

## EU energy legislation and robust Environmental Impact Assessments (EIA) - political agenda, strategic alliances, stakeholder engagement

Glasgow, June 16th 2011

Daniel Fürstenwerth, RGI

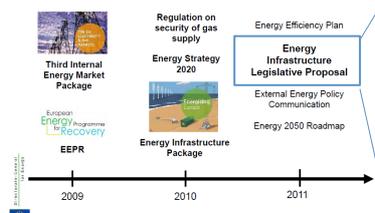
Source: DG Energy, ENTSO-E Workshop May 11th

## Agenda

- EU policy agenda - energy infrastructure & environment
- From policy to reality - guidelines for Environmental Impact Assessment
- Discussion: stakeholders and alliances

## EU energy policy (I/II) upcoming legislative proposal

**Energy policy context**



Source:

**Objective**

- Support infrastructure development

**Elements of proposed legislation**

- Improved permit granting
- New grid planning method
- Regulation and financing

**Timeline**

- April 2011 - Public consultation (end)
- July 2011 - Suggestion DG Energy
- ~Oct 2011 - Legislative proposal

## EU energy policy (II/II) work beyond legislation

**Energy policy context**



Source: DG Energy

**Perspective on 2050 electricity grid („ModPEHS“ Project)**

- Guided by ENTSO-E
- First results in 2014

**Electricity Highways Stakeholder Platform**

- Including NGOs, TSOs, Industry
- Monitor „ModPEHS“

Work will include (preliminary)

- Implementing grid expansion & Natura 2000

## EU Environmental Policy (I/II) EIA Directive

EIA Directive  
2009/31/EEC

COUNCIL DIRECTIVE  
of 27 June 1985  
on the assessment of the effects of certain public and private projects on the environment  
(85/337/EEC)  
(OJ L 175, 5.7.1985, p. 40)

- Defines projects that require EIA
- Defines procedures on a very high level
- Currently under revision, proposal expected in 2012

Source:

## EU Environmental Policy (II/II) Habitats and Bird Directives

EU Habitats and Bird Directives  
92/43/EEC, 79/409EEC



- Cornerstone of Europe's nature conservation policy
- Almost 18 % of Europe's land subject to protection
- Article 6 lays out procedures for projects affecting Natura 2000 sites
- Infrastructure expansion in line with Natura 2000 legislation **is possible**

Source:

# Agenda

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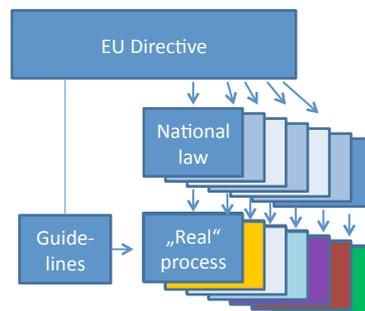
## Guidelines support implementation of EU policy

### EU Directives

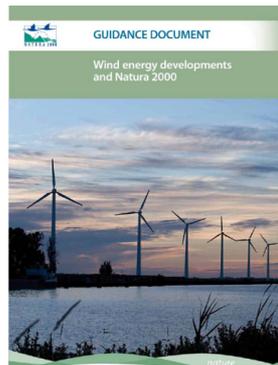
- Must be transposed into member states law

### Guidelines

- Provide details for specific areas
- Support implementation
- Not legally binding



## Example for guidelines – „Wind energy developments and Natura 2000“



Source: DG Environment

### Objective:

- Show how to develop wind projects compatible with Natura 2000 legislation

### Target audience:

- „Competent authorities“
- Project developers
- Consultants, other practitioners

### Preparation:

- Lead by DG Environment
- Involving Stakeholders, Experts

## Conclusion / Outlook: „Electricity grid developments and Natura 2000“

- Restrictions of Natura 2000 legislation unlikely and not necessary
- DG Energy and DG Environment have expressed intention to develop guidelines on grid expansion and Natura 2000, yet timing of work uncertain
- RGI will support developments of guidelines for EIA in grid expansion
- First step: develop pilot guidelines, e.g. in North Sea region

