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NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	6083/26
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directives (EU) 2018/2001, (EU) 2019/944, (EU) 2024/1788 as regards acceleration of permit-granting procedure - Presidency compromise text

Ahead of the Energy Working Party meeting on 24 March, delegations will find attached a second Presidency compromise text on the above-mentioned proposal.

Compared to the previous Presidency compromise, new text is marked in **bold underline**, and deletions are marked in ~~strikethrough underline~~. For the changes introduced previously, compared to the Commission proposal, new text is marked in **bold**, and deletions are marked in ~~strikethrough~~.

ANNEX

2025/0400 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Directives (EU) 2018/2001, (EU) 2019/944, (EU) 2024/1788 as regards acceleration of permit-granting procedures

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) and Article 194(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[1]

Having regard to the opinion of the Committee of the Regions[2],

Acting in accordance with the ordinary legislative procedure,

[1] OJ C , , p. .
[2] OJ C , , p. .

Whereas:

(1) Slow and complicated permit-granting procedures, including for grid connections, is one of the main factors causing delays in the development of energy projects. Electricity transmission grids take around 10 years for completion, of which permitting accounts for more than half of the time needed. Similarly, permitting of renewable energy projects can still take up to nine years depending on the Member State and the technology involved. Storage installations can take from one to seven years depending on the technology. The permit-granting procedures for construction or transformation of recharging stations along highways and in depots can take up to two years in some Member States. Slow permitting is due, among other things, to incoherent administrative systems among multiple authorities, inadequate staffing in authorities, the duration of environmental assessments, lack of public acceptance, limited digitalisation and data availability as well as administrative and judicial challenges.

(2) In recent years, new measures have been introduced at Union level to accelerate the permit-granting procedures for renewable energy projects and, to some extent, infrastructure projects. In 2022, Council Regulation (EU) 2022/2577[3] was adopted to accelerate permit-granting procedures for renewable energy and related infrastructure projects. Its partial application was prolonged by Council Regulation (EU) 2024/223[4] until 30 June 2025. Furthermore, Directive (EU) 2023/2413 of the European Parliament and of the Council[5] amended Directive (EU) 2018/2001 of the European Parliament and the Council[6] to streamline administrative procedures for authorising renewable energy plants by introducing a comprehensive permitting framework, with shorter deadlines and simpler rules. The amended Directive included mapping obligations, the obligation to designate renewables acceleration areas where the environmental impacts stemming from projects are expected to be low and therefore faster and simpler rules can apply, and optional measures to introduce acceleration areas for infrastructure projects where infrastructure projects are exempted from an environmental impact assessment under certain conditions such as carrying out a strategic environmental assessment of the area.

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3 Council Regulation (EU) 2022/2577 of 22 December 2022 laying down a framework to accelerate the deployment of renewable energy (OJ L 335 29.12.2022, p. 36, .ELI: http://data.europa.eu/eli/reg/2022/2577/oj).

4 Council Regulation (EU) 2024/223 of 22 December 2023 amending Regulation (EU) 2022/2577 laying down a framework to accelerate the deployment of renewable energy (OJ L, 2024/1343, 21.5.2024, ELI: http://data.europa.eu/eli/reco/2024/1343/oj).

5 Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023 amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652 (OJ L, 2023/2413, 31.10.2023, ELI: http://data.europa.eu/eli/dir/2023/2413/oj).

6 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, ELI: http://data.europa.eu/eli/dir/2018/2001/oj).

(3) A further simplification and shortening of the administrative permit-granting procedures in a coordinated and harmonised manner is necessary in order to ensure that the Union reaches its ambitious climate and energy targets for 2030 and the objective of climate neutrality by 2050. Directive (EU) 2018/2001 did not address important issues which significantly delay permit-granting procedures and the integration of renewables into the system, such as slow permit-granting procedures for grids, stand-alone energy storage or recharging stations, lack of public acceptance or insufficient digitalisation of procedures. Moreover, that Directive includes only certain of the measures of Regulation (EU) 2022/2577 but lacks several important measures included therein which have ceased to apply, such as expanding the priority of renewable energy projects beyond environmental aspects and streamlining compliance with certain environmental rules. Finally, some targeted amendments to existing measures of Directive (EU) 2018/2001 are necessary to ensure their full effectiveness.

