



POLICY GUIDELINES

by the Energy Community Secretariat

**on the Permit-Granting and Planning of Energy Projects in
the Energy Community**

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Abbreviations

CP – Contracting Party

CPs – Contracting Parties

DER – Distributed Energy Resource

DSO – Distribution System Operator

EIA – Environmental Impact Assessment

EIA Directive – Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment as amended by Directive 2014/52/EU

Energy Community Treaty – Treaty establishing Energy Community signed in October 2005 in Athens, Greece, in force since July 2006

EC – European Commission

EU – European Union

MS – Member States

NSP – National Spatial Plan

RED - 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 (recast)

RES – Renewable Energy Source

Revised RED - Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023 amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652

RE – Renewable Energy

SEA – Strategic Environmental Assessment

SEA Directive – 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

SP – Spatial Planning

TSO – Transmission System Operator

I. INTRODUCTION

One of the main objectives of the Energy Community Treaty is to improve the environmental situation in relation to Network Energy and foster the use of renewable energy.¹ For this purpose, the activities of the Energy Community includes, in addition to the others, the implementation by the Contracting Parties (CPs) of the *acquis communautaire* on environment and renewables, adapted to both the institutional framework of the Energy Community and the specific situations in the CPs.²

The environmental impact assessment (EIA) is a key instrument within European Union environmental policy for assessment of the significant effects of a project or development proposal on the environment. The first EIA Directive 85/337/EEC³ was the cornerstone of the environmental *acquis* of the Energy Community Treaty. Directive 85/337/EEC was substantially amended three times, in 2003 and 2009 and in 2011, and in 2011 the European Union adopted a codified EIA Directive 2011/92/EU. In 2014⁴, the codified Directive was amended by Directive 2014/52/EU⁵ which improved the definitions and the existing rules and requirements, in particular, the rules on screening and the requirements concerning the quality of the EIA report and the development consent, integrating the assessment of climate and biodiversity impacts into the EIA process. With Decision 2016/12/MC-EnC, the Ministerial Council of the Energy Community incorporated Directive 2011/92/EU, as amended by Directive 2014/52/EU in the Energy Community *acquis* on environment. The implementation deadline for the CPs for the amendments introduced by Directive 2014/52/EU was January 2019.⁶

Directive 2001/42/EC⁷, serves as the key instrument for evaluating the impacts of specific plans and programs on the environment. Its primary objective is to ensure a high standard of environmental protection and facilitate the integration of environmental concerns into the formulation and adoption of plans and programs, thereby promoting sustainable development. With Decision 2016/13/MC-EnC, the Ministerial Council of the Energy Community incorporated Directive 2001/42/EC (SEA Directive) in the Energy Community *acquis* on environment. The general implementation deadline for the CPs for was 31 March 2018. Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources (RED)⁸ has been incorporated in the Energy Community *acquis* by Ministerial Council Decision 2021/14/MC-EnC⁹ as amended by

¹ Article 2 (1) (d) of Energy Community Treaty.

² Article 3 (a) of Energy Community Treaty.

³ Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment.

⁴ 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 (codification).

⁵ Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment.

⁶ <https://www.energy-community.org/legal/acquis.html>

⁷ 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.

⁸ 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 (recast).

⁹ https://www.energy-community.org/dam/jcr:c755f9db-f6e7-448c-9cf5-0a5f02113ae2/19thMCDecision14_CEPII_30112021.pdf

Decision 2022/04/MC-EnC.¹⁰ The deadline for transposition expired on 31 December 2022.

With Decision 2022/02/MC-EnC, the Energy Community Ministerial Council adopted the 2030 energy and climate targets on 15 December 2022.¹¹ These targets are essential to put CPs on a path towards achieving climate neutrality of their economies by 2050 and decreasing their dependence on fossil fuels in the shorter term. The Ministerial Council agreed to national renewables targets that amount to an overall Energy Community target of 31.0% of energy from renewable sources in gross final energy consumption by 2030.

In January 2022, the European Commission launched an initiative with the aim to facilitate the deployment of renewable energy¹² projects. In the justification of the initiative, the European Commission notes that the permit-related and other administrative barriers have been identified as a common bottleneck for successful utilization of renewable energy projects. The lack of public acceptance of renewable energy projects was identified as another significant barrier. Regulatory complexity, lengthy procedures and their uncertain outcomes discourage investors, cause delays, and make projects more expensive. Following up on the initiative, the European Commission adopted *Recommendation C/2022/3219 on speeding up permit-granting procedures for renewable energy projects and facilitating Power Purchase Agreements*¹³ accompanied by a *Guidance on good practices to speed up permit-granting procedures for renewable energy projects and on facilitating Power Purchase Agreements*¹⁴. Both documents tackle different environmental assessment mechanisms, including the EIA and SEA, and the interlinkage with other assessment conducted under different environmental directives (Birds and Habitats¹⁵ appropriate assessment, and Water Framework Directive¹⁶ applicability assessment). In the drafting process of the guidance, the EC examined the comparable administrative barriers in each Member State and gathered existing good practices that aim at reducing the administrative burden and increasing planning certainty for renewable energy projects.

On 9 October 2023, the amended Renewable Energy Directive (revised RED) was adopted as part of the "Fit for 55" package, introducing the new provisions aimed at expediting RE projects permitting procedures. A key measure of revised RED is the definition of renewables acceleration areas, where renewable energy projects undergo simplified and fast permit-granting processes. The revised RED stipulates that Member States must conduct spatial mapping for renewable energy to fulfil their National Energy and Climate Plans (NECPs) and designate renewables acceleration areas as subsets of national spatial plans. These areas, meticulously designated by competent authorities, should prioritize artificial, industrial, and built surfaces, emphasizing locations such as rooftops, industrial sites, and transport infrastructure while excluding

¹⁰ https://www.energy-community.org/dam/jcr:421f0dca-1b16-4bb5-af86-067bc35fe073/Decision_02-2022-MC_CEP_2030targets_15122022.pdf

¹¹ https://www.energy-community.org/dam/jcr:421f0dca-1b16-4bb5-af86-067bc35fe073/Decision_02-2022-MC_CEP_2030targets_15122022.pdf

¹² Under Article 2(1) of Directive (EU) 2018/2001 as amended by Directive (EU) 2023/2413 energy from renewable sources" or "renewable energy" means energy from renewable non-fossil sources, namely wind, solar (solar thermal and solar photovoltaic) and geothermal energy, osmotic energy, ambient energy, tide, wave and other ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas, and biogas.

¹³ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=PI_COM%3AC%282022%293219

¹⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022SC0149>

¹⁵ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

¹⁶ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.

environmentally sensitive sites like Natura 2000 areas and major migratory routes.

On 13 May 2024, the European Commission adopted an updated Recommendation on speeding up permit-granting procedures for renewable energy and related infrastructure projects¹⁷, along with updated guidance¹⁸ on designating renewables acceleration areas, providing Member States with practical considerations and best practices.

In 2023, the Energy Community Secretariat commissioned a consultancy consortium, comprising the Energy Institute Hrvoje Pozar and Oikon, to conduct an assessment of permitting and planning processes for energy projects within the Energy Community, specifically targeting renewable energy projects and spatial plans. To facilitate this assessment, a series of questionnaires were developed and distributed among various competent authorities, as well as other stakeholders including civil society and businesses. Individual assessments were prepared for each Contracting Party (CP), and the collective findings were consolidated into a single document titled "[Permit-Granting and Planning of Energy Projects in the Energy Community: Overview, Recommendations, and Best Practices](#)", and throughout this process, each CP was consulted on the draft, and every one of their comments was meticulously integrated into the final text. The study provides a foundational understanding of the processes involved in permitting and planning energy projects across the CP. Additionally, it showcases best practices and innovative approaches applicable across the Energy Community.

The present guidelines and derived recommendations stem from this comprehensive study as well as from the Energy Community Secretariat's legal cases¹⁹ and its longstanding support to CPs in implementing the environmental and renewable energy acquis of the Energy Community Treaty. The policy guideline underwent consultation with both the Contracting Parties (CPs) and the civil society. The Secretariat received feedback from four CPs and six NGOs. Additionally, the draft text was reviewed in consultation with the European Commission, the Directorate-General for Energy and the Directorate-General for Environment.

The Policy Guidelines provide general recommendations for simplifying and shortening administrative procedures where possible, while integrating environmental safeguards, better inter-institutional coordination, improving of the spatial planning of RE projects, and the acceptance and involvement of the public in the RE planning and permitting process. The Policy Guidelines also cover recommendations on grid connections for the RE projects.

