



Brussels, 18.5.2022  
COM(2022) 222 final

2022/0160 (COD)

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources, Directive 2010/31/EU on the energy performance of buildings and Directive 2012/27/EU on energy efficiency**

(Text with EEA relevance)

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

#### • Reasons for and objectives of the proposal

The European Green Deal put energy efficiency and renewable energy at the heart of the clean energy transition. The current international tensions following Russia's invasion of Ukraine, the overall geopolitical context and the very high energy prices have exacerbated the need to accelerate energy efficiency and the deployment of renewable energy in the Union with the objective to have an energy system that is more independent from third countries. Accelerating the green transition towards renewable energy and increased energy efficiency will reduce emissions, reduce dependency on imported fossil fuels and provide affordable energy prices to European citizens and businesses across all sectors of the economy.

The Union energy efficiency and renewable energy targets should reflect the pressing need to accelerate energy efficiency and the deployment of renewable energy and should therefore be increased. These revised targets replace the modification to the targets proposed in the proposals to recast Directive 2012/27/EU on energy efficiency<sup>1</sup> and to amend Directive (EU) 2018/2011 on the promotion of the use of energy from renewable sources<sup>2</sup>, adopted on 14 July 2021.

In addition, considering that buildings account for 40% of energy consumed and 36% of energy-related direct and indirect greenhouse gas emissions, it is necessary to increase the deployment of solar installations on buildings. This is one of the fastest ways to deploy renewable energy at a large scale, reduce the use of fossil fuels in buildings and accelerate the decarbonisation and electrification of their energy consumption.

Furthermore, lengthy and complex administrative procedures have been identified as one of the key obstacles for investments in renewables and related infrastructure. The interim report of the RES Simplify study, prepared for the Commission<sup>3</sup> and published together with the present proposal, has revealed that administrative and grid issues make up about 46% of all identified barriers and this is expected to rise in the future. For some wide-spread renewable technologies, such as wind power and photovoltaics, administrative barriers are increasingly becoming more important than other types of barriers. With advancing energy transition, as renewable technologies mature and the projects become less dependent on support schemes, administrative barriers become more prominent.

The most common barriers related to the administrative process for renewable energy projects identified in the RES Simplify study<sup>4</sup> are bureaucratic burden, non-transparent processes, a lack of legal coherence as well as an incomplete and vague framework and guidelines that lead to different interpretations of existing legislation by the competent authorities.

Conflicting public goods are the second main source of obstacles for the deployment of renewable installations. This is particularly the case for wind power, geothermal power and hydropower as well as solar photovoltaics. The most prominent among them concern

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<sup>1</sup> COM(2021)558

<sup>2</sup> COM(2021)557

<sup>3</sup> Technical support for RES policy development and implementation – Simplification of permission and administrative procedures for RES installations (“RES Simplify”). <https://data.europa.eu/doi/10.2833/239077>

<sup>4</sup> The RES Simplify study identifies and ranks the different types of administrative barriers faced by renewable energy projects. RES Simplify interim report, pages 14-16.

environmental protection (biodiversity and protection of endangered species and protection of water bodies), other land uses and military/ air defence issues.

Further obstacles identified in the study relate to the lack of support from policy decision-makers or protracted opposition from public or private institutions or the public itself.

Finally, problems related to grid connections and operation procedures have also been identified as severely affecting renewable energy deployment in a number of Member States.

On 18 January 2022, the Commission published a Call for Evidence and an open public consultation to gather stakeholder feedback on the permit-granting procedures and processes for renewable energy projects.<sup>5</sup> This public consultation was carried out in the context of the preparation of the Commission Recommendation on permit-granting procedures and Power Purchase Agreements (PPA), adopted on 18 May, alongside the present proposal. The results of this public consultation confirm that administrative barriers are a key bottleneck for the acceleration of deployment of energy from renewable sources (see section 3 below for more details).

As a result of these barriers, the lead time for renewable energy projects can take up to ten years. A precondition for the acceleration of renewable energy projects to materialise is therefore to simplify and shorten permitting, as set out in the REPower EU Communication<sup>6</sup>. The proposal aims at further simplifying and shortening the administrative permit-granting processes applicable to renewable energy projects in a coordinated and harmonised manner across the EU. This is necessary to accelerate the deployment of renewable energy across the EU in order to ensure the achievement of the EU's ambitious climate and energy targets for 2030 and the objective of climate-neutrality by 2050.

- **Consistency with existing policy provisions in the policy area**

This proposal amends the existing Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources. It builds on the existing framework to streamline administrative procedures for renewable energy projects, which introduces, among other elements, a maximum duration of the permit-granting process applicable to renewable energy plants. However, in the context of the current geopolitical situation additional measures are needed to further increase the supply of renewable energy in the Union. In particular, enhanced measures to accelerate permitting procedures for new renewable energy plants, or for adaption of existing installations, are required.

In addition, the Union's renewable energy target needs to be more ambitious. In Article 1(2)(a) of the proposal to amend Directive (EU) 2018/2001 adopted on 14 July 2021<sup>7</sup>, this target was already raised from 32% to 40%. However, given a radical change in the market conditions for fossil fuels used in power, heating and transport since, including as concerns increased prices and the need for the EU to phase-out its dependence on energy imports from Russia, it is necessary to raise the 2030 target for renewables to 45% so that they better contribute to this objective as well as to having competitive energy prices.

This proposal also amends Directive 2010/31/EU on the energy performance of buildings. It builds on the existing framework on energy performance of buildings and renewable energy.

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<sup>5</sup> [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).

<sup>6</sup> REPowerEU: Joint European Action for more affordable, secure and sustainable energy, COM(2022) 108 final ("REPower EU Communication").

<sup>7</sup> COM(2021)557

It introduces obligations on Member States to promote the deployment of solar installations on buildings.

Article 4(1) of the proposal for a recast of the Directive on energy efficiency adopted on 14 July 2021 already raised the Union energy efficiency target for 2030 to 9% compared to the projections of the 2020 Reference Scenario. However, given the high energy prices and a radical change in market conditions leading to an increased cost-effectiveness of energy efficiency measures and the need for the Union to overcome its dependence on fossil fuels and energy imports from Russia, it is necessary to further raise the 2030 target for energy efficiency to 13% to ensure that this objective and the decarbonisation targets are achieved fast and in a cost-effective way. The proposal therefore also amends Directive 2012/27/EU on energy efficiency in order to strengthen energy efficiency and increase the Union's 2030 target for energy efficiency.

The Commission will inform the co-legislators that:

- Article 1(2)(a) of the proposal to amend Directive (EU) 2018/2001 adopted in July should be considered superseded by Article 1(2) of the present proposal.
- Article 2 of this proposal should be considered as added to the proposal for a recast of Directive 2010/31/EU presented on 15 December 2021<sup>8</sup>. Therefore, if adopted, this should be reflected in the recast of that Directive.
- Article 3 of this proposal should be considered as replacing Article 4(1) of the proposal for a recast of Directive 2012/27/EU presented on 14 July 2021. Therefore, if adopted, this should be reflected in the recast of that Directive.

