.fachagentur-windenergie.de/fileadmin/files/Veroeffentlichungen/Planung/FA_Wind_Umsetzung_WindBG_Laender_2023.pdf)



procedure was initiated prior to its coming into force. If neither an EIA nor a species assessment is conducted, the authority needs to assess whether there is reliable data available for protected species. This database must be sufficiently precise from a spatial viewpoint and must not be older than five years. If the database is not available or unsuitable, the authority cannot request the developer to implement mitigation measures with the exception for measures aiming at minimising the collision of bats with wind turbines. The authority must then request the developer to pay 3000€/MW into the Federal Fund for Species Protection which is administered by the German Ministry for the Environment. The payments are carried out on a yearly basis across the entire period of operation and are entrusted for the specific purpose of protecting and improving the state of the population of the affected type of species.

However, if suitable data is available, the authority needs to assess whether the project is anticipated to conflict with legislation on especially protected species (§44 Environmental Protection Act; BNatschG). The developer is then requested to apply suitable and proportionate mitigation measures which have been precisely defined in the German Environmental Protection Act. These can include anti-collision systems, temporary shutdowns or creating attractive feeding habitats elsewhere. If these measures are unavailable, the developer is required to pay 3000€/MW into the Federal Fund for Species Protection. However, if the developer has conducted an EIA and a species assessment voluntarily, then the authority is required to use these assessments as the basis for the decision over mitigation measures and the developer will be waived the fee of 3000€/MW.

If the authority mandates a temporary shutdown of a wind turbine, the payment is reduced to 450€/MW per year of operation. The same reduced amount must be paid, if protection measures have been mandated whose capital cost exceed 17.000€/MW.



**I. Wind turbine within close range of nesting site**

- Significantly increased risk of death for protected species
- Mitigation not effective. Direct payment to Species Protection Fund

**II. Wind turbine in central assessment area of the nesting site**

- Potentially significantly increased risk of death for protected species
- Mitigation measures apply

**III. Wind turbine in extended assessment area of the nesting site**

- No significantly increased risk of death for protected species (unless proven otherwise through voluntary assessments by developer)
- No mitigation measures to lower the significance below the threshold (unless requested on the basis of the voluntary assessment to avoid payment)

**IV. Wind turbine outside of assessment areas**

- No significantly increased risk of death for protected species
- No mitigation measures

Mitigation measures are considered unproportionate if they reduce the energy output by eight per cent in locations with a quality factor of >90 percent (i.e. in high-yield areas) or if they reduce the energy output by six percent in all other locations.

20 BMJ (2022). Gesetz zur Festlegung von Flächenbedarfen für Windenergieanlagen an Land (Windenergieflächenbedarfsgesetz – WindBG). <https://www.gesetze-im-internet.de/windbg/WindBG.pdf>

21 BMWK (2023). Entwurf zum Vollzugsleitfaden zu §6 Windenergieflächenbedarfsgesetz. <https://www.bmwk.de/Redaktion/DE/Downloads/Gesetz/entwurf-eines-vollzugsleitfadens-windbg.pdf?blob=publicationFile&v=4>

22 Scholich (2018). Vorranggebiet, Vorbehaltsgebiet und Eignungsgebiet. <https://www.arl-net.de/system/fi-les/media-shop/pdf/2023-01/Vorranggebiet%2C%20Vorbehaltsgebiet%20und%20Eignungsgebiet.pdf>

Before implementing §6 WindBG, if a project was anticipated to conflict with legislation on especially protected species (§44 BNatschG), developers had to apply for an exception on the basis of overriding public interest. In order to be able to proceed with the project, the authority then had to assess if there are alternative locations for the wind turbine and if the state of the population remains unaffected. Under the new regulation, the developer does not need to apply for an exception anymore and can instead directly switch to mitigation measures and/or payments.

### Evaluation of §6 WindBG

The implementation guideline on the new legislation, issued by the Ministry of Economic Affairs and Climate Protection, is expected to accelerate decision-making processes in authorities due to clearer remarks provided by the legislator. Furthermore, it can also incentivise Federal States to ramp up the designation of suitable areas for onshore wind energy deployment since the benefits of the legislation will only apply to these specific areas. It is expected that industry stakeholders will keep up the pressure and demand faster access to renewable energy. Finally, the legislation has provided a solution for a population-based approach to species protection by establishing a Species Protection Fund whose resources are entrusted for specific purposes. On the other hand, waiving the EIA weakens environmental protection since the depth and quality of the SEA vary across different regions and may not be sufficiently detailed in order to ensure a comparable standard of protection.

This instrument should therefore be strengthened and made fit for purpose. Finally, consolidating the measures from the EU emergency regulation in the Renewable Energy Directive (RED) would need to go hand in hand with an overarching concept that secures sufficient areas for nature protection and restoration, improves the management of already protected areas and establishes powerful monitoring tools for better species protection<sup>23</sup>.

## Lithuania

### Grid reservation for priority groups

(Ziedine Ekonomika)



In July 2022, the Lithuanian Parliament voted to restrict commercial solar plants to 2 GW grid capacity (out of 4,4 GW total grid capacity dedicated to solar). That meant that all the solar plant grid reservations were pro-rata given proportional access to the grid with possible curtailment.