The Policy Guidelines aim to support enhancing and streamlining the deployment of RE projects in the CPs, ultimately contributing to the achievement of the Energy Community CP's renewable energy targets, while also serving as a supplementary resource to assist in fulfilling their obligations in transposing and implementing relevant Energy Community acquis on environment and renewable energy within their national frameworks.

The Energy Community Secretariat is committed to assisting CPs in implementing these recommendations.

¹⁷ https://energy.ec.europa.eu/publications/recommendation-and-guidance-speeding-permit-granting-renewable-energy-and-related-infrastructure_en

¹⁸ https://energy.ec.europa.eu/document/download/af3927a5-3b82-42f0-8954-7b9fdc567e43_en?filename=SWD_2024_333_2_EN_autre_document_travail_service_part1_v1.pdf

¹⁹ <https://www.energy-community.org/legal/cases.html>

II. KEY TAKEAWAYS

a. Environmental Impact Assessment

The CPs should intensify their efforts to achieve **full alignment and effective implementation** of the EIA Directive because the lack of complete transposition, proper implementation and deficiency of institutional capacity and inter-institutional cooperation can result in a shortage of sustainable projects and jeopardize investments.

It is recommended to broaden the definition of "**project**" within the national EIA legislation to reflect the wide scope of objectives of both the EIA Directive, encompassing the entirety of the project along with its associated works. Developing a catalogue to outline associated works for each renewable energy project group can facilitate the developers in providing a more comprehensive project description and assessment (e.g. access roads, transportation infrastructure, transmission lines or distribution infrastructure, ancillary buildings, etc.). Additionally, the catalogue should offer a list of project changes or extensions, whether authorized, executed, or in the process of being executed, which may have significant adverse impacts on the environment. Examples include increasing the capacity of a wind farm by adding additional turbines, expanding the footprint of a solar farm into previously undeveloped natural habitats, extending the construction period of a hydroelectric dam project, modifying the design of a biomass power plant to increase its output, altering the route of transmission lines, changing the location of access roads, extending the operational lifespan, increasing the height of wind turbine towers beyond initial specifications, and similar.

The legislative **thresholds set by CPs for RE projects** listed in Annex II, which are not subject to a mandatory EIA, should incorporate criteria on the characteristics and location of the project, as well as the types and nature of its potential impact, as outlined in the main categories of the selection criteria listed in Annex III to the EIA Directive. To enhance the criteria used for EIA screening of project changes or extensions, it is recommended to incorporate capacity thresholds for repowering projects, along with other relevant factors. Repowering projects threshold within defined renewable energy technologies could be recommended, for instance, with a specific capacity increase ranging from 5% to 15%²⁰, alongside other pertinent criteria on location and impact to be taken into account. The screening process for repowering renewable energy projects previously made subject to EIA should focus on evaluating the potential impacts resulting from alterations or expansions relative to the original project, while also considering cumulative impacts.

Given that criteria might result in **project splitting**, CPs can prevent the potential circumvention of the EIA Directive's objectives, particularly regarding renewable energy projects, by introducing additional decisive factors. The fact that an action could be developed through two or more technical projects or that a project falls under different jurisdictions for approval does not imply that they should be assessed separately. A key question in assessing if and how the splitting of

²⁰ EU Member States tend to favour a 15% threshold for determining whether renewable energy projects require mandatory environmental impact assessments.

the project intervenes in the EIA is when and why the splitting occurred. To effectively identify this practice, competent authorities must have access to comprehensive information, including spatial planning information. A detailed description of all elements of the project, including its spatial layout and intended functionality, can further assist in this endeavour. CPs incorporate factors such as evaluating access to the site and transmission lines, and considering projects jointly if they share common facilities or serve comparable purposes technologically. This is why it is necessary to consider projects jointly in particular where they are connected, follow on from one another, or their environmental effects overlap.²¹ Identifying these practices is crucial for developing project alternatives and assessing cumulative impacts comprehensively. Additionally, competent authorities must assess the cumulative effects of such projects, even when split, particularly when they have an objective and chronological link between them.

To expedite the **screening process** for renewable energy projects, it is recommended to implement a maximum duration of 45 days for the screening procedure. To fulfil the objective of the screening, CPs should transition to and enable an electronic communication system for providing opinions and accessing relevant data and documents during consultations with concerned authorities. By integrating robust criteria, the screening process can be streamlined, facilitating faster decision-making. It is recommended to develop a specialized screening template for renewable energy projects that includes features such as overlaying spatial biodiversity data with project sites and their areas of influence, while also establishing a system of checklists to aid EIA authorities in applying criteria during case-by-case screenings, which is essential. Considering cumulative impacts in the screening process presents a significant challenge, necessitating competent authorities to have access to relevant information and data since they have to encompass factors such as project synergies, interactions, and combined effects with other existing or planned developments in the area. Integrating geographic information systems (GIS) technology can enhance the process by enabling spatial visualization and analysis of cumulative impacts, thereby facilitating a deeper comprehension of potential environmental effects and ensuring access to pertinent information. To support these efforts, competent authorities in CPs should dedicate specific experts to renewable technology within the EIA departments or teams. Wide consultation during the screening phase is recommended by implementing procedures through which competent authorities consult with other authorities and the public concerned. Such procedures can reduce later disputes and delays in the decision-making process.

It is recommended the CPs to mandate an **EIA scoping process** wherein the competent authority can issue a scoping opinion early in the EIA procedure. This scoping opinion enables the developer to assemble a competent expert team for effectively crafting the report and identifying the environmental factors likely to be significantly impacted by the project. Moreover, it facilitates more accurate cost estimation for preparing the EIA report and assessment, and aids in planning consultations with the public and authorities accordingly.²² Consultations with authorities and public concerned during scoping, while not a legal requirement under the EIA Directive, ensure that stakeholders address their considerations in the early phase of the procedure.

To strengthen the **quality EIA reports**, authorities must ensure that project developers, which are responsible for preparing the EIA report, have easy and electronic access to relevant data

²¹ CJEU Case C-147/07, *Ecologistas en Acción-CODA*, paragraph 44; Case C-205/08, *Alpe Adria*, paragraph 53 and AG Kokott, CJEU Case C-142/07 *Ecologistas*.

²² In EU the average cost for developers is estimated at 1 % of the total project cost. However, this estimation largely depends on the size, location and impacts of the project.

from various authorities and receive guidance from the competent authority. Access to an overview of the available information also serves as a valuable source of insight for developers, highlighting missing data essential for their projects and emphasizing the necessity for monitoring activities to compile the EIA. The electronic data platform should as minimum provide real-time access to diverse data sources including results from EIAs of other projects and SEAs of plans and programmes, environmental feasibility studies, appropriate assessments and biodiversity management plans, monitoring results, and EIA scoping information. The data platform should provide free access for public administrations, researchers, experts, and citizens, incorporating an approach that facilitates easy access to specific data, including air and water quality, hydrology, and more. It is recommended for all CPs to implement training programs or courses for certified experts to maintain updated knowledge and introduce safeguard mechanisms, such as license revocation for providing false information or similar practice. The obligation for experts to sign the EIA Report enhances its quality, ensuring reports are endorsed by those involved in their preparation. The establishment of an online publicly accessible register of EIA experts, including their qualifications and biographies, enables the developer, the public and the authorities to scrutinize the expertise and qualifications of the experts. It is recommended to establish clear procedures and deadlines for supplementing the EIA report, instead of solely relying on the discretion of the competent authority. The procedure and timeline for submitting additional data, such as seasonal monitoring data, should be predetermined during the scoping phase to ensure clarity and consistency throughout the process.

The EIA Directives requires for joint or coordinated procedures to streamline environmental assessments of projects. As described in the EIA Directive, the **joint procedure** involves a single assessment, while the **coordinated procedure** designates a coordinating authority to manage multiple assessments, providing clarity and efficiency for developers and administrations alike. Scoping is essential in all procedures, be it joint or coordinated, , facilitating the establishment of the scope and content of the overall environmental report to ensure coherence in the information provided from various environmental assessments. Unlike the EIA Directive, the Habitats Directive²³ and the Birds Directive²⁴ mandate that for projects likely to have a significant effect on Natura 2000 sites, the project development consent cannot be granted unless the appropriate assessment²⁵ concludes no adverse impact on the integrity of the Natura 2000²⁶ sites concerned.²⁷ Under specific conditions, derogations may be granted when adverse impacts on Natura 2000 sites arise, provided there are no viable alternatives and the project serves imperative reasons of overriding public interest, including those of a social or economic nature. In such cases, compensatory measures must be taken to ensure the overall coherence of the

²³ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

²⁴ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds.

