European Grid Declaration on Electricity Network Development and Nature Conservation in Europe

THE PARTIES

BirdLife Europe, Deutsche Umwelthilfe, Friends of the Earth Europe, Friends of the Earth Scotland, Germanwatch, Global Nature Fund, Greenpeace Europe, Natuur en Milieu, the Royal Society for the Protection of Birds, WWF, Zero [the NGOs]

Elia, National Grid, REE, RTE, Statnett, Swissgrid, TenneT, Terna, 50Hertz
[the TSOs]

Bellona Foundation, European Climate Foundation, Friends of the Supergrid, SEFEP
[the supporters]

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WHEREAS

a) **Europe can meet a large share, and potentially all, of its power needs from its own natural renewable resources.** Using these is a prerequisite for fighting climate change, will improve Europe's energy security and will have positive long-term effects on Europe's economy. Legally binding targets to reach 20% of all energy use from renewables by 2020 have been agreed. This translates into approximately 35% of electricity from renewables, up from about 20% today; significantly higher targets need to be set for 2030 and 2050, to give clarity and direction for all stakeholders. Most of new renewable power installations will use weather-dependent variable sources such as wind, wave, tidal and solar. This can only be achieved in the most efficient and cost-effective way if substantive changes and additions to the existing grid are undertaken to secure system stability. This requires: immediate actions by policymakers; preparedness for technical interventions by transmission system operators (TSOs); and the support of non-government organisations (NGOs) for the principle of grid expansion for renewables integration, and in building public understanding and acceptance thereof.

b) **To integrate a large share of new variable renewable electricity in the energy system, Europe's power grid must be strengthened and expanded.** Areas with large renewable energy resources, onshore and offshore, in the EU and in neighbouring countries, must be connected to the demand centres where people live and work; variable energy sources and storage facilities must be integrated in the energy system throughout Europe to ensure reliable power supply. Making use of energy efficiency and saving measures, decentralised renewable energy generation, new storage capacity and smart electricity consumption is often paramount to reduce the new grid infrastructure required. However these essential measures can limit but are certainly not enough to eliminate the need for system upgrading and new power lines.

c) **Electricity networks must be developed in line with Europe's objectives for climate change mitigation and nature conservation.** Expansion of clean renewables, and hence increasingly replacing fossil fuel power sources, will reduce the overall pressure of climate change on biodiversity and ecosystems. Yet, as with many other major infrastructures, the necessary power lines can have adverse effects on wildlife and nature. In order to achieve both of the urgent imperatives of climate change mitigation

and nature conservation, joint working among stakeholders will be required. Mutual trust among the stakeholders, constructive cooperation and application of innovative solutions can help to overcome challenges in case of conflicts of interests. This can and must happen without compromising or undermining wider ambitions and targets. We believe that adequate, transparent and participatory planning and sound communication, allied with a precautionary approach and robust environmental assessment processes, will minimise impacts, potential conflicts and risks of failure.

d) **NGOs and TSOs need to cooperate to enable timely grid development and nature conservation.** United by the common challenge of integrating renewable energy sources into the grid, TSOs and NGOs signing and supporting this Declaration have decided to work together. Given the ambitious targets for renewables expansion and the long time that permitting procedures take today, these groups see an urgent need for timely action. NGOs and TSOs can learn from each other through research and exchange of knowledge and, based on increasing trust and cooperation, jointly develop better approaches that allow timely grid development in line with nature conservation objectives. Various laws and regulations apply in each situation and must be followed – the specific style of implementation may yet vary from case to case. The signing NGOs and TSOs are committed to work together to find best practice approaches for implementation of the laws and regulations.

e) **This Declaration will support sound decision-making, public acceptance and improved permitting procedures.** In compliance with Europe's legislation, nature conservation objectives are already a central consideration in grid development today. Together, NGOs and TSOs aim to improve the implementation of these objectives while enabling more effective and efficient planning and decision-making procedures. This Declaration aims to lay the ground for further cooperation. It aims to strengthen a climate of trust and cooperation, not only between the Parties engaged but also within a wider group of stakeholders and the public, in order to foster public support for grid expansion for renewables integration in line with biodiversity conservation objectives.

THE PARTIES COME TO THE FOLLOWING DECLARATION

1.0 Scope

1.1 The scope of this Declaration applies to protection of biodiversity and ecosystems in relation to electricity transmission infrastructure. Visual amenity (landscape) and human health issues are important concerns, but are beyond the scope of this Declaration. Further similar work is likely to cover such aspects.