In February 2023, the Lithuanian government took the decision to allow any new commercial solar plant to connect to the grid as much as physical grid capacity allows, but they are subject to 100 % curtailment. The remaining 2,4 GW grid capacity for solar was divided into priority groups with the most preferred being energy poverty reduction and renewable energy communities run by municipalities. Funding of 78,5 mln. Eur as grants and 95,5 mln. Eur as subsidised loans will follow soon.

The grid reservation for priority groups coupled with improving the conditions for prosumers meant that in the period from July 2022 to September 2022, 54,489 households and businesses became prosumers (inc. remote prosumers) with additional solar capacity of 564 MW (more than half of total installed solar energy production capacity in Lithuania) and the number is growing further.

#### Further info :

<https://enmin.lrv.lt/lt/naujienos/nustatytos-elektros-tinklu-pralaidumu-paskirstymo-proporcijos-ir-tolesnes-saules-elektrotriniu-pletros-principai>

23 WWF Germany (2023). Stellungnahme - Vollzugsleitfaden zum §6 WindBG. <https://www.bmwk.de/Redaktion/DE/Downloads/Stellungnahmen/windbg.html>

## Romania

### Emergency ordinance for declaring hydropower projects for EIA exemptions and of overriding public interest

(Ana Maria Seman, WWF CEE)



The State-owned utility Hidroelectrica has been attempting to complete the construction of a series of hydropower plants in sensitive areas, projects initiated several decades ago. All of these projects are 20 to 45 years old, but have undergone attempts to revive them in recent years. In the most recent attempt, in December 2022, an Emergency Ordinance was adopted by the government, for the establishment of measures regarding the investment objectives for the realisation of hydropower installations in progress as well as other projects of major public interest that use renewable energy. Inspired by the Emergency Council provision on the presumption of overriding public interest for renewable energy projects and using as arguments the short term implementation timeframe of future Repower EU chapter investments, the governmental ordinance exempted nine hydropower from the requirement to carry out an EIA, despite their obviously significant environmental impacts while also declaring them as being of overriding public interest. Many of these projects were initiated several decades ago and some of them, such as HPP Jiu and HPP Răstolița have been subject to numerous litigation cases due to their environmental impact.

Further, in spring 2023, the Romanian Parliament placed under emergency procedure a draft law for the adoption in parliament of the above mentioned emergency ordinance, law that received favourable opinions from all line committees as well as the needed votes in the chamber of deputies and the senate, being sent for presidential promulgation in June 2023. However, following public pressure, the Romanian ombudsman issued a complaint to the constitutional court on the law in July 2023, a complaint that was unfortunately rejected by the constitutional court in October 2023. During this time, several attempts by the Romanian government to include the 9 hydropower plants under the Repower EU chapter for funding from the RRF failed, making space for more sustainable and needed renewable energy investments in the country.

## Portugal



### **Environmental Impact Assessment (EIA) simplification & exemptions**

(Francisco Ferreira and Pedro Nunes, ZERO)

In Portugal, the publication of Decree-Law no. 11/2023, known as Simplex Ambiental, introduced changes and simplifications to environmental licensing.

SIMPLEX has not only reduced the deadlines for issuing opinions and licences, which could result in situations of tacit approval due to a lack of response from the authorities, due to a lack of capacity. These new limits reduce opportunities for public participation, by removing assessment phases from the main environmental instruments or even assuming tacit approval to hide the inefficiency of public environmental and nature conservation services, which have been left abandoned without investment, modernisation, technical resources or qualifications.

With regard to industrial installations for electricity production, in general, and in the case of solar renewable energy production centres, there has been a change which means that an EIA is required when the area occupied by solar panels and inverters is greater than or equal to 100 ha. In the case of sensitive areas, solar renewable power plants with an area greater than or equal to 10 ha will be subject to mandatory EIA.

Without the definition of acceleration areas (the 'go-to' areas), the possibility of going ahead with solar parks of up to 100 ha without an EIA, although positive in terms of speeding things up, does not take care of possible problems with the successive installation of photovoltaic solar parks that cumulatively result in significant environmental impacts.

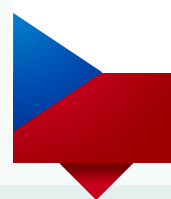
In the case of wind power, the need for mandatory EIA for wind farms and repowering has been eliminated in a greater number of situations. This is the case for wind farms with 20 towers or located at a distance of less than 2 kilometres from other similar wind farms when, as a whole, they have 20 towers; repowering of existing wind farms that have not been subject to EIA, whenever the final result of the existing project, alone or together with previous repowering not subject to EIA, involves a total of 20 or more towers or the distance from another similar wind farm is less than 2 kilometres, when, as a whole, they have 20 towers; Repowering of existing wind farms, outside the area of the farm, which have been subject to EIA, whenever the final result of the existing project, alone or together with previous repowering, involves a total of 30 towers.

For sensitive areas, the EIA is mandatory for wind farms with 10 towers or located at a distance of less than 2 kilometres from other similar farms when they have a total of 10 towers. The inclusion of this measure will end up creating very significant impacts on nature conservation classified areas.

## Czechia

### **Streamlining small scale solar, yet major permitting challenges remain intact**

(Miriam Macurova, Greenpeace Czechia)



Czechia has undertaken efforts to streamline the permitting process for renewable energy projects, but significant obstacles persist. Notably, Czechia has amended its Energy Act, referred to as 'Lex RES 1,' which has considerably reduced the administrative burdens for small rooftop photovoltaic installations. With changes implemented in the Energy and Building Act, effective since January 2023, plants with a capacity of up to 50 kW (previously limited to 20 kW) no longer require a building permit or notification, nor do they need a licence from the Energy Regulatory Office. These changes are a welcome relief for small-scale producers, saving them both time and money.