²⁵ Appropriate assessment is an assessment of the potential adverse effects of a plan or project (in combination with other plans or projects) on Special Areas of Conservation and Special Protection Areas identified under the Birds and the Habitats Directives. Through the appropriate assessment, alternative solutions are explored to mitigate or avoid any negative impacts on the protected habitats and species.

²⁶ Natura 2000 is a network of protected areas covering Europe's most valuable and threatened species and habitats. It is the largest coordinated network of protected areas in the world, extending across all 27 EU Member States, both on land and at sea. The sites within Natura 2000 are designated under the Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds and the Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

²⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021XC1028%2802%29>

Nature 2000 network is protected. Similarly, under the applicability assessment²⁸ mandated by the Water Framework Directive²⁹, authorities are required, unless a derogation is granted, to refuse authorisation for an individual project if it risks deteriorating the status of a surface water body or compromises the achievement of good surface water status, ecological potential, or chemical status. Completing an EIA does not ensure compliance with the obligations outlined in the Habitats Directive, Birds Directive, and Water Framework since the specific assessments tailored to the requirements of these directives needs to be carried out. However, there are significant procedural synergies between EIAs and assessments required by these directives, such as data collection and consultation processes. Relevant information obtained through the appropriate assessments and the applicability assessments can be integrated to enhance the overall understanding and decision-making process. When both types of assessments, as well as an EIA are mandated, a joint procedure is found to enhance assessment quality. This integration ensures that all assessments are consolidated, resulting in a clear outcome of the process. In streamlined environmental assessments, project decisions must align with the outcomes of the appropriate assessment and the applicability assessment, incorporating information on alternative solutions, mitigation, and compensation measures related to Natura 2000 sites and water protection goals.

To enhance the quality of **EIA report review**, the competent authority should establish clear roles, foster communication with other expert sectors, and develop transparent procedures for engaging external experts, including appointment rules and rules on conflicts of interest³⁰. Conflict of interest can arise when the EIA consultant, the project proponent, or the competent authority and its employees or engaged external experts have personal, financial, or professional interests that may influence the objectivity, scope, or quality of the EIA process and report.

In both cases where CPs establish ad hoc review commissions within competent authorities or permanent dedicated independent bodies to conduct the EIA report review, it is recommended to define provisions for technical support and collaboration with external scientific national and international institutions.³¹ This includes engaging expert witnesses to resolve discrepancies in cases where different expert reports arrive at divergent conclusions. CPs should prioritize

²⁸ Article 4(7) of the Water Framework Directive exemptions from achieving good status or potential and the “non derogation clause” can be applied for new modifications and new sustainable human development activities only after specific assessment. This can relate to new hydropower dams or to modifications to existing projects. Before authorising a new modification, alteration, or sustainable human development activity, it's crucial to assess whether the proposed project might cause deterioration or impact the capacity of a water body to achieve good status or potential. This evaluation, known as an applicability assessment under Article 4(7) of the Water Framework Directive, determines the necessity of such authorization within this context. For more information please consult European Commission [Guidance Document No. 36 “Exemptions to the Environmental Objectives according to Article 4\(7\)”](#).

²⁹ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.

³⁰ Article 9a of the EIA Directive is based on the case law of the Court of Justice of EU (C-474/10) “[...] a functional separation [shall be] organised so that an administrative entity internal to it has real autonomy, meaning, in particular, that it is provided with administrative and human resources of its own and is thus in a position to fulfil the tasks entrusted[...]”.

³¹ According to GHK (2010) study, Collection of information and data to support the Impact Assessment study of the review of the EIA Directive, the average number of days to process an EIA by authorities is estimated at 32 man-days (a large deviation between Member States, e.g. ranging from 5 days in Czech Republic to 100 days in Denmark). The number of EIAs per staff on average is 4 (with 7 being the maximum). Most of the efforts for the authorities are due to the review of environmental information and the final decision-making. Bigger effort during the scoping stage resulted in relatively less effort during the stage of final decision-making.

employing experienced experts with diverse knowledge, including at least one expert with knowledge of renewable energy and relevant fields such as biodiversity, hydrology and land use.

It is recommended to streamline **consultation with the authorities concerned** through a unified electronic system, facilitating the electronic exchange of documentation, requests, and opinions. This system should also provide access to various environmental and geographical data necessary for informed opinions, along with other relevant information such as restrictions and prohibitions issued by authorities and expert institutions. It is recommended to digitize documents and internal consultation procedures by implementing a digital communication platform, thereby replacing the use of hard copies. Digital platforms can seamlessly facilitate the application process by conducting checks and tracking progress, such as identifying missing documents and reasons for application delays (e.g. if a decision on the biodiversity impacts and measures is required to complete the consultation process).

For effective **public consultations**³², it is advisable to adopt a flexible approach to setting time frames, to ensure at least a minimum of 30 days between public notice and the commencement of public consultations, with the flexibility to extend as necessary based on factors like the nature, complexity, and scale of the proposed project, while avoiding the risk of imposing unreasonable time frames by solely defining a maximum time frame for public participation. Public consultation should be outlined during the scoping stage, with timing considerations given to holiday seasons and periods sensitive to religious or cultural reasons, thereby warranting appropriate extensions as needed. CPs should employ a diverse range of channels to disseminate EIA information to the public, encompassing publication in newspapers, broadcasting on television and radio, electronic platforms (including social networks as Facebook), and posting notices in high-traffic areas (e.g., bus stations, churches, shops, etc). Additionally, establishing environmental information offices, dedicated online portals for environmental consultations, and identifying individual points of contact and mailing lists further enhance accessibility and engagement. CPs should implement public awareness campaigns that would continuously inform citizens about these platforms. Meticulous planning of **public hearings** in the EIA process involves selecting suitable venues (size and location), transparently sharing agendas in advance, and ensuring accessibility and inclusivity for all stakeholders. Incorporating both online and on-site public hearings is recommended to accommodate diverse preferences and enhance participation opportunities for stakeholders. Effective facilitation and moderation during hearings encourage constructive dialogue and equal participation, while thorough documentation of proceedings and follow-up actions enhances transparency and accountability. To effectively address public participation outcomes, implementing logistical measures like registering written comments and recording public hearings can be beneficial. Additionally, adopting practices such as documenting comments in a table format and requiring direct responses from the relevant authority to substantively identical comments can enhance transparency and accountability in the decision-making process. To enhance transparency and accountability in the environmental assessment process, a publicly accessible report should be prepared detailing participants, questions, comments, and suggestions received, along with explanations for any disregarded comments, serving as a valuable record for stakeholders and decision-makers engaged in the EIA procedure prior to issuing development consent for the project.

³² The UNECE [Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters](#) and the [Aarhus Convention: An implementation guide](#) serve as a valuable resource for organizing the public consultation process.

Transboundary consultations for projects which are likely to have cross-border impacts should be carefully outlined early in the EIA process, with all steps detailed during the scoping phase. This entails planning ahead by specifying the documents to be submitted to the affected CP or country, language requirements for documents and responses, including translation requirements for public hearings, and establishing contact points for communication and gathering feedback during transboundary consultations. Deadlines for these consultations are to be counted from the day the public of the affected party is informed, ensuring timely and effective cross-border engagement. CPs should utilize the national focal points national focal points responsible for transboundary impact assessments, which are accessible through international mechanisms like the Espoo Convention on Environmental Impact Assessment in a Transboundary Context.³³ Additionally, they should explore other contact options, including the Ministry of Foreign Affairs or Embassy representatives. Translating into English instead of the language of the affected Contracting Party may be considered as option, however, it's important to note that certain sections of the EIA report, such as those detailing transboundary impacts, must be translated into the language of the affected CP or country. The documentation to be translated should, as a minimum, include the non-technical summary of the EIA report and those parts of the EIA documentation that were necessary to provide an opportunity to the public of the affected Party to participate, equivalent to that provided to the public of the Party of origin. It is recommended CPs to organise the transboundary consultations simultaneously with national consultations, and to document the outcome in one comprehensive consultation report. This report and any decision on the project should be made available to the affected CP or country and translated as necessary.

