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A9-0283/ 001-001

AMENDMENTS 001-001

by the Committee on Industry, Research and Energy

Report

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A9-0283/2022

Renewable Energy, Energy Performance of Buildings and Energy Efficiency Directives:
amendments (REPowerEU)

Proposal for a directive (COM(2022)0222 – C9-0184/2022 – 2022/0160(COD))

AMENDMENTS BY THE EUROPEAN PARLIAMENT*
to the Commission proposal

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Having regard to the Treaty on the Functioning of the European Union, and in particular
Articles 192(1) and 194(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

¹ OJ C , , p. .

² OJ C , , p. .

Acting in accordance with the ordinary legislative procedure¹,

Whereas:

- (1) In the context of the European Green Deal², Regulation (EU) 2021/1119 of the European Parliament and of the Council³ established the objective of the Union becoming climate neutral in 2050 *at the latest*, as well as the target of *at least* a 55 % reduction in greenhouse gas emissions by 2030. This requires *a just* energy transition *that leaves no territory or citizen behind, increased efficiency* and significantly higher shares of renewable energy sources in an integrated energy system.
- (2) Renewable energy plays a fundamental role in delivering on these objectives, given that the energy sector contributes today over 75 % of total greenhouse gas emissions in the Union. By reducing those greenhouse gas emissions, renewable energy *can also contribute* to tackling environmental-related challenges such as biodiversity loss and to reducing *land, water and air* pollution in line with the objectives of the Zero-Pollution Action Plan.
- (2a) *The general context created by Russia's invasion of Ukraine and the effects of the COVID-19 pandemic has led to a surge in energy prices across the Union, thus highlighting the need to accelerate energy efficiency and increase the use of renewable energy in the Union. In order to achieve the long-term objective of an energy system that is independent of third countries, the Union should focus on accelerating the green transition and ensuring an emission-reducing energy policy that reduces dependence on imported fossil fuels and establishes fair and affordable prices for Union citizens and enterprises in all sectors of the economy.*

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- (4) Lengthy administrative procedures are one of the key barriers for investments in renewables and their related infrastructure. These barriers include the complexity of the applicable rules for site selection and administrative authorisations for projects, *including possible restrictions related to the historical significance of certain sites*, the

¹ *Position of the European Parliament of...*

² Communication from the Commission COM/2019/640 final, The European Green Deal.

³ Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law'), OJ L 243, 9.7.2021, p. 1).

complexity and duration of the assessment of the environmental impacts of the projects, **and related energy networks** connection issues, constraints on adapting technology specifications during the permit-granting procedure, or staffing issues of the permit-granting authorities or grid operators. In order to accelerate the pace of deployment of renewable energy projects it is necessary to adopt rules which would simplify and shorten permit-granting processes, **taking into account the social acceptance of the renewable energy deployment** .

- (5) The Directive (EU) 2018/2001 streamlines the requirements to simplify the administrative procedures for authorising renewable energy plants by introducing rules on the organisation and maximum duration of the administrative part of the permit-granting process for renewable energy projects, covering all relevant permits to build, repower and operate plants, and for their grid connection.
- (6) A further simplification and shortening of the administrative permit-granting processes **for renewable energy plants and their related infrastructure, including network connections**, in a coordinated and harmonised manner is necessary in order to ensure that the Union reaches its ambitious climate and energy targets for 2030 and the objective of climate-neutrality by 2050, while taking into account the “do no harm” principle of the European Green Deal. The introduction of shorter and clear deadlines for decisions to be taken by the authorities competent for issuing the authorisation for the renewable energy installations on the basis of a complete application, will accelerate the deployment of renewable energy projects. It is appropriate however to make a distinction between projects in areas particularly suitable for the deployment of renewable energy projects, for which deadlines can be particularly streamlined (renewables **acceleration** areas), and projects located outside those areas.
- (7) Some of the most common issues faced by renewable energy project developers relate to **complex and lengthy administrative, permitting and grid connection** procedures established at national or regional level **and a lack of sufficient staffing and technical expertise in permitting authorities** to assess the environmental impact of the proposed projects. Therefore, it is appropriate to streamline certain environmental-related aspects of the permit-granting procedures and processes for renewable energy projects.
- (7a) **Complex, lengthy and opaque administrative procedures have a disproportionate impact on citizens, local authorities and SMEs, acting as renewables self-consumers**

individually or through aggregators and renewable energy communities. This is often due, in particular, to a lack of experience or expertise, financial and human resources to navigate permitting and grid connection processes. It is necessary to make it easier for non-professional and non-commercial market actors to successfully navigate obtaining relevant approvals. This should be facilitated by simplification, where necessary, as well as dedicated windows where these actors do not have the same capacity as other professional well-resourced market participants. The integrated multilevel planning and mapping of renewable energy, should reflect the local planning and mapping carried out at local and regional level as well as identify the estimated staff, training, financing and technical needs of permit granting authorities.