However, it's important to note that the current regulatory framework has not adequately addressed the major permitting challenges faced by wind and solar power projects, as well as larger construction projects. While the permitting process may result in quicker decisions for applicants thanks to the adoption of Council Emergency Regulation, it doesn't necessarily guarantee a positive outcome due to stringent criteria that have not been adequately addressed in the Council regulation. Some common reasons for refusals include issues such as insufficient capacity in the distribution network, the protection of historical monuments, or obstacles related to land-use planning. In the case of wind turbines, obtaining a permit can still be a lengthy process, often taking more than seven years due to strict location requirements and the presence of military protective zones, effectively creating a de facto ban in practice.

Furthermore, as of now, Czechia has yet to fully transpose RED II (from 2018) into its national legislation. Some of the associated measures are currently under consideration in the government, as part of 'Lex RES 2' and ongoing preparation process of "go to zones".

Further information [Permitting processes are complicated and lengthy | Frank Bold](#)

## Estonia



### Easing the process of obtaining permits for wind projects

(Ingrid Nielsen, Estonian Fund for Nature)

Estonia has adopted a bill for streamlining and expediting processes for offshore wind and other large scale development projects, in line with the new coalition agreement to produce 100% of electricity from renewable sources by year 2030. This would mean building 1GW offshore and 1GW onshore wind energy in addition to solar and biomass sourced power. An audit conducted in October 2022, in the light of RePowerEU obligations, showed the necessity to find additional space onshore for wind energy to accommodate this goal. The search for such areas is announced to be completed in the second half of 2024.

#### **Offshore permitting to be simplified - a step in the right direction.**

Previously, it was necessary to apply for three different permits for the establishment of an offshore wind farm: a building permit, an environmental permit for special use of water, and a construction permit. Now, a separate procedure for the building permit of the offshore wind farm has been created, which will combine all three mentioned permits. In addition, the environmental impact assessment (EIA) process as a whole will be streamlined: the main changes include optimizing the stages of the EIA process and eliminating the obligation to provide duplicate EIA preliminary assessments, which will shorten the process duration by up to 4 months compared to 2 years (current average duration).

The entire decision-making authority would rest with the Consumer Protection and Technical Regulatory Authority (CPTRA). The bill also sets new deadlines for the building permit process and validity. After the Environmental Impact Assessment (EIA) report is deemed compliant, developers would have 180 days to provide CPTRA with additional data necessary for the building permit, with 90 days left for CPTRA to make a final decision. After the building permit is granted, it could be declared invalid if the structures specified in it are not completed, and usage permits are not obtained within 5 years.

The unified permit procedure could also be applied to ongoing building permit procedures if the developer requests it, pays the state fee, and ensures that the impacts of water special use are assessed during the EIA. It also introduces a fee for the building permit process. The fee for building permits for offshore wind farms is set at €7,900 plus €250 for each planned wind turbine; for other building permits, the fee is €2,800.

#### **EIA changes to reduce timings slightly - saving time, but creating possibility for litigation**

Along with permitting changes, the accepted bill also claims to accelerate the environmental impact assessment procedure by several months. The changes related to the EIA process aim to expedite procedures, potentially by up to 4 months (the accompanying memorandum suggests that the average duration of EIA currently takes about 2 years). This would primarily be achieved by reducing the obligation to consult separately with relevant authorities. Under the previous regulations, both the EIA program and the impact assessment report had to be first presented to authorities and only then to the public. Now, these activities would take place simultaneously, saving time, but critics argue that these mechanisms are not improving public participation. The state has given a soft suggestion that developers and local governments adhere to more inclusive public participation practice, but hasn't specified on how to achieve it. The minimum period for the public display of the EIA program and the submission of opinions would be extended from 14 to 21 days. In addition, the decision-maker would no longer have to coordinate the amended EIA report with authorities after its requirements have been

met. The decision-maker would be required to formulate their opinion on the relevance and sufficiency of the EIA program based on the received opinions and views after the public presentation of the program and related report. In addition, the bill excludes the extension of certain procedural deadlines (e.g., the extension of the deadline for the decision-maker's pre-check of the EIA program and report) and clarifies under what circumstances the decision-maker can skip during the EIA pre-assessment. This places greater responsibility on the decision-makers, which will reduce the possibility of delays in permitting.

All the changes will also extend to other large-scale activities subject to impact assessment requirements, such as onshore wind projects, road-rail-port construction, mining, and more.

# Monitoring proper implementation on the ground

The RES Simplify<sup>24</sup> project has already examined certain performance indicators that assess both the efficiency and effectiveness of various procedures.

Our aim is to complement these existing efforts conducted by different stakeholders. We hope to enrich discussions on simplifying permitting and administrative procedures by introducing a comprehensive checklist. This is designed to not only successfully accelerate RES deployment but also to maximise participation of citizens and local communities, while simultaneously safeguarding biodiversity protection during the permitting process.

