

PUBLIC CONSULTATION ON PERMIT GRANTING PROCEDURES

- CONSULTATION DOCUMENT -

BACKGROUND

The Energy Infrastructure Package

Adequate, integrated and reliable energy networks are a crucial prerequisite not only for EU energy policy goals, but also for the EU's economic strategy. Developing our energy infrastructure will not only enable the EU to deliver a properly functioning internal energy market, it will also enhance security of supply, enable the integration of renewable energy sources, increase energy efficiency and enable consumers to benefit from new technologies and intelligent energy use.

A new EU energy infrastructure policy is needed to coordinate and optimise network development on a continental scale. The European Commission has therefore, in its Communication "Energy infrastructure priorities for 2020 and beyond - A Blueprint for an integrated European energy network" (COM(2010) 677; link: http://ec.europa.eu/energy/infrastructure/strategy/2020_en.htm), put forward a strategy for a new European energy infrastructure policy.

In 2011, the tools necessary for the implementation of this policy will be proposed, which will include i.a. measures to improve the permit granting process.

Lengthy and complex permit granting process as major reason for delays in energy infrastructure projects

A long and uncertain permit granting process was indicated by industry as well as TSOs and regulators as one of the main reasons for delays in the implementation of infrastructure projects, notably in electricity. The time between the start of planning and final commissioning of a power line is frequently more than ten years. In electricity, the resulting delays are assumed to prevent about 50% of commercially viable projects from being realised by 2020.

Reasons for these are manifold. Complex and intransparent permit granting procedures, often aggravated by poor administrative practice and lack of political support, can lead to significant delays. Public opposition of the affected population is another major impediment, notably in electricity, in particular because of the impact – or perceived impact – of power lines on the environment and landscape, as well as health and safety concerns. Cross-border projects often face additional opposition, as they are frequently perceived as mere "transit lines" without local benefits.

Measures considered to facilitate administrative procedures and improve transparency and public acceptance

The Commission is therefore analysing how to best improve and facilitate the permit granting process, by tackling the aforementioned challenges. Two aspects are under scrutiny:

Firstly, the Commission is assessing how to improve the administrative procedures existing in the Member States, so as to ensure an efficient upfront planning of the permits needed for a given project, time-efficient coordination and good administrative practice of the authorities involved, and more transparency for all the stakeholders concerned.

Secondly, the permit granting process should be made more transparent to the general public, and communication with the affected population needs to be improved, clearly explaining the costs and benefits of a given project. It is of utmost importance to obtain a broad social understanding of the benefits of investments in infrastructure, in particular regarding their necessity for the large-scale deployment of renewables. It has to be ensured that the affected population is involved in the decision-making process already at an early stage. More transparency and clearer communication will help affected citizens to better assess the need for their involvement to discuss the project implementation.

In all measures considered, the need to respect existing standards set by national and EU legislation regarding environmental protection, safety and security, and public participation is fully acknowledged.

This public consultation aims at identifying possible measures which could be proposed by the Commission in order to ensure that the energy infrastructure needed to make our networks fit for the 21st century will be built in time.

QUESTIONNAIRE

Your profile (please include in response document)

- I answer this questionnaire on behalf of: **a NGO**
- Name of entity: **The Quaker Council for European Affairs (QCEA)**
- Name of contact person; e-mail address: **Paul Parrish: pparrish@qcea.org**
- Country: **Belgium**

Questions

Q1. As explained above, a complex and non-transparent procedural framework as well as poor administrative practice are major reasons for delays. There are different options which could help to facilitate **administrative procedures**. These include, as outline in the Communication "Energy infrastructure priorities for 2020 and beyond – A Blueprint for an integrated European energy network", the establishment of a national contact and coordination body ("one-stop shop") per cross-border project, the introduction of a time limit, and the provision of rewards and incentives to regions or Member States which facilitate the permit granting process.² Would you consider these measures as useful? If so, under which conditions? Are there any additional measures you would propose to facilitate the administrative procedures?

Please explain briefly.

The Quaker Council for European Affairs is of the view that you have completely misdiagnosed the energy infrastructure challenge, and we are deeply disappointed that the EU is continuing to insist on outdated energy policies, with its unambitious attachment to ‘old energy’, bureaucratic ways of implementation, and its implicit and persistent reliance on public-private partnerships.

Moreover, we are acutely concerned that the Energy Infrastructure Priorities, which the permit granting procedures are designed to help implement, will lock the EU into levels of energy supply that do not take into account the EU's existing commitment to energy savings (20% by 2020). It is incoherent and paradoxical to pursue energy infrastructure projects to meet a projected increase in energy demand, at the same time as implementing a policy to reduce energy demand, compromising both Europe's climate commitments, and its future energy security.

In our view, the future of power infrastructure will not be continued hierarchical, top-down, proprietary, closed and centralised solutions (as this consultation implies), but transparent, distributive, collaborative, lateral and localised networking responses. Thus, the key question is not how the European Union facilitates the administrative practices and suitably incentivises the permit granting process for regions and Member States, but how it can contribute to empowering the public who continue to be unjustifiably underestimated for their ability to impact and deliver on energy policy.

We feel that public involvement is important; at the heart of European energy infrastructure transformation needs to be recognition of communities. It is only when behavioural change and distributed energy meets collaborative networks, that dangerous energy volatility will cease to be a concern and Europe will benefit from a reliable, secure and sustainable supply of energy (at the lowest possible expense).

Finally, QCEA would also like to remind the European Commission of its legal obligations under the Aarhus Convention – the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. Any proposed time limits must allow sufficient time for the distribution of information to the public and for informed public participation. There must also be provisions for affordable and accessible legal remedy in the case of both limitations of these procedural rights, and for substantive challenges relating to the decisions made. Offering rewards and incentives to Member States who facilitate an expedited permit granting procedure may encourage poor practice with respect to these basic accountability issues.