- (8) A faster roll-out of renewable energy projects *should* be supported by *integrated multilevel planning and mapping of renewable energy* carried out by Member States *in structured coordination with local and regional authorities*. Member States should identify the land, *surface, sub-surface* and sea areas necessary for the installation of plants for the production of energy from renewable sources in order to meet their national contributions towards the revised 2030 renewable energy target set out in Article 3(1) of Directive (EU) 2018/2001. *as well as sub-targets set out in Articles 15a, 22a, 23(1), 24(4) and 25(1) of Regulation (EU) 2021/1119 and the climate-neutrality objective set out in Article 2 thereof*. Such areas should reflect their estimated trajectories and total planned installed capacity and should be identified by renewable energy technology set in the Member States' **■** national energy and climate plans *updated* pursuant to Article 14 of Regulation (EU) 2018/1999. The identification of the required land *surface, sub-surface* and sea areas should take into consideration the availability of the renewable energy resources and the potential offered by the different land and sea areas for renewable energy production of the different technologies, the projected energy demand, *taking into account energy and system efficiency*, overall and in the different regions of the Member State, and the availability of relevant *energy network and* grid infrastructure, *energy storage facilities, including thermal storage*, and other flexibility tools bearing in mind the capacity needed to cater for the increasing amount of renewable energy, *the potential of involving citizens actively in the energy system, acting as renewables self-consumers individually or through aggregators and energy communities*. Moreover, Member States should ensure that the administrative

permits to build, repower and operate plants for the production of energy from renewable sources referred to in Article 16(1) and (2) are considered as final decisions on the outcome of the procedure of the competent authority or competent authorities on the determination of land use for the area where those plants will be located.

- (9) Member States should designate as renewables *acceleration* areas those areas that are particularly suitable to develop renewable energy projects, differentiating between technologies, and where the deployment of the specific type of renewable energy is not expected to have a significant impact *on the environment and food safety with regard to agricultural production. The renewables acceleration areas should be particularly suitable for the installation of plants for the production of energy from renewable sources. However, biomass combustion plants should be excluded from the renewables acceleration areas, except for installations located in an outermost region as referred to in Article 349 TFEU, where due to specific needs, exceptions could be taken into account.* In the designation of renewables *acceleration* areas, Member States should avoid protected areas and consider restoration plans. *Renewables acceleration areas should at least be established for wind turbines and solar plants and could be established for biomethane production plants.* Member States may designate *renewables acceleration* areas specific for one or more types of renewable energy plants and should indicate the type or types of renewable energy that are suitable to be produced in each renewable *acceleration* area.
- (9a) *The production of food needs to take priority over production of energy and the production of energy should not lead to reduced food production or reduced crop yields, but the two activities can and must coexist and should exploit synergies. To do so, it is necessary to facilitate the production of renewable energy in its various forms, in locations that are easily accessible to farmers, and in line with the needs of the farm. Member States need to avoid designating productive farmland, agricultural areas producing high-quality agri-food products and products with a special connection to the local landscape and culture as acceleration areas. The exploitation of renewable energy sources, such as biomethane production, should be encouraged in areas that are in close proximity to agriculture sites, namely those that are close to farmland and on-farm sites, and on non-agricultural areas situated on farmland. As a priority, the acceleration areas should be in the proximity of end users or areas with*

existing infrastructures and on sites where residual streams or agricultural waste can be used for renewable energy production.

- (10) Directive 2001/42/EC of the European Parliament and of the Council¹ establishes environmental assessments as an important tool for integrating environmental considerations into the preparation and adoption of plans and programmes. In order to designate renewables *acceleration* areas, Member States should prepare a plan or plans encompassing the identification of areas and the applicable rules and mitigation measures *or* projects located in each *renewables acceleration* area. *The size of those areas should be commensurate with the objectives for renewable energies and sub-targets set out in Directive (EU) 2018/2001 and in the national energy and climate plans as updated pursuant to Article 14 of Regulation (EU) 2018/1999.* Member States may prepare one single plan for all *renewables acceleration* areas and technologies, or technology-specific plans identifying one or more *renewables acceleration* areas. Each plan should be subject to an environmental assessment carried out in accordance with the conditions set out in Directive 2001/42/EC in order to assess the impacts of each renewable technology on the relevant areas designated in such plan. Carrying out an environmental assessment in accordance with Directive 2001/42/EC for this purpose would allow Member States to have a more integrated and efficient approach to planning and to take environmental considerations into account at an early phase of the planning process at a strategic level. This would contribute to ramping up the deployment of different renewable energy sources in a faster and streamlined manner while minimising the negative environmental impacts from these projects.
- (11) Following the adoption of the plan or plans designating renewables *acceleration* areas, Member States should monitor the significant environmental effects of the implementation of plans and programmes in order, inter alia, to identify at an early stage ■ adverse effects, and to be able to undertake appropriate remedial action, in accordance with Directive 2001/42/EC.
- (12) The provisions of the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and

¹ 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.

Access to Justice in Environmental Matters¹ (“the Aarhus Convention”) regarding access to information, public participation in decision-making, and access to justice in environmental matters, in particular the provisions relating to public participation and to access to justice remain applicable ■ .