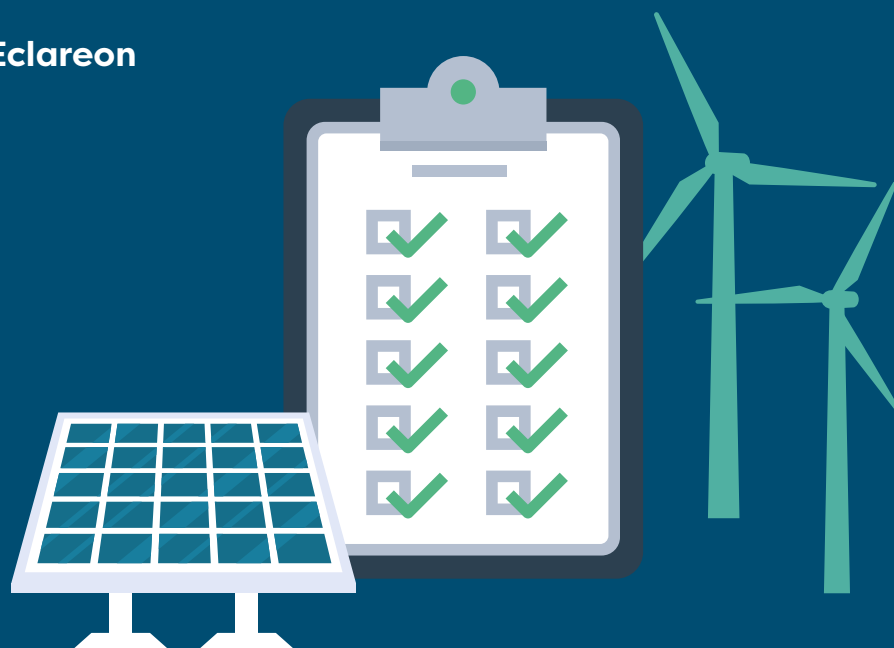


<sup>24</sup> Technical support for RES policy development and implementation – Simplification of permission and administrative procedures for RES installations (RES simplify). Final report.



# Permitting for Successful Acceleration of Solar and Wind Deployment: A Ten-Step Checklist

Author: John Szabo, Eclareon



Accelerating the diffusion of renewables is unequivocally a vital course of action, but it should be done in a socio-ecologically sustainable manner that allows for the EU to carry out a just transition and weighing action against the environmental harm it may inflict. We have developed the following checklist comprising of ten points, which stakeholders should consider when accelerating the diffusion of solar photovoltaics and wind power. Although we are aware of the need to further explore the implications of acceleration on upstream (e.g. production of solar PV modules), this checklist focuses on the downstream.

We identify discrete considerations based on discussions with experts affiliated with eight relevant stakeholders<sup>25</sup>, a thorough analysis of scholarly literature, studies and the position papers of key stakeholders, as well as drawing on preceding analysis<sup>26</sup> conducted on the matter. This is by no means an exhaustive or definite list and is rather intended to spark discussion. Feedback we received suggests that for some actors these points are too abstract, while for others, they may be overly specific.

The spirit and intention of this work is to prompt dialogue among those involved in designing policy, executing projects, and seeking to conserve nature. Our findings clearly highlight that there is a need for a greater focus on geography, which entails interweaving space-based considerations (e.g. local politics) and national (or EU-level) renewable energy goals. Thus, we hope to prompt those engaged with the transition to explore how these considerations can be transposed to their specific context, but also add to the list where necessary. Only by enriching policy discourse by these many viewpoints can we iterate towards a socio-ecologically sustainable and inclusive future.

<sup>25</sup> For a full list, see below.

<sup>26</sup> <https://www.eclareon.com/en/projects/res-simplify>.



## Support for *democratic energy communities*



The European Commission underscored that the EU's energy “transition must be **just and inclusive** [bold in original]”<sup>27</sup>, which entails the inclusion of a broad base of the citizenry. The approach has since made its way into the Commission's Recommendation on speeding up permit-granting procedures for renewable energy projects as well, where it underscores that “Member States should implement simplified permit-granting procedures for renewable energy communities”<sup>28</sup>.

Simply put, energy communities are vital for the energy transition and measures need to support this. In some cases, this is taking shape, as Lithuania allocated half of grid capacities to energy communities and prosumers<sup>29</sup>, but is not the case across the board. The slow roll-out of incentives and regulatory frameworks, ambiguities, and the lack of political will to implement them in a socially just manner hinder their growth<sup>30</sup>.

The lack of a clear definition in EU policy – Renewable Energy Communities (RECs) in RED II<sup>31</sup> versus Citizens Energy Community (CEC) in the Electricity Directive<sup>32</sup> – already poses an impediment, but the piecemeal, inattentive, or deliberately skewed implementation by member states hinders their contribution to the energy transition<sup>33</sup>. In many cases, this has led to private profit-seeking enterprises, frequently with large energy portfolios, participating in energy cooperatives and skewing the democratic decision-making processes that the ethos of cooperatives seek to uphold. There is an urgent need to accelerate the diffusion of renewable energy communities that uphold the ethos of *community*.

- 1.1. *Member states need to harmonise regulation, the principles upheld by energy cooperatives, and the locality specific particularities of RECs/CECs. Here, authorities should consider how to uphold the ethos of cooperatives, which varies based on geography and history, but generally revolves around democratic decision-making, democratic control by members, and aims to benefit the community.*
- 1.2. *Energy community grid access quotas should be set, with targets adapted to the specific context.*

27 [https://eur-lex.europa.eu/resource.html?uri=cellar:b828d165-1c22-11ea-8c1f-01aa75ed71a1.0002.02/DOC\\_1&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:b828d165-1c22-11ea-8c1f-01aa75ed71a1.0002.02/DOC_1&format=PDF), p. 2.