Incorporating the EIA reasoned conclusion into **development consent** necessitates explicit referencing and the inclusion of all environmental conditions. This encompasses describing measures to avoid, prevent, or reduce significant negative impacts and, if feasible, offsetting them, along with outlining monitoring measures. In cases where different authorities are responsible for issuing development consent and reasoned conclusions, coordination is essential to ensure alignment between the two processes and to uphold the integrity of the environmental assessment. This coordination should facilitate seamless integration of the reasoned conclusion, the environmental conditions, the description of any features of the project and or measures to avoid, prevent, reduce and if possible offset significant adverse effects on the environment and where appropriate monitoring measures. Establishing review steps or check-ups will ensure that the reasoned conclusion, environmental conditions, and other relevant factors are accurately and comprehensively reflected in the development consent. While the Directive does not directly regulate the validity of development consent, it mandates the assessment and consideration of all factors with significant environmental effects within the development consent procedure. Consequently, situations may arise where a project receives authorisation, but environmental conditions subsequently change or new findings emerge regarding its impact, necessitating updates or extensions to the assessment process. In such cases, it is crucial to adhere to the principle of good administration and consider the legitimate expectations of the public, ensuring that any necessary adjustments are made to reflect evolving environmental concerns.

For CPs with "multi-stage" development consent, consent procedure comprising of more than one stage, one involving a principal decision and the other involving an implementing decision which cannot extend beyond the parameters set by the principal decision, the effects which a

³³ The UNECE [Guidance on the practical application of the Espoo Convention](#) serve as a valuable resource for organizing the public consultation process.

project may have on the environment must be identified and assessed at the time of the procedure relating to the principal decision.³⁴

CPs should supplement the established validity period, typically lasting 2 to 5 years, of the **reasoned conclusion** in their EIA legislation by incorporating robust additional criteria to ensure that reasoned conclusion is still up to date when making decision to grant or extend development consents for an authorised project. In addition to validity time limits, criteria to ensure the reasoned conclusion is up-to-date when making a decision on a project could include periodic reviews of new relevant scientific data and new spatial documents, requiring assessment of changing environmental conditions, consideration of new regulatory standards, and consultation with stakeholders regarding evolving community needs and concerns and, where applicable, the concerns of transboundary nature.

Monitoring practice for ensuring the implementation of measures to avoid, prevent, or reduce adverse environmental effects stipulated by the development consents is through regular site inspections conducted by environmental inspectors or independent auditors. These inspections verify that the developer is adhering to environmental safeguards and implementing the prescribed measures effectively. Additionally, the establishment of comprehensive environmental monitoring programs and operational permits, which involve continuous data collection and analysis of key environmental indicators, can help track the progress and effectiveness of mitigation measures, allowing for timely adjustments and interventions if significant adverse effects are detected. This ensures that significant adverse impacts from projects do not exceed those projected in the EIA Report and that mitigation measures are carried out as planned. Monitoring also evaluates the robustness of impact identification methods, offering systematic ex-post impact assessment. This allows for rectification if forecasted impacts are not as predicted, tracks the effectiveness of mitigation measures, and incorporates additional relevant information, such as climate change or cumulative impacts. Authorities issuing the development consent should ensure that monitoring results are evaluated by relevant authorities and consider higher-level coordination of measures. Penalties should encompass both, financial sanctions, which could entail lump-sum payments or daily fines until compliance is achieved, as well as the imposition of bans or the suspension of activities until regulatory requirements are met. To publicly disclose development consent to the public and affected CPs, the competent authority should utilize various channels such as official websites, public notices, and local media outlets to disseminate detailed information about the decision, including conditions, reasons, and mitigation measures. The decision must contain legal instruction for **appeal and complaint**. It is recommended that CPs incorporate provisions for **mediation** into their EIA legislation, especially for large infrastructure projects involving multiple stakeholders with diverse interests, as it can facilitate the prompt resolution of environmental conflicts including when different expert reports yield divergent conclusions for mitigation measures. Mediation can be effectively employed at various stages of the EIA process, including scoping, EIA report, and before issuing development consent for the project, fostering constructive dialogue and consensus-building among stakeholders.

³⁴ Court of Justice of the EU (CJEU) C-290/03 Barker, paragraph 40; C-201/02 Wells, paragraph 37.

b. Permit-granting: construction permit and related permitting processes

The construction permit granting process involves multiple stages and necessitates the application for various permits, with one often being a prerequisite for obtaining another. Streamlining permit procedures for RE projects, reducing the documentation burden on project developers, and enhancing coordination among the involved authorities are prerequisites to shortening the permitting period. The **principle of “administrative positive silence”** can be applied to RE projects where environmental impacts have been assessed (projects subject to EIA or screening concluding that the project should not be subject to EIA), and relevant environmental permits have been issued.³⁵ This principle does not apply to the final decision concluding the permit-granting process. Implementing the positive silence principle without meeting legal requirements for environmental assessments and permits can be challenging, particularly in light of legal precedents that demonstrate its non-acceptance in such contexts.³⁶ Under the revised RED, the application of the positive silence principle is also limited, relying on the introduction of tacit approval for intermediate steps following the lack of an explicit reply from the competent authority or authorities within the established deadlines.

The principle of **“overriding public interest”** for RE projects asserts that in certain circumstances, the broader societal benefits derived from renewable energy development may outweigh competing interests or concerns. This principle recognizes the urgent need to transition to sustainable energy sources to mitigate climate change and achieve environmental goals, thereby justifying prioritization of renewable projects over other interests that may have lesser long-term benefits. CPs should differentiate between the principle of “overriding public interest” and the broader concept of “public interest”. “Public interest” refers to a broad spectrum of societal concerns, including health, safety, environmental protection, economic development, and social justice. In contrast, “overriding public interest” involves prioritizing the overall benefit of society over specific interests or considerations, even if doing so may result in adverse effects for certain stakeholders. In the context of applying the principle of “overriding public interest” for RE projects, it is recommended that CPs establish national guidelines and references for cases where the benefits or advantages of implementing the project outweigh any potential negative impacts on the environment or local communities. In cases where comprehensive assessments for biodiversity values or other environmental parameters are lacking, such as water quality, it is imperative to exercise caution in applying this principle.³⁷ Doing so may be inappropriate as it could fail to furnish an adequate foundation for devising compensation measures, given the

³⁵ Under the principle of “positive silence”, projects are deemed approved in the absence of administrative feedback (tacit approval).

³⁶ One notable case where the European Court of Justice (ECJ) rejected the principle of positive silence in the context of EIA is the “Ecologistas en Acción” case (C-182/02). In this case, the ECJ ruled that the principle of administrative silence cannot be applied to environmental decisions requiring an EIA under EU law. The case concerned a Spanish law that allowed construction projects to proceed if authorities did not respond within a specified timeframe, effectively applying the principle of administrative silence.

³⁷ Article 16f of the revised RED stipulates that until climate neutrality is achieved, Member States must prioritize renewable energy projects in the permit-granting process, presuming them to be in the overriding public interest and serving public health and safety in individual cases for the purpose of of Article 6(4) and Article 16(1), point (c), of Directive 92/43/EEC, Article 4(7) of Directive 2000/60/EC and Article 9(1), point (a), of Directive 2009/147/EC. However, Member States have the flexibility to restrict the application of these provisions to specific territories, technologies, or projects in accordance with their national energy and climate plans.

absence of essential baseline information. In the context of the appropriate assessment under the Habitats Directive, the collection of essential information is imperative to assess the necessity for derogation using the principle of overriding public interest and to determine the need for compensatory measures.

Mitigation and compensation measures³⁸ are an integral part of project approval where the principle of "overriding public interest" is applied. Compensation measures, which do not mitigate impacts, are considered only after all efforts to avoid or minimize negative impacts have been exhausted and if the project is authorized under derogation.. It is important to provide a wide spectrum of compensation measures, , rather than relying solely on one type. These measures should be aimed at improving the situation and can be directed either to the local or at the national level. Compensatory measures must be concrete measures e.g. by restoring elsewhere affected habitats. It is advisable that all compensation measures be supported by a financial guarantee mechanism to ensure their execution. This financial guarantee should be included as an environmental condition or measure in the project approval and can later be verified by competent authorities. Moreover, it is recommended that compensation measures for negative effects on the landscape be considered early in the project planning phase, as they are deemed beneficial for enhancing public acceptance of RE projects.

In cases of dual or split jurisdiction across different authority levels, where procedures for granting **concessions for renewable energy production** are not uniformly regulated, it is essential to harmonize concession rules considering these various aspects, including environmental concerns. It is recommended that concession agreements explicitly delineate obligations regarding EIAs, construction permits, and other necessary development permits, along with any required mitigation or compensation measures. By incorporating these conditions, the concession agreement can ensure adherence to best practices and promote accountability.