- (12a) *To increase public acceptance of renewable energy projects and empower citizens and local communities to produce and consume their own energy, Member States should take appropriate measures to duly inform citizens on new projects and equally promote and facilitate their participation in those projects, inter alia through renewable energy communities.***
- (13) The designation of renewables ***acceleration*** areas should aim to ensure that renewable energy production from these areas, together with existing renewable energy plants, future renewable energy plants outside of such areas and cooperation mechanisms, will be sufficient to achieve Member States’ contribution to the Union renewable energy target set out in Article 3(1) of Directive (EU) 2018/2001.
- (14) In the designated renewables ***acceleration*** areas, renewable energy projects that comply with the rules and measures identified in the plan or plans prepared by Member States, should benefit from a presumption of not having significant effects on the environment. Therefore, there should be an exemption from the need to carry out a specific environmental impact assessment at project level in the sense of Directive 2011/92/EU of the European Parliament and of the Council², with the exception of projects which are likely to have significant effects on the environment in another Member State or where a Member State likely to be significantly affected so requests. The obligations under the UNECE Espoo Convention on environmental impact assessment in a transboundary context of 25 February 1991 should remain applicable for Member States where the project is likely to cause a significant transboundary impact in a third country.

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

² 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.

(15) The designation of renewables **acceleration** areas should allow renewable energy plants, their grid connection as well as co-located energy storage facilities located in these areas to benefit from predictability and streamlined administrative procedures. In particular, projects located in **renewables acceleration** areas should benefit from accelerated administrative procedures, including a tacit agreement in case of a lack of response by the competent authority on an administrative step by the established deadline, unless the specific project is subject to an environmental impact assessment. These projects should also benefit from clearly delimited deadlines and legal certainty as regards the expected outcome of the procedure. Following the application for projects in a renewables **acceleration** area, Member States should carry out a fast screening of such applications with the aim to identify if any of such projects is highly likely to give rise to significant unforeseen adverse effects in view of the environmental sensitivity of the geographic area where they are located that were not identified during the environmental assessment of the plan or plans designating renewables **acceleration** areas carried out in accordance with Directive 2001/42/EC. All projects located in renewables **acceleration** areas should be deemed approved at the end of such screening process. Only if Member States have clear evidence to consider that a specific project is highly likely to give rise to such significant unforeseen adverse effects, Member States should, after motivating such decision, subject such project to an environmental assessment in accordance with Directive 2011/92/EC and, where relevant, Directive 92/43/EEC¹. Given the need to accelerate the deployment of renewable energy sources, such assessment should be carried out within six months.

(15a) Member States have agreed to the development of a coherent European Natura 2000 network by proposing to the Commission adequate sites of Community importance pursuant to Article 4(2) of Directive 92/43/EEC and the Special Areas of Protection designated under Directive 2009/147/EC². Member States should ensure that sites which are on their national list on the basis of the scientific criteria laid down in Directive 2009/147/EC and Directive 92/43/EEC are not designated as renewables

¹ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992).

² ***Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p.7).***

acceleration areas, except for artificial and built surfaces located in those sites such as rooftops, parking areas or transport infrastructure.

- (16) In view of the need to accelerate the deployment of renewable energy sources, the identification of renewables ***acceleration*** areas should not prevent the ongoing and future installation of renewable energy projects in all areas available for renewable energy deployment. Such projects should remain subject to the obligation to carry out a dedicated environmental impact assessment in accordance with Directive 2001/92/EU and should be subject to the procedures foreseen for renewable energy projects located outside ***renewables acceleration*** areas. To speed up permitting at the scale necessary for the achievement of the renewable energy target set out in Directive (EU) 2018/2001, also the procedures applicable to projects outside of ***renewables acceleration*** areas should be simplified and streamlined with the introduction of clear maximum deadlines for all steps of the procedure, including dedicated environmental assessments per project.
- (17) Multiple use of space for renewable energy production and other land and sea uses (such as food production or nature protection or restoration) alleviates land and sea use constraints. In this context, spatial planning is an ***essential*** tool to identify and steer synergies for land and sea use at an early stage. Member States should explore, enable and favour the multiple uses of the areas identified as a result of the spatial planning measures adopted.
- (18) The construction and operation of renewable energy plants may result in the occasional killing or disturbance of birds and other protected species under Directive 92/43/EEC or Directive ***2009/147/EC***. However, such killing or disturbance would not be considered deliberate in the sense of these Directives if a project has adopted, during its construction and operation, appropriate mitigation measures to avoid collisions or prevent disturbance, and if it carries out a proper monitoring to assess the effectiveness of such measures and, in the light of the information gathered, takes further measures as required to ensure no significant negative impact on the population of the species concerned.
- (19) In addition to installing new ***and innovative*** renewable energy plants, repowering existing renewable energy plants has a significant potential to contribute to the achievement of the renewable energy targets. Since, usually, the existing renewable

energy plants have been installed in sites with significant renewable energy resource potential, repowering can ensure the continued use of these sites while reducing the need to designate new sites for renewable energy projects. Repowering includes further benefits such as the existing grid connection, a likely higher degree of public acceptance and knowledge of environmental impacts. The repowering of renewable energy projects entails changes to or the extension of existing projects to different degrees. The permit-granting process, including environmental assessments and screening, for the repowering of renewable energy projects should be limited to the potential impacts resulting from the change or extension compared to the original project.