(4) Article 15c of Directive (EU) 2018/2001 introduces an obligation for Member States to designate renewables acceleration areas for at least one renewable energy technology. For the purposes of such designation, Member States may exclude certain areas from becoming renewables acceleration areas due to their high environmental value and sensitivities. However, in order not to undermine the objectives of the designation of renewables acceleration areas, Member States should not identify large territories where the installation of renewable energy projects is a priori not possible due to environmental reasons including protection of landscape, since those projects will be subject to the relevant dedicated environmental assessments which will allow to identify potential environmental impacts and to address them. **A territory should be considered large when the exclusion of renewable energy projects in such territory endangers the achievement of the Member State's national contribution for the renewable energy, set out in its Integrated National Energy and Climate Plan.**

(5) Unsound public participation processes leading to opposition in the form of administrative and judicial challenges continue to contribute to lengthy implementation of relevant energy projects. Challenges give rise to additional steps outside of the foreseen administrative permit-granting procedures timelines, leading to unforeseen delays that vary in duration according to the judicial speed of the Member State in question. Lack of public acceptance is one of the primary barriers to renewable energy permit-granting procedures and thus market uptake. Ensuring public participation by local communities in renewable energy projects, in particular the larger ones, can increase public acceptance. Therefore, Member States should adopt measures so that large renewable energy projects share their benefits with local citizens and communities by means of direct or indirect participation, without prejudice to the free choice of supplier in accordance with Article 4 of Directive (EU) 2019/944 of the European Parliament and of the Council[7]. Such measures may include direct financial participation measures, in various forms such as shared ownership schemes, including via cooperation with energy communities; crowdfunding schemes, or renewable self-consumption or energy sharing schemes, or indirect financial participation measures, such as the promotion of contracts and job creation for the local communities, including training programmes; community benefit funds; financial compensations to local communities in proximity of the project; construction and maintenance of public infrastructure in proximity of the project; discounts in the price of electricity, or support for vulnerable customers and people affected by energy poverty. **Member States may decide to apply different benefit sharing measures depending on the specific technology, location and size of the project.**

[7] Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125, ELI: http://data.europa.eu/eli/dir/2019/944/oj).

(6) Local resistance, often rooted in lack of transparency, and insufficient community involvement can result in delays in permit-granting procedures and subsequent litigation. Early-stage and appropriate involvement of the public is a clear success factor in renewable energy projects, as indicated in Commission Recommendation (EU) 2024/1343.[8] A**n** ~~professional~~ independent facilitator **or a relevant public authority acting as facilitator** can accelerate the deployment of large renewable energy installations above 10 MW by promoting consultations between the project developers and the local communities, where appropriate, prior and during the permit-granting procedures with the aim to promote dialogue and build consensus among the relevant parties during the entire process and avoid legal disputes. ~~The facilitator should be a third party, independent from the relevant parties, and should not have any financial stake connected to the developer or to the community where the project is located.~~

[8] Commission Recommendation (EU) 2024/1343 of 13 May 2024 on speeding up permit-granting procedures for renewable energy and related infrastructure projects (OJ L, 2024/1343, 21.5.2024, ELI: http://data.europa.eu/eli/reco/2024/1343/oj).

(7) The lack of resources of permitting authorities and the lack of digitalisation of permit-granting procedures and data availability are bottlenecks slowing down permit-granting procedures. Digitalisation and an appropriate use of artificial intelligence features are key tools to speed up procedures and to increase efficiency for all parties involved. It allows a faster handling of applications by the relevant authorities, and it allows project promoters to have quick access to clear information on process steps and requirements from the outset, therefore ensuring transparency and monitoring. However, digitalisation of permit-granting procedures is lagging behind, as it is often scattered among permit-granting procedures and steps across different competent authorities and in most Member States there is no unified digital process.[9] Moreover, often more than one digital portal is used to treat the same project application and interoperability is not always ensured. This leads to a high administrative burden for project promoters, limited internal coordination among authorities dealing with permit-granting procedures at different levels, lack of visibility of the status of the application and unclarity on the bottlenecks slowing down permit-granting procedures. Member States should set up a single digital portal at national level for all the steps of the permit-granting procedures for renewable energy, storage and grid projects so that it contributes to more uniform digitalisation, interoperability and transparency across different permitting authorities in Member States and ultimately speed up permit-granting procedures. It should also simplify the process by allowing applicants to file their application in a single portal that can automatically attribute the applications to the competent authority, which will treat them directly in the portal avoiding intermediate paper-based steps. The portal should present features, including by means of artificial intelligence, allowing the single contact point, other authorities and applicants to check the status of the application and where delays are, as well as check compliance with the permitting deadlines. In addition, it should allow for the extraction of statistics to check the overall progress of permit-granting procedures in Member States. The format chosen for storing and communicating the relevant data collected through the portal should be interoperable. The portal should facilitate the duties of the single contact point who should have access to all relevant data and information.