- **Consistency with other Union policies**

The proposal is consistent with a broader set of initiatives to enhance the Union's energy resilience and prepare against possible emergency situations, notably the Commission's 'Fit for 55' proposals, in particular the revision of Directive (EU) 2018/2001 and the recasts of Directives 2010/31/EU and 2012/27/EU.

Following the recent geopolitical developments, in March 2022 the Commission issued the REPowerEU Communication. In accordance with the REPowerEU Communication, the Commission has published a recommendation on speeding up permit-granting procedures for renewable energy projects, accompanied by guidance to help the Member States speed up permitting for renewable energy plants. This will give Member States the tools to already start reducing the time taken to approve applications for renewable energy plants, and so to quickly respond to the unprecedented energy crisis caused by the current geopolitical situation. In addition, the Commission presents this proposal to ensure that projects are approved in a simpler and faster way across the Union. Following the recommendation with a legal proposal will give greater certainty to project promoters and investors, while Member States should already be moving in the direction of speeding up permit-granting procedures in accordance with the Recommendation. Moreover, a speedy and efficient implementation of the Recommendation can play a key role to ensure that Member States meet their new obligations under the current proposal.

The proposal aims at further streamlining the different steps of the permit-granting processes applicable to renewable energy, including the assessment of potential environmental impacts. Renewable energy and environmental policies pursue closely interlinked objectives as they both serve the same overall objective of achieving climate mitigation. The proposal

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<sup>8</sup> COM(2021)802.

strengthens the role that environmental assessments of plans or programmes carried out by Member States in accordance with Directive 2001/42/EC of the European Parliament and of the Council<sup>9</sup> can play for a faster deployment of renewable energies, in particular for the designation of renewable go-to areas. The proposal also provides a specific framework for permit-granting procedures for individual renewable energy projects located in renewables go-to areas and outside those areas. Such framework combines in an efficient manner the need to authorise in a fast and simple manner the majority of projects which are unlikely to give rise to environmental risks, with a high level of protection by ensuring a closer scrutiny of the most problematic projects.

## **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

### **• Legal basis**

The proposal is based on two legal bases:

- Article 194(2) of the Treaty on the Functioning of the European Union<sup>10</sup> (TFEU), which provides the legal basis for proposing measures to develop new and renewable forms of energy and promote energy efficiency, which are goals of the Union's energy policy set out in Article 194(1)(c) TFEU.

- Article 192(1) of the TFEU, which provides the legal basis to amend the application of the Union environmental acquis.

### **• Subsidiarity (for non-exclusive competence)**

#### *The need for EU action*

A cost-efficient, fast and large-scale deployment of sustainable renewable energy in line with the ambition of the European Green Deal and the REPower EU Communication cannot be achieved by Member States alone. An EU approach is needed to provide the right incentives to Member States with different levels of ambition to accelerate, in a coordinated way, the energy transition from the traditional fossil fuel-based energy system towards a more integrated and energy-efficient energy system based on renewable energies.

Taking into account the different energy policies among Member States, action at EU level, supported by the robust governance framework, is more likely to achieve the EU climate target and required increased deployment of renewables than national or local action alone.

Lengthy and complex administrative procedures are a key barrier for investments in renewable energies and their related infrastructure. The duration and complexity of the permit-granting procedures greatly varies between the different renewable energy technologies and between Member States. While Member States can take action to address those barriers which exist at national level, a coordinated European approach to shortening and simplifying permit-granting procedures and administrative processes is needed in order to speed up the necessary deployment of renewable energies. This is in turn necessary for the EU to reach its climate and energy 2030 targets and its long-term objective of climate neutrality as well as phase out its dependence on Russian fossil fuels and reduce energy prices. Taking into account the different energy policies, priorities and procedures among Member States, and in view of the urgency to accelerate the deployment of renewable energy

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<sup>9</sup> Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment.

<sup>10</sup> OJ C 326, 26/10/2012, p.1

across all Member States, action at EU level is more likely to achieve the required objectives than national or local action alone.

Union level action is needed to ensure that Member States contribute to the EU level binding energy efficiency target and that it is collectively and cost-effectively met. Union action will supplement and reinforce national and local action towards increasing efforts in energy efficiency.

#### *EU added value*

EU action on renewable energy and energy efficiency brings added value because it is more efficient and effective than individual Member States' actions, avoiding a fragmented approach by addressing the transition of the European energy system in a coordinated way.

A European approach allows all Member States to fully harness their potentials for the cost-efficient deployment of renewable energy needed to achieve the Union climate and energy targets, making sure that renewable energy generation capacity is smoothly deployed in all Member States.

The Union's energy and climate targets for 2030 are collective targets. In this regard, coordinated Union policies have a better chance of transforming the Union to a climate neutral continent by 2050.

- **Proportionality**

The initiative complies with the proportionality principle. In view of the unprecedented geopolitical situation created by Russia's invasion of Ukraine and the high energy prices, there is a clear need for coordinated and urgent action to accelerate the deployment of renewable energy sources. The balance between obligations and flexibility left to the Member States on how to achieve the objectives is considered appropriate given the imperative of meeting the 2030 climate and energy targets and the objective of climate neutrality laid down in the European Climate Law as well as the urgency to reduce both Union's energy dependency and energy prices.

- **Choice of the instrument**

This proposal is a Directive amending Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources, increasing the Union's renewable energy target for 2030 and strengthening the permitting-related provisions of that Directive (Articles 15-17). It also amends Directive 2010/31/EU, promoting solar installations on buildings, and Directive 2012/27/EU, increasing the Union's energy efficiency target for 2030. This revision of Directive (EU) 2018/2001, Directive 2012/27/EU and Directive 2010/31/EU is limited to what is considered necessary to have renewable energy and energy efficiency targets that are consistent with the current pressing context and to increase solar installations on buildings and streamline permit-granting procedures in order to accelerate the deployment of renewable energy.

### **3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

- **Stakeholder consultations**

On 18 January 2022 the Commission published a Call for Evidence and a three-month open public consultation to gather stakeholder's feedback on the permit-granting procedures for renewable energy projects. This public consultation was carried out in the context of the preparation of the Commission Recommendation on permit-granting procedures and Power

Purchase Agreements (PPA), adopted on 18 May, alongside the present proposal. In this context, the Commission also organised a high-level stakeholder event and two workshops aimed at discussing the existing barriers and good practices in the permit-granting processes of the different Member States.

Due to the urgency of the proposal, which is put forward in reaction to the crisis triggered by the Russian invasion of Ukraine and the resulting need to urgently accelerate the deployment of renewable energy, the Commission builds on the results of these consultations and on the input provided by key stakeholders in different workshops, meetings and fora, in particular a high-level conference on permit-granting for renewable energy projects and PPAs and two workshops on permit-granting procedures for repowering projects in the wind energy and hydropower sectors.

#### *Summary of stakeholder views*

The open public consultation asked for the views on permit-granting procedures of two groups of stakeholders: public authorities, and project promoters and associations.

