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**COUNCIL REGULATION (EU) 2022/2577****of 22 December 2022****laying down a framework to accelerate the deployment of renewable energy***Article 1***Subject matter and scope**

This Regulation establishes temporary rules of an emergency nature to accelerate the permit-granting process applicable to the production of energy from renewable energy sources, with a particular focus on specific renewable energy technologies or types of projects which are capable of achieving a short term acceleration of the pace of deployment of renewables in the Union.

This Regulation applies to all permit-granting processes that have a starting date within the period of its application and is without prejudice to national provisions establishing shorter deadlines than those laid down in Articles 4, 5 and 7.

Member States may also apply this Regulation to ongoing permit granting processes which have not resulted in a final decision before 30 December 2022, provided that this shortens the permit granting process and that pre-existing third party legal rights are preserved.

*Article 2***Definitions**

For the purposes of this Regulation, the definitions set out in Article 2 of Directive (EU) 2018/2001 of the European Parliament and of the Council⁽¹⁾ shall apply. In addition, the following definitions shall apply:

(1) ‘permit-granting process’ means the process:

- (a) comprising all relevant administrative permits issued to build, repower and operate plants for the production of energy from renewable sources including heat pumps, co-located energy storage facilities, and assets necessary for their connection to the grid, including grid connection permits and environmental impact assessments where those are required; and
- (b) comprising all administrative stages starting from the acknowledgment of the reception of the complete application by the relevant authority and ending with the notification of the final decision on the outcome of the process by the relevant authority;

⁽¹⁾ Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).

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- (2) ‘solar energy equipment’ means equipment that converts energy from the sun into thermal or electrical energy, including solar thermal and solar photovoltaic equipment.

*Article 3***Overriding public interest**

1. The planning, construction and operation of plants and installations for the production of energy from renewable sources, and their connection to the grid, the related grid itself and storage assets shall be presumed as being in the overriding public interest and serving public health and safety when balancing legal interests in the individual case, for the purposes of Article 6(4) and Article 16(1)(c) of Council Directive 92/43/EEC ⁽¹⁾, Article 4(7) of Directive 2000/60/EC of the European Parliament and of the Council ⁽²⁾ and Article 9(1)(a) of Directive 2009/147/EC of the European Parliament and of the Council ⁽³⁾. Member States may restrict the application of those provisions to certain parts of their territory as well as to certain types of technologies or to projects with certain technical characteristics in accordance with the priorities set in their integrated national energy and climate plans.

2. Member States shall ensure, at least for projects which are recognised as being of overriding public interest, that in the planning and permit-granting process, the construction and operation of plants and installations for the production of energy from renewable sources and the related grid infrastructure development are given priority when balancing legal interests in the individual case. Concerning species protection, the preceding sentence shall only apply if and to the extent that appropriate species conservation measures contributing to the maintenance or restoration of the populations of the species at a favourable conservation status are undertaken and sufficient financial resources as well as areas are made available for that purpose.

▼M1*Article 3a***Absence of alternative or satisfactory solutions**

1. When assessing whether there are no satisfactory alternative solutions to a project for a plant or installation for the production of energy from renewable sources and its connection to the grid for the purposes of Articles 6(4) and 16(1) of Directive 92/43/EEC, Article 4(7) of Directive 2000/60/EC and Article 9(1) of Directive 2009/147/EC, this condition may be considered as being fulfilled if there are no satisfactory alternative solutions capable of achieving the same objective of the project in question, notably in terms of development of the same renewable energy capacity through the same energy technology within the same or similar timeframe and without resulting in significantly higher costs.

⁽¹⁾ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

⁽²⁾ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

⁽³⁾ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

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2. When assessing whether there are no satisfactory alternative solutions to a grid infrastructure project which is necessary to integrate renewables into the electricity system, for the purposes of Articles 6(4) and 16(1) of Directive 92/43/EEC, Article 4(7) of Directive 2000/60/EC and Article 9(1) of Directive 2009/147/EC, this condition may be considered fulfilled if there are no satisfactory alternative solutions capable of achieving the same objective of the project in question within the same or similar timeframe and without resulting in significantly higher costs.

3. When implementing compensatory measures for a project for a plant or installation for the production of energy from renewable sources, and the related grid infrastructure which is necessary to integrate renewables into the electricity system, for the purpose of Article 6(4) of Directive 92/43/EEC, Member States may allow for such compensatory measures to be carried out in parallel with the implementation of the project, unless there is clear evidence that a specific project would irreversibly affect the ecological processes essential for maintaining the structure and functions of the site and would compromise the overall coherence of the Natura 2000 network before compensatory measures are put into place. Member States may allow for those compensatory measures to be adapted over time, depending on whether the significant negative effects are expected to arise in the short, medium or long term.

▼ B*Article 4***Accelerating the permit-granting process for the installation of solar energy equipment**

1. The permit-granting process for the installation of solar energy equipment and co-located energy storage assets, including building-integrated solar installations and rooftop solar energy equipment, in existing or future artificial structures, with the exclusion of artificial water surfaces, shall not exceed 3 months, provided that the primary aim of such structures is not solar energy production. By way of derogation from Article 4(2) of Directive 2011/92/EU, and Annex II, points 3(a) and (b), read alone or in conjunction with point 13(a) of Annex II to that Directive, such installations of solar energy equipment shall be exempted from the requirement, if applicable, of being subjected to a determination whether the project requires an environmental impact assessment, or from the requirement to carry out a dedicated environmental impact assessment.