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[9] European Commission: Directorate-General for Energy, COWI, Eclareon and Prognos, Monitoring the implementation of the Commission recommendation and guidance on speeding up permit-granting procedures for renewable energy and related infrastructure projects – Final report, Publications Office of the European Union, 2025, p.31.

The development of the single digital portal may benefit from the exchange of good practices in relevant fora as well as technical assistance, including by means of the Technical Support Instrument established by Regulation (EU) 2021/240 of the European Parliament and of the Council , and capacity building measures at Union level.

(8) Faster and shorter permitting deadlines for permit-granting procedures need to be accompanied by additional measures which ensure their effectiveness in practice. Administrative tacit approval measures ensure that an application is automatically approved if the public administration fails to act within a legally defined deadline and are therefore a useful tool to address administrative inaction by providing legal effect to the administration's silence. Directive (EU) 2018/2001 introduces tacit approval for certain decisions, namely for intermediate steps of the permit-granting procedure in renewable acceleration areas, and for the final permits for all small-scale solar installations with a capacity below 100 kW. Given the need to accelerate the deployment of renewable energy sources and the fact that the implementation of renewable acceleration areas is a time-consuming process, it is appropriate to also apply this measure in the permit-granting procedures applicable to projects located outside acceleration areas. In these procedures, Member States should ensure that the principle of administrative tacit approval is applied, including for final decisions with the exception of environmental decisions. In order to ensure an effective application of this measure and to guarantee the rights of third parties to judicial protection, the relevant authorities should make public that a decision has been tacitly adopted.

(9) Repowering of existing renewable energy power plants has significant potential to contribute to the achievement of renewable energy targets. Since existing **onshore** renewable energy power plants have, for the most part, been installed in sites with significant renewable energy source potential, repowering can ensure the continued use of those sites, thus ensuring efficient land use and exploitation of the best renewable energy resources. This is particularly the case for onshore wind, especially taking into account that in Europe many onshore wind farms are approaching the end of contracts supporting their electricity generation and that 26 GW of existing wind plants have been in operation for more than 20 years[10]. Repowering includes further benefits such as an existing grid connection, a likely higher degree of public acceptance and knowledge of the likely environmental impacts. Considering that the repowering of wind plants often leads to a lower number of turbines being installed in the same site, the environmental impact of repowered wind plants is limited. Therefore, requirements on environmental screening or environmental impact assessment should be reduced or even waived where the repowering of an existing wind plant does not entail use of additional land surface, increases the total capacity of the installation and complies with the applicable environmental mitigation measures established for the original wind energy installation. **Moreover, to allow for this continued use of the best renewable energy resources, the possibility to repower renewable energy projects should not be unduly restricted due to decisions to change the use of the land where existing renewable energy plants are located. This could be the case, for instance, when the use of such land is changed from industrial to agricultural.**

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10 WindEurope, 2024 Statistics and the outlook for 2025-2030.

(10) Self-consumption installations, including those for jointly-acting self-consumers and as local energy communities, contribute to reducing overall demand for natural gas, increasing resilience of the system and achieving the Union's renewable energy targets. The installation of solar energy equipment and co-located energy storage with a capacity below 100 kW is not likely to have significant adverse effects on the environment or the grid and does not raise safety concerns. In addition, small installations do not generally require capacity expansion at the grid-connection point. In order to further accelerate the deployment of small-scale solar equipment and co-located energy storage, Member States should not require any administrative permits for these installations, with the exception of the grid connection permits, as is already the case in several Member States. Aligning Union legislation with existing best practices should allow further acceleration of the deployment of these installations in a harmonised manner. The installation of solar energy equipment and co-located energy storage above 100 kW in existing or future artificial structures does not typically raise concerns related to competing uses of space or environmental impact. Those installations should therefore benefit from shorter permit-granting procedures and be exempt, with appropriate safeguards, from the obligation to carry out an environmental impact assessment pursuant to Directive 2011/92/EU of the European Parliament and of the Council.[11] **Plug-in mini solar systems are small scale installations that require no roof space, they are easy to install and to remove by users and are generally more affordable, thereby representing an alternative to traditional solar rooftop installations, particularly suitable to enable renewable energy self-consumption for certain categories of customers, such as tenants or vulnerable customers. Member States should promote the installation of plug-in mini solar systems in buildings, by assessing and removing unjustified barriers to their deployment, while ensuring appropriate security and safety standards and grid stability.**