In their replies, 7 out of 8 (87.5%) public authorities indicate the lack of availability of sites on land or at sea as the main challenge to the expansion of renewable energy in their jurisdiction, followed by lack of grid capacity (62.5%), lack of public acceptance / conflict between public goods (50%) and duration of procedures (50%). When asked about the main bottlenecks for processing renewable energy project permits, complexity of coordination at different levels of government or administration is presented as the main barrier by public authorities (75%), followed by lack of human resources (50%) and lack of public acceptance or conflict between public goods (50%).

Approximately half of the project promoters and associations (70 / 155) ranked the length of administrative procedures as the most important barrier that prevents renewable energy projects from materialising while 62 pointed to grid connection issues. Respondents also ranked competition with environmental regulations (44) and the complexity of the applicable requirements or procedures (35) among the most important barriers. In the replies to the open text questions, respondents stressed the importance of spatial planning, expressed support for multiple uses of space, such as agri-PV, and called for the involvement of the local population. The public consultation also delivered a clear call for a harmonised set of criteria for the designation of suitable areas for projects.

The views of the stakeholders as expressed in the open public consultation and during the workshops were taken into account when elaborating the present proposal.

- **Collection and use of expertise**

This proposal builds on the results of the RES Simplify study, which provides a comprehensive overview of the existing barriers related to permitting, national performance indicators as well as best practices related to permit-granting procedures for renewables, with a focus on administrative barriers in the power sector. The interim report of the study is published together with the adoption of the present initiative and the Recommendation on permit-granting procedures and PPAs. This proposal also reflects the views shared by the relevant stakeholders during the consultation process.

- **Impact assessment**

Due to the politically sensitive and urgent nature of the proposal, no specific impact assessment was carried out.

However, the above-mentioned study, the open public consultation and the extensive workshops organised with stakeholders, as well as the Commission's own analysis, provide

solid insights into the problems related to planning and permit-granting procedures as well as options to address them.

- **Fundamental rights**

In terms of consistency with the Charter for fundamental rights, the overarching aim of this review is to increase energy efficiency and the use of renewable energy and reduce GHG emissions, and this is entirely in line with Article 37 of the Charter under which a high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development.

#### **4. BUDGETARY IMPLICATIONS**

This proposal amends an existing Directive on the promotion of renewable energy, and the administrative impact and costs are therefore estimated to be moderate, as most of the necessary structures and rules are in place. Member States will face some costs in implementing the new obligation to identify ‘renewables go-to areas’ but the overall streamlining of procedures is expected to bring significant cost savings for Member States. The additional costs of a higher renewable energy target in the EU will be balanced by other economic, environmental and social benefits such as increased security of supply, by replacing imported fossil fuels from third countries, and greater resilience against externalities, while contributing to the carbon sink and reducing air pollution. The proposal does not entail any additional costs for the EU budget.

Regarding the amendment to the Directive on energy efficiency and the Directive on the energy performance of buildings, this proposal does not have any implication for the EU budget. Regarding costs for Member States, this proposal amends existing Directives and largely relies on structures and rules that are already in place, especially when taking into account the new provisions put forward through the proposals to recast both Directives. Member States will face some costs in implementing additional measures to contribute to the target achievement and the new obligation on buildings, but they are expected to bring significant cost savings for households and enterprises.

#### **5. OTHER ELEMENTS**

- **Implementation plans and monitoring, evaluation and reporting arrangements**

After the adoption of this amending Directive by the co-legislators, during the transposition period, the Commission will undertake the following actions to facilitate its transposition:

- Organisation of meetings with Member States’ experts in charge of transposing the different parts of the Directive to discuss how to transpose them and solve doubts, either in the context of the Concerted Action for Renewable Energy Sources (CA-RES), the Concerted Action for Energy Performance of Buildings (CA-EPBD) and the Concerted Action for Energy Efficiency (CA-EED) or in a committee format.
- Availability for bilateral meetings and calls with Member States in case of specific question on the transposition of the Directive.

After the transposition deadlines, the Commission will carry out a comprehensive assessment of whether Member States have completely and correctly transposed the Directive.

Regulation (EU) 2018/1999 on the Governance of the Energy Union and Climate Action established an integrated energy and climate planning, monitoring and reporting framework,



to monitor progress towards the climate and energy targets in line with the transparency requirements of the Paris Agreement. Member States had to submit to the Commission their integrated national energy and climate plans by the end of 2019, covering the five dimensions of the Energy Union for the period 2021-2030. From 2023, Member States must report biennially on the progress made in implementing the plans and in addition, by 30 June 2023 they must notify the Commission of their draft updates of the plans, with the final updates due on 30 June 2024. This proposal will not create a new planning and reporting system, but would be subject to the existing planning and reporting framework under Regulation (EU) 2018/1999. A future revision of the Governance Regulation would allow a consolidation of these reporting requirements.

- **Explanatory documents (for directives)**

Following the ruling of the European Court of Justice in *Commission vs Belgium* (case C-543/17), Member States must accompany their notifications of national transposition measures with sufficiently clear and precise information, indicating which provisions of national law transpose which provisions of a directive. This must be provided for each obligation, not only at “article level”. If Member States comply with this obligation, they would not need, in principle, to send further explanatory documents on the transposition to the Commission.

- **Detailed explanation of the specific provisions of the proposal**

The main provisions which substantially change Directive (EU) 2018/2001, Directive 2012/27/EU and Directive 2010/31/EU or add new elements are the following:

Article 1(1) adds a new definition to Article 2 of Directive (EU) 2018/2001, to define ‘renewables go-to area’.

Article 1(2) modifies Article 3(1) of Directive (EU) 2018/2001 by increasing the Union’s renewable energy target to 45%. This Article supersedes the amendment of Article 3(1) of Directive (EU) 2018/2001 included in the proposal to modify Directive (EU) 2018/2001 adopted on 14 July 2021<sup>11</sup>.

Article 1(3) inserts a new paragraph 2a in Article 15 requiring the Member States to promote the testing of new renewable energy technologies while applying appropriate safeguards.

Article 1(4) inserts a new Article 15b on the obligation for Member States to identify the land and sea areas necessary for the installation of plants for the production of energy from renewable sources in order to meet their national contributions towards the 2030 renewable energy target.

Article 1(5) inserts a new Article 15c on the obligation for Member States to adopt a plan or plans designating ‘renewables go-to areas’, which are particularly suitable areas for the installation of production of energy from renewable sources.

Article 1(6) replaces Articles 16 of Directive (EU) 2018/2001, extending the scope of the permit-granting process, clarifying the start of the permit-granting process and asking for the most expeditious administrative and judicial procedures available for appeals in the context of an application for a renewable energy projects.

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<sup>11</sup> COM(2021)557

Article 1(7) inserts a new Article 16a, which regulates the permit-granting process in renewables go-to areas.

Article 1(8) inserts a new Article 16b, which regulates the permit-granting process outside renewables go-to areas.

Article 1(9) inserts a new Article 16c, which regulates the permit-granting process for the installation of solar energy equipment in artificial structures.

Article 1(10) inserts a new Article 16d to ensure that plants for the production of energy from renewable sources, their connection to the grid, the related grid itself or storage assets are presumed to be of overriding public interest for specific purposes.

