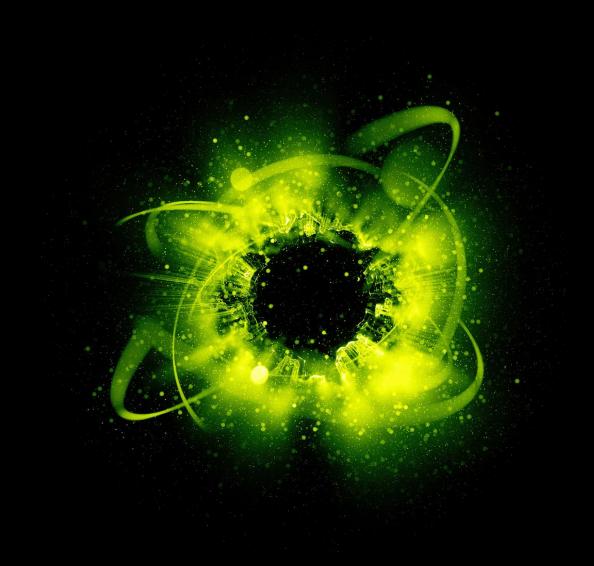
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Energy | Breaking News

The European Commission's Proposal for a Council Regulation establishing provisions to accelerate the deployment of renewable energy

The Proposal for a Council Regulation laying down a framework of temporary and targeted measures to accelerate the deployment of renewable energy sources

The Proposal for the EU Regulation

The European Commission has proposed on 9 November 2022 a new temporary emergency Regulation (the "Proposal") to accelerate the deployment of renewable energy sources ("RES") against the current energy crisis

The Proposal, adopted according to Article 122 of the Treaty of Functioning of the European Union, complements previous emergency measures to tackle the exceptional situation on the energy markets and to accelerate the clean energy transition, as provided under the amendment to Directive 2018/2001 (RED II) that the EU Commission adopted in May 2022 (as part of the REPowerEu Plan).

The Proposal introduces specific measures to accelerate in a short-term the RES deployment in the Union and is <u>focused on specific technologies and types of projects</u>, <u>specified below, which have the highest potential for a quick deployment.</u> Member States will be able to directly implement the relevant proposed urgent measures, without requiring burdensome changes to their national procedures and legal systems.

The proposed Regulation, after the approval of the European Council, shall enter into force on the day following its publication in the Official Journal of the European Union and shall apply for a limited period of one year from its entry into force. A review of the Regulation within 1 July 2023 has been set and an extension of its validity can be introduced.



Below a summary of the measures under the Proposal.

1. RES plants as overriding public interest

According to Article 2 of the Proposal, the planning, construction and operation of RES plants with their connection to the grid and the related grid itself and storage assets shall be presumed as being in the overriding public interest and serving public health and safety.

This would allow new permitting procedures to benefit with immediate effect from a simplified assessment for specific derogations foreseen in EU environmental legislation. In addition, the Proposal clarifies the scope of application of certain provisions foreseen in the EU Directive 92/43/EEC ("Habitats") and 2009/147/EC ("Birds") in order to eliminate impediments in the permitgranting process for certain RES projects.

2. Permit's process for installation of solar energy equipment on "artificial structures"

The Proposal sets forth that, given the current electricity price volatility, granting significantly faster permit procedures will accelerate the installation of solar equipment on artificial structures, such as buildings.

Pursuant to Article 3, the Proposal specifies a maximum deadline of <u>one month</u> for the permitting process for the installation of solar energy equipment and its co-located storage assets, including building-integrated solar installations, in existing or future artificial structures. This provision applies for solar energy equipment not installed on natural ground.

Such installations shall be exempted from the requirement, if applicable, to be subject to a determination whether the project requires an environmental impact assessment (EIA) or from the requirement to carry out a dedicated EIA.

For the installation of solar energy equipment of renewables self-consumers with a capacity of 50 kW or less, the concept of positive administrative silence in the relevant permit-granting procedure is introduced in lack of reply by the relevant authorities within one month.





3. Repowering of RES plants

The permit-granting process for repowering of RES projects, including the permits related to the upgrade of the assets necessary for their connection to the grid where the repowering results in an increase in capacity, shall not exceed six months including environmental assessments where required (Article 4).

The environmental assessments should be limited to assess the potential impacts resulting from the change or extension compared to the original project.

Moreover, a simplified procedure for grid connections is introduced in case the repowering does not exceed a 15% increase in the total capacity compared to the original project.

4. Heat pumps

To accelerate the rollout of heat pumps, because of its potential to reduce the use of gas in the supply of heating on buildings (both industrial and residential), Article 5 of the Proposal sets out that the permit-grating procedure for their installation shall not exceed three months.

For the grid connection of small heat pumps until 12 kW or serving RES selfconsumer plants, a simple prior notice to the competent entity is also introduced.

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