28 [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=PL\\_COM%3AC%282022%293219](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=PL_COM%3AC%282022%293219).

29 Scholich (2018). Vorranggebiet, Vorbehaltsgebiet und Eignungsgebiet. <https://www.arl-net.de/system/files/media-shop/pdf/2023-01/Vorranggebiet%2C%20Vorbehaltsgebiet%20und%20Eignungsgebiet.pdf>

30 <https://www.sciencedirect.com/science/article/pii/S2772569322001049>.

31 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L2001>.

32 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L0944>.

33 <https://www.rescoop.eu/toolbox/unleashing-the-power-of-community-energy-policy-recommendations>.

# 2

## Respecting and engaging locals and civil society more broadly

There is a deep need to engage with local communities in a meaningful manner. The acceleration of renewable deployment risks top-down control of authorising projects without local engagement. Consulting locals and civil society broadly well in advance of the launch of a project is widely seen as a key to success. Some, as is the case in Slovakia, are developing guidelines to “early intervention” and timelines that structure engagement, adding an element of predictability to the dialogue between developers and locals.

Region-specific<sup>34</sup> issues are also not necessarily taken into account in national policy and without local engagement developers’ ability to complete successful projects on-time decline. This can only be offset with thorough consultations to bring thorny issues to the foreground. For instance, the interaction of tourism and the renewable energy industry is not reflected in Croatian policy, where it is a contentious issue. The importance of engaging has been acknowledged by the solar industry<sup>35</sup> and progress has been made in exploring cooperation between agriculture and renewable energy developers. Key caveats are still lacking, such as discussion between authorities, project developers, civil society broadly, including environmental NGOs, and fishermen regarding offshore area allocations. What is more, consensus-seeking and knowledge sharing should be reflected in national policy or regulations, as they are still best practices as the most.

- 2.1. *Draft a pre-project code of conduct, which offers guidelines to how locals and civil society broadly should be consulted with regard to a project. This includes access to information well in advance of developers taking final and irreversible decisions, alongside the introduction of a timeline that specifies feedback rounds, contact with town halls, and written positions that local communities and other interests can submit to shape developers’ course of action.*
- 2.2. *Develop regional guidance documents on the local specificities that developers need to consider when engaging locals.*
- 2.3. *A town hall on the project in advance to the developer launching permitting should be the point of departure for a developer, which should be mediated by a neutral third-party that can facilitate communication and articulate vital points between locals and developers.*
- 2.4. *Local leaders should launch a discussion on the redistribution of income and socio-economic benefits from projects in a timely manner (i.e. well in advance of a project beginning operations). Funds need to be traced and published, ensuring that leaders can be held accountable.*



34 <https://www.e-flux.com/architecture/dimensions-of-citizenship/178284/on-the-politics-of-region/>

35 [https://api.solarpowereurope.org/uploads/Position\\_paper\\_Permitting\\_FINAL\\_1\\_71ada9642.pdf?updated\\_at=2022-07-27T12:34:57.105Z](https://api.solarpowereurope.org/uploads/Position_paper_Permitting_FINAL_1_71ada9642.pdf?updated_at=2022-07-27T12:34:57.105Z)

# 3

## Benefit sharing and building public support

The energy transition's success hinges on both local engagement and broader public support for renewables. Numerous cases indicate that ill-managed policy interventions or actions (think of the solar PV scandal in the Czech Republic<sup>36</sup> around 2013, the corruption scandal in Slovakia during the early-2010s, or the multi-billion euro compensation demands<sup>37</sup> against Spain following the retrospective reduction of solar energy investors' benefits in 2013) hamper renewable deployment.

To overcome this and accelerate the process, broader social support is essential, which can be garnered through a support regulatory framework and transparent government, but wider participation and shared benefits can be just as important. A recent project aiming to find new ways of addressing offshore wind conflict in the Baltic sea showed that one of the most popular conflict solutions to offshore wind deployment is collaboratively developed community benefits and community owned offshore projects. Moreover, the project findings revealed that community benefit models are most effective when developers, communities, and government authorities work together to come to a shared understanding of the definitions of community, benefits, and impacts, as well as how these components relate to each other.

*3.1. Governments need to introduce local ownership ambitions (e.g. local ownership quotas) and establish financial mechanisms to empower local residents, businesses, and communities to become project shareholders.*



<sup>36</sup> <https://www.osw.waw.pl/en/publikacje/analyses/2013-02-27/a-solar-scandal-czech-republic-and-its-implications>

<sup>37</sup> <https://the-arbitration-brief.com/2023/02/15/spains-renewable-energy-disputes-renewable-energy-needs-reliable-arbitration/#:~:text=Spain%20faced%20fifty%20claims%2C%20totaling,allocation%20of%20costs%20and%20risk.>

# 4

## Local staffing and restructuring legal procedures

Accelerating the deployment of renewables cannot be done without an adequate number of sufficiently trained experts overseeing the administration of projects. This barrier has been highlighted in a number of studies, but it is crucial that capacity increases and attempts to streamline procedures do not emerge to the detriment of local staffing needs. That is, centralisation may hold appeal, but cannot incorporate local complexities upon which those “on the ground” can reflect and to which they are able to respond. Some have taken measures, such as Slovakia’s plan to establish Regional Centers of Sustainable Energy, but this is rather the exception as opposed to the rule. Those working within these endeavours also need to communicate with one-another allowing for a dynamic exchange of knowledge and collaboration. Furthermore, community outreach by developers may have improved, but legal issues may nonetheless emerge. It is vital that governments allocate dedicated capacities that deal with renewable energy-related legal issues to ensure quick and dedicated responses to complaints.