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## Examples of stakeholders

EU level (legislation, guidelines)	<ul style="list-style-type: none"><li>• DG Energy, DG Environment</li><li>• National authorities</li><li>• TSOs, NGOs</li><li>• Experts/Consultants</li><li>• ....</li></ul>
National/Regional (legislation, procedures)	<ul style="list-style-type: none"><li>• Ministries (Environment, Economy, ...)</li><li>• Regional authorities</li><li>• TSOs, NGOs, local initiatives</li><li>• Experts/Consultants</li><li>• ....</li></ul>
„Real“ process	<ul style="list-style-type: none"><li>• Authorities</li><li>• Project developer</li><li>• NGOs, local initiatives</li><li>• Experts/Consultants</li><li>• ....</li></ul>

Source:

## Discussion on stakeholders – key questions

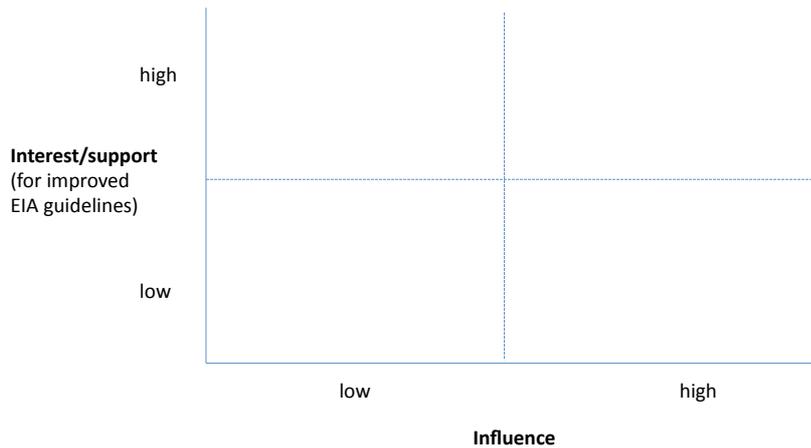
- Who to engage with to facilitate adoption of guidelines?
- How to engage to facilitate adoption of guidelines?

Content of guidelines will be discussed in parallel session

## Backup

Source: DG Energy, ENTSO-E Workshop May 11th

## Stakeholder mapping – influence and interest



Source:

## Backup: Energy infrastructure legislative proposal (I/III)

### ● Project of common interest – key principles

- contributes to implementation of November 2010 infrastructure priorities
- crosses Member State borders or has significant cross-border impact
- contributes in electricity to:
  - >> connection of renewable generation and transmission to major consumption and storage centres
  - >> market integration and competition
  - >> security of supply
  - >> others?
- Technical threshold:  $\geq 150$  kV?



Source: DG Energy, Florence Forum, 23<sup>rd</sup> May 2011

6

## Backup: Energy infrastructure legislative proposal (II/III)

### ● Permit granting and public consultation

- National interest status for projects of common interest
- One-stop shop at national level for all projects of common interest
- Mandatory project scoping (project promoter and all authorities) before start of permit granting process
- Time limit for planning and permit granting procedure (excluding legal recourse)
- Permit granting schedule detailing each step in the process  
→ joint schedule for cross-border projects
- Possibility for authorities to engage external experts for faster processing of requests
- Guidelines for early and effective involvement of stakeholders
- Rewards to local authorities having successfully involved their affected population?



10

Source: DG Energy, Florence Forum, 23<sup>rd</sup> May 2011

## Backup: Energy infrastructure legislative proposal (III/III)

### ● Regulation and financing

#### General investment incentives:

- Match risks and regulated returns
- Rules for anticipatory investments

#### Cost allocation rules for projects with cross-border impact:

- Framework for cost allocation when:
  - Project cost-benefit analysis positive
  - Beneficiaries # users

#### ● Leveraging private investments:

- Reduction of risks through innovative financial instruments (guarantees, equity participations, project bonds) developed with IFIs
- EU financial support (grants) – where needed: security of supply, innovation, complex cost allocation?



→ TOOLBOX to ensure **complementarity** between regulatory and public funding instruments

12

Source: DG Energy, Florence Forum, 23<sup>rd</sup> May 2011

## Backup: EHS Platform

### ● Electricity Highways Platform (EHP) Proposed terms of reference

- Ensure involvement of all relevant stakeholders in MoDPEHS preparation process
- Guarantee transparency of all electricity highways related studies and work to be carried out with EU R&D co-financing
- Provide feedback and orientation to ENTSO-E on work packages for MoDPEHS preparation, notably:
  - » Generation development scenarios
  - » Pan-European grid architecture options
  - » Socio-economic and industrial policy consequences
  - » Research and development needs
  - » Legal, regulatory and organisational framework