1.2 References to 'power lines' here include both above and below ground lines.

1.3 References to Europe here also refer to the European Economic Area (e.g. Norway) and Switzerland. References to EU legislation apply to the European Economic Area (e.g. Norway) where they are part of an EEA agreement; references to conventions apply to non-EU countries where they have been ratified.

1.4 Apart from promoting the full integration of renewable energy in line with Art. 16 of the RES Directive[i], TSOs at all times have to take into account other legislative and regulatory obligations at both national and European levels, including but not limited to obligations relating to matters such as maintaining security of supply, third party access (an obligation to connect parties at all times to the grid), confidentiality, the principle of non-discrimination, integration of the European energy markets, offshore grid planning to connect offshore wind farms, and cost-efficiency. In case of conflicts with any element of this Declaration, the aforementioned obligations shall prevail.

2.0 Objectives

2.1 The overarching objective of this Declaration is to provide an agreed framework of principles guiding the Parties', taking into account Section 1.0, in their efforts to minimise negative impacts on the natural environment that can arise in developing the infrastructure needed for the integration of Europe's rapidly expanding renewable electricity generation capacity and consumption. In particular it provides a framework within which the Parties will:

2.1.1 Strive towards a high level of protection of Europe's biodiversity and natural environment;

2.1.2 Support more coherent, effective and efficient decision making processes for electricity transmission investments needed to integrate renewable electricity supplies;

2.1.3 Strengthen commitment to developing joint solutions that support the achievement and compatibility of objectives 2.1.1 and 2.1.2.

3.0 Overarching principles

Recognition of shared priorities

3.1 The Parties agree on the desirability and need for:

3.1.1 Knowledge sharing and development of measures to avoid, minimise and mitigate negative effects on Europe's nature and biodiversity, in particular environmentally sensitive areas and priority species, caused by construction and operation of power lines;

3.1.2 Achievement of the European Union's 2020 biodiversity target of "halting the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, and restoring them in so far as feasible, while stepping up the EU contribution to averting global biodiversity loss" and the wider objectives of the EU Biodiversity Strategy;

3.1.3 A high level of protection of areas designated for their conservation value, in particular achievement and maintenance of a favourable conservation status of species and habitats for which Natura 2000 sites have been designated, and maintaining the integrity and coherence of the Natura 2000 network, through retention and implementation of the provisions in the Birds and Habitats Directives 2009/147/EC and 92/43/EC[ii];

3.1.4 In relation to the marine environment, a high level of protection in the context of regional seas conventions and the achievement and maintenance of good environmental status by 2020 as defined in the Marine Strategy Framework Directive 2008/56/EC and Commission Decision 2010/477/EU;

3.1.5 Planning and development of transmission systems to anticipate the integration of increasing shares of variable renewable energy sources, in line with the European Renewable Energy Directive (2009/28/EC) and long-term objectives.

Sustained cooperation to find joint solutions

3.2 The Parties agree on the desirability and need to:

3.2.1 Pursue the principles set out here in Section 3.0, and contribute to their further specification, in a process of open dialogue with each other and with stakeholders, with a view to building trust and resolving conflicts towards further cooperation;

3.2.2 Promote awareness of the principles and promote a regulatory framework that supports the attainment of the common objectives, through our engagement with: political and policy forums; administrations and regulatory bodies at all levels of jurisdiction; our umbrella groups, affiliates and subsidiary partners; contractors; memberships and customers; the media; and the public;

3.2.3 Promote continuous learning and improvement in environmental performance, i.e. through information sharing, research and demonstration projects, monitoring, training and dissemination of good practice case studies and evidence-based recommendations;

3.2.4 Contribute to sharing best practice by the development of necessary guidelines and best practice guidance on environmentally sensitive infrastructure development, at EU, Member State and sub-national levels, in the spirit of this Declaration and in line with relevant EU legislation.

Cooperation to monitor and learn from experiences

3.3.1 The Parties will seek to cooperate as far as permitted in monitoring the impacts of new and existing power lines and the effectiveness of mitigation measures, and to jointly draw practical recommendations from the monitoring results.

3.3.2 The Parties acknowledge the need for extensive learning and dissemination efforts about the environmental impacts of grids at European and national levels and welcome the further dedication of research funding for this objective.

3.3.3 The Parties commit to an open approach to sharing and promoting good practice; monitoring results should be made publicly available as a contribution to learning and promoting good practice, unless such dissemination is not permitted by national or European law.