- 4.1. *National authorities need to take stock of local authorities’ capacities – considering the specific context and needs of regional and local governments and working closely with them – and consult project developers on how this relates to actual needs. This can be the basis of an employment strategy and its implementation should be revisited on a yearly basis.*
- 4.2. *Authorities should set staffing targets based on industry needs and in line with the planned renewable energy generation capacities. Subsequently, they should report on how regional capacities are met.*
- 4.3. *Establish (or grow) capacities allocated to renewable energy-related legal cases.*

# 5

## Using Geographic Information System (GIS)

Member states are still not using a Geographic Information System (GIS) to develop renewable energy plans (e.g. National Energy and Climate Plans) and do not offer support for project developers to scope locations suitable for renewable energy projects. Endeavours, such as the Joint Research Centre's (JRC) Energy and Industry Geography Lab<sup>38</sup> or IBAT<sup>39</sup>, are a step in providing developers with input, but governments and authorities do not necessarily have the skills to use such tools.

- 5.1. *Ensure human capacity with the skills necessary to utilise GIS.*
- 5.2. *Integrate GIS into planning processes and ensure public access to continuously updated online GIS tools that track larger project proposals.*



38 [https://joint-research-centre.ec.europa.eu/scientific-tools-databases/energy-and-industry-geography-lab\\_en](https://joint-research-centre.ec.europa.eu/scientific-tools-databases/energy-and-industry-geography-lab_en).

39 <https://www.ibat-alliance.org/the-data?locale=en>.

# 6

## Considering the impact of renewable energy ‘acceleration’ areas

Designating ‘acceleration’ areas<sup>40</sup> provides developers information on where they are likely to be able to execute successful projects by providing them with ‘strategic environmental assessments’ (SEA) and ‘appropriate assessments’ (AAs)<sup>41</sup>. These, however, provide limited detail on smaller areas leading project developers to nonetheless carry out EIAs in many cases. This adds, as opposed to taking away, from the overall administrative burden.



The effects of ‘acceleration’ areas are also not straightforward. Identified areas may be suitable from an environmental standpoint, but less appealing in terms of irradiance, grid access, and nearby energy demand. Moreover, identifying ‘acceleration’ areas can hamper projects in other areas that could offer suitable locations. Even worse, by highlighting ‘acceleration’ areas developers may assume that others are off limits (and authorities may read these as such), ultimately slowing the pace of renewable diffusion<sup>42</sup>. There is a shift in thinking about ‘no-go’ areas (e.g. Natura 2000 sites), as even some environmental NGOs – in addition to renewable advocacy groups<sup>43</sup> – suggest that it could be permissible to deploy renewables in such areas were a careful environmental impact assessment (EIA) carried out.

- 6.1. *Identification of the criteria and variables that will be used to plan and designate acceleration areas should be done in collaboration with stakeholders, including NGOs.*
- 6.2. *Identify and regularly update ‘acceleration areas’ and ‘no-go’ zones based on consultations. Authorities should see this as an iterative, dynamic process during which they regularly re-evaluate designations and their impact on a number of variables (e.g. biodiversity) in collaboration with locals, NGOs, project developers, and other stakeholders.*
- 6.3. *Authorities should supersede the acceleration/no-go binary and aim to expand land dedication, while establishing how ‘preferred’ some areas are in contrast to others.*

40 [https://joint-research-centre.ec.europa.eu/scientific-tools-databases/energy-and-industry-geography-lab/acceleration-areas-renewables\\_en](https://joint-research-centre.ec.europa.eu/scientific-tools-databases/energy-and-industry-geography-lab/acceleration-areas-renewables_en).

41 [https://wwfeu.awsassets.panda.org/downloads/repowereu\\_position\\_paper\\_v3.pdf](https://wwfeu.awsassets.panda.org/downloads/repowereu_position_paper_v3.pdf).

42 [https://api.solarpowereurope.org/uploads/Position\\_paper\\_Permitting\\_FINAL\\_1\\_711ada9642.pdf?updated\\_at=2022-07-27T12:34:57.105Z](https://api.solarpowereurope.org/uploads/Position_paper_Permitting_FINAL_1_711ada9642.pdf?updated_at=2022-07-27T12:34:57.105Z).

43 See e.g. <https://windeurope.org/wp-content/uploads/files/policy/position-papers/20220517-WindEurope-position-paper-Wind-industry-permitting-recommendations.pdf> or [https://api.solarpowereurope.org/uploads/Position\\_paper\\_Permitting\\_FINAL\\_1\\_711ada9642.pdf?updated\\_at=2022-07-27T12:34:57.105Z](https://api.solarpowereurope.org/uploads/Position_paper_Permitting_FINAL_1_711ada9642.pdf?updated_at=2022-07-27T12:34:57.105Z).

# 7

## Brown vs. greenfield development

Closely related to ‘acceleration’ areas are the ambitions to support brownfield investments<sup>44</sup>, which offer ample space to support the acceleration of renewable deployment.

There is a need for the continued incentivization of brownfield over greenfield developments – these can be financial in nature.