It is recommended to simplify the permit granting process for **solar power plants installed on buildings/houses rooftops** that have already obtained construction permits and are not subject to specific regulations protecting cultural or historical heritage, national defence, or civil safety reasons. This can be facilitated by eliminating the requirement for environmental assessments and construction permit provided that waste management measures (including measures for recycling and end-of-life disposal) and other operational requirements are adhered to. Additionally, where applicable, the import and transportation of photovoltaic panels should already be subject to relevant import and transport regulations. Reducing the procedural burden for self-consumption projects is advised to encourage increased citizen investment in such endeavours. Similarly, measures can be undertaken to simplify the permitting processes for various types of **heat pumps**, including air-source, ground-source, or water-source heat pumps. The simplification of these processes may be contingent upon the implementation of measures addressing environmental concerns such as refrigerant gases and drilling activities. In **hydropower projects**, CPs can integrate the EIA consent, streamlined with the applicability assessment and the appropriate assessment, as a requirement in the application process for a

³⁸ In the context of Article 694) of the Habitats Directive, compensation measures are designed to restore, enhance, or create new habitats or ecological functions to compensate for any ecological losses incurred due to the project or plan. They aim to maintain or improve the overall conservation status of affected habitats and species, thereby ensuring the long-term sustainability of biodiversity while facilitating responsible development initiatives. The selection and design of compensation measures require careful consideration of ecological factors, stakeholder engagement, and compliance with regulatory requirements to achieve effective biodiversity conservation outcomes.

water permit. Subsequently, the issuance of a construction permit can be contingent upon obtaining the necessary water permit beforehand, thus ensuring compliance with environmental regulations.

For projects not subject to EIA or similar procedures that facilitate public participation in decision-making, it is advisable for CPs to improve access to information regarding the outcome of permit granting procedures. Public awareness can be fostered through electronic channels, including granting public concerned access to functional single database on construction permits, public notices, or other suitable means to **disseminate information about the project approval**. Concurrently, the implementation of out-of-court dispute mechanisms can significantly bolster transparency and accountability in project permitting.

Establishing a **RE project compliance review commission** or similar bodies capable of conducting rapid initial screening and assessment of the issued permits is highly recommended. Furthermore, leveraging trained **RE mediation centres** that can promptly address issues is also advisable.

One-stop shop serves as a centralized platform streamlining administrative processes, offering stakeholders a single point of contact for efficient and transparent decision-making. When establishing the **RE one-stop shop**, it is recommended CPs to establish clear administrative protocols outlining roles and responsibilities for each participating authority in the decision-making process and integrate mechanisms that ensure transparency and accountability at every stage of the process as well as the options for digitalization. RE one-stop shop can be developed having different functions according to CP needs. In RE one-stop shop facilitates applicants by coordinating permissions for their projects as officials liaise with authorities, consolidating project approvals.³⁹ Consequently, project developers benefit from streamlined processes, focusing solely on preparing required documents for grid access, construction, electricity production license, or environmental impact assessment, without the need to interact with multiple officials. In another model, an RE shop autonomously grants permissions, reviewing documents submitted by project developers and contacting other authorities only if necessary. While this design relieves other authorities, it places significant demands on RE shop employees, who must be adequately prepared as the responsible permitting authority to avoid potential delays in the permitting process. Differentiating RE shops by scale—local, regional, and national—can cater to various project sizes, providing tailored support for households, small businesses, and large-scale ventures. This subsidiary organization enhances project planning by facilitating personal contact between consumers and regional authorities, while allowing national RE shops to specialize deeply in specific project types, ensuring comprehensive support for diverse renewable energy initiatives. An optional RE shop design allows project developers the flexibility to directly engage with a single competent authority if they prefer.

Employees in RE one-stop-shop should undergo regular training to effectively address specific areas including location conditions and restrictions, environmental impacts and mitigation measures, water permits and concessions, and construction permits. This training equips them with the necessary knowledge and skills to assist competent authorities at both the national and local levels in processing applications in a timely and accurate manner. Determining the staff needed for a one-stop-shop involves careful consideration of various factors and methodologies.

³⁹ Under the revised RED, it is the responsibility of the contact point to ensure compliance with the permit-granting procedure deadlines outlined in the directive.

One approach is to conduct a workload analysis, where the volume and complexity of incoming applications are assessed to estimate the necessary workforce. This analysis should take into account factors such as the anticipated number of applications, their diversity in terms of project size and complexity, and the required processing time for each type of application. Additionally, considering the peak periods and potential fluctuations in workload throughout the year is essential for adequate staffing levels. Assessing the skill sets and competencies required for each task within the one-stop-shop will be based on the type of the one-stop-shop set up and the number of processes that will encompass (coordinating or granting permits). By employing such methodologies, authorities can ensure that the one-stop-shop operates efficiently and can effectively handle the demands of processing applications for renewable energy projects. For this purpose, CPs can leverage existing workload data or establish new monitoring systems to provide input on these aspects.

The process can be further streamlined by applying **standardized, user-friendly templates** for background documents in RE projects permitting processes to address issues related to information management. Additionally, **automate the documentation process** to streamline procedures and enhance efficiency. It is recommended that all CPs **implement an integrated digitalized information system** able to connect existent databases, digitize data stored on paper, and share information between databases of different institutions. Such a central information platform could be an appropriate and reliable source of information for all parties involved in the permitting procedures for new plants. Digitally submitted request for a construction permit, should enable the project developer to track the progress of the request, providing clarity regarding the phase of the procedure.

The establishment of a **monitoring process for identifying regulatory barriers** in RE projects permit-granting processes is highly recommended. This monitoring process should involve regular assessments to pinpoint any obstacles or inefficiencies within the permitting process, provided by the selected one-stop-shop and digitalization efforts. It should provide oversight of the issues encountered, which can then serve as the basis for developing solutions aimed at streamlining the permitting procedures and enhancing efficiency in the renewable energy sector. It is recommended that monitoring be conducted through a **single contact point** responsible for overseeing all processes and further developing steps in this regard.⁴⁰ This contact should systematically identify and address regulatory barriers. By implementing this monitoring process, smoother and more expedient approval processes for renewable energy projects can be facilitated, ultimately contributing to the accelerated deployment of renewable energy infrastructure.

⁴⁰ Ibid.

c. Spatial Planning and Renewable Energy Acceleration Areas

CPs have established national spatial planning systems at both national and local levels. Central to these systems are the **National Spatial Plans** (NSPs) or similar spatial planning act, which serve as strategic documents delineating the trajectory of development and forecasting future trends in spatial development within the national territory. These plans typically encompass periods of at least 10 years and extend to long-term durations spanning 20 or 30 years, accompanied by periodic reviews. Most CPs possess valid yet outdated NSPs, initially adopted in the early 2000s and designed to guide development until 2020. Although these plans remain legally binding, they no longer comprehensively align with present-day conditions, sustainable objectives, climate targets, or similar international commitments. Furthermore, many CPs lack a current and comprehensive **National Spatial Data Infrastructure (NSDI)**. This situation impedes the fast deployment of renewable energy projects due to the lack of comprehensive and current baseline information, leading to certain renewable projects being stalled and ultimately not permitted.

To strengthen national capacities for NSDI, it is recommended for CPs to allocate adequate financial resources as part of the state budget, and foster partnerships with international organizations and experienced NSDI practitioners that can provide essential guidance and technical assistance in establishing and maintaining the NSDI. The budget should be adequate to cover expenses for hardware, software, networks, and databases required to support data collection, storage, processing, and dissemination effectively. A prerequisite for a proper NSDI is the establishment of comprehensive data acquisition and management processes, which include data standards, quality assurance measures, metadata documentation, and data sharing agreements. This ensures the accuracy, reliability, and accessibility of spatial data across the board. To bolster national capacities for NSDI, conducting training programs and workshops for personnel within responsible public authorities can enhance their skills in NSDI development and management. Establishing a multisectoral approach and fostering cooperation is essential to obtain more detailed input data, which will serve as the foundation NSDI. The NSDI geoportal is considered a best-practice tool, with one of its key components being the management of the specific spatial and land use information. This involves employing data standardization, utilizing tools such as life-cycle management, conducting data analysis, and facilitating multisectoral land analysis. It is recommended CP to establish mechanisms for monitoring, evaluation, and continuous improvement of the NSDI, including regular assessments of data quality, usability, and relevance, as well as feedback mechanisms for stakeholders.