Building public acceptability

3.4 The Parties agree on the desirability and need to:

3.4.1 Promote public support for necessary infrastructure development by enhancing transparency on the reasons for grid development, including on realistic and reasonable alternatives, and by promoting access to environmental information and public participation, in the spirit of the Aarhus Convention[iii];

3.4.2 Contribute to raising public awareness of the need for environmentally sensitive development of electricity transmission networks required to integrate renewable electricity generation;

3.4.3 Cooperate to reduce negative environmental effects of both new and existing power lines, and if possible, to openly share details of successful approaches;

3.4.4 Cooperate on conducting pilot projects to test new approaches to avoid and minimise negative environmental effects, as well as to improve the public involvement and acceptability of grid expansion to integrate renewable energy.

Funding and regulatory acceptance of additional financial costs to minimise environmental impacts

3.5 The Parties acknowledge the economic value of, and the potential extra short-term financial costs incurred in, developing infrastructure so as to minimise environmental impacts (e.g. by avoidance measures, bundling of infrastructures, environmental or ecological enhancements, and innovative technical solutions). A reasonable, sustainable solution must consider both environmental and social/economic concerns.

3.6 The Parties support the recognition of such a reasonable amount of extra cost by all regulators in Europe. TSOs can only implement further additional measures for nature conservation and environmental impact mitigation, such as those related to this Declaration, if the costs for the TSOs are recognised and allocated by the regulators. The NGOs may also require additional funding to enable effective participation in relevant initiatives.

4.0 Principles for strategic planning

Strategic spatial planning and strategic environmental assessments

4.1.1 The Parties recognise that environmental issues should be included in considerations at the earliest stages of any grid development planning, and will help to develop and apply good practice in the environmental assessment of strategic plans.

4.1.2 The Parties will support the use of strategic spatial planning for onshore and offshore grid development at relevant planning scales (at EU, EU-regional, national, regional and local levels) and realistic time horizons, preferably including planning scenarios to 2050.

4.1.3 In strategic spatial planning the Parties will promote the use of Strategic Environmental Assessment (SEA[iv]) as a means to find the most environmentally acceptable options with regard to protected areas and ecological sensitivities.

4.1.4 The Parties recognise the value of mapping ecological sensitivities to power line development at appropriate spatial scales and based on accurate survey data and detailed ecological knowledge. Research on knowledge and methods will be shared.

4.1.5 Where it cannot be ruled out that a grid development plan is likely to have a significant effect on the conservation status of protected species, habitats and Natura 2000 sites, such plans will be subject to strategic 'appropriate assessment' as required under Article 6 of the Habitats Directive.

Hierarchy of priorities in infrastructure development

4.2 The Parties recognise that the need for new infrastructure development should be determined in a consistent, coherent and transparent planning process. Opportunities to reduce the need for infrastructure by improving energy efficiency and smarter use of electricity should be used fully. Upgrading existing infrastructure and the use of new technology can minimise/obviate the need for new infrastructure, and should be considered.

4.3 The Parties intend to cooperate with regard to the following hierarchy of priorities that should be followed to avoid and minimise impacts on the natural environment. Subject and without prejudice to legislative and regulatory requirements (such as those in Section 1.4 above), the priorities are:

4.3.1 First – building only infrastructure that is needed to ensure a reliable power system;

4.3.2 Second – efforts to minimise new corridor development as far as possible by upgrading existing infrastructure. Bundling with existing infrastructure corridors, provided this is preferable for biodiversity conservation and other environmental reasons, should also be considered;

4.3.3 Third – efforts to mitigate environmental impacts of new infrastructure where new power line corridors are unavoidable, by first avoiding impacts, then minimising impacts according to site-specific requirements. Solutions such as undergrounding transmission lines should be examined thoroughly on a case-by-case basis. This should take into account technical feasibility, system security and environmental impacts, and be in accordance with the principles of Point 3.5 above.

4.4 Only after the efforts above have been applied, unavoidable impacts should be compensated for, once recognised within the legal, regulatory and consenting framework.

4.5 Subject to resource and capacity constraints, the NGOs commit to work constructively together with the TSOs to support the application of the hierarchy of priorities at European, national and local levels.

Transparency on need for infrastructure development to gain public support

4.6.1 The Parties agree that more transparency on the need for new infrastructure projects and on the application of the hierarchy of priorities above is desirable. Understanding the need for a new line to be built, and creating confidence that all measures to avoid building a new line have been fully used and realistic alternatives have been identified, will support public acceptance of unavoidable impacts.

4.6.2 Working together, Parties involved intend to disclose information to each other (taking into account the legislative and contractual confidentiality obligations of both sides) in order to reach a trustful, effective and lasting cooperation among the Parties and stakeholders.

4.6.3 Within the legal frameworks, TSOs commit to release to regulatory authorities and interested stakeholders all relevant data and assumptions underlying the needs for network development plans.

