

RES Permitting

Eurelectric Statement

Eurelectric represents the interests of the electricity industry in Europe. Our work covers all major issues affecting our sector. Our members represent the electricity industry in over 30 European countries.

We cover the entire industry from electricity generation and markets to distribution networks and customer issues. We also have affiliates active on several other continents and business associates from a wide variety of sectors with a direct interest in the electricity industry.

We stand for

The vision of the European power sector is to enable and sustain:

- A vibrant competitive European economy, reliably powered by clean, carbon-neutral energy
- A smart, energy efficient and truly sustainable society for all citizens of Europe

We are committed to lead a cost-effective energy transition by:

investing in clean power generation and transition-enabling solutions, to reduce emissions and actively pursue efforts to become carbon-neutral well before mid-century, taking into account different starting points and commercial availability of key transition technologies;

transforming the energy system to make it more responsive, resilient and efficient. This includes increased use of renewable energy, digitalisation, demand side response and reinforcement of grids so they can function as platforms and enablers for customers, cities and communities;

accelerating the energy transition in other economic sectors by offering competitive electricity as a transformation tool for transport, heating and industry;

embedding sustainability in all parts of our value chain and take measures to support the transformation of existing assets towards a zero carbon society;

innovating to discover the cutting-edge business models and develop the breakthrough technologies that are indispensable to allow our industry to lead this transition.

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RES Permitting

Going climate neutral means that, by 2045, the power sector needs to invest €100 billion per year in generation and storage alone¹. Significant investments will also be required in transmission and distribution grids, including their optimisation and digitalisation, in the range of €60 to 110 billion per year².

As demonstrated by the European Commission's long-term scenarios, a carbon neutral power system will be dominated by renewable energy sources, which would represent more than 80% of the electricity mix by 2045, complemented by other carbon neutral sources. A significant acceleration of the pace of renewables deployment is necessary to achieve the current renewable energy target of the Clean Energy Package of at least 32% by 2030, with a yearly capacity addition superior to what has been achieved so far. Overall, according to Eurelectric 2020 Power Barometer³, especially sharp increases in the deployment of solar capacity (2.9 times) and wind capacity (1.9 times) are needed by 2030.

Going forward, predictable, long-term, stable, transparent and market-based frameworks are needed to ensure the necessary investments in renewables, carbon neutral energy sources and key transition enabling technologies such as storage, Power-to-X and demand side flexibility, while addressing the security of supply challenge.

As the European Union is considering a 2030 higher greenhouse gas (GHG) target - that could lead to a higher 2030 EU RES target - and given the importance a clean and renewable hydrogen-based energy supply would play in the decarbonisation of energy intensive sectors, Eurelectric wants to highlight the negative impacts of slow and complex permitting processes on the building of RES capacity including investment certainty. This is particularly acute as cost-competitive renewables are set to play an important role in the post-Covid-19 EU recovery⁴, supporting European industries, supply chains and local jobs. Since power sector investments constitute beneficial long term assets (the life expectancy ranges from several decades for grid infrastructure up to 80 years and even longer for hydropower plants), a profound project assessment is key for successful implementation, whereas any delay due to non-content related reasons should be avoided.

A strong and comprehensive stakeholder inclusiveness has always been a success factor for RES-projects to take legitimate interests on board in order to avoid substantial delays in the permitting procedure. To safeguard Europe's standing as a business location, an appropriate balance between the participants' contrasting interests in the approval procedure has to be achieved. Assessment of the substantive and formal prerequisites for approval must take into account whether the necessary investments are in the public interest and the process must be accelerated while also protecting the rights of the various parties involved.

The reasons for delays in permitting can be attributed to a number of factors such as complexity of the project, high number of statements and objections raised at different stages, lack of administrative and human resources for national and local competent authorities, work load of court-appointed experts, commissioning of new experts as well as new expert's report during the proceeding or standstills of the proceedings. Additional factors include a missing stable framework

¹ [Eurelectric, e-invest, The power sector investment challenge](#), September 2019.