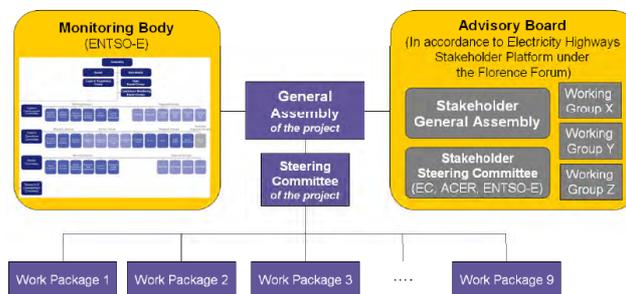
Source: DG Energy, ENTSO-E Workshop May 11th

17

## Backup: MoDPEHS

### The overall Governance Structure as proposed

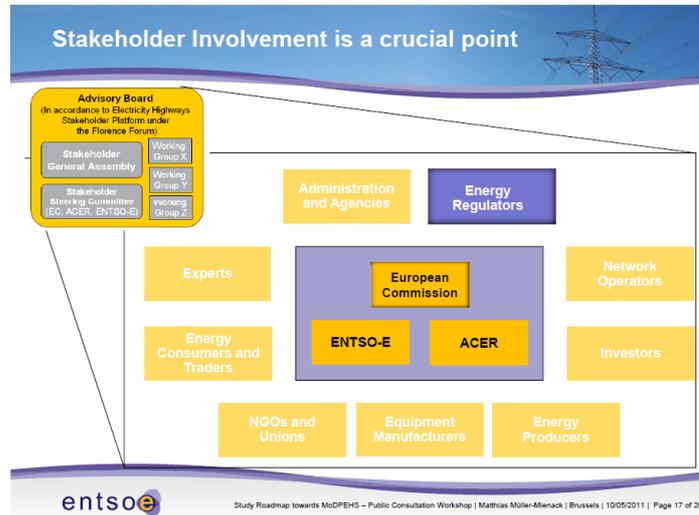
Effective control and monitoring measures ensure efficient working procedures of the highly complex and interrelating Work Packages.



Study Roadmap towards MoDPEHS – Public Consultation Workshop | Matthias Müller-Mienack | Brussels | 10/05/2011 | Page 16 of 20

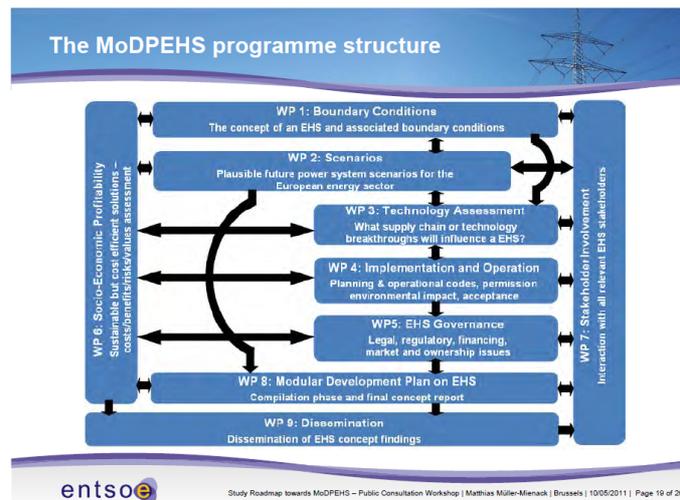
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## Backup: MoDPEHS



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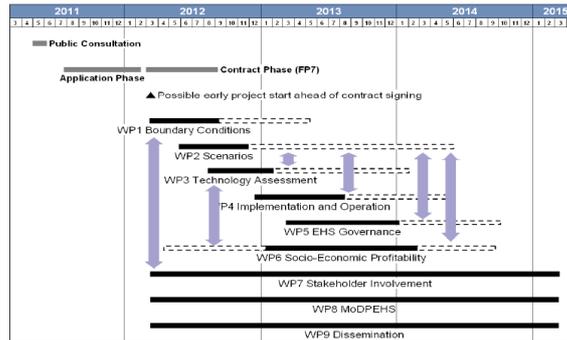
## Backup: MoDPEHS



Source: ENTSO-E, ENTSO-E Workshop May 11th

## Backup: MoDPEHS

### Rough time schedule towards the first MoDPEHS



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