Early and effective **public participation** is crucial in the preparation of spatial plans. In addition to the recommendations outlined in the EIA chapter regarding public participation and opinion gathering, and the obligation for public participation when the plan is subject to SEA, it is recommended to use to utilise additional methods to ensure broader public engagement in the early drafting stages of the plan itself before a mature first draft is prepared. This can be achieved through the use of online and offline surveys, presentations, distribution of digital copies to official sites of local and national authorities, and the scheduling targeted public hearings for each stakeholder group to gather input information. Public participation is integral in determining **restrictions** regarding distances of RE projects, dedicated RE areas, or similar spatial measures,

as they almost always require broad public acceptance.⁴¹ These restrictions and similar measures should be evidence-based, clearly presented both visually and elaborated upon in the textual part of NSPs. They should be designed to maximise the availability of space for project development while also taking into account other spatial planning constraints, such as those related to other public goods and needs.

CPs should establish and organize a **conflict resolution mechanism** at both the national and local levels to address disputes effectively and ensure smoother decision-making processes for the NSP. It is essential to establish this mechanism ahead of the start of consultations to facilitate timely resolution of conflicts and promote constructive engagement among stakeholders.

It is recommended to establish an **online NSP portal**, that compiles comprehensive information from all spatial planning documents, including supporting documents, maps, and similar materials, at both national and local levels. This portal should facilitate easy identification and extraction of relevant information on RES from various spatial planning documents, as well as enable public participation and opinion gathering. Furthermore, the portal can incorporate up-to-date information from land use monitoring (including sea, where applicable) to develop long-term spatial planning guidelines and strategies for urban development in the future. The monitoring should encompass contemporary and updated cadastral parcel registries, as well as land use mapping registries. Furthermore, CPs should also increase the institutional capacities to ensure sufficient and adequate staffing, for administrative procedures, validation of drafted SPs (quality control) of the preparation and consultation procedures.

Mapping of renewable energy deployment within the CPs should be incorporated in any on-going or scheduled revision of their national Spatial Plans. The mapping should encompass infrastructure needs, including grid and thermal storage facilities, necessary to achieve national renewable energy targets. Competent authorities responsible for spatial planning, environment and sustainable development and renewable energy should jointly prepare guidance and templates to facilitate the development of comprehensive plans that consider RE potential, environmental impact, and socioeconomic factors. To effectively navigate potential RE project restrictions, CPs are advised to identify the areas where the construction of RE projects is either not advisable or prohibited by existing legislation related to nature protection, cultural heritage, natural resources, infrastructure corridors, and specially designated zones like military or tourist areas, as well as populated settlements. Once the list of restrictions is compiled, it can be used to map areas and identify necessary steps to alleviate these restrictions, where feasible, providing valuable insights to future investors and stakeholders during the initial stages of decision-making regarding RES planning and site selection. This process is crucial as it ensures that stakeholders understand and anticipate potential delays and challenges associated with the planning and approval process.

A Renewables acceleration area⁴² (RAA) designates a specific location on land, sea, or inland waters, identified as highly suitable for installing renewable energy plants and associated infrastructure with minimal environmental impact.⁴³ RAA can be established through integration into existing NSPs at the national or local level or by adopting specific spatial plans for renewable

⁴¹ Contracting Parties are encouraged to consult the UNECE Aarhus Convention: An Implementation Guide (second edition) and the Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters.

⁴² Article 2(9a) of Directive (EU) 2018/2001 as amended by Directive (EU) 2023/2413.

⁴³ Under the revised RED, Member States may exclude biomass combustion and hydropower plants.

energy. Competent authorities are mandated to designate homogeneous land and water areas conducive to specific types of renewable energy sources, prioritizing artificial and built surfaces like rooftops, transport infrastructure, and degraded land. At the same time, nature protection areas, major bird migratory routes, and sensitive ecological zones should be excluded from consideration for RAAs. A **comprehensive RE blueprint** can outline low-conflict areas prioritized for assessment, focusing on artificial and built surfaces like rooftops, building facades, transport infrastructure, parking areas, farms, waste sites, industrial areas, mines, artificial inland water bodies, lakes or reservoirs, and, where applicable, urban wastewater treatment sites. The RE blueprint can provide offer step-by-step guidance and methodology for assessing other areas, taking into consideration both the public acceptance and the sensitivity of the site in terms of nature protection or similar concerns.

The data available through **GIS mapping** tools offers a more comprehensive assessment of resource availability and suitability in each area for the RES potential (including grid expansion and hydropower potential). It can pinpoint optimal locations for RES by mapping variables such as wind speed, solar radiation, and water flow. Moreover, GIS can analyse the impact of RE projects on wildlife, water resources, landscape aesthetics, noise levels, cultural heritage sites, and more.

While mapping prioritization areas⁴⁴ like brownfields and artificial surfaces is relatively straightforward, identifying RAA exclusion areas such as Emerald sites⁴⁵, Natura 2000 or water protection areas⁴⁶ is challenging for the CP due to the unavailability or lack of up-to-date data, as well as lack of appropriate and proportionate tools and datasets to identify the areas where the renewable energy plants would not have a significant environmental impact. It is recommended CPs to first introduce and utilize suitable tools and datasets to identify these areas, and to focus on fully assessed areas with current environmental information regarding biodiversity, water protection, and agriculture. In this regard, it is imperative for the CP to carefully consider the level of transposition and implementation of the Water Framework Directive, the Birds and Habitats Directive, the Maritime Spatial Directive⁴⁷ and the SEA Directive. These directives outline specific

⁴⁴ According to Article 15c (1)(a) of Directive (EU) 2018/2001 as amended by Directive (EU) 2023/2413 “[...] ii. excluding Natura 2000 sites and areas designated under national protection schemes for nature and biodiversity conservation, major bird and marine mammal migratory routes as well as other areas identified on the basis of sensitivity maps and the tools referred to in the point (iii), except for artificial and built surfaces located in those areas such as rooftops, parking areas or transport infrastructure; iii. using all appropriate and proportionate tools and datasets to identify the areas where the renewable energy plants would not have a significant environmental impact, including wildlife sensitivity mapping, while taking into account the data available in the context of the development of a coherent Natura 2000 network, both as regards habitat types and species under Council Directive 92/43/EEC, as well as birds and sites protected under Directive 2009/147/EC of the European Parliament and of the Council[...];

⁴⁵ The Emerald Network is an ecological network made up of Areas of Special Conservation Interest. Its implementation was launched by the Council of Europe as part of its work under the Bern Convention on the Conservation of European Wildlife and Natural Habitats (1979)

⁴⁶ According to the Article 6 of the Water Framework Directive (WFD, Directive 2000/60/EC), Member States shall ensure the establishment of a register of all areas lying within each River Basin District which have been designated as requiring special protection under specific Community legislation for the protection of their surface water and groundwater, or for the conservation of habitats and species directly depending on water, including the protection of Natura 2000 sites and economically significant aquatic species. The WISE WFD protected areas are the location of areas which have been designated as requiring special protection of their surface water and groundwater, or for the conservation of habitats and species directly depending on water, including economically significant aquatic species (e.g. shellfish).

⁴⁷ Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning.

requirements and appropriate tools, such as those for designating protected areas and conducting appropriate assessments (conducted both for project and plan level documents) and applicability assessment, preparing River Basin Management Plans and Programmes of Measures⁴⁸, Maritime Spatial Plans and Strategic Environmental Assessment reports.⁴⁹ By adhering to these obligations, the CPs ensure that the renewables acceleration areas are evaluated comprehensively in terms of their environmental impacts, thereby minimizing the likelihood of significant adverse effects.

Also, it is recommended that CPs prioritize areas that have already undergone robust assessment in terms of land use. Combining various RE projects, such as wind and solar, or integrating other complementary purposes like solar agriculture, in a single location is advisable to optimize space utilization compared to separate power systems. This approach is particularly suitable for areas with consistent wind and solar radiation, as well as rural or remote off-grid areas lacking power infrastructure.

Under the revised RED, Member States are required to establish appropriate rules for RAA, focusing on effective mitigation measures for the renewable energy plants, co-located energy storage, and related grid connections. These rules should ensure that mitigation measures are implemented in a proportional and timely manner to meet compliance obligations specified in relevant environmental directives. Additionally, the rules must be tailored to the specific characteristics of each identified RAA, including the types of renewable energy technologies deployed and the identified environmental impacts.

