

Frans Timmermans  
Executive Vice President  
European Commission  
Rue de la Loi / Wetstraat 200  
1049 Brussels, Belgium

Re: OPEN LETTER - maintain existing environmental safeguards and align the Renewable Energy Directive with nature

30 November 2022

Dear Executive Vice President Timmermans,

You've been at the forefront in aligning the European Commission's vision with environmental legislation. However, recent developments have called into question this commitment.

As we envision the transition to renewable energies to limit global warming to 1.5°C, we will need to accelerate their deployment at an unprecedented scale. This needs to happen through a holistic approach in the Renewable Energy Directive.

We are therefore seriously concerned about the European Commission's approach to accelerating renewable energies. The European Commission's proposal of 18 May 2022 (COM/2022/222 final) undermines fundamental parts of EU environmental law, such as the Birds and Habitats Directives, the Water Framework Directive, the Maritime Strategic Framework Directive and the Environmental Impact Assessment Directive. It puts nature and the climate at risk and would hinder the achievement of both biodiversity and climate objectives.

Furthermore, the emergency permitting rules enshrined in your latest proposal for a Council Regulation to accelerate the deployment of renewable energy of 9 November 2022 (COM (2022) 591 final) go in the same thoughtless direction. By stating that renewable energy projects shall automatically be presumed as being in the overriding public interest and serving public health and safety, such measures, adopted on the basis of art 122 Treaty on the Functioning of the European Union (TFEU), could have disproportionate effects on key environmental laws safeguarding protected habitats and species from potentially destructive projects. We also believe that the use of art. 122 TFEU to fast-track the roll-out of renewables goes far beyond its original scope and sidelines the European Parliament from the discussion. Setting even stricter deadlines for permitting procedures alone won't entail a quick fix for the current energy crisis. Instead, the Commission should focus on the real barriers hindering the expansion of renewables, such as unnecessary spatial planning restrictions, low digitalisation of permitting procedures and lack of skilled staff in permitting bodies.

As the climate and biodiversity crises are strongly intertwined, future scale-up of renewables should be pursued in a nature-positive and people-centric way. We believe that the speed-up of renewables and

permitting procedures should be carried out effectively. This needs to happen by, first and foremost, strengthening the administrative capacity of permit-granting authorities at national and local level in order to streamline and shorten permitting processes and practice. Merely shortening deadlines without increasing staff capacity will lead to poorly carried out assessments rather than more rapid renewables deployment.

Furthermore, the EU needs a holistic and differentiated approach to spatial planning for renewable energy installations, where a 'cascading' deployment of additional RES capacity focuses on RES development on the least harmful areas. Declaring renewables in Natura 2000 sites or on pristine rivers to automatically be of 'overriding public interest', will achieve the exact opposite of this, as it promotes only those projects which will have significant negative impacts.

And last but not least, fostering the participation of citizens and local communities in both planning and ownership of renewable energy projects, will not only increase citizens' support to nearby renewable energy projects, but it will also consolidate the spirit of democracy and community which you vehemently support. It is therefore crucial to maintain current public participation opportunities as set out in the Environmental Impact Assessment and Appropriate Assessment process.

We therefore ask that you speak in favour of accelerating renewable deployment in line with nature protection in the ongoing debates on the Renewable Energy Directive, and that you ensure that your services are encouraging progress on aligning the RED with nature. We hope that you can publicly speak about win-win renewable energy deployment solutions to reduce greenhouse gas emissions while protecting and enhancing the EU's ecosystems, consistent with the broader EU Green Deal objectives.

Kind regards,

Gabriel Schwaderer  
Director, EuroNatur

On behalf of:

Patrick ten Brink  
Secretary General, European Environmental Bureau (EEB)

Mark Martin,  
Executive Director, CEE Bankwatch Network

Ariel Brunner,  
Deputy Director and Head of Policy, BirdLife Europe & Central Asia

Anaïs Berthier,  
Head of ClientEarth Brussels Office