Article 2 inserts a new Article 9a to Directive 2010/31/EU on the obligation for Member States to ensure new buildings are solar ready and to install solar energy installations on buildings. This new Article 9a should be reflected in the recast of Directive 2010/31/EU, for which the Commission presented a proposal on 15 December 2021<sup>12</sup>.

Article 3 modifies Article 3 of Directive 2012/27/EU to increase the Union target for energy efficiency. This amendment should replace that made by Article 4(1) of the recast of Directive 2012/27/EU, for which the Commission presented a proposal on 4 July 2021<sup>13</sup>.

Article 4 concerns transposition.

Article 5 concerns entry into force.

Article 6 concerns addressees.

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<sup>12</sup> COM(2021)802

<sup>13</sup> COM(2021)558

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources, Directive 2010/31/EU on the energy performance of buildings and Directive 2012/27/EU on energy efficiency**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,  
Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 192(1) and 194(2) thereof,  
Having regard to the proposal from the European Commission,  
After transmission of the draft legislative act to the national parliaments,  
Having regard to the opinion of the European Economic and Social Committee<sup>14</sup>,  
Having regard to the opinion of the Committee of the Regions<sup>15</sup>,  
Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) In the context of the European Green Deal<sup>16</sup>, Regulation (EU) 2021/1119 of the European Parliament and of the Council<sup>17</sup> established the objective of the Union becoming climate neutral in 2050, as well as the target of a 55% reduction in greenhouse gas emissions by 2030. This requires an energy transition and significantly higher shares of renewable energy sources in an integrated energy system.
- (2) Renewable energy plays a fundamental role in delivering on these objectives, given that the energy sector contributes today over 75% of total greenhouse gas emissions in the Union. By reducing those greenhouse gas emissions, renewable energy also contributes to tackling environmental-related challenges such as biodiversity loss and to reducing pollution in line with the objectives of the Zero-Pollution Action Plan.
- (3) Directive (EU) 2018/2001 of the European Parliament and of the Council<sup>18</sup> sets a binding Union target to reach a share of at least 32 % of energy from renewable sources in the Union's gross final consumption of energy by 2030. Under the Climate

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<sup>14</sup> OJ C , , p. .

<sup>15</sup> OJ C , , p. .

<sup>16</sup> Communication from the Commission COM/2019/640 final, The European Green Deal.

<sup>17</sup> Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law'), OJ L 243, 9.7.2021, p. 1).

<sup>18</sup> Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).

Target Plan<sup>19</sup>, the share of renewable energy in gross final energy consumption would need to increase to 40% by 2030 in order to achieve the Union’s greenhouse gas emissions reduction target<sup>20</sup>. In this context, the Commission proposed in July 2021, as part of the package delivering on the European Green Deal, to double the share of renewable energy in the energy mix in 2030 compared to 2020, to reach at least 40%. The REPowerEU Communication<sup>21</sup> outlined a plan to make the EU independent from Russian fossil fuels well before the end of this decade. The Communication foresees front-loading of wind and solar energy, increasing the average deployment rate as well as additional renewable energy capacity by 2030 to accommodate for higher production of renewable hydrogen. It also invited the co-legislators to consider a higher or earlier target for renewable energy. In this context, it is appropriate to increase the Union renewable energy target up to 45% in order to significantly accelerate the current pace of deployment of renewable energy, thereby speeding up the phase-out of EU’s dependence by increasing the availability of affordable, secure and sustainable energy in the Union.

- (4) Lengthy administrative procedures are one of the key barriers for investments in renewables and their related infrastructure. These barriers include the complexity of the applicable rules for site selection and administrative authorisations for projects, the complexity and duration of the assessment of the environmental impacts of the projects, grid connection issues, constraints on adapting technology specifications during the permit-granting procedure, or staffing issues of the permit-granting authorities or grid operators. In order to accelerate the pace of deployment of renewable energy projects it is necessary to adopt rules which would simplify and shorten permit-granting processes.
- (5) The Directive (EU) 2018/2001 streamlines the requirements to simplify the administrative procedures for authorising renewable energy plants by introducing rules on the organisation and maximum duration of the administrative part of the permit-granting process for renewable energy projects, covering all relevant permits to build, repower and operate plants, and for their grid connection.
- (6) A further simplification and shortening of the administrative permit-granting processes in a coordinated and harmonised manner is necessary in order to ensure that the Union reaches its ambitious climate and energy targets for 2030 and the objective of climate-neutrality by 2050, while taking into account the “do no harm” principle of the European Green Deal. The introduction of shorter and clear deadlines for decisions to be taken by the authorities competent for issuing the authorisation for the renewable energy installations on the basis of a complete application, will accelerate the deployment of renewable energy projects. It is appropriate however to make a distinction between projects in areas particularly suitable for the deployment of renewable energy projects, for which deadlines can be particularly streamlined (renewables go-to areas), and projects located outside those areas.
- (7) Some of the most common issues faced by renewable energy project developers relate to procedures established at national or regional level to assess the environmental impact of the proposed projects. Therefore, it is appropriate to streamline certain

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<sup>19</sup> Communication from the Commission COM(2020) 562 final of 17.9.2020, Stepping up Europe’s 2030 climate ambition Investing in a climate-neutral future for the benefit of our people.

<sup>20</sup> Point 3 of the Communication from the Commission COM(2020) 562

<sup>21</sup> REPowerEU: Joint European Action for more affordable, secure and sustainable energy, COM(2022) 108 final (“REPower EU Communication”).

environmental-related aspects of the permit-granting procedures and processes for renewable energy projects.

- (8) A faster roll-out of renewable energy projects could be supported by strategic planning carried out by Member States. Member States should identify the land and sea areas necessary for the installation of plants for the production of energy from renewable sources in order to meet their national contributions towards the revised 2030 renewable energy target set out in Article 3(1) of Directive (EU) 2018/2001. Such areas should reflect their estimated trajectories and total planned installed capacity and should be identified by renewable energy technology set in the Member States' updated national energy and climate plans pursuant to Article 14 of Regulation (EU) 2018/1999. The identification of the required land and sea areas should take into consideration the availability of the renewable energy resources and the potential offered by the different land and sea areas for renewable energy production of the different technologies, the projected energy demand overall and in the different regions of the Member State, and the availability of relevant grid infrastructure, storage and other flexibility tools bearing in mind the capacity needed to cater for the increasing amount of renewable energy.
- (9) Member States should designate as renewables go-to areas those areas that are particularly suitable to develop renewable energy projects, differentiating between technologies, and where the deployment of the specific type of renewable energy sources is not expected to have a significant environmental impact. In the designation of renewables go-to areas, Member States should avoid protected areas to the extent possible and consider restoration plans. Member States may designate renewable go-to areas specific for one or more types of renewable energy plants and should indicate the type or types of renewable energy that are suitable to be produced in each renewable go-to area.
- (10) Directive 2001/42/EC of the European Parliament and of the Council<sup>22</sup> establishes environmental assessments as an important tool for integrating environmental considerations into the preparation and adoption of plans and programmes. In order to designate renewables go-to areas, Member States should prepare a plan or plans encompassing the identification of areas and the applicable rules and mitigation measures for projects located in each go-to area. Member States may prepare one single plan for all renewable go-to areas and technologies, or technology-specific plans identifying one or more renewable go-to areas. Each plan should be subject to an environmental assessment carried out in accordance with the conditions set out in Directive 2001/42/EC in order to assess the impacts of each renewable technology on the relevant areas designated in such plan. Carrying out an environmental assessment in accordance with Directive 2001/42/EC for this purpose would allow Member States to have a more integrated and efficient approach to planning and to take environmental considerations into account at an early phase of the planning process at a strategic level. This would contribute to ramping up the deployment of different renewable energy sources in a faster and streamlined manner while minimising the negative environmental impacts from these projects.
- (11) Following the adoption of the plan or plans designating renewables go-to areas, Member States should monitor the significant environmental effects of the

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<sup>22</sup> Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment.

implementation of plans and programmes in order, inter alia, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action, in accordance with Directive 2001/42/EC.