² [A Clean Planet for all A European strategic long-term vision for a prosperous, modern, competitive and climate neutral economy](#), COM (2018) 773 final.

³ Eurelectric, [Power Barometer 2020](#), September 2020.

⁴ [Joint call to EU leaders, #EUGreenRecovery to restart Europe](#), April 2020.

due to an evolving regulatory landscape as well as changing permitting systems and/or a lack of appropriate permitting systems in place.

Against this background, Eurelectric calls for:

1. **A fast and thorough implementation of the new simpler permitting rules in the revised Renewable Energy Directive** (Directive (EU) 2018/2001):
 - The **single contact point** (meaning, one competent body responsible for permitting requests) as well as **clear start and end dates** for the permitting process should converge towards similar and comparable process durations across all Member States (aiming at a strong reduction in the permitting time to be able to achieve also the national decarbonisation targets and plans).
 - A **fast-track process for refurbishment and repowering of existing RES sites** (including the optimal use and planning of sites where renewables are already installed, foreseeing simplified procedures and a fast screening of the exemption from the Environmental Impact Assessment Directive if no relevant impact is determined). Developers should have the possibility to improve the specific technology indicated in the permit if a more efficient design (e.g. wind turbine or PV panel) is available later during the permitting process. This should be possible without a need to restart the whole process.
 - A **notification regime for RES self-consumption projects** in case no adverse effects on the environment are expected and existing infrastructure sites are used (such as roof tops or facades). This should be sufficient when the expected generation of the RES site does not exceed the average annual self-consumption.
2. An explicit consideration of the permitting process and its evolution at the relevant level in **National Energy and Climate Plans (NECPs)**.
3. **Sufficient administrative, financial and human resources for permitting authorities** both at national and regional/local levels as well as for courts in charge of RES projects litigation.
4. **A fundamental review of permitting processes** to ensure:
 - An **accelerated permitting for climate critical infrastructure** including a review of TEN-E Regulation to speed-up permit granting for PCIs⁵.
 - **Grid operators** shall benefit from the same fast and simplified procedures when realising grid modernization projects, new RES connections and adoption of new smart grid technologies.
 - A **coordinated spatial planning and permitting process for generation sites, grids and the related project infrastructure**. In order to reach the NECP targets, spatial planning for renewables will be key, whereas determined “**RES priority zones**” might guarantee a “fast track” in terms of grid connection and further contribute to a more balanced and a cost-effective approach.
5. **Ensure an appropriate cross-border collaboration on permit considerations**, integrating the Espoo Convention in permit systems across Europe. Where relevant, offshore

⁵ [Eurelectric, Response to the Targeted Consultation on the Revision of the TEN-E Regulation, July 2020.](#)

permitting approaches should be aligned across nation state borders or at a sea basin level, including environmental impact thresholds and requirements. For offshore RES, it is critical that Marine Spatial Planning considers the need for renewable energy, whereas seabed screenings should be done at large scale (preferably at sea basin level) to allow for larger areas (also cross-border) being identified for offshore wind development over the next decades. This would result in a more long-term assessment of co-use with environmental protected areas and other “uses” of the sea and reduce the burden of all such decisions being taking through individual RES permitting processes.

6. **A balance as well as early-stage coordination between conflicting and sometimes even contradictory goals of energy, climate and environmental policies.** The discrepancy occurs quite often only during the permitting procedures in the context of the Water Framework Directive, the Marine Strategy framework Directive, and the EU Nature Directives, resulting in long-lasting assessments of different public interests.
7. An **amended regulatory framework for Natura 2000 sites and similar areas with constraints** to provide more flexibility with regard to the establishment of RES installations and critical infrastructure while protecting ecosystems. As RES projects might also be “win-win” solutions, leading the fight against climate change and simultaneously conserve the local biodiversity, a reconsideration of allowed activities in Natura 2000 is necessary, based on a comprehensive empirical data analysis of the impacts of RES technologies instead of the currently applied “prohibition basis” of any potential project in or with effect on Natura 2000 sites.
8. **A reduction of administrative burden:** A decrease in the amount of documents that have to be provided by the project promoter and a decrease in the number of requirements (avoid monitoring and data collection not related to the project, check their technical viability and inconsistencies before promulgation) will further speed-up RES project realisation.
9. **Expansion of the validity of project authorisations or approvals for at least 5 years.** Project promoters should have sufficient flexibility to decide on the start of their projects and only initiate them when they have completed all necessary preparations (human resources, organisation of subcontractors, environmental monitoring, etc.). An expansion of the validity of approvals is necessary to ensure investment security and to avoid a second, lengthy approval process.