4.6.4 Where Parties have a full understanding of the unavoidability of electricity transmission infrastructure investments in order to achieve or exceed renewable energy targets, the NGOs will seek to engage as trusted sources of information towards improved acceptability for those investments.

Pre-application measures to expedite planning procedures

4.7 The Parties agree that it is important to take environmental concerns into account as early as possible in the planning procedures. Identifying and addressing environmental concerns in consultation with stakeholders before submitting the actual planning application is likely to reduce delays later on. Meaningful involvement of relevant stakeholders at such an early stage will furthermore strengthen trust and support. Pilot applications of such new approaches to infrastructure planning should be tested where legally possible, and best practices shared between Member States of the European Union and European Economic Area.

5.0 Principles for project planning and reducing impacts of existing power lines

Protecting biodiversity by upholding legal provisions and international agreements

5.1 The TSOs will seek to avoid harm and minimise impacts to habitats and species protected under the Birds and Habitats Directives and support the existing provisions in those Directives and their underlying

principles. This includes timely and full adherence to the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC regarding the appropriate assessment of grid development efforts.

5.2 Without prejudice to national and European legislation, TSOs and NGOs will give attention to the following agreements in developing good practice guidelines and best practice studies:

- Convention on the Conservation of Migratory Species of Wild Animals ("Bonn Convention", including Resolution 7.4 on the Electrocution of Migratory Birds 2002[v] and Agreements for the Conservation of Cetaceans);
- Convention on the Conservation of European Wildlife and Natural Habitats ("Bern Convention" in particular Recommendation No. 110, 2004[vi]);
- Budapest Declaration on Bird Protection and Power Lines, 2011[vii].

5.3 The NGOs will seek to support timely and efficient implementation of these legal provisions and agreements by:

- Identifying ways in which they can be met in full in the context of more effective and efficient planning processes;
- Working towards a common interpretation of the provisions as they apply to grid development;
- Raising concerns relating to specific proposals at the earliest opportunity;
- Contributing to the identification of priority species and habitats that are vulnerable to grid development to assist the TSOs in pursuing these objectives.

Environmental Impact Assessment

5.4 The Parties recognise the value of environmental impact assessment procedures and commit to good practice in the conduct of Environmental Impact Assessments (EIA), in particular to:

- Support use of EIA towards achievement of high and similar level of environmental protection in all Member States of the European Union and European Economic Area;
- Inform and consult the public in an early and timely manner;
- Use best practices in terms of the assessment of alternatives within EIA, i.e. to actively assess less damaging alternative technologies and routing options so that these can be taken into consideration alongside environmental and social concerns by decision makers;
- Ensure professionals employed in the preparation of Environmental Statements are suitably qualified to address the likely significant ecological impacts of a proposal and its alternatives;
- Ensure professionals employed in the preparation of Environmental Statements understand the importance of providing full and objective scientific information, and work to remove any unintentional incentives to understate significant environmental impacts.

Existing grids and technology development

5.5 The TSOs will, within their capabilities and subject to legislative and regulatory restrictions, develop action plans to identify existing power lines that cause high incidence of bird mortalities, and take steps to find and implement effective solutions.

5.6 The TSOs will seek new innovative solutions that integrate nature and biodiversity considerations into further development of transmission technology and design. The NGOs will support such efforts by providing existing studies (e.g. on the effectiveness of mitigation measures) and proactively disseminating new knowledge and, where necessary, providing expert input.

5.7 NGO's within their areas of expertise will seek to contribute to studies and evaluations of biodiversity conservation (deliberate and unintended, positive and negative) in corridors of existing power lines, especially in urban areas.

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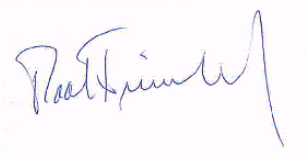

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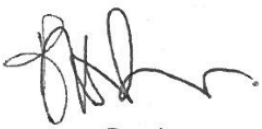

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[i] European Renewable Energy Directive (2009/28/EC)

[ii] http://ec.europa.eu/environment/nature/biodiversity/comm2006/2020.htm

[iii] UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, 1998

[iv] http://ec.europa.eu/environment/eia/sea-legalcontext.htm

[v] http://www.cms.int/bodies/COP/cop7/proceedings/pdf/en/part_I/Res_Rec/RES_7_04_Electrocution.pdf

[vi] https://wcd.coe.int/wcd/ViewDoc.jsp?id=1493445&Site=DG4-Nature&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864

[vii] http://www.mme.hu/termeszetvedelem/budapest-conference-13-04-2011/1429.html