- (12) The provisions of the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters<sup>23</sup> (“the Aarhus Convention”) regarding access to information, public participation in decision-making, and access to justice in environmental matters, in particular the provisions relating to public participation and to access to justice remain applicable, where relevant.
- (13) The designation of renewables go-to areas should aim to ensure that renewable energy production from these areas, together with existing renewable energy plants, future renewable energy plants outside of such areas and cooperation mechanisms, will be sufficient to achieve Member States’ contribution to the Union renewable energy target set out in Article 3(1) of Directive (EU) 2018/2001.
- (14) In the designated renewables go-to areas, renewable energy projects that comply with the rules and measures identified in the plan or plans prepared by Member States, should benefit from a presumption of not having significant effects on the environment. Therefore, there should be an exemption from the need to carry out a specific environmental impact assessment at project level in the sense of Directive 2011/92/EU of the European Parliament and of the Council<sup>24</sup>, with the exception of projects which are likely to have significant effects on the environment in another Member State or where a Member State likely to be significantly affected so requests. The obligations under the UNECE Espoo Convention on environmental impact assessment in a transboundary context of 25 February 1991 should remain applicable for Member States where the project is likely to cause a significant transboundary impact in a third country.
- (15) The designation of renewables go-to areas should allow renewable energy plants, their grid connection as well as co-located energy storage facilities located in these areas to benefit from predictability and streamlined administrative procedures. In particular, projects located in renewable go-to areas should benefit from accelerated administrative procedures, including a tacit agreement in case of a lack of response by the competent authority on an administrative step by the established deadline, unless the specific project is subject to an environmental impact assessment. These projects should also benefit from clearly delimited deadlines and legal certainty as regards the expected outcome of the procedure. Following the application for projects in a renewables go-to area, Member States should carry out a fast screening of such applications with the aim to identify if any of such projects is highly likely to give rise to significant unforeseen adverse effects in view of the environmental sensitivity of the geographic area where they are located that were not identified during the environmental assessment of the plan or plans designating renewables go-to areas carried out in accordance with Directive 2001/42/EC. All projects located in renewables go-to areas should be deemed approved at the end of such screening process. Only if Member States have clear evidence to consider that a specific project

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<sup>23</sup> Council Decision 2005/370/EC of 17 February 2005 on the conclusion, on behalf of the European Community, of the Convention on access to information, public participation in decision-making and access to justice in environmental matters (OJ L 124, 17.5.2005, p. 1).

<sup>24</sup> Directive 2011/92/EU of the European parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment.

is highly likely to give rise to such significant unforeseen adverse effects, Member States should, after motivating such decision, subject such project to an environmental assessment in accordance with Directive 2011/92/EC and, where relevant, Directive 92/43/EEC<sup>25</sup>. Given the need to accelerate the deployment of renewable energy sources, such assessment should be carried out within six months.

- (16) In view of the need to accelerate the deployment of renewable energy sources, the identification of renewables go-to areas should not prevent the ongoing and future installation of renewable energy projects in all areas available for renewable energy deployment. Such projects should remain subject to the obligation to carry out a dedicated environmental impact assessment in accordance with Directive 2001/92/EU and should be subject to the procedures foreseen for renewable energy projects located outside go-to areas. To speed up permitting at the scale necessary for the achievement of the renewable energy target set out in Directive (EU) 2018/2001, also the procedures applicable to projects outside of go-to areas should be simplified and streamlined with the introduction of clear maximum deadlines for all steps of the procedure, including dedicated environmental assessments per project.
- (17) Multiple use of space for renewable energy production and other land and sea uses (such as food production or nature protection or restoration) alleviates land and sea use constraints. In this context, spatial planning is an important tool to identify and steer synergies for land and sea use at an early stage. Member States should explore, enable and favour the multiple uses of the areas identified as a result of the spatial planning measures adopted.
- (18) The construction and operation of renewable energy plants may result in the occasional killing or disturbance of birds and other protected species under Directive 92/43/EEC or Directive 2009/147/EC<sup>26</sup>. However, such killing or disturbance would not be considered deliberate in the sense of these Directives if a project has adopted, during its construction and operation, appropriate mitigation measures to avoid collisions or prevent disturbance, and if it carries out a proper monitoring to assess the effectiveness of such measures and, in the light of the information gathered, takes further measures as required to ensure no significant negative impact on the population of the species concerned.
- (19) In addition to installing new renewable energy plants, repowering existing renewable energy plants has a significant potential to contribute to the achievement of the renewable energy targets. Since, usually, the existing renewable energy plants have been installed in sites with significant renewable energy resource potential, repowering can ensure the continued use of these sites while reducing the need to designate new sites for renewable energy projects. Repowering includes further benefits such as the existing grid connection, a likely higher degree of public acceptance and knowledge of environmental impacts. The repowering of renewable energy projects entails changes to or the extension of existing projects to different degrees. The permit-granting process, including environmental assessments and screening, for the repowering of renewable energy projects should be limited to the potential impacts resulting from the change or extension compared to the original project.

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<sup>25</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992).

<sup>26</sup> Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p.7).

