

Stakeholder dialogue "Energy and Climate" on accelerating authorisation procedures for renewable energy installations in the REPowerEU package

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On Tuesday, June 21, 2022, the European Commission Representation in Berlin held an "Energy and Climate" Stakeholder Dialogue on the European Commission's proposals to accelerate permitting procedures in the REPowerEU package. It was moderated by Robert Gampfer, Policy Officer for Energy Policy at the Representation of the European Commission in Germany.

This dialogue event featured substantive contributions from the following:

- Lecture and panel discussion: Lukasz Kolinski, Head of Unit "Renewable Energy and Energy System Integration Policy" at the Directorate General for Energy of the European Commission
- Panel discussion: Raphael Weyland, NABU Brussels Office Manager (connected via video)
- Panel discussion: Dr. Thorsten Müller, scientific director of the Stiftung Umweltenergierecht (Foundation for Environmental Energy Law)
- Answering questions from the participants: Vera Kissler, Officer in the Directorate General for Energy of the European Commission.

Lukasz Kolinski first presented the main features of the REPowerEU package. The four pillars of the package include 1) measures for energy consumption savings, 2) diversification in energy suppliers to become less dependent on Russian gas and oil, 3) massive investments in the development of renewable energy, and 4) plans for financing all these measures and the reforms needed to achieve them.

Kolinski then explained what the European Commission is proposing under the third pillar of the REPowerEU package to speed up permitting procedures. He pointed out that the EU is facing a challenge without precedent. The contribution of renewable energy in the EU must increase from the current 400 GW to 1200 GW by 2030, he said.

- The Commission intends to drastically reduce planning times for renewable energy systems. For this reason, it has presented proposals for acceleration and has developed guidelines for implementation. In this way, member states are to learn from each other on the basis of good practice examples.
- An important factor in speeding up the approval process is adequate public participation, i.e. acceptance by the local population.
- The Commission recommends one-stop stores for the processing of planning by the authorities as well as clearly formulated requirements for installers. Subsequent additional requirements during the planning phase always lead to avoidable delays.
- Furthermore, energy grids must be planned with foresight. Wind turbines that replace old or defective turbines should not have to go through the entire approval process again.
- A decisive factor for the rapid expansion of renewable energies will also lie in the multiple use of land, for example for agri-PV or floating PV systems.

The core of the discussion in Berlin was the exchange of views on the so-called "Go-To-Areas", i.e. the areas which, according to the REPowerEU package, are to be designated and used for accelerated planning and construction of renewable energy systems. These should be areas where there are no conflicts due to environmental constraints or stand-off areas. Review procedures should be uniform for the entire designated area and then apply to all properties built on the site. Special planning laws should prevail here, such as passive approval of plans if no active approval has been granted after two years.

Raphael Weyland (NABU) said that the approach REPowerEU package is good, but much is regulated at the expense of nature without benefiting the climate. He sees the reasons for the long

duration of approval procedures also in deliberate political will. He warns against the dismantling of environmental impact assessments. Lawsuits against this are to be expected, which will delay approvals again, he says.

Thorsten Müller (Stiftung Umweltenergierecht) hopes that REPowerEU will bring simplifications especially in permitting law, if it makes the substantive review program smaller, for example through the strategic environmental assessment of areas. He criticised that the specifications for simplified assessment programs in the context of approval procedures were not specific enough.

The panel discussed what is meant by an "overriding public interest". It was made clear that this should be a systematic assumption at the beginning of the review process, which could also be refuted in individual cases by stronger interests, for example in species protection.

The speakers also answered questions from the expert audience that was on site in Berlin or digitally participated in the dialogue event.

It was asked who defines and identifies the "go-to areas." This is to be done by the member states, Kolinski said, and many states have already started preliminary planning for this, even if the legislation for this has not yet come into force. Two years after the corresponding amendment to the Renewable Energy Directive comes into force, the Go-To-areas should be fixed.

Another question related to the levers that could be used to improve the energy grids. Thorsten Müller sees a need for action here. He fears grid bottleneck problems at the low voltage levels. He criticised the fact that in Germany only planning processes are transformed into laws and that there are no creative solutions to accelerate grid expansion.

Another participant from the audience criticised that the lack of public acceptance is the biggest problem with the construction of renewable energy systems. The public is being asked the wrong questions: If the alternative is "overhead line or underground cable", the majority would naturally opt for underground cables, but if you ask whether people want to bear the resulting increase in energy prices, they would probably come to the opposite decision.

Blanket legal regulations on stand-off distances are seen as a nuisance by stakeholders. This unnecessarily hinders planners, they say. Distance areas should have to be negotiated individually again.

The European Commission wants to dictate as little as possible to the Member States in this regard, says Kolinski. But, the countries should learn from each other and change the rules. He sees movement on the issue of rigid distance areas, not only in Germany, but also in Poland, for example. The goals of the Green Deal can only be achieved if the people in the regions support the planning. The discussion about this must be promoted in the regions, he said.

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