- 7.1. *Conduct an assessment of legal, practical or financial barriers for brownfield projects and develop measures to overcome them.*
- 7.2. *Track the ratio of brownfield to greenfield developments. The scale should be skewed towards brownfield and long-term government objectives should reflect this, but companies can be incentivised (e.g. via feed-in premium system) or their portfolios can also be rewarded.*



<sup>44</sup> Definitions as to what constitute brown and greenfield vary, but this report by-and-large refers to brownfield as land that had been or are subject to commercial or industrial use, entailing that it would have to be subject to further development before used to host renewable energy.



# 8

## Biodiversity: exploiting synergies and focusing on the big picture

EU policy and action should reflect ambitions to improve biodiversity. The EU's 'Biodiversity Strategy for 2030: Bringing nature back into our lives'<sup>45</sup> followed by further measures, such as corporate sustainability reporting<sup>46</sup> have included action in support of biodiversity to the EU's policy toolkit, but this needs to be implemented and fine-tuned.

Actions in support of increasing biodiversity should be the norm, but to get there, governments could offer compensation for such projects – that enhance biodiversity or meet specific biodiversity-related requirements. This is already happening in some cases (e.g. Germany).

Moreover, synergies between formerly bifurcated sectors, such as energy and agriculture<sup>47</sup>, need to be better exploited. There is also a need for systemic thinking about how biodiversity can be increased through projects and policies.



- 8.1. *Develop a clear strategy (with targets where available) for solar photovoltaic installations on agricultural areas, to identify where their presence may be beneficial or harmful for biodiversity and agricultural production.*
- 8.2. *Assess, follow, analyse, and publish the biodiversity impact of projects before, during, and after their completion.*
- 8.3. *Develop guidance on what form of biodiversity ambitions should be set in specific areas or with regard to certain species. In some cases population-based approaches suffice, but in others balances may be more delicate and require that each specimen's survival be ensured.*
- 8.4. *Best practices and guidelines should be developed to help developers increase biodiversity.*
- 8.5. *Develop compensation criteria. That is, there should be clear guidelines and timelines for companies on how to compensate for the biodiversity loss that their projects inflicted.*

<sup>45</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52020DC0380>.

<sup>46</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022L2464>.

<sup>47</sup> [https://api.solarpowereurope.org/uploads/4222\\_SPE\\_Biodiversity\\_report\\_07\\_mr\\_09172d7230.pdf](https://api.solarpowereurope.org/uploads/4222_SPE_Biodiversity_report_07_mr_09172d7230.pdf) and <https://www.solarpowereurope.org/insights/thematic-reports/agrisolar-best-practice-guidelines-version-2-2>.

# 9

## Digitalisation of permitting process

Numerous position papers<sup>48</sup>, public consultations<sup>49</sup>, and studies<sup>50</sup> focused on the barriers to renewable energy deployment have underscored the importance of digitalisation throughout the permitting process. Authorities still need to make progress in this regard, but this should be done hand-in-hand with project developers and other stakeholders to ensure user-friendly and dedicated platforms that accelerate permitting.

- 9.1. Authorities should aim to reach full-digitalisation of permitting processes and measure and publish their progress on a yearly basis.
- 9.2. Develop a platform where users of digital infrastructure can offer feedback to help improve processes.



48 See e.g. <https://eeb.org/wp-content/uploads/2022/05/Top-10-problems-for-renewable-energy-in-Europe.pdf> or <https://windeurope.org/wp-content/uploads/files/policy/position-papers/20220517-WindEurope-position-paper-Wind-industry-permitting-recommendations.pdf>.

49 [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13334-Renewable-energy-projects-permit-granting-processes-power-purchase-agreements\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13334-Renewable-energy-projects-permit-granting-processes-power-purchase-agreements_en).

50 [https://www.eclareon.com/sites/default/files/res\\_policy\\_monitoring\\_database\\_final\\_report\\_01.pdf](https://www.eclareon.com/sites/default/files/res_policy_monitoring_database_final_report_01.pdf).

# 10

## Revisiting minimum distances for wind projects

Regulators need to revisit the mandatory minimum distances (or separation distances) between wind turbines and residential areas. This approach has typically taken one of two forms: based on the height of turbines (e.g. Scotland, Poland, the German state of Bavaria) or an outright figure.

Height-based regulations have been shown to impede wind power diffusion<sup>51</sup> and, even if some projects are undertaken, these may not be economically optimal<sup>52</sup>. WindEurope – the wind energy advocacy association – has suggested that setting the minimum distance at 500 meters is the best practice or countries that have already applied smaller distances successfully should continue to apply these<sup>53</sup>. The relation between minimum distances and their social and environment impacts is not always clear, however. In some cases, further minimum distances may not only impede the diffusion of wind power (e.g. Hungary<sup>54</sup>), but also lead to environmental harm by pushing projects further into areas that are uninhabited or used by humans .



*10.1. Revisit mandatory minimum distances for wind power and delineate those in light of recent experiences, European best practices, and local particularities.*

## Interviews and input

- Policy Officer, Environmental NGO, 25.08.2023.
- Policy Advisor, Renewable Energy Industry Association, 21.08.2023.
- Policy Advisor, Environmental Advocacy Group, 03.08.2023.
- Strategic Communications Manager, Renewable Energy Industry Association, 31.07.2023.
- Director, Environmental Organisation, 21.07.2023.
- Programme Officer 1, Environmental Research Organisation and Consultancy, 20.07.2023.
- Programme Officer 2, Environmental Research Organisation and Consultancy, 20.07.2023.
- Senior Expert, Energy Community NGO, 16.07.2023.
- CAN Europe RES Working Group workshop attended by members, 04.09.2023.