[11] Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1, ELI: http://data.europa.eu/eli/dir/2011/92/oj).

(11) Renewable energy plays a key role in the decarbonisation of the Union's energy system by offering immediate solutions to replace fossil-fuel based energy and contributes to reduce energy prices and increase energy security. Therefore, the authorisation of renewable energy projects should not be too easily blocked due to the mere existence of any type of conflicting interests. Member States should promote renewable energy plants and infrastructure assets such as co-located and stand-alone storage assets and the related grid and recharging stations by expanding the existing presumption applicable for conflicts with environmental interests to any other conflicting interests, except in relation to cultural heritage and where it is evident that those conflicting interests have to take priority despite the important benefits of renewable energy. Renewable energy projects, when presumed of being of overriding public interest over non-environmental interests, should be given priority and authorised. In order to ensure a harmonised application of this rebuttable presumption, Member States should not be allowed to introduce exceptions when dealing with all types of conflicts, including environmental ones.

(12) In order to speed up the deployment of renewables, their related assets and their connection to the grid, it is appropriate to also specify how the remaining conditions for applying specific derogations as provided for in Union environmental legislation can be met. In particular, for the purposes of relevant Union environmental law, when assessing whether there are satisfactory alternative solutions to the specific renewable energy project, the scope of such assessment should be limited to alternative solutions that ensure the achievement of the same objectives as the project in question within the same or similar timeframe and without resulting in significantly higher costs. When comparing the timeframe and the cost of satisfactory alternative solutions, the relevant authorities should take into account the need to deploy renewable energy in an accelerated and cost-effective manner in accordance with the priorities set out in their integrated national energy and climate plans and updates thereof submitted pursuant to Regulation (EU) 2018/1999 of the European Parliament and the Council[12] and the expected speed to achieve those priorities. Similarly, when applying the relevant derogation provided for in Council Directive 92/43/EEC,[13] it is appropriate that the relevant authorities may, in some justified cases where it can be reasonably demonstrated that the relevant plan or project would not affect irreversibly the ecological processes essential for maintaining the structure and functions of the site, that the overall coherence of the Natura 2000 network is not compromised, the environmental integrity of the site is preserved and that a high level of protection of the Natura 2000 sites is ensured, allow the compensatory measures to be carried out in parallel with the implementation of such plan or project.

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[12] Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1, ELI http://data.europa.eu/eli/reg/2018/1999/oj).

[13] 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, ELI: http://data.europa.eu/eli/dir/1992/43/oj).

(13) Accelerating the deployment of stand-alone energy storage is crucial to increase the flexibility of the energy system and to ensure system integration of renewable energy production. Stand-alone storage should therefore benefit from accelerated permit-granting procedures. Small-scale energy storage with a capacity below 100 kW is not likely to have significant adverse effects on the environment or the grid and is not expected to raise concerns related to competing uses of space. In view of this, it is appropriate to streamline the permit-granting procedures applicable to this type of storage by eliminating all administrative permits, with the exception of the grid connection permit, and exempting, with appropriate safeguards, these installations from the obligation to carry out an environmental impact assessment pursuant to Directive 2011/92/EU. The deployment of energy storage with a capacity above 100 kW also needs to be accelerated. Therefore, it is appropriate to streamline their permit-granting procedure by establishing a maximum overall deadline of six months, except for pumped hydropower storage, which must comply with stricter environmental requirements and therefore requires a longer maximum overall deadline. **These rules should apply to energy storage that is not covered by the scope of Directive (EU) 2024/1788.**[14] To ensure system integration of renewable energy production, it is necessary to increase flexibility sources, notably batteries of electric vehicles, as they can contribute to shifting peak electricity demand and reducing grid congestion. In order to achieve this, a swifter and easier deployment of recharging road infrastructure should be further promoted, notably covering cars, vans, trucks, busses or motorcycles, and plug-in hybrid or pure electric vehicles. Both alternating current and direct current recharging stations should benefit from accelerated permit-granting procedures, including for grid connection permits. Small recharging stations with a capacity below 100 kW are not likely to have significant adverse effects on the environment or the grid and are not expected to raise concerns related to competing uses of space. In view of this, it is appropriate to streamline the permit-granting procedures applicable to these recharging stations by eliminating all administrative permits, with the exception of the grid connection permit, and exempting, with appropriate safeguards, these installations from the obligation to carry out