2. Member States may exclude certain areas or structures from the provisions of paragraph 1, due to reasons of cultural or historical heritage protection, or for reasons related to national defence interests or safety.

3. For the permit-granting process regarding the installation of solar energy equipment, including for renewables self-consumers, with a capacity of 50 kW or less, the absence of a reply by the relevant authorities or entities within 1 month following the application shall result in the permit being considered as granted, provided that the capacity of the solar energy equipment does not exceed the existing capacity of the connection to the distribution grid.

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4. Where the application of the capacity threshold referred to in paragraph 3 of this Article leads to a significant administrative burden or constraints to the operation of the electricity grid, Member States may apply a lower threshold provided that it remains above 10,8 kW.

5. All decisions resulting from the permit-granting processes referred to in paragraph 1 of this Article shall be made public in accordance with existing obligations.

*Article 5***Repowering of renewable energy power plants**

1. The permit-granting process for the repowering of 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 6 months including environmental impact assessments where required by relevant legislation.

2. Where the repowering does not result in an increase in the capacity of the renewable energy power plant beyond 15%, and without affecting the need to assess any potential environmental impacts pursuant to paragraph 3 of this Article, grid connections to the transmission or distribution grid shall be permitted within 3 months following application to the relevant entity unless there are justified safety concerns, or there is technical incompatibility with the system components.

3. Where the repowering of a renewable energy power plant, or the upgrade of a related grid infrastructure which is necessary to integrate renewables into the electricity system, is subject to a determination whether the project requires an environmental impact assessment procedure or an environmental impact assessment pursuant to Article 4 of Directive 2011/92/EU, such prior determination and/or environmental impact assessment shall be limited to the potential significant impacts stemming from the change or extension compared to the original project.

4. Where the repowering of solar installations does not entail the use of additional space and complies with the applicable environmental mitigation measures established for the original installation, the project shall be exempted from the requirement, if applicable, of being subjected to a determination whether the project requires an environmental impact assessment pursuant to Article 4 of Directive 2011/92/EU.

5. All decisions resulting from the permit-granting processes referred to in paragraphs 1 and 2 of this Article shall be made public in accordance with existing obligations.

*Article 6***Acceleration of the permit-granting process of renewable energy projects and for related grid infrastructure which is necessary to integrate renewables into the system**

Member States may exempt renewable energy projects, as well as energy storage projects and electricity grid projects which are necessary to integrate renewable energy into the electricity system, from the environmental impact assessment under Article 2(1) of Directive 2011/92/EU and from the species protection assessments under Article 12(1) of Directive 92/43/EEC and under Article 5 of Directive 2009/147/EC, provided that the project is located in a dedicated renewable or grid area for a related grid infrastructure which is necessary to integrate renewable energy into the electricity system, if Member States have set any renewable or grid area, and that the area has been subjected to a strategic environmental assessment in accordance with Directive 2001/42/EC of the European Parliament and of the Council ⁽¹⁾. The competent authority shall ensure that, on the basis of existing data, appropriate and proportionate mitigation measures are applied in order to ensure compliance with Article 12(1) of Directive 92/43/EEC and Article 5 of Directive 2009/147/EC. Where those measures are not available, the competent authority shall ensure that the operator pays a monetary compensation for species protection programmes in order to secure or improve the conservation status of the species affected.

*Article 7***Acceleration of the deployment of heat pumps**

1. The permit-granting process for the installation of heat pumps below 50 MW electrical capacity shall not exceed 1 month, whilst in the case of ground source heat pumps it shall not exceed 3 months.

2. Unless there are justified safety concerns, further works are needed for grid connections or there is technical incompatibility of the system components, connections to the transmission or distribution grid shall be permitted following notification to the relevant entity for:

- (a) heat pumps of up to 12 kW electrical capacity; and
- (b) heat pumps installed by a renewables self-consumer of up to 50 kW electrical capacity, provided the capacity of the renewables self-consumer's renewable electricity generation installation amounts to at least 60% of the capacity of the heat pump.

3. Member States may exclude certain areas or structures from the provisions of this Article, due to reasons of cultural or historical heritage protection, or for reasons related to national defence interests or safety.

⁽¹⁾ Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ L 197, 21.7.2001, p. 30).

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4. All decisions resulting from the permit-granting processes referred to in paragraphs 1 and 2 of this Article shall be made public in accordance with existing obligations.

*Article 8***Timelines for the permit-granting process for the installation of solar energy equipment, the repowering of renewable energy power plants and for the deployment of heat pumps**

When applying the deadlines referred to in Articles 4, 5 and 7, the following time shall not be counted within those deadlines except when it coincides with other administrative stages of the permit-granting process:

- (a) the time during which the plants, their grid connections and, with a view to ensuring grid stability, grid reliability and grid safety, the related necessary grid infrastructure are being built or repowered; and
- (b) the time spent on the administrative stages necessary for significant upgrades to the grid required in order to ensure grid stability, grid reliability and grid safety.

*Article 9***Review**

By 31 December 2023 at the latest, the Commission shall carry out a review of this Regulation in view of the development of the security of supply and energy prices and the need to further accelerate the deployment of renewable energy. It shall present a report on the main findings of that review to the Council. The Commission may, based on that report, propose to prolong the validity of this Regulation.

*Article 10***Entry into force and application**

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply for a period of 18 months from its entry into force.

This Regulation shall be binding in its entirety and directly applicable in all Member States.