- (20) Directive (EU) 2018/2001 introduces streamlined permit-granting procedures for repowering. In order to respond to the increasing need for the repowering of existing renewable energy plants and to make full use of the advantages it offers, it is appropriate to establish an even shorter procedure for the repowering of renewable energy plants located in go-to areas, including a shorter screening procedure. For the repowering of existing renewable energy plants located outside go-to areas, Member States should ensure a simplified and swift permit-granting process which should not exceed one year, while taking into account the “do no harm” principle of the European Green Deal.
- (21) The installation of solar energy equipment, together with related co-located storage and grid connection, in existing or future structures created for purposes different than solar energy production with the exclusion of artificial water surfaces, such as rooftops, parking areas, roads and railways, do not typically raise concerns related to competing uses of space or environmental impact. These installations therefore may benefit from shorter permit-granting procedures.
- (22) Renewable energy sources are crucial to fight climate change, reduce energy prices, decrease the Union’s dependence on fossil fuels and ensure the Union’s security of supply. For the purposes of the relevant Union environmental legislation, in the necessary case-by-case assessments to ascertain whether a plant for the production of energy from renewable sources, its connection to the grid, the related grid itself or storage assets is of overriding public interest in a particular case, Member States should presume these plants and their related infrastructure as being of overriding public interest and serving public health and safety, except where there is clear evidence that these projects have major adverse effects on the environment which cannot be mitigated or compensated. Considering such plants as being of overriding public interest and serving public health and safety would allow such projects to benefit from a simplified assessment.
- (23) In order to ensure a smooth and effective implementation of the provisions laid down in this Directive, the Commission supports Member States through the Technical Support Instrument<sup>27</sup> providing tailor-made technical expertise to design and implement reforms, including those increasing the use of energy from renewable sources, fostering better energy system integration, identifying specific areas particularly suitable for the installation of plants for the production of renewable energy, and streamlining the framework for authorisation and permit-granting processes for renewable energy plants. The technical support, for example, involves strengthening of administrative capacity, harmonising the legislative frameworks, and sharing of relevant best practices.
- (24) The Directive (EU) 2018/2001 should therefore be amended accordingly.
- (25) There is an urgent need to reduce the dependence on fossil fuels in buildings and to accelerate efforts to decarbonise and electrify their energy consumption. In order to enable the cost-effective installation of solar technologies at a later stage, all new buildings should be “solar ready”, that is, designed to optimise the solar generation potential on the basis of the site’s solar irradiance, enabling the fruitful installation of solar technologies without costly structural interventions. In addition, Member States should ensure the deployment of suitable solar installations on new buildings, both

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<sup>27</sup> Regulation (EU) 2021/240 of the European Parliament and of the Council of 10 February 2021 establishing a Technical Support Instrument.



residential and non-residential, and on existing non-residential buildings. Large scale deployment of solar energy on buildings would make a major contribution to shielding more effectively consumers from increasing and volatile prices of fossil fuels, reduce the exposure of vulnerable citizens to high energy costs and result in wider environmental, economic and social benefits. In order to efficiently exploit the potential of solar installations on buildings, Member States should define criteria for the implementation of, and possible exemptions from, the deployment of solar installations on buildings in line with the assessed technical and economic potential of the solar energy installations and the characteristics of the buildings covered by this obligation.

- (26) The Directive 2010/31/EU should therefore be amended accordingly.
- (27) Energy efficiency is a key area of action, without which independence from fossil fuels and energy imports from Russia and the full decarbonisation of the Union's economy cannot be achieved. The need to capture the cost-effective energy saving opportunities has led to the Union's current energy efficiency policy. In December 2018, a new 2030 Union headline energy efficiency target of at least 32,5% (compared to projected energy use in 2030) was included as part of the 'Clean Energy for All Europeans package'. To increase independence and resilience and to achieve the increased climate ambition, energy efficiency improvements should be further raised to at least 39% for final energy and 41.5% for primary energy, based on the 2007 Reference Scenario projections for 2030.
- (28) However, the change in the Eurostat energy balance calculation methodology and improvements in subsequent modelling projections call for a change of the baseline. Thus, using the same approach to define the target, that is to say comparing it to the future baseline projections, the ambition of the Union's 2030 energy efficiency target should be set compared to the 2020 Reference Scenario projections for 2030 reflecting national contributions from the NECPs. With that updated baseline, the Union will need to further increase its energy efficiency ambition by at least 13% in 2030 compared to the level of efforts under the 2020 Reference Scenario. This new way of expressing the level of ambition for the Union's targets does not affect the actual level of efforts needed.
- (29) The Directive 2012/27/EU should therefore be amended accordingly.
- (30) Since the objective of this Directive, namely reducing greenhouse gas emissions, energy dependency and energy prices, cannot be sufficiently achieved by the Member States but can rather, by reasons, of the scale of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.
- (31) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents<sup>28</sup>, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of

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<sup>28</sup> OJ C 369, 17.12.2011, p. 14.

such documents to be justified, in particular following the judgment of the European Court of Justice in Case Commission vs Belgium<sup>29</sup> (case C-543/17).

HAVE ADOPTED THIS DIRECTIVE:

Article 1  
*Amendments to Directive (EU) 2018/2001*

Directive (EU) 2018/2001 is amended as follows:

(1) In Article 2, the following point is added:

(9a) 'renewables go-to area' means a specific location, whether on land or sea, which has been designated by a Member State as particularly suitable for the installation of plants for the production of energy from renewable sources, other than biomass combustion plants.

(2) in Article 3, paragraph 1 is replaced by the following:

'1. Member States shall collectively ensure that the share of energy from renewable sources in the Union's gross final consumption of energy in 2030 is at least 45%.'

(3) In Article 15, the following paragraph 2a is inserted:

'2a. Member States shall promote the testing of new renewable energy technologies in pilot projects in a real-world environment, for a limited period of time, in accordance with the applicable EU legislation and accompanied by appropriate safeguards to ensure the secure operation of the electricity system and avoid disproportionate impacts on the functioning of the internal market, under the supervision of a competent authority.'

(4) The following Article 15b is inserted:

*'Article 15b*

***Mapping of areas necessary for national contributions towards the 2030 RES target***

(1) By [1 year after the entry into force], Member States shall identify the land and sea areas necessary for the installation of plants for the production of energy from renewable sources that are required in order to meet their national contributions towards the 2030 renewable energy target in accordance with Article 3 of this Directive. Such areas shall be commensurate with the estimated trajectories and total planned installed capacity by renewable energy technology set in national energy and climate plans of Member States, as updated pursuant to Article 14 of Regulation (EU) 2018/1999.

(2) When identifying the areas referred to in paragraph 1, Member States shall take into account:

(a) the availability of the renewable energy resources and the potential for renewable energy production of the different technologies in the land and sea areas;

(b) the projected energy demand;

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<sup>29</sup> Judgment of the Court of Justice of 8 July 2019, Commission v Belgium, C-543/17, ECLI: EU: C:2019:573.

- (c) the availability of relevant grid infrastructure, storage and other flexibility tools or the potential to create such grid infrastructure and storage.
- (3) Member States shall favour multiple uses of the areas identified as a result of the obligation in paragraph 1.’
- (5) The following Article 15c is inserted:

*‘Article 15c  
Renewables go-to areas*

- (1) By [2 years after the entry into force], Member States shall adopt a plan or plans designating, within the areas referred to in Article 15b(1), renewables go-to areas for one or more types of renewable energy sources. In that plan or plans, Member States shall:
- (a) Designate sufficiently homogeneous land and sea areas where the deployment of a specific type or types of renewable energy is not expected to have significant environmental impacts, in view of the particularities of the selected territory. In doing so, Member States shall:
- give priority to artificial and built surfaces, such as rooftops, transport infrastructure areas parking areas, waste sites, industrial sites, mines, artificial inland water bodies, lakes or reservoirs, and, where appropriate, urban waste water treatment sites, as well as degraded land not usable for agriculture;
  - exclude Natura 2000 sites and nature parks and reserves, the identified bird migratory routes as well as other areas identified based on sensitivity maps and the tools referred to in the next point, except for artificial and built surfaces located in those areas such as rooftops, parking areas or transport infrastructure.
  - 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.
- (b) Establish appropriate rules for the designated renewable go-to areas, including on the mitigation measures to be adopted for the installation of renewable energy plants, co-located energy storage facilities, as well as assets necessary for their connection to the grid, in order to avoid or, if not possible, to significantly reduce the negative environmental impacts that may arise. Where appropriate, Member States shall ensure that appropriate mitigation measures are applied to prevent the situations described in Articles 6(2) and 12(1) of Directive 92/43/EEC, Article 5 of Directive 2009/147/EEC and Article 4(1)(a)(i) and (ii) of Directive 2000/60/EC. Such rules shall be targeted to the specificities of each identified renewable go-to area, the renewable energy technology or technologies to be deployed in each area and the identified environmental impacts. Compliance with such rules and the implementation of the appropriate mitigation measures by the individual projects shall result in the presumption that projects are not in breach of those provisions without prejudice to paragraphs 4 and 5 of Article 16a. Where novel mitigation measures to prevent as much as possible the killing or

disturbance of species protected under Council Directive 92/43/EEC and Directive 2009/147/EEC, or any other environmental impact, have not been widely tested as regards their effectiveness, Member States may allow their use for one or several pilot projects for a limited time period, provided that the effectiveness of such measures is closely monitored and appropriate steps are taken immediately if they do not prove to be effective. .

Member States shall explain in the plan the assessment made to identify each designated go-to area on the basis of the criteria set out in point (a) and to identify appropriate mitigation measures.

- (2) Before its adoption, the plan or plans designating renewables go-to areas shall be subject to an environmental assessment carried out in accordance with the conditions set out in Directive 2001/42/EC, and where applicable, if including artificial and built surfaces located in Natura 2000 sites, likely to have significant impacts in those sites, to the appropriate assessment in accordance to Article 6(3) of Directive 92/43/EEC.
  - (3) The plan or plans designating renewables go-to areas shall be made public and shall be reviewed periodically, at least in the context of the update of the national energy and climate plans pursuant to Article 14 of Regulation (EU) 2018/1999.'
- (6) Article 16 is replaced by the following:

*Article 16*

***Organisation and main principles of the permit-granting process***

- (1) The permit-granting process shall cover all relevant administrative permits to build, repower and operate plants for the production of energy from renewable sources, co-located energy storage facilities, as well as assets necessary for their connection to the grid, including grid connection permits and environmental assessments where these are required. The permit-granting process shall comprise all procedures from the acknowledgment of the validity of the application in accordance with paragraph 2 to the notification of the final decision on the outcome of the procedure by the relevant authority or authorities.
- (2) No later than fourteen days for plants located in go-to areas and one month for plants located outside of go-to areas, following the receipt of the application, the competent authority shall validate the application or, if the developer has not sent all the information required to process an application, request the developer to submit a complete application within fourteen days from this request. If the developer does not submit a complete application within this deadline, the competent authority may reject the application in written form. In the event of a rejection, the competent authority shall justify its decision. The developer may resubmit a new application at any point in time following such rejection. The date of the acknowledgement of the validity of the application by the competent authority shall serve as the start of the permit-granting process.
- (3) Member States shall set up or designate one or more contact points. Those contact points shall, upon request by the applicant, guide through and facilitate

the entire administrative permit application and granting process. The applicant shall not be required to contact more than one contact point for the entire process. The contact point shall guide the applicant through the administrative permit application process, including the environmental related steps, in a transparent manner up to the delivery of one or several decisions by the responsible authorities at the end of the process, provide the applicant with all necessary information and involve, where appropriate, other administrative authorities. The contact point shall ensure fulfilment of the deadlines for the permit-granting procedures set out in this Directive. Applicants shall be allowed to submit relevant documents in digital form. By [2 years from entry into force] Member States shall ensure that all procedures are carried out in electronic format.

- (4) The contact point shall make available a manual of procedures for developers of renewable energy production plants and shall provide that information also online, addressing distinctly also small-scale projects and renewables self-consumers projects. The online information shall indicate the contact point relevant to the applicant's application. If a Member State has more than one contact point, the online information shall indicate the contact point relevant to the applicant's application.
  - (5) Member States shall ensure that applicants have easy access to simple procedures for the settlement of disputes concerning the permit-granting process and the issuance of permits to build and operate renewable energy plants, including, where applicable, alternative dispute resolution mechanisms.
  - (6) The deadlines laid down in Articles 16a, 16b and 16c shall apply without prejudice to judicial appeals, remedies and other proceedings before a court or tribunal, and to alternative dispute resolution mechanisms, including complaints procedures, non-judicial appeals and remedies, and may be extended for the duration of such procedures.
  - (7) Member States shall ensure that administrative and judicial appeals in the context of a project for the development of renewable energy production plant or its related grid connection, including those related to environmental aspects shall be subject to the most expeditious administrative and judicial procedure that is available at the relevant national, regional and local level.'
- (7) The following Article 16a is inserted:

*Article 16a*

***Permit-granting process in renewables go-to areas***

- (1) Member States shall ensure that the permit-granting process referred to in Article 16(1) shall not exceed one year for projects in renewables go-to areas. Where duly justified on the ground of extraordinary circumstances, that one-year period may be extended by up to three months. In such a case, Member States shall clearly inform the developer about the extraordinary circumstances that justified the extension.
- (2) The permit-granting process for the repowering of plants and for new installations with an electrical capacity of less than 150 kW, co-located energy storage facilities as well as their grid connection, located in renewables go-to areas shall not exceed six months. Where duly justified on the ground of

extraordinary circumstances, such as on grounds of overriding safety reasons where the repowering project impacts substantially on the grid or the original capacity, size or performance of the installation, that one year period may be extended by up to three months. Member States shall clearly inform the project developer about the extraordinary circumstances that justify the extension.

- (3) Without prejudice to paragraphs 4 and 5, by derogation from Article 4(2) of Directive 2011/92/EU, and Annex II, points 3(a), (b), (d), (h), (i), and 6(c) alone or in conjunction with point 13(a) to that Directive as far as this concerns renewable energy projects, new applications for renewable energy plants, except for biomass combustion plants, including the repowering of plants, in already designated renewables go-to areas for the respective technology, co-located storage facilities as well as their connection to the grid, shall be exempted from the requirement to carry out a dedicated environmental impact assessment under Article 2(1) of Directive 2011/92/EU, provided that these projects comply with the rules and measures set out in accordance with Article 15c(1), point (b). The exemption from the application of Directive 2011/92/EU above shall not apply to projects which are likely to have significant effects on the environment in another Member State or where a Member State likely to be significantly affected so requests, as provided for in Article 7 of the said Directive.

By derogation from Article 6(3) of Directive 92/43/EEC, the plants referred to in the first subparagraph, shall not be subject to an assessment of their implications for Natura 2000 sites.