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[14] **Directive (EU) 2024/1788 of the European Parliament and of the Council of 13 June 2024 on common rules for the internal markets for renewable gas, natural gas and hydrogen, amending Directive (EU) 2023/1791 and repealing Directive 2009/73/EC (recast) (OJ L, 2024/1788, 15.7.2024, p. 1 ELI: http://data.europa.eu/eli/dir/2024/1788/oj)**

an environmental impact assessment pursuant to Directive 2011/92/EU. The installation of recharging stations with a capacity above 100 kW also needs to be accelerated. Therefore, it is appropriate to streamline their permit-granting procedure, **if such procedure exists**, **under the national legal system**, by establishing a maximum overall deadline of six months.

(14) Obtaining grid connection permits is a crucial and often time-consuming part of the procedures to build and operate a renewable energy installation. It is therefore appropriate to further streamline the deadlines applicable for the grid connection procedures applicable to certain small-scale renewable energy projects, storage assets and recharging stations, and the repowering and hybridisation of renewable energy projects, and to introduce clear rules regarding the obligations of the system operators during the permit procedures.

(14) (a) The hybridisation of renewable energy plants has significant potential to contribute to improving energy system integration and to achieving the renewable energy targets by combining multiple renewable energy technologies, for example by adding an electrolyser or wind turbines to an existing solar PV installation or combining renewable production with storage. The hybridisation of plants exploits the synergies and complementarity of different renewable energy sources thereby ensuring a more stable energy supply and allowing to introduce flexibility to the energy system by combining generation and storage. Moreover, the combination of different renewable energy technologies or renewable energy with storage in existing sites allows to benefit from existing grid connections and necessary infrastructure, and reduces the need for new land and overall environmental assessments of projects.

(15) The Draghi report on EU competitiveness and the Action Plan for Affordable Energy[15] recognise the positive impact of recent reforms to accelerate permit-granting procedures. However, they also highlight lengthy and uncertain permit-granting procedures for grids as a major obstacle to faster installation of necessary new capacity to accommodate clean energy investments and reduce energy costs in the EU. While there are specific rules on permit-granting procedures under Directive (EU) 2018/2001, Directive (EU) 2024/1788 of the European Parliament and of the Council[16] and Regulation (EU) 2022/869 of the European Parliament and of the Council[17] these regimes do not cover general electricity grid infrastructure assets. As such, general requirements on authorisation procedures for electricity transmission and distribution system infrastructure must be provided in Directive (EU) 2019/944, specifically in the form of requirements for Member States to ensure a maximum duration of such procedures and establishing requirements that support in meeting those deadlines. Regulation (EU) 2022/869 and Directive (EU) 2018/2001 contain rules for the authorisation of certain energy projects. In case of contradiction between those rules and the rules established in this Directive for the authorisation of certain electricity projects, the former should take precedence.

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15 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Action Plan for Affordable Energy Unlocking the true value of our Energy Union to secure affordable, efficient and clean energy for all Europeans (COM/2025/79 final).

16 Directive (EU) 2024/1788 of the European Parliament and of the Council of 13 June 2024 on common rules for the internal markets for renewable gas, natural gas and hydrogen, amending Directive (EU) 2023/1791 and repealing Directive 2009/73/EC (OJ L, 2024/1788, 15.7.2024, ELI: http://data.europa.eu/eli/dir/2024/1788/oj).

17 Regulation (EU) 2022/869 of the European Parliament and of the Council of 30 May 2022 on guidelines for trans-European energy infrastructure, amending Regulations (EC) No 715/2009, (EU) 2019/942 and (EU) 2019/943 and Directives 2009/73/EC and (EU) 2019/944, and repealing Regulation (EU) No 347/2013 (OJ L 152, 3.6.2022, p. 45, ELI: http://data.europa.eu/eli/reg/2022/869/oj).