⁴⁸ EU Member States use River Basin Management Plans and Programmes of Measures to protect and, where necessary, restore water bodies in order to reach good status, and to prevent deterioration.

⁴⁹ Under the revised RED, plans designating RAA are required to undergo a mandatory SEA, and if they are likely to have a significant impact on Natura 2000 sites, they must also undergo an appropriate assessment.

d. Strategic Environmental Assessment

CPs national legislation mandates SEA for a range of plans and programmes, including spatial planning, land use, and renewable energy development. The implementation of the SEA mechanism in CPs includes the plan-adopting authority responsible for adopting both the plan and the SEA, SEA experts tasked with preparing the SEA report, and an overseeing institution typically within the ministry responsible for environmental protection or an independent review commission. This institutional setup often presents challenges as the authority responsible for adopting the plan lacks the necessary knowledge or human capacity to effectively lead the SEA process. It is recommended to address these challenges by implementing an automatic electronic system that can identify the necessity for SEA of various plans and programmes, prepared by authorities at both national and local levels, at the decision-making stage for commencing plan preparation works. The electronic system can efficiently communicate the SEA requirements and provide information on necessary procedures, such as making SEA screening decisions and identifying scoping parameters involving the concerned public.

To improve the **screening process**, it is recommended that CPs prepare SEA screening templates, accompanied by operational guidelines on the selection criteria established by the SEA Directive.⁵⁰ These guidelines and templates can then be seamlessly integrated into the automated electronic system. Considering that the responsibility for publishing SEA screening decisions rests with the authority responsible for preparing the plan and recognizing that such bodies operate at both national and local levels, it is advisable to establish a centralized digital online portal overseen by the Government. This portal would serve as a centralized platform for publishing all SEA screening decisions, complementing the publication on the competent authority website and traditional methods of publicly disclosing such decisions. Additionally, the portal should incorporate an easy-to-use search tool that can quickly identify plans relevant to a specific topic, location or those that may potentially impact areas of interest.

The mandatory **scoping process** in SEA which requires consultation with authorities concerned, often governed by administrative law instead of SEA legislation, could be further improved by considering the possibility of employing ex officio methods to expedite the gathering of opinions and input. The competent authority should initially identify the relevant authorities and the public concerned, ensuring early access to relevant information, including supporting documents related to the plan, while employing a hybrid approach that allows for both in-person and online engagement to engage a broader spectrum of the public and experts from diverse sectors. It is recommended that CPs mandate consultations with the public concerned regarding the scoping of the SEA report with a minimum timeframe of 30 days from the disclosure of relevant information about the draft plan and SEA. During the scoping phase, it is advisable CPs to define the qualifications necessary for experts tasked with compiling the SEA report. Draft scoping opinions should be published for consultations on a dedicated website, as well as in national and local media. Announcements can be disseminated in locations frequented by the public and shared on electronic platforms used for public consultation. In addition to the scoping of the SEA report, it is essential to incorporate a comprehensive framework for assessing cumulative impacts that arise from the combined effects of multiple projects or activities over time, often leading to significant environmental consequences. This framework should include methodologies for identifying,

⁵⁰ Under the revised RED, RAA are subject to mandatory SEA, therefore screening is not necessary.

predicting, and evaluating cumulative impacts, considering the interactions among various plans (existing or in preparation) and their potential synergies or conflicts. Participation should be integrated into the identification of cumulative impacts to ensure that diverse perspectives and concerns are taken into account.

It is recommended that CPs develop specific technical secondary legislation concerning the content of SEA reports for RAA. This legislation should provide the anticipated role of SEA in offering **comprehensive project-level measures within the context of plan-level assessments**. Creating a detailed Rulebook with catalogue of specific mitigation measures to be incorporated on a project level could be one approach.⁵¹ The contents of such a rulebook should be contingent upon the type of area and tailored to accommodate the specific RE technology being utilized and take account of the measures identified by relevant existing assessments, such as the EIA, appropriate assessment, and applicability assessment, which provide detailed, project-specific measures. The measures can automatically apply to projects in these areas, thereby facilitating project-level assessments and requirements.

In addition to thorough scoping, quality improvement of the SEA report is also recommended through the establishment of a certification process for **SEA experts**. Similar to the model and rules established for EIA experts, this process ensures that SEA experts conducting assessments possess the required skills and expertise and are equipped with up-to-date knowledge. Access to international SEA expertise is also recommended to strengthen local capacities and enrich the assessment process. Additionally, conflict of interest rules should be established to maintain the integrity and impartiality of the assessment process.

Improving the **organisational and technical capacities** of competent authorities responsible for leading SEA procedures is recommended for all CPs. It is advisable to assemble a multidisciplinary team to lead the SEA process, ensuring access to knowledge hubs and external expertise while adhering to established engagement procedures. Process coordination should be supervised jointly by the SEA team management and the team responsible for drafting the plan or program, ensuring the seamless incorporation of the SEA report into the plan to create one integrated document.

To enhance the effectiveness of **consultations**, it is advisable at the stage of scoping to determine the authorities and the public concerned during the drafting stages of both, the plan and the SEA report. For a more comprehensive assessment of specific expected impacts or better identification of plan/program goals, utilizing questionnaires and interviews as consultation tools with authorities and selected public stakeholders is recommended. Dialogue and negotiation are crucial techniques when formulating spatial plans or land use plans, especially within consensus-driven approaches. It is highly recommended that all CPs incorporate these mechanisms into their planning processes and reflect them in the SEA scoping phase, and to utilise the guidance provided under the EIA chapter on how to better organize the consultation process. It is essential

⁵¹ Under the revised RED it is mandatory to establish rules for the establish appropriate rules for the renewables acceleration areas on effective mitigation measures to be adopted for the installation of renewable energy plants and co-located energy storage, as well as assets necessary for the connection of such plants and storage to the grid, in order to avoid the adverse environmental impact that may arise or, where that is not possible, to significantly reduce it, where appropriate ensuring that appropriate mitigation measures are applied in a proportionate and timely manner to ensure compliance with the obligations laid down in Article 6(2) and Article 12(1) of Directive 92/43/EEC, Article 5 of Directive 2009/147/EEC and Article 4(1), point (a)(i), of Directive 2000/60/EC and to avoid deterioration and achieve good ecological status or good ecological potential in accordance with Article 4(1), point (a), of Directive 2000/60/EC.

to tailor participation and involvement techniques to the diverse characteristics of target groups, with a strong recommendation for employing hybrid methods that combine online and in-person engagement for stakeholders. While a minimum of 30 days between public notice and the start of public consultations is considered reasonable, flexibility should be exercised to extend this period as necessary. Factors such as the nature, complexity, and scale of the proposed plan or programme should be taken into account when determining the consultation timeline for the draft SEA report.

CPs should establish the steps for **transboundary consultations** at the scoping stage at the latest. The recommendations outlined for transboundary consultation in the EIA process are equally relevant to SEA transboundary consultations, encompassing aspects such as organization, information sharing, gathering opinions, and addressing technical issues like document translation. It is important to acknowledge that plan or program documents typically affect a wider public audience compared to impacts at the project level. This consideration should be factored into the design of transboundary consultations, tailoring the various options provided to suit the specifics of the document and the target group involved. High collected, structured, and defined data regarding potential cross-border environmental impacts of RE projects is essential for effective decision-making and collaborative transboundary process. Such data should be collected, structured, and defined comprehensively to accurately assess and address potential cross-border environmental impacts of RE projects.

It is recommended to establish a **control mechanism** in the SEA procedure to ensure transparency, accountability, and effectiveness throughout the process. The control mechanism could be established within the competent authority responsible for environmental matters or authority with similar technical capacity, to effectively oversee SEA implementation by the authorities responsible for adopting the plan or programme.

It is advisable to ensure that the **monitoring results** of plan or programme implementation, as delineated in the SEA report, are made accessible to the public on a single information platform. A standardized protocol for monitoring should be established within the SEA report, which includes defining roles (who undertakes monitoring and makes results available), scope (what to monitor), format (raw results or analyses), location, frequency, timing of results availability, and methods. The monitoring scheme or program, along with the responsible authority for conducting the monitoring, must be integrated into the SEA report and should always include disclosing the monitoring results. Developing a tailored monitoring protocol of a plan or programme is recommended for RAA.