Annex - national examples

Eurelectric sent a short questionnaire to its Members to assess the nature of the permitting related problems for RES installations, when they occur in the process, and what is the impact on the duration of the process as well as its cost. The text below uses the examples received from several Members to illustrate the problems related to the permitting process across Europe.

Eurelectric members have reported a number of issues causing delays with the permitting process at national and/or local levels. The examples include hydropower, onshore wind and solar, both new installations and repowering/refurbishing (including RES development on thermoelectric generation sites) as well as grid connections.

The causes range from lack of coordination between different permitting and licensing processes and competent authorities at national and regional/local levels, slowness in processing the permit application to lack of resources for the various competent authorities (as well as courts). These can add years to a permitting process. In one example, for an around 1 MW hydro plant, the commissioning is expected to be delayed by 3-4 years (at a cost of €120,000-150,000 per year).

In a Member State, important discrepancies can exist between regions. In one country, the permitting process can last from 2 to 9 years for wind and from 9 months to 2 years for solar, according to the region. It must be noted that these delays can occur even when the rules clearly foresee a clear deadline for a decision (for instance a decision expected within 2 months actually took 11 months). There is usually a lack of coordination between the different assessments and several licenses have to be obtained (e.g. water, environmental permit and biodiversity).

The lack of administrative and human resources and expertise of competent authorities is almost systematically reported. However, this usually goes hand in hand with a high number of requirements and studies often of a technical nature that add to the delays and costs.

In a few countries, a clear strategy for the deployment of the network infrastructure (including grid connection agreement with TSOs) to support the deployment of RES capacity is necessary. In this regard, for instance, in one country a DSO company reports an absence of visibility on the permitting process for the building of a connection for a PV installation because of the lack of coordination between the different competent authorities involved and no clear deadlines in the process. Similarly, in another country a company building PV reported a lack of coordinated infrastructure planning with the different permits issued separately under different procedures. In that case, the initial timeline of obtaining all permits was reported as up to 15 months.

In one country, a company reports a 2 years process to start building PV on a residential building largely because of the legal requirement to submit an application for each connection point. For a project of 380 kWp, the additional costs were estimated at €25,000 (almost 10% of the total cost of the project).

Legal challenges in court are very frequent and can be introduced at these different often uncoordinated steps, sometimes systematically. Courts suffer from the same lack of resources and expertise as competent authorities and proceedings usually lead to the submission of additional technical assessments. The delays until a final court decision can be reached are difficult to anticipate but they are usually very long (7 to 10 years have been reported).

The financial consequences are usually significant. While the costs of delaying can be difficult to assess, they include loss of revenues from additional/new RES capacity, costs of consultants and lawyers. In a case of a lengthy procedure between two competing projects (the national law didn't allow for a quick decision to choose a project), this led to a delay of 7 years at a total cost of

€1,750,000 (for a 4 MW hydro power plant project). Another onshore wind project of around 35MW suffered a 7 years delay: alone, the equipment supplier (whose wind technology had been approved) going out of business, led to the application for a new license for a new turbine, delaying the process for 2 years at an additional costs of € 250,000. Overall, the 7 years delay cost €300,000 in legal fees and €650,000 per year in reduced feed-in-tariff.

Eurelectric pursues in all its activities the application of the following sustainable development values:

Economic Development

- Growth, added-value, efficiency

Environmental Leadership

- Commitment, innovation, pro-activeness

Social Responsibility

- Transparency, ethics, accountability



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