(16) Lack of resources in national authorities and the reduced digitalisation of permit-granting procedures results in delays in the permitting of electricity system infrastructure and generation assets. Member States should ensure that such authorities have adequate human financial and technical resources, including skills, and digital management tools and systems that enable them to render decisions within the deadlines provided in the Directive.

(17) The authorisation procedures under Directive (EU) 2019/944 should be clear, efficient and transparent and consistent with the fulfilment of existing distribution network development plan and the transmission ten-year network development plan. Thus, Member States are expected to lay down and publish objective and non-discriminatory criteria and procedures for authorisation that take into account amongst other things the safety and security of the electricity system, land use, energy efficiency, characteristics particular to the permit applicant, emission reductions, the importance to accelerate the deployment of energy infrastructure to reach climate neutrality, and alternatives to the project.

(18) Given the urgency of developing electricity infrastructures, Member States are expected to ensure that authorisation procedures consider the characteristics of a project when assessing the need, or lack thereof, to conduct assessments, including environmental assessments, or produce studies, authorisations or reports. The competent national authorities should limit assessments and requests for information from promoters to the strictly necessary and avoid duplication in every instance possible.

(19) To increase predictability and certainty over the duration and costs of authorisation procedures under Directive (EU) 2019/944, requests for information and documentation from applicants should be concrete, specific and contained in time. As such Member States should ensure that national authorities request the relevant information to issue the permit from applicants within a pre-specified period counted from when the application is received and concretely determine the content and detail of any information or data requested. After such period, requests for information should be limited to missing information that had been previously identified or requested by the authority, or information that could not be requested before due to the fact that it relates to a material change in circumstances taking place after the project applied for an authorisation.

(20) While respecting the principle of subsidiarity, national competences and procedures, Directive (EU) 2019/944 should set a clear time limit for the decision of the relevant authorities which stimulates an efficient definition and handling of procedures leading to the deployment of electricity grids. Nevertheless, Member States can strive to achieve shorter permit-granting procedures where feasible, specially as regards projects for refurbishment, modernisation or repowering of existing transmission system infrastructure and the construction of new distribution system infrastructure, which may not require as complex a permit-granting procedure as new transmission infrastructure.

(21) In line with the urgency to deploy electricity grids to achieve the Union's energy and climate goals and accompany deadlines for permit-granting procedures with measures that ensure their effectiveness in practice, Member States should ensure that, in jurisdictions where the concept of tacit approval exists under national law, it is applied to administrative decisions concerning electricity grid projects, with the exception of environmental decisions. To guarantee the rights of third parties to judicial protection, the relevant authorities should make public all decisions adopted, including those that were tacitly adopted.

(22) In order to reduce complexity, increase efficiency and transparency, and help enhance cooperation among Member States, there should be contact points for electricity transmission or distribution system operators promoting grids project or other network assets until a decision is rendered. These contact points will be responsible for facilitating and guiding applicants through the authorisation procedures associated with this type of infrastructure. In the spirit of simplification, if the Member State deems appropriate and more efficient it may concentrate this responsibility in the national competent authorities referred to in Article 8 of Regulation (EU) 2022/869 **or the contact points referred to in Article 16 of Directive (EU) 2018/2001**, as these authorities already perform such role in what concerns the permitting of infrastructure projects of common interest and projects of mutual interest**, and renewable energy projects, respectively**.In merging such roles, Member States should pay particular attention to ensure that the contact points are adequately staffed and enjoy the resources and capacity necessary to perform the tasks under their responsibility.

(23) Due to their role integrating renewable energy assets, flexibility solutions, energy storage and enabling electrification in general, electricity transmission or distribution system infrastructure are essential to reach climate neutrality. Considering the key role of electricity system infrastructure to reach climate neutrality, in the necessary case-by-case assessments, Member States should presume electricity transmission or distribution system infrastructure, including on-shore power supply in ports to be of overriding public interest and serving public health and safety, except for in relation to cultural heritage and where there is clear evidence that those projects have significant adverse effects on the environment which cannot be mitigated or compensated for. Electricity transmission or distribution system infrastructure presumed to be of overriding public interest over non-environmental interests should be given priority over non-environmental interests and authorised as fast as possible.