- (20) Directive (EU) 2018/2001 introduces streamlined permit-granting procedures for repowering. In order to respond to the increasing need for the repowering of existing renewable energy plants and to make full use of the advantages it offers, it is appropriate to establish an even shorter procedure for the repowering of renewable energy plants located in **renewables acceleration** areas, including a shorter screening procedure. For the repowering of existing renewable energy plants located outside **renewables acceleration** areas, Member States should ensure a simplified and swift permit-granting process which should not exceed one year, while taking into account the “do no harm” principle of the European Green Deal.
- (21) The installation of solar energy equipment, together with related **storage, including thermal and power** co-located storage, and grid connection, in existing or future structures created for purposes different than solar energy production with the exclusion of artificial water surfaces, such as rooftops, parking areas, roads and railways, do not typically raise concerns related to competing uses of space or environmental impact. These installations therefore may benefit from shorter permit-granting procedures.
- (22) Renewable energy sources are crucial to fight climate change, reduce energy prices, decrease the Union’s dependence on fossil fuels and ensure the Union’s security of supply. For the purposes of the relevant Union environmental legislation, in the necessary case-by-case assessments to ascertain whether a plant for the production of energy from renewable sources, its connection to the grid, the related grid itself or storage assets is of overriding public interest in a particular case, Member States should presume these plants and their related infrastructure as being of overriding public interest and serving public health and safety, except where there is clear evidence that

these projects have major adverse effects on the environment which cannot be mitigated or compensated. Considering such plants as being of overriding public interest and serving public health and safety would allow such projects to benefit from a simplified assessment.

(23) In order to ensure a smooth and effective implementation of the provisions laid down in this Directive, the Commission supports Member States through the Technical Support Instrument¹ providing tailor-made technical expertise to design and implement reforms, including those increasing the use of energy from renewable sources, fostering better energy system integration, identifying specific areas particularly suitable for the installation of plants for the production of renewable energy, and streamlining the framework for authorisation and permit-granting processes for renewable energy plants. The technical support, for example, involves strengthening of administrative capacity, harmonising the legislative frameworks, and sharing of relevant best practices.

(23a) The Commission should also provide for a specific system of exemptions from State aid guidelines to enable Member States to properly calibrate assistance for initiatives and investments in renewables, self-generation, and energy efficiency.

(24) The Directive (EU) 2018/2001 should therefore be amended accordingly.

■

(25a) Providing incentives for solar energy through grants and other support schemes should not preclude the sale of such energy onto the grid from private, commercial, and agricultural sources.

(25b) The agricultural sector can play a key role in the energy transition of rural areas and within rural communities, especially given the decentralised production. The possibility of producing solar energy as a secondary activity should therefore not be limited to self-consumption, but could be considered in combination, for example, with other types of production. Member States should encourage farmers, through targeted funding mechanisms, to deploy on-farm solar installations, in particular the development of agri-solar projects on new agricultural buildings, and the production of biomethane in order to allow for the wider development of renewable energies while

¹ Regulation (EU) 2021/240 of the European Parliament and of the Council of 10 February 2021 establishing a Technical Support Instrument.

ensuring additional income for farmers. There is high potential of small-scale on-farm energy production installations to increase the on-farm circularity by transforming the waste and residual streams of the farm, such as manure, into heat and electricity, and it is important to promote and encourage farmers to invest in those technologies. Grid reinforcement in rural areas should be strongly encouraged so that farms can actually fulfil their potential contribution to the energy transition through decentralised electricity production. Geographical locations with high levels of irradiance should be prioritised as raw materials for solar panels are a limited resource. Additionally, farmers and their representative organisations should be involved in the designation of acceleration areas.

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- (30) Since the objective of this Directive, namely reducing greenhouse gas emissions, energy dependency and energy prices, cannot be sufficiently achieved by the Member States but can rather, by reasons, of the scale of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.
- (31) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents¹, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified, in particular following the judgment of the European Court of Justice in Case Commission vs Belgium² (case C-543/17).

¹ OJ C 369, 17.12.2011, p. 14.

² Judgment of the Court of Justice of 8 July 2019, Commission v Belgium, C-543/17, ECLI: EU: C:2019:573.

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive (EU) 2018/2001

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

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

‘(9a) ‘renewables ***acceleration*** area’ means a specific location, whether on land or sea, which has been ***prioritised*** by a Member State as particularly suitable for the ***accelerated*** installation of plants for the production of energy from renewable sources, other than biomass combustion plants, ***taking into account the assets needed for their connection to the grid and related energy networks;***’;

(3) In Article 15, the following paragraph **■** is inserted:

‘2a. Member States shall promote the testing of ***innovative*** renewable energy ***technologies, including production, sharing and storage*** technologies in pilot projects in - a real-world environment, for a limited period of time, in accordance with the applicable EU legislation and accompanied by appropriate safeguards to ensure the secure operation of the ***energy*** system and avoid disproportionate impacts on the functioning of the internal market, under the supervision of a competent authority. ***Without prejudice to Article 17, Member States shall ensure that the procedure for the permitting of such innovative renewable energy technologies is at least as fast as in renewables acceleration areas.***’;

(4) The following ***article*** is inserted:

‘Article 15b

Integrated multilevel mapping and planning of areas necessary for national contributions towards the 2030 renewable energy target and the climate-neutrality objective

(1) By ... [1 year after the entry into force], Member States shall ***perform an integrated multilevel mapping and planning for the deployment of renewable energy resources on their entire territory in coordination with all relevant national, regional and local authorities to identify the domestic potential and***

the available land, surface, subsurface and sea areas ■ *for their deployment. Member States shall also identify the installed capacity as well as the land, surface, subsurface and sea areas needed* for the production of energy from renewable sources *and their related infrastructure, such as grid and storage facilities, including thermal storage*, that are required in order to meet their national contributions towards the 2030 renewable energy target in accordance with Article 3 of this Directive *as well as the sub-targets set out in Articles 15a, 22a, 23(1), 24(4) and 25(1) of Regulation (EU) 2021/1119 and to achieve climate neutrality by 2050 in accordance with Article 2 thereof*. Such areas shall be commensurate with the estimated trajectories and total planned installed capacity by renewable energy technology set in *the* national energy and climate plans ■ updated pursuant to *Article 14 and Article 15(6)* of Regulation (EU) 2018/1999 *as well as maritime spatial plans, including the plans referred to in Article 8 of Directive 2014/89/EU*¹.

- (2) When identifying the areas referred to in paragraph 1, Member States shall take into account:
- (a) the availability of the renewable energy resources and the potential for renewable energy production of the different technologies in the land and sea areas;
 - (b) the projected *national and regional* energy demand, *taking into account the potential flexibility of the active demand response and expected efficiency gains and energy system integration*;
 - (c) the availability of relevant *energy networks*, grid infrastructure, storage and other flexibility tools or the potential to create *or upgrade* such grid infrastructure and storage;
- (ca) the potential of involving renewable self-consumers and renewable energy communities as assessed in accordance with Articles 21 and 22;*
- (cb) the results of open, inclusive and effective public consultations, the involvement of relevant local authorities, and all relevant stakeholders,*

¹ *Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning (OJ L 257, 28.8.2014, p. 135).*

to ensure that the public opinion is taken into account in the identification of the areas referred to in Articles 15b and 15c;

(cc) renewable energy projects on expected new artificial structures such as parking areas, roads, railways and industrial areas;

(cd) the expected industrial development and employment associated with renewable projects in affected local communities.

(3) Member States shall favour multiple uses of the areas identified as a result of the obligation in paragraph 1 *provided that the installation of plants for the production of energy from renewable source is compatible with pre-existing uses.*

(3a) When identifying the land, surface, subsurface and sea areas necessary for the installation of plants for the production of energy from renewable sources, Member States shall deploy a mechanism supporting the necessary renewable heating network and power grid development in order to provide a fully integrated energy system.

(3b) If large-scale biomethane production plants are nationally defined as installations to carrying out operations of recovery of waste as listed in Annex II, point (11), to Directive 2008/98/EC, Member States may include these plants in renewable energy sources when designating the renewables acceleration areas.

(3c) Member States shall periodically review and update the areas referred to in paragraph 1 of this Article, at least in the context of the update of the national climate and energy plans pursuant to Article 14 of Regulation (EU) 2018/1999.

(3d) Member States shall encourage and support local and regional authorities to develop and implement trajectories or targets for renewable energy produced by cities, renewables self-consumers and renewable energy communities.’;

(5) The following *article* is inserted:

Renewables acceleration areas

- (1) By ... [2 years after the entry into force], Member States shall, ***in coordination with their local and regional authorities***, adopt a plan or plans designating, within the areas referred to in Article 15b(1), renewables ***acceleration*** areas for one or more types of renewable energy sources. ***The size of those areas shall be commensurate with the objectives for renewable energies and sub-targets set out in this Directive and in the national energy and climate plans updated pursuant to Article 14 of Regulation (EU)2018/1999. In the plan or plans designating the renewables acceleration areas*** Member States shall:
- (a) Designate sufficiently homogeneous land and sea areas where the deployment of a specific type or types of renewable energy is not expected to have significant environmental ***effects***, in view of the particularities of the selected territory. ***The overall amount of land and sea areas shall significantly contribute to the space requirements identified in accordance with Article 15b(1) of this Directive to reach the 2030 renewable energy target and shall be included in national energy and climate plans updated pursuant to Article 14 of Regulation (EU)2018/1999.*** In doing so, Member States shall:
- (i) give priority to artificial and built surfaces, such as rooftops ***and facades of buildings***, transport infrastructure areas ***and their direct surroundings***, parking areas, ***on-farm sites***, waste sites, industrial sites, mines, , and, where appropriate, ***artificial and built surfaces, such as*** urban waste water treatment sites, ***artificial lakes, inland water bodies or reservoirs, and*** degraded land not usable for agriculture;
- (ii) exclude Natura 2000 sites and nature parks and reserves, the identified bird ***and marine mammal*** migratory routes, ***in accordance with the best available data, ecological corridors, and*** other areas identified based on sensitivity maps and the tools referred to in the next point, except for artificial and built surfaces located in

those areas such as rooftops, parking areas or transport infrastructure;