The SEA Directive does not explicitly mandate access to justice concerning SEA procedures. However, various international agreements, such as the Aarhus Convention, stipulate the necessity of enabling challenges to plans/programs that are not prepared in accordance with the principles of access to information, as well as effective, efficient, and timely public participation.

e. *Electricity Grid Connection*

A development of a **comprehensive legal framework** in CP's is recommended to disincentivize the application for connection requests where a solid project does not substantiate the request and is not sufficiently committed by a developer or the requests of over-capacities beyond what is needed for the project, to avoid the reservation of connection capacities is given to projects less likely to materialize or whose primary business plan is to sell the right for connection. For instance, generation projects that are financially bound or pay for the grid connection costs when requesting a connection are less likely not to proceed with their projects.

In the connection procedure, it is recommended that CPs define and clearly describe the process and the parties' responsibilities. The design of the process should take the following elements into account:

- A clear sequential description of the application process should be provided;
- Individual responsibilities of the operator, applicant, and other authorities/parties should be clearly assigned;
- Transparency on required documentation for each process step should be provided (appropriate rules should avoid repetitive requests for (further) data and documentation; each documentation should only be required once);
- Clear deadlines for each step of the process should be defined;
- Concerns from other interests (environmental, spatial, etc.) should be formulated at an early stage to avoid a late appearance of show-stoppers;
- The process design should include a clear framework for complaint.

Guidelines for developers act as a helping hand when it comes to the realization of renewable projects. Information must be easily extractable (texts not formulated in a too complex manner), and knowledge should be displayed in an appealing way (figures can also help to show arranged information). It can be useful to integrate an actor from the target group (primarily investors in RE projects (different sources), customers, and other stakeholders involved in the process (RA, TSO, DSO)) when formulating guidelines as they can give feedback on how understandable the guidelines are. It is recommended also to make the guidelines easily accessible.

It is recommended CPs to consider setting up milestones in **the connection procedure** to compel all parties involved—including investors—to act by the deadlines. These could include demonstrating land ownership or right to utilize the land, signing required contracts (e.g., connection) with the TSO/DSO, determining which permits and licenses to require at each stage of the application, and requiring that applicants show they have filed for and obtained them (e.g., environmental permit, construction permit), making required security deposits or showing support from financial institutions, contracting for key equipment (e.g., panels, turbines). The connection procedures should be terminated, and the network capacity allotted to them should be released for the upcoming projects if they are not followed. Developers shall be notified of non-compliance at each stage of the process and provided a limited period to “solve” the deficiency. If they cannot alleviate the problem, the operator shall retain their payments to date and require the applicant to resubmit their application. With regards to grid connection queue process management, evaluate projects' readiness, and discourage speculative projects, we recommend that CPs consider key principles from countries that have made substantial progress in addressing the queue management question and accelerated the integration of RES.

It is recommended that practice of **preliminary consultations** with operators, held at no cost and which do not count as an application, are organised to provide information on scarce capacity in the grid (if any) and cost estimates for potential connection, and to allow RE project developers

to make informed decision on the project's continuation. Publicly accessible online maps, a practice already implemented in several EU Member States, can facilitate and provide information on grid capacity constraints, if any.

It is recommended that the demand for **simplification** includes the possibility of submitting project documents digitally (at least a signed digital version sent by e-mail). It is also critical to determine whether the number of documents, such as descriptions, grid sheets, expert surveys, etc., are necessary for some steps, particularly for small projects. Repowering of existing installations is the way to make a rational use of grid capacities and to limit grid expansion needs and should, therefore, be facilitated as much as possible. RED requires to facilitate the repowering of existing plants by ensuring a simplified permit-granting process, which does not exceed one year.⁵² The CP connection rules shall clearly prescribe the connection procedures for repowering.

Digitalization is key when it comes to quick, easy, and transparent access to information (guidance and application documents). It is recommended at the CPs, to implement a **digital central contact point** (information platform at one-stop-shop and/or network operator) to make this access possible. Establishing a One Stop Shop or a single contact point can help with bureaucratic issues to enable smoother and quicker permitting of individual projects (for both RE and operators) and to detect bottlenecks that lead to long processing times (eradicate crucial barriers). As recommended in the EU Action Plan for Grids, ENTSO-E and the EU DSO Entity should support system operators in digitalising and streamlining procedures for grid connection requests, for example, by issuing guidance and recommendations, at the latest by mid-2025. Such guidelines and recommendations shall also be developed for (extended to) CP operators.

Considering the demand for experts in the RE industry and the difference in salaries, keeping experienced staff working in the operators is an additional challenge. Operators in the CPs should **ensure sufficient staffing with relevant skills and qualifications** (software on networks, new digital and technology skills, anticipating competencies) and implement streamlined processes (digitalization).

Each approach to **grid connection cost allocation**, shallow and deep, has pros and cons. It is recommended to prefer hybrid model as it takes advantage of the two (deep and shallow) policies, offering a shallow connection approach and providing a locational signal through a capacity charge. In case the deep connection charge is applied, the introduction of a certain cost-sharing “compensation mechanism” should be considered in case the infrastructure concerned also serves the future network users, i.e., re-balance of connection charges between the first mover and subsequent applicants. Even though introducing a different approach for the connection of some categories of network users (new technologies) is good for incentivizing their integration into the grid (i.e., all network users pay for network reinforcements caused mainly by RES through the use of system charges), the application of this approach should be limited in time, i.e., until the specific goals for their integration are achieved.

It is crucial for project developers to have clear visibility of the existing available network capacity when planning their projects. It is recommendable that Operators provide transparent, understandable, granular, and regularly updated information on **grid hosting capacities and connection request volumes** in line with the Commission's new Electricity Market Design. Data on available network capacity is not binding and does not influence whether a project is permitted but ensures visibility for developers.

The interest in RE project connections is already quite strong and it is continuously increasing. It is recommended to implement regulatory reforms in CPs to reduce waiting lists and encourage more efficient **waiting list management** in areas with scarce network capacity, i.e., adoption of

⁵² The revised RED, mandates that Member States ensure permit granting procedures for grid connections, where repowering doesn't increase capacity beyond 15%, are completed within three months.

connection application window, limited (flexible) grid connection agreements, anticipatory grid investments, and preferential treatment of grid friendly RE project applications:

- Applications within the **application window** are processed collectively as an alternative to first-come-first-serve management of connections. After the window closes, a collective evaluation of the applications seeks to create the best technical solution to remedy grid constraints and maximize cost savings while implementing all connections. It can be applied regularly or exceptionally.
- In the context of scarce grid connection capacity, hybridisation allows optimising the use of grids and can help to reduce the infrastructure investment costs as the technology mix (e.g., wind and solar and/or storage assets) provides a portfolio effect where variability is reduced (but not eliminated). CPs should apply additional **incentives to “grid intelligent” or hybrid projects** by facilitating their grid connection, i.e., by giving them higher priority for grid connection and/or speed up the implementation of mature RE projects that have been waiting in line for a long time.
- CP national regulators shall be supported in evaluating the advantages and disadvantages of enabling interruptible or **flexible connection agreements** in each CP.
- Reliable and high-quality network planning coupled with an **enabling framework for anticipatory investments** in areas with firm plans for renewable, electromobility, or heat pump deployments, together with **streamlined permitting procedures** for those grid projects, can substantially increase grid hosting capacities for new renewables and flexibility sources for the system. We recommend assistance to operators in increasing their capacity for determining and maximising hosting capacity to connect additional RES and for high-quality network planning (including assessment of non-grid reinforcement solutions, i.e., infrastructure digitalization and flexibility deployment). Also, we recommend support to CP national regulators in drafting updated methodologies that will enable anticipatory investments, allowing grids to integrate higher volumes of innovative renewable energy.

All CP shall properly align rules governing grid connection with the requirements of the Connection Network Codes and improve implementation. Furthermore, it is also recommended that the Grid Codes are regularly updated to consider modern technological developments.

CPs shall transpose and implement the TEN-E Regulation (2022/869) until the end of 2024. To encourage progress in its implementation (strategic investments), all CPs shall develop a secondary regulatory framework and strengthen the capacities of implementing institutions. We recommend taking the required actions to ensure that CPs are included in the EU Commission study planned for 2024 assessing the implementation of the permitting provisions of the TEN-E Regulation or to perform a study for CPs to evaluate the application of the TEN-E Regulation's permitting rules.

It is recommended that construction and reinforcement of the **grid qualify for the most favourable procedure available in permit-granting**. Policymakers must establish clear policy guidelines emphasising that the grid is a critical infrastructure of public interest and take decisive action to expedite permitting procedures for grid infrastructure while adhering to environmental imperatives. Administrative delays should be minimised by recognising the crucial role of grid development, thereby avoiding any hindrance to RE projects.