

RGI Position Paper regarding upcoming Commission Guidance for Streamlining Environmental Assessments of Projects of Common Interest (PCIs) for Energy Infrastructure under the new Regulation for trans-European energy infrastructures (TEN-E)

June 2013

The Renewables-Grid-Initiative (RGI) welcomes the European Commission's work on non-binding guidance for streamlining environmental assessments of PCIs. We hope the guidance will contribute to support Member States in defining effective measures to build the capacity of all authorities and stakeholders involved in grid development to implement efficient permitting procedures, while maintaining a high level of environmental protection and transparent, participatory procedures. Streamlined yet robust assessment processes can thus help to meet both the EU climate and environmental protection goals, while recognising the need for power grid reinforcement necessary for a stable and secure electricity system.

In 2011, RGI partners (Transmission System Operators and Non Governmental Organisations) jointly developed the "European Grid Declaration on Electricity Network Development and Nature Conservation in Europe" (EGD), which contains a set of principles on how to develop Europe's power grid in a timely manner and with full and proactive implementation of Europe's environmental legislation. In 2012, the EGD was complemented with principles on transparency and public participation.

RGI appreciates the first draft of the Commission Guidance for Streamlining Environmental Assessments of Projects of Common Interest (PCIs), distributed on 13 May 2013, and would like to propose complementary recommendations based on the EGD. The recommendations below build on years of experience balancing out the different interests of TSOs and NGOs. In particular, the mutual understandings and know-how we gained during the joint development of the EGD, among both industry and civil society partners, will be helpful for the revision of the guidance document.

The Renewables-Grid-Initiative recommends to the European Commission the following principles for the Guidance for Streamlining Environmental Assessments of PCIs:

a. Streamlining and speeding-up permitting procedures should be coherent and respectful of EU objectives and legislation for nature conservation

RGI recognises the urgent need to modernise Europe's electricity grid in order to integrate a higher share of electricity produced by renewable energy sources. Timely permitting of relevant grid development projects is key to achieving renewable energy targets while maintaining the stability of the energy system. We therefore support the Commission's efforts to reduce any unnecessary administrative burdens, e.g. by avoiding redundancies in the overall process, and to ensure comprehensive and better coordinated procedures. At the same time, RGI encourages all involved parties to strive towards a high level of protection of Europe's biodiversity and natural environment as new grids are built. Since grid development projects differ substantially in their scope and nature, time limits should take local peculiarities into account and should not jeopardise environmental protection and nature conservation goals.

RGI recognises that serious consideration of environmental concerns and efforts to avoid and minimise impacts, are key pillars of sustained public support for grid expansion. Grid operators already take their environmental assessment commitments very seriously. They will maintain the good practices already achieved also in a context of greater urgency and constrained public finances across Europe. Depending on local circumstances, they will improve high standards in order to achieve more uniform levels of commitments across Europe.

b. The Commission should recommend the application of Strategic Environmental Assessment (SEA)

As shown e.g. in Italy, proper application of the SEA (Directive 2001/42/EC) in grid development can not only ensure the identification of the most environmentally acceptable alternatives, but can also significantly help to speed up permitting procedures. Environmental issues should thus be included in considerations at the earliest stages of any grid development planning. SEA is a useful tool to anticipate possible impacts and identify ways to minimise and avoid these, while ensuring that stakeholders are fully informed (on the basis of appropriate proceedings) and that their views and knowledge are taken into account. However, early SEAs cannot substitute for detailed assessments in later planning phases. It is therefore important to ensure their supportive value to the overall process, and not to add multiple or redundant extra administrative layers, which can be an impediment to transparent and streamlined procedures. This applies both to national ten-year development plans and to spatial plans for specific projects. Thereby, studying candidate PCIs through SEA could improve their acceptability with stakeholders.

Cf. European Grid Declaration (part I), principle 4.1.3

Cf. European Grid Report, p. 55

c. The guidance should include recommendations for early and substantial stakeholder engagement in environmental procedures

In the European Grid Declaration, Europe's biggest environmental NGOs and TSOs recommend to pursue the agreed set principles in a process of open dialogue with each other and with other stakeholders. The formal participatory requirements within the EIA and SEA Directives (Directive 2011/92/UE and 2001/42/EC) should be interpreted in a way which allows this open dialogue and fosters substantial participation. Experiences show that participation in early phases helps to improve plans and projects, contributing to solutions in due time and are supported by a broader majority.

Cf. European Grid Declaration (part II), principle 1.3

Cf. European Grid Report, p. 50 and 88

d. The European Commission needs to tackle the challenges of insufficient capacity and resources

Authorities at national, regional and local levels play an essential role in implementing best practices in environmental procedures. In the guidance document, the Commission should therefore identify and recommend solutions to ensure that authorities have sufficient resources to apply environmental law in an effective and efficient way, and to stimulate and run thorough and open public consultation processes. Moreover, the guidance should support the allocation of funds by relevant authorities to enable members of the public, local initiatives and NGOs to enable them to engage a constructive role in the consultation procedures as suggested in point c. At the same time, the Commission should recommend that national energy regulators need to recognise the additional costs to TSOs of carrying out enhanced assessments and participatory procedures, in particular where there is value in going beyond legislative requirements.

Cf. European Grid Declaration (part II), principle 3.3.2
Cf. European Grid Report, page 36, 60, 86

e. All involved actors should strive for data and knowledge sharing necessary for high quality environmental assessments

During environmental procedures, it is important for stakeholders to have access to all relevant information that they need in order to form and express their views. Moreover, it is important to have adequate biodiversity data to carry out robust environmental assessments. The Commission, national authorities and governments should therefore ensure the availability, regular updating, and the accessibility of data. All involved actors should strive for an open approach to sharing and promoting good practice. In addition, monitoring results should be made publicly available. The European Commission should monitor the quality of assessments, identify best practices and disseminate the lessons learned.

Cf. European Grid Declaration (part I), Principles 3.3.3 and 4.6.2
Cf. European Grid Report, page 27 and 57

Provided the recommended procedures maintain current high standards in assessment procedures and impact mitigation, national authorities and project promoters should be encouraged to take the guidance from the European Commission as inspiration not only for PCIs, but also for other grid expansion projects, depending on local circumstances.

In addition to providing guidance on streamlining to Member States, the European Commission itself should contribute to ensuring that PCIs are selected on the basis of robust, open and participatory procedures. For example, the Commission could develop an easy-to-read guide for organisations engaging in PCI-related assessment procedures at European level in order to help organisations (such as RGI) to follow developments at the European level. Furthermore, the Commission should try to establish the transparency platform mentioned in the regulation as soon as possible in order to also provide online information on permit granting procedures as well as single PCI projects. RGI is contributing to discussions concerning improvements to the social and environmental indicators in ENTSO-E's cost-benefit analysis methodology.

Contact: Antonella Battaglini, antonella@renewables-grid.eu