Q2. To increase the **transparency and predictability** of the permit granting process for all parties involved, guidelines targeted at ministries, local and regional authorities, project developers and affected citizens could be developed. Would you consider them useful? Which issues should they address?
Please explain briefly.

Europe has had a **disjointed year in terms of energy policy, with three different roadmaps and an overabundance of ambitious rhetoric, none of which add up to a coherent plan for energy and climate security, and only piecemeal policies to show for it.** Given the long life of energy infrastructure, the pipelines and power stations that are built in the next ten years could be decisive in determining whether Europe's long-term climate and energy goals are realised.

Although great potential for inter-connection and centralised generation capability exists, major energy expenditure should not be wasted on poorly considered and over-

hyped, supply-side only responses, particularly when there are much more powerful and cost-effective energy saving solutions, using existing technologies and know-how.

Transparency and predictability guidelines may well be useful, but without a clear indication of their proposed content, and the timetable for their release in relation to the timetable for decision-making, it could significantly reduce their usefulness, and even hinder public participation in the legislative process, and reduce democratic accountability.

Q3. The lack of public acceptance poses a major hindrance for the implementation of energy infrastructure projects, and the associated achievement of energy and climate policy objectives. What should be done, apart from efforts to increase general transparency, to improve **communication with citizens** at an early stage of the project and to ensure that the environmental, security of supply, social and economic costs and benefits of a project are correctly understood? Who should be responsible for / involved in this communication?
Please explain briefly.

The first question to ask is: are the kinds of infrastructure projects which the public objects to necessary. Once again, and at the risk of repeating ourselves, significantly more reliable, secure and inexpensive energy can be accomplished if the public are considered part of the solution, rather than the root of the problem.

We all (the general public and the various national and supranational policy-makers and authorities) need to develop a new, closer relationship with the energy we use, which will encourage us to value our energy more, and use it less. That is not what this consultation is proposing. If it were, and if programmes of public debate were proposed to achieve some of this, then that could lead, in the medium term, to better solutions and less public objection to the infrastructure projects that might still be needed.

As it stands, the EU's approach to new energy infrastructure is not promoting democracy and public participation, but rather, in a sense, helps to help to reinforce the public's perception of the EU as unaccountable. Continuing to perpetuate a patronising attitude which is based on a view that if the public continue to disagree, it can only be because they have not properly understood is not adhering to the European Union's ideals of an open society approach, including representative government and inclusion.

To succeed, the EU (in cooperation with the Member States) must prove itself to be able to create the political space for the public to have its say (before decisions need to be made). The crux is not how to make the public understand the justifications, but how to get the public to play its influential and participatory role in the decision-making process.

Q4. Requirements for **compensation mechanisms**: In your opinion, could minimum or harmonised requirements on compensation of affected populations, targeted at individual or community level, help to increase public acceptance? Which compensation schemes would you deem useful, and who should provide for the compensation?
Please explain briefly.

Over 50 million Europeans are estimated to be unable to pay their energy bills and maintain comfortable living standards. The elderly, single mothers, disabled people, and minority groups are particularly at risk. In Hungary alone, 80 per cent of households face energy poverty.

While efficiency savings could cut global energy use by 70+ per cent, only about a third of the action needed to put European Union countries on a path towards a low carbon economy is currently underway. According to the International Energy Agency, if Europe continues to delay the pace of its de-carbonisation agenda, it will miss the most cost-effective opportunity in a generation to clean up its infrastructure.

So, in terms of compensation mechanisms, instead of concentrating the limited funding on the ‘affected populations’ impacted by large, expensive, and dirty supply-side infrastructure, why not invest in that which will bring about the most substantial and long-term climate and energy reduction aims: energy efficiency and savings? Not only do countries and regions which make early progress towards greater energy efficiency and savings strengthen their competitive position, but delaying the necessary transformation has the potential to weaken governance institutions, widen the gap between the have-mosts and the have-leasts, erode the relationship between those who govern and the governed, and, ultimately, lead to violence and conflict.

The EU and the Member States should use what monies are available to invest in retrofitting homes, and other buildings – a sector which is sizable and highly energy inefficient. Given that real energy solutions are about reducing energy wastage, and taking people out of fuel poverty with energy efficiency measures, the only cost the EU should be considering is the cost of failure to unleash the Union’s massive potential to power a low-carbon economy. Anything that does not promote reduced energy demand is a short-term solution, and as such, not a solution but a perpetuation of the problems we face.

Q5. Have you encountered any national **best-practices** which have helped to facilitate the permit granting process? Which measures were taken in view of administrative procedures, transparency and communication with citizens, and how has the public responded?
Please explain briefly.

The conduct of Member States, and the companies which provide public services on their behalf, cannot be relied upon to move towards an open and transparent solution to our energy sector projects, and must be tightly regulated.

It should also be noted that some Member States, which may be cited as examples of national best-practice regarding facilitation of the permit granting process, are in fact legally recognised as contravening the Aarhus Convention. The UK, for example, has recently been referred (6 April 2011) by the European Commission to the European Court of Justice for failing to rectify provisions standing in the way of access to environmental justice in the UK. The Commission should bear this in mind while examining so-called “best-practice”.

In short summary, the EU is on a dangerously unsustainable path. The challenges of sustainable energy security are well identified, and business as usual will not get us there. The proposals outlined in this consultation are not commensurate with the sustainability challenges we face, and the achievable, practical solutions available to us in Europe. It is time for all of us to wake up!