- (4) The competent authorities of Member States shall carry out a screening of the applications referred to in paragraph 3. Such screening shall aim to identify if any of such projects is highly likely to give rise to significant unforeseen adverse effects in view of the environmental sensitivity of the geographical areas where they are located, that were not identified during the environmental assessment of the plan or plans designating renewables go-to areas carried out in accordance with Directive 2001/42/EC and, if relevant, with Directive 92/43/EEC. The screening carried out for the repowering of projects shall be limited to the potential impacts stemming from the change or extension compared to the original project.

For the purpose of such screening, the project developer shall provide information on the characteristics of the project, on its compliance with the rules and measures identified according to Article 15c (1), points (b) and (c), for the specific go-to area, on any additional measures adopted by the project and how these measures address environmental impacts. Such screening shall be finalised within 30 days from the date of submission of the applications for new renewable energy plants, with the exception of applications for installations with an electrical capacity of less than 150 kW. For such installations and for new applications for the repowering of plants, the screening phase shall be finalized within 15 days.

- (5) Following the screening process, the applications referred to in paragraph 3 shall be authorised from an environmental perspective without requiring any express decision from the competent authority, unless the competent authority adopts an administrative decision, duly motivated and based on clear evidence, that a specific project is highly likely to give rise to significant unforeseen

adverse effects in view of the environmental sensitivity of the geographic area where they are located that cannot be mitigated by the measures identified in the plan or plans designating go-to areas or proposed by the developer for the project. Such decision shall be made available to the public. Such projects shall be subject to an assessment in accordance with Directive 2011/92/EC and, if applicable, to an assessment under Article 6(3) of Directive 92/43/EEC, which shall be carried out within six months following the screening decision.

- (6) In the permit-granting process of the applications referred to in paragraphs 1 and 2, the lack of reply of the relevant administrative bodies within the established deadline shall result in the specific administrative steps to be considered as approved, except in those cases where the specific project is subject to an environmental impact assessment in accordance with paragraph 5. All resulting decisions will be publicly available.
- (8) The following Article 16b is inserted:

*Article 16b*

***Permit-granting process outside renewables go-to areas***

- (1) Member States shall ensure that the permit-granting process referred to in Article 16(1) shall not exceed two years, for projects outside renewables go-to areas. Where duly justified on the grounds of extraordinary circumstances, that two-year period may be extended by up to three months. In such a case, Member States shall clearly inform the developer about the extraordinary circumstances that justified the extension.
- (2) Where an environmental assessment is required under Directive 2011/92/EU or Directive 92/43/EEC, it shall be carried out in a single procedure that combines all relevant assessments for a given project. When any such environmental impact assessment is required, the competent authority, taking into account the information provided by the developer, shall issue an opinion on the scope and level of detail of the information to be included by the developer in the environmental impact assessment report, of which the scope shall not be extended subsequently. Where the specific projects have adopted appropriate mitigation measures, any killing or disturbance of the species protected under Article 12(1) of Directive 92/43/EEC and Article 5 of Directive 2009/147/EC shall not be considered deliberate. Where novel mitigation measures to prevent as much as possible the killing or disturbance of species protected under Council Directive 92/43/EEC and Directive 2009/147/EEC, or any other environmental impact, have not been widely tested as regards their effectiveness, Member States may allow their use for one or several pilot projects for a limited time period, provided that the effectiveness of such measures is closely monitored and appropriate steps are taken immediately if they do not prove to be effective. The permit-granting process for the repowering of projects and for new installations with an electrical capacity of less than 150 kW, co-located storage facilities as well as their grid connection, located outside renewables go-to areas shall not exceed one year including environmental assessments where required by relevant legislation. Where duly justified on the ground of extraordinary circumstances, this one-year period may be extended by up to three months. Member States shall clearly inform the developers about the extraordinary circumstances that justified the extension.

Member States shall facilitate the repowering of projects located outside go-to areas by ensuring that, if an environmental assessment for a project is required under the Union environmental legislation, such assessment shall be limited to the potential impacts stemming from the change or extension compared to the original project. ’

- (9) The following Article 16c is inserted:

*‘Article 16c*

***Permit-granting process for the installation of solar energy equipment in artificial structures***

- (1) Member States shall ensure that the permit-granting process referred to in Article 16(1) for the installation of solar energy equipment, including building-integrated solar installations, in existing or future artificial structures, with the exclusion of artificial water surfaces, shall not exceed three months, provided that the primary aim of such structures is not solar energy production. By derogation from Article 4(2) of Directive 2011/92/EU and Annex II, points 3(a) and (b), alone or in conjunction with point 13(a) to that Directive, such installation of solar equipment shall be exempted from the requirement, if applicable, to carry out a dedicated environmental impact assessment under Article 2(1) of Directive 2011/92/EU.’

- (10) The following Article 16d is inserted:

*‘Article 16d*

***Overriding public interest***

By [three months from entry into force], until climate neutrality is achieved, Member States shall ensure that, in the permit-granting process, the planning, construction and operation of plants for the production of energy from renewable sources, their connection to the grid and the related grid itself and storage assets are presumed as being in the overriding public interest and serving public health and safety when balancing legal interests in the individual cases for the purposes of Articles 6(4) and 16(1)(c) of Directive 92/43/EEC, Article 4(7) of Directive 2000/60/EC and Article 9(1)(a) of Directive 2009/147/EC.’

*Article 2*

***Amendment to Directive 2010/31/EU***

Directive 2010/31/EU is amended as follows:

- (1) The following Article 9a is inserted:

*‘Article 9a*

***Solar energy in buildings***

Member States shall ensure that all new buildings are designed to optimise their solar energy generation potential on the basis of the solar irradiance of the site, enabling the later cost-effective installation of solar technologies.

Member States shall ensure the deployment of suitable solar energy installations:



- (a) by 31 December 2026, on all new public and commercial buildings with useful floor area larger than 250 square meters;
- (b) by 31 December 2027, on all existing public and commercial buildings with useful floor area larger than 250 square meters; and
- (c) by 31 December 2029, on all new residential buildings.

Member States shall define, and make publicly available, criteria at national level for the practical implementation of these obligations, and for possible exemptions for specific types of buildings, in accordance with the assessed technical and economic potential of the solar energy installations and the characteristics of the buildings covered by this obligation.

*Article 3*  
***Amendment to Directive 2012/27/EU***

Directive 2012/27/EU is amended as follows:

- (1) in Article 3, paragraph 5 is replaced by the following:

‘5. Member States shall collectively ensure a reduction of energy consumption of at least 13 % in 2030 compared to the projections of the 2020 Reference Scenario so that the Union’s final energy consumption amounts to no more than 750 Mtoe and the Union’s primary energy consumption amounts to no more than 980 Mtoe in 2030.’

*Article 4*  
**Transposition**

- (1) Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 1, point (10), by [three months after the entry into force of this Directive] at the latest.

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 1, points (1), (2), (3), (4), (6), (8) and (9), and Article 3 by [one year after the entry into force of this Directive] at the latest.

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 1, points (5) and (7), and Article 2 by [two years after the entry into force of this Directive] at the latest.

They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

- (2) Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 5*  
***Entry into force***

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Article 6  
*Addressees*

This Directive is addressed to the Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*