

12 September 2022

## Joint statement of EU environmental organisations on the revision of the Renewable Energy Directive under the REPowerEU legislative proposal – 2022/0160(COD)

We, the undersigned organisations, are calling for a holistic approach to the accelerated energy transition envisaged by the proposed revision of renewable energy permit-granting procedures under the REPowerEU legislative proposal.

The fight against climate change is a race against the clock. Transitioning to renewable energy rapidly and at unprecedented scale is a precondition if we are to limit warming to 1.5°C. In a context where the EU needs to boost its energy sovereignty and reduce its dependency on unsafe, climate harming sources, it has now become even more urgent to swiftly scale-up renewable energy capacity.

However, this need not and should not be achieved at the expense of protecting and restoring ecosystems and biodiversity. As the climate and biodiversity crises are strongly intertwined, we are concerned about the proposal to undermine fundamental parts of EU environmental law, protecting nature and the climate, such as the Birds and Habitats Directives, the Water Framework Directive, the Maritime Strategic Framework Directive or the Environmental Impact Assessment Directive. This would undermine Europe's most important nature laws and hinder the achievement of both biodiversity and climate objectives.

We support the EU's aim to speed-up renewables permitting procedures in an effective way. EU policymakers should help strengthen the administrative capacity of permit-granting authorities at national and local level in order to streamline and shorten permitting processes and practice, ensuring a holistic approach to spatial planning for renewable energy installations, as well as fostering the participation of citizens and local communities in both planning and ownership of renewable energy projects.

We therefore highlight the importance of finding the right balance between accelerated renewable deployment, energy efficiency, public participation, and nature protection. The issues presented here should not be regarded as insurmountable problems, nor as a trigger for reforms aimed at weakening the envisaged renewables deployment in Europe. Rather, these issues are better regarded as an opportunity to develop an open, science-based, and community-led approach to make sure that the EU pursues its climate ambitions in a nature-positive, people-centric way.

1. **Tackling administrative bottlenecks.** As also outlined by [industry](#), the main problems hindering RES deployment are [not related](#) to nature protection legislation. In the European Commission's [Recommendation on speeding up permit-granting procedures](#), barriers related to administrative processes are acknowledged among the major factors hindering renewables developments in Europe. However, many of the actual problems are not tackled by the proposed revision of the RED – remarkably the understaffing and lack of adequate skills in public authorities, and the high complexity and low transparency of procedures. Those obstacles must be addressed by bringing Member States to ensure sufficient and adequate staffing, with relevant skills and qualifications, for their permit-granting bodies and environmental assessment authorities, and to improve transparency and clarity in national, regional, and local administrative procedures.
2. **Promoting RES with low environmental impact.** Among RES technologies, wind and solar, when positioned in the right places, have the lowest impact on nature, and are the

two technologies that can deliver the biggest contribution to short-term emission cuts (see e.g. IPCC, 2022, p 42). Other forms of renewable energy technologies, such as geothermal, or ocean energy can come with low environmental effects and localised economic benefits when sited in suitable locations. Therefore, they should be preferred over technologies with generally higher environmental impacts, such as hydropower or most forms of bioenergy. To lower remaining risks to nature, only effective and science-based mitigation measures shall be taken into account for permitting.

3. **Involving citizens and local communities.** Early-stage, meaningful consultation and engagement of citizens and civil society must be ensured to gain citizen support, foster local communities' acceptance of RES projects of public relevance, and to avoid the risk of legal challenges against RES project development. Exempting projects in 'go-to' areas from environmental impact assessments, and thereby avoiding public participation (foreseen i.a. by the Aarhus Convention) is likely to trigger public resistance and slow down, rather than speed up renewables development. Co-ownership, community-led projects where communities have concrete stakes in RES projects [should be prioritised](#) in both permitting and financing.
4. **Maintaining existing environmental safeguards.** Accelerating permitting procedures for renewables installations is a top priority, but it must be achieved through better implementation of existing environmental legislation - not by circumventing it. Existing environmental provisions remain key because on the one hand they do not slow down permitting - as they, *inter alia*, reduce the risk of litigation at the local level and thereby help speed-up development processes - and on the other hand they provide the needed clarity and predictability for both developers and permitting authorities. RES projects in go-to areas must not be exempted from EIAs and/or appropriate assessments or meaningful screening under the existing legislation. In addition, they should not be automatically presumed to be projects of overriding public interest contributing to public health and safety with regards to the Birds, Habitats and Water Framework Directive, as is currently proposed. As the Nature Directives contain other tests that need to be met on a case-by-case basis before a project can go ahead despite harmful effects due to overriding public interest, the presumption will not accelerate the permitting process but will only create legal uncertainty, risk a regression of existing environmental law and set a harmful precedent.
5. **Ensuring a holistic approach to spatial planning.** A differentiated approach must be clearly enshrined in the RED. Spatial planning provisions should allow a 'cascading' deployment of additional RES capacity, focusing RES development on the least harmful areas. Renewables go-to areas (priority areas for RES deployment, i.e. the most suitable ones) must be well defined through an inclusive process. At the same time, the spatial planning process must be used to also designate space for nature, to ensure that EU obligations on protected and strictly protected areas, Natura 2000 sites, other protected areas, reserves and nature restoration areas can be met. Equal priority should be given to addressing the biodiversity crisis which requires synergistic and holistic land use and ecosystem-based maritime spatial planning. Further, a coordinated approach to spatial planning for generation sites, grids, and related project infrastructure should be ensured at MS level.

We therefore ask EU policymakers to take on board these recommendations into the currently debated legislation to make REPowerEU an instrument that paves the way to win-win renewable energy deployment solutions to reduce greenhouse gases emissions while protecting and enhancing the EU's ecosystems, consistent with the broader EU Green Deal objectives.