- (iii) use all appropriate tools and datasets, ***including, where necessary, specific field surveys***, 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, sufficient both as regards habitat types and species under the Council Directive 92/43/EEC¹, as well as birds and sites under Directive 2009/147/EC of the European Parliament and of the Council²***;
 - (iv) ***remove administrative barriers and allocate sufficient well-trained staff and administrative resources***;
- (b) Establish appropriate rules for the designated ***renewables acceleration*** areas, including on the mitigation measures to be adopted for the installation of renewable energy plants, co-located energy storage facilities, as well as assets necessary for their connection to the grid, in order to avoid or, if not possible, to significantly reduce the negative environmental impacts that may arise. Member States shall ensure that appropriate mitigation measures are applied to ***ensure the implementation of the obligations laid down*** in Articles 6(2) and 12(1) of Directive 92/43/EEC, Article 5 of Directive 2009/147/EEC and Article 4(1)(a)(i) ***of Directive 2000/60/EC and to avoid deterioration and achieve good status or ecological potential in accordance with Article 4(1)*** of Directive 2000/60/EC. Such rules shall be targeted to the specificities of each identified ***renewables acceleration*** area, the renewable energy technology or technologies to be deployed in each area and the identified environmental impacts. Compliance with such rules and the implementation of the appropriate mitigation measures by the individual

¹ ***Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992).***

² ***Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).***

projects shall result in the presumption that projects are not in breach of those provisions without prejudice to paragraphs 4 and 5 of Article 16a. Where novel mitigation measures to prevent as much as possible the killing or disturbance of species protected under Council Directive 92/43/EEC and Directive 2009/147/EEC, or any other environmental impact, have not been widely tested as regards their effectiveness, Member States may allow their use for one or several pilot projects for a limited time period, provided that the effectiveness of such measures is closely monitored and appropriate steps are taken immediately if they do not prove to be effective. *Member States may include areas that have already been designated for the installation of wind or solar power plants as renewables acceleration areas in their plans designating renewables acceleration areas, provided that the existing spatial plans comply with the requirements of Article 15c.*

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

- (2) Before its adoption, the plan or plans designating renewables *acceleration* areas shall be subject to an environmental assessment carried out in accordance with the conditions set out in Directive 2001/42/EC, and **■**, likely to have significant impacts *on Natura 2000* sites, to the appropriate assessment in accordance to Article 6(3) of Directive 92/43/EEC.
- (2a) When identifying the sea areas referred to in Article 15b(1), designation pursuant to this Article shall comply with Directive 2014/89/EU with regard to the use of an ecosystem-based approach to maritime spatial planning when designating renewable energy sites. During the maritime spatial planning process Member States shall increase the space designated for renewable energy production in line with the climate targets for 2030, 2040 and 2050.*
- (3) The plan or plans designating renewables *acceleration* areas shall be made public, *and updated on an on-going basis to record, in electronic form, new capacity* and shall be reviewed periodically, at least in the context of the

national energy and climate plans **updated** pursuant to Article 14 of Regulation (EU) 2018/1999 **and ensuring synergies with Directive 2014/89/EU.**’;

- (6) Article 16 is replaced by the following:

Article 16

Organisation and main principles of the permit-granting process

- (1) The permit-granting process shall cover all relevant administrative permits to build, repower and operate plants for the production of energy from renewable sources ***including hybrid power plants that combine different renewable energy sources***, energy storage, ***including power and thermal*** facilities, as well as assets necessary for their connection to the grid ***and to integrate renewables into heating and cooling networks***. ***It shall also include related energy networks*** permits and environmental assessments where these are required. The permit-granting process shall comprise all procedures from the acknowledgment of the validity of the application in accordance with paragraph 2 to the notification of the final decision on the outcome of the procedure by the relevant authority or authorities.
- (1a) Member States shall ensure that the financing of qualified staff, upskilling, and reskilling of their competent authorities at national, regional, and local level is proportionate with the implementation of the overall renewable energy needs identified under Article 15b of this Directive, and with the planned installed renewable energy generation capacity as foreseen in their national energy and climate plans, as updated pursuant to Article 14 of Regulation (EU) 2018/1999. Member States shall earmark all fees linked to the application and permit-granting processes for the purpose of further financing qualified staff and improving the capacity of the relevant permitting authority. Member States shall provide support, including technical and financial support, to regional and local authorities in order to facilitate the permit granting process.***
- (2) No later than fourteen ***working*** days for plants located in ***renewables acceleration*** areas and one month for plants located outside of ***renewables acceleration*** areas, following the receipt of the application, the competent

authority shall validate the application or, if the developer has not sent all the information required to process an application, request the developer to submit a complete application within fourteen **working** days from this request. If the developer does not submit a complete application within this deadline, the competent authority may reject the application in written form. In the event of a rejection, the competent authority shall justify its decision. The developer may resubmit a new application at any point in time following such rejection. The date of the acknowledgement of the validity of the application by the competent authority shall serve as the start of the permit-granting process.