<sup>51</sup> <https://windeurope.org/newsroom/press-releases/only-a-setback-distance-of-500-metres-will-support-onshore-wind-in-poland/>.

<sup>52</sup> [https://www.diw.de/de/diw\\_01.c.832975.de/publikationen/diskussionspapiere/2021\\_1989/way\\_off\\_the\\_effect\\_of\\_minimum\\_distance\\_regulation\\_on\\_the\\_deployment\\_and\\_cost\\_of\\_wind\\_power.html](https://www.diw.de/de/diw_01.c.832975.de/publikationen/diskussionspapiere/2021_1989/way_off_the_effect_of_minimum_distance_regulation_on_the_deployment_and_cost_of_wind_power.html).

<sup>53</sup> <https://windeurope.org/wp-content/uploads/files/policy/position-papers/20220517-WindEurope-position-paper-Wind-industry-permitting-recommendations.pdf>.

<sup>54</sup> <https://www.sciencedirect.com/science/article/pii/S2210422418300029>.

<sup>55</sup> <https://www.sciencedirect.com/science/article/abs/pii/S0301421520301841>.

# APPENDIX: Support for implementation of Streamlined Permitting

To support Member States in the streamlining of permitting issues, the European Commission has also undertaken several initiatives:

- **Task Forces & Expert Groups:** The European Commission initiated several task forces with Member State representatives to address permitting issues.
  - The **Single Market Enforcement Task Force (SMET)**<sup>56</sup> was designed to identify barriers and implement solutions across the single market. Notably, some of its meetings revolved around progress made in renewable energy permitting (focus on process related barriers). It gathers in most cases representatives of Ministries for Economic Affairs.
  - **DG Energy** initiated an expert group, mostly focussing on other categories of barriers, such as staffing and involvement of local authorities.
  - **CARES**<sup>57</sup> facilitated exchanges between Member States regarding permitting rules, particularly under the umbrella of the Core Team RES Electricity.
  - **DG Environment** took initiatives to discuss permitting issues, including in the expert group on EIAs. They have also taken initiatives to bring together energy and environment experts on the topic of permitting.
- **Funding:** The European Commission earmarked funding for Member States in their streamlining efforts.
  - The Commission issued calls under the **Technical Support Instrument**<sup>58</sup> to support the efforts of Member States in accelerating the uptake of renewable energy. Under the 2022 spring call for REPowerEU, six Member States are being provided with technical assistance for streamlining permitting of renewable energy sources projects<sup>59</sup>. A dedicated flagship project was developed for the 2023 Technical Support Instrument call<sup>60</sup>.
- **Recovery and Resilience Plans (RPPs):** in the plans which were due by April 2021, certain Member States requested support to simplify their permitting and administrative procedures.<sup>61</sup>
  - **Example:** Croatia<sup>62</sup> conducted an assessment focused on policies that would overcome barriers to greater renewable energy usage. Their comprehensive assessment concluded with an implementation plan comprising 10 pivotal measures.
- **REPowerEU Chapters:** In 2023, an opportunity arose for Member States to tap into recovery funds by submitting additional REPowerEU chapters (due by August 2023)<sup>63</sup>.
  - The Commission encouraged for the inclusion of measures like a one-stop-shop for renewable permitting to speed up the approval process.
  - **Examples:** Both Austria and Slovenia<sup>64</sup> submitted additional REPowerEU chapters that featured reforms targeting streamlining permitting processes.

56 A high-level forum where the Commission and EU countries work together, to identify how to deal with barriers, jointly devise and implement solutions, ensure a consistent approach and act rapidly. [https://single-market-economy.ec.europa.eu/single-market/single-market-enforcement-taskforce\\_en](https://single-market-economy.ec.europa.eu/single-market/single-market-enforcement-taskforce_en)

57 Concerted Action on the Renewable Energy Directive (<https://www.ca-res.eu/>)

58 The Technical Support Instrument is the European Commission's key tool for supporting Member States in designing and implementing growth-enhancing and inclusive reforms

59 6 MS (NL, LT, IE, FI, SK, RO) get support under the TSI's 2023 Flagship on Accelerating Permitting for Renewable Energy.

60 Details on technical flagship : [https://reform-support.ec.europa.eu/accelerating-permitting-renewable-energy\\_en](https://reform-support.ec.europa.eu/accelerating-permitting-renewable-energy_en)

61 [https://ec.europa.eu/commission/presscorner/detail/en/qanda\\_23\\_2489](https://ec.europa.eu/commission/presscorner/detail/en/qanda_23_2489)

62 <https://mingor.gov.hr/UserDocImages/UPRAVA%20ZA%20ENERGETIKU/OIE%20-%20PROCJENA%20S%20PREPORUKAMA%20ZA%20UKLANJANJE%20PREPREKA%20verzija%203%20FINAL.pdf>

63 As part of the REPowerEU Plan, the Recovery and Resilience Facility (RFF) support Member States in putting forward critical reforms and investments to rapidly phase out the EU's dependence on Russian fossil fuels and foster zero-carbon sources and energy resilience. These new or scaled-up measures, to be included in dedicated REPowerEU chapters of national recovery and resilience plans, will come on top of what Member States already included in their existing RRP plans.

64 [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_23\\_3872](https://ec.europa.eu/commission/presscorner/detail/en/ip_23_3872)



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