- (3) Member States shall set up or designate one or more contact points **and provide information in accordance with Article 18(6)**. Those contact points shall, upon request by the applicant, guide through and facilitate the entire administrative permit application and granting process. The applicant shall not be required to contact more than one contact point for the entire process. The contact point shall guide the applicant through the administrative permit application process, including the environmental related steps, in a transparent manner up to the delivery of one or several decisions by the responsible authorities at the end of the process, provide the applicant with all necessary information and involve, where appropriate, other administrative authorities. The contact point shall ensure fulfilment of the deadlines for the permit-granting procedures set out in this Directive. Applicants shall be allowed to submit relevant documents in digital form. By [2 years from entry into force] Member States shall ensure that all procedures are carried out in electronic format: **Member States shall make information about the permit-granting process available to the public.**
- (4) The contact point shall make available a manual of procedures for developers of renewable energy production plants and shall provide that information also online, addressing distinctly also small-scale projects and renewables self-consumers, **renewable energy communities, collective and individual projects provide them with assistance and guide them through the administrative process of receiving support under the renewables support schemes**. The online information shall indicate the contact point relevant to the applicant's application. If a Member State has more than one contact point, the online

information shall indicate the contact point relevant to the applicant's application.

- (5) Member States shall ensure that applicants have easy access to simple procedures for the settlement of disputes concerning the permit-granting process and the issuance of permits to build and operate renewable energy plants, including, where applicable, alternative dispute resolution mechanisms.
- (6) The deadlines laid down in Articles 16a, 16b and 16c shall apply without prejudice to judicial appeals, remedies and other proceedings before a court or tribunal, and to alternative dispute resolution mechanisms, including complaints procedures, non-judicial appeals and remedies, and may be extended for the duration of such procedures.
- (7) Member States shall ensure that administrative and judicial appeals in the context of a project for the development of renewable energy production plant or its related grid connection *and those assets necessary for the development of the energy infrastructure networks required to integrate renewable sources into the system as described in paragraph 1*, including those related to environmental aspects shall be subject to the most expeditious administrative and judicial procedure that is available at the relevant national, regional and local level.

The permit- granting process referred to in paragraph 1 shall extend, where necessary, to all relevant administrative permits when industrial plants switch to the use of renewable energy.

- (7a) *The Commission shall develop reporting procedures for Member States to assess their permitting practices, the average duration of the permitting procedure and the human and financial resources dedicated to ensuring compliance with the permitting requirements set out in this Article and in Articles 16a and 16b.*

The Commission's assessment shall be made public. The Commission may propose corrective measures to support Member States in their implementation of the permitting procedure by assisting them in reforming and streamlining their permitting procedures.

(7b) The provisions of paragraph 1 of this Article and Articles 16a and 16b shall also apply to the parallel permit-granting process for network system developers regarding related energy assets necessary for the integration of the renewable energy plant in the system as well as assets necessary for their connection to the grid which are not integrated in the permit-granting process under paragraph 1 for the specific renewable energy plant.’;

(7) The following *article* is inserted:

‘Article 16a

Permit-granting process in renewables acceleration areas

- (1) Member States shall ensure that the permit-granting process referred to in Article 16(1) shall not exceed ***nine months*** for projects in renewables ***acceleration areas, including their related energy network elements and grid connection.*** Where duly justified on the ground of extraordinary circumstances, that one-year period may be extended by up to three months. In such a case, Member States shall clearly inform the developer about the extraordinary circumstances that justified the extension.
- (2) The permit-granting process for the repowering of plants ***including those increasing the capacity and the need for related energy network developments without increasing the occupied area*** and for new installations with an electrical capacity of less than 150 kW, ***energy storage including power and thermal facilities*** as well as their grid connection, located in renewables ***acceleration areas*** shall not exceed six months. Where duly justified on the ground of extraordinary circumstances, such as on grounds of overriding safety reasons where the repowering project impacts substantially on the grid or the original capacity, size or performance of the installation, that ***six months*** period may be extended by up to three months. Member States shall clearly inform the project developer about the extraordinary circumstances that justify the extension.
- (3) Without prejudice to paragraphs 4 and 5 ***of this Article***, by derogation from Article 4(2) of Directive 2011/92/EU, ***Annex I, point 6(b) thereto the production of renewable hydrogen*** and Annex II, points 3(a), (b), (d), (h), (i), and 6(c) ***thereto***, alone or in conjunction with point 13(a) ***of that Directive*** as far

as this concerns renewable energy projects, new applications for renewable energy plants, ***including generation plants that combine different renewable energies***, except for biomass combustion plants, ***and hydropower plants with a maximum installed capacity of 10 MW***, including the repowering of plants, in already designated renewables ***acceleration*** areas for the respective technology, co-located storage facilities as well as their connection to the grid, ***the related transmission and distribution network, and the related assets necessary for the development of the electricity networks required to integrate renewable energy sources into the system*** shall be exempted from the requirement to carry out a dedicated environmental impact assessment under Article 2(1) of Directive 2011/92/EU, provided that these projects comply with the rules and measures set out in accordance with Article 15c(1), point (b) ***of this Directive***. The exemption from the application of Directive 2011/92/EU above shall not apply to projects which are likely to have significant effects on the environment in another Member State or where a Member State likely to be significantly affected so requests, as provided for in Article 7 of the said Directive.

By derogation from Article 6(3) of Directive 92/43/EEC, the plants referred to in the first subparagraph, shall not be subject to an assessment of their implications for Natura 2000 sites, ***provided that those renewable energy projects comply with the rules and measures established in accordance with Article 15c(1), point (b) of this Directive***.

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

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

- (5) Following the screening process, the applications referred to in paragraph 3 shall be authorised from an environmental perspective without requiring any express decision from the competent authority, unless the competent authority adopts an administrative decision, duly motivated and based on clear evidence, that a specific project is highly likely to give rise to significant **■** adverse effects in view of the environmental sensitivity of the geographic area where they are located that cannot be mitigated by the measures identified in the plan or plans designating *renewables acceleration* areas or proposed by the developer for the project. Such decision shall be made available to the public. Such projects shall be subject to an assessment in accordance with Directive 2011/92/EC and, if applicable, to an assessment under Article 6(3) of Directive 92/43/EEC, which shall be carried out within six months following the screening decision.
- (6) In the permit-granting process of the applications referred to in paragraphs 1 and 2, the lack of reply of the relevant administrative bodies within the established deadline shall *upon the request of the developer*, result in the specific administrative steps to be considered as approved, except in those cases where the specific project is subject to an environmental impact assessment in accordance with paragraph 5. All resulting decisions will be publicly available.
- (6a) Member States shall share and utilise best practices in the permit-granting process.’;**

- (8) The following *article* is inserted:

Article 16b

Permit-granting process outside renewables acceleration areas

- (1) Member States shall ensure that the permit-granting process referred to in Article 16(1) shall not exceed **18 months**. ***That period shall apply to renewable hybrid power plants, and their related energy networks concerning*** projects outside renewables ***acceleration*** areas. Where duly justified on the grounds of extraordinary circumstances, that **18-month** period may be extended by up to three months. In such a case, Member States shall clearly inform the developer about the extraordinary circumstances that justified the extension.
- (2) Where an environmental assessment is required under Directive 2011/92/EU or Directive 92/43/EEC, it shall be carried out in a single procedure that combines all relevant assessments for a given project. When any such environmental impact assessment is required, the competent authority, taking into account the information provided by the developer, shall issue an opinion on the scope and level of detail of the information to be included by the developer in the environmental impact assessment report, of which the scope shall not be extended. Where the specific projects have adopted ***all necessary*** mitigation measures, any killing or disturbance of the species protected under Article 12(1) of Directive 92/43/EEC and Article 5 of Directive 2009/147/EC shall not be considered deliberate. Where novel mitigation measures to prevent as much as possible the killing or disturbance of species protected under Council Directive 92/43/EEC and Directive 2009/147/EEC, or any other environmental impact, have not been widely tested as regards their effectiveness, Member States may allow their use for one or several pilot projects for a limited time period, provided that the effectiveness of such measures is closely monitored and appropriate steps are taken immediately if they do not prove to be effective. The permit-granting process for the repowering of projects, ***including those increasing the capacity and the need for the related energy network developments without increasing the occupied area*** and for new installations with an electrical capacity of less than 150 kW, co-located storage facilities as well as their grid connection, located outside renewables ***acceleration*** areas shall not exceed one year including environmental assessments where required by relevant

legislation. Where duly justified on the ground of extraordinary circumstances, this one-year period may be extended by up to three months. Member States shall clearly inform the developers about the extraordinary circumstances that justified the extension.

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

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

‘Article 16c

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

- (1) Member States shall ensure that the permit-granting process referred to in Article 16(1) for the installation of solar energy equipment, including building-integrated solar installations, in existing or future artificial structures, with the exclusion of artificial water surfaces, shall not exceed three months, provided that the primary aim of such structures is not solar energy production. ***For solar installations below 50 kW, Member States shall allow a simple-notification procedure as set out in Article 17 of this Directive.*** By derogation from Article 4(2) of Directive 2011/92/EU and Annex II, points 3(a) and (b), alone or in conjunction with point 13(a) to that Directive, such installation of solar equipment shall be exempted from the requirement, if applicable, to carry out a dedicated environmental impact assessment under Article 2(1) of Directive 2011/92/EU.’

Member States shall remove and shall not introduce any requirements that relate to the establishment of the installations referred to in the first subparagraph. Member States shall also establish a roadmap to remove other barriers and to enhance the accelerated deployment of solar energy.

(1a) Member States shall ensure that the installation of building-integrated solar installations is exempt from environmental impact assessment under Article 2(1) of Directive 2011/92/EU and from building permitting.’;

(10) The following *articles are* inserted:

‘Article 16d

Overriding public interest

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

Article 16e

Member States shall report to the Commission on:

- (a) the duration of the permit-granting processes for plants for the production of energy from renewable sources in as well as outside the renewables acceleration areas;***
- (b) the impact of Article 16d on the duration of the permit-granting process and legal proceedings.***

The Commission shall evaluate the information provided by Member States and, if appropriate, propose changes to relevant legislation.’.

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Article 4

Transposition

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

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

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

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

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

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

Article 5

Entry into force

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

Article 6

Addressees

This Directive is addressed to the Member States.

Done at █ ,

For the European Parliament
The President

For the Council
The President