(24) In order to speed up the deployment of electricity grids, it is appropriate to specify how the conditions for applying specific derogations as provided for in Union environmental legislation can be met. In particular, when assessing whether there are satisfactory alternative solutions to the electricity grid project, the scope of such assessment should be limited to alternative solutions that ensure the achievement of the same objective within the same or similar timeframe and without resulting in significantly higher costs. When comparing the timeframe and the cost of satisfactory alternative solutions, the relevant authorities should take into account the need to deploy grids in an accelerated and cost-effective manner in accordance with the priorities set out in their integrated national energy and climate plans and updates thereof submitted pursuant to Regulation (EU) 2018/1999. Similarly, when applying the relevant derogation provided for in Directive 92/43/EEC, it is appropriate that the relevant authorities may, in some justified cases where it can be reasonably demonstrated that the relevant plan or project would not affect irreversibly the ecological processes essential for maintaining the structure and functions of the site, that the overall coherence of the Natura 2000 network is not compromised, the environmental integrity of the site is preserved and that a high level of protection of the Natura 2000 sites is ensured, allow the compensatory measures to be carried out in parallel with the implementation of the plan and project .

(25) Due the urgency in deploying energy infrastructure, the importance of streamlining authorisation procedures and the fact that environmental assessments represent the step with the longest duration in authorisation procedures, it matters to minimise such assessments without jeopardising the protection of the environment. The refurbishment, modernisation or repowering of existing transmission and distribution system infrastructure, and the construction of new distribution system infrastructure, are projects which generally entail minimal environmental impacts. Refurbishment, modernisation or repowering projects are routinely of limited size and affect only part of existing assets for which environmental impacts have been previously assessed. As a result, the impacts of such projects are often limited to those of construction works, with the operation of the asset having the same, or even a lesser, impact than the operation of the project it targeted. Distribution systems on the other hand, due to the smaller size of their projects, lower voltage of their assets and tendency to be developed in built areas closer to consumers tend not to have significant environmental impacts. As such, to accelerate the deployment of the electricity system infrastructure and achieve climate neutrality and renewable energy targets, Member States should be allowed to justifiably exempt, under certain conditions, the projects mentioned in this recital from environmental impact assessments and appropriate assessments and the assessment of their implications on species protection pursuant to Article 12(1) of Directive 92/43/EEC[18] and to Article 5 of Directive 2009/147/EC[19].

[18] 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, ELI: http://data.europa.eu/eli/dir/1992/43/oj).

[19] 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, ELI: http://data.europa.eu/eli/dir/2009/147/oj).

(26) The benefits of the deployment of electricity infrastructure in terms of nitrogen emission reductions largely exceed the cost of the minimal emissions that result from their construction. As such, Member States should ensure that the quick deployment of electricity infrastructure is in no way limited by the temporary emissions that result from their construction.

(27) National transmission network planning reflecting developments in climate and energy policy and related changes in consumption and generation is critical for success of electrification and energy transition as a whole. However, existing requirements under Article 51 of Directive (EU) 2019/944 only applied to certain transmission system operators and did not provide for sufficiently long period of planning to account for anticipatory investment. It is important that transmission system expansion consider at least fifteen years' time horizon, and considers with priority use of non-fossil flexibility, non-wire solutions and other alternatives to system expansion, is based on a joint scenario developed with other system operators across sectors and is aligned with the central scenario under the Union-wide ten-years network development plan. To ensure transparency and incorporate grid users, including generation, industry, data and transport sectors better in the network planning, link to Article 55 of Directive (EU) 2024/1788 also requires their early consultation during the joint scenario development process to allow anticipatory investment.

(28) In view of the amendments to Directives (EU) 2018/2001 and (EU) 2019/944, as well as the parallel amendments to Regulation (EU) 2022/869, the Commission should introduce a unified approach to the permit-granting procedures of energy projects. While Directive (EU) 2024/1788 introduces measures to simplify and streamline administrative permit-granting procedures a targeted amendment is required to ensure a harmonised approach and that a consistent framework is deployed at the Union level.

(29) Lack of resources in national authorities and the limited digitalisation of permitting procedures results in delays in the permitting of natural gas facilities, hydrogen production facilities, and hydrogen system infrastructure. Member States should ensure that such authorities have adequate human, financial and technical resources, including skills and digital management tools and systems that enable them to render decisions within the deadlines provided in the Directive.

(30) To increase predictability and certainty over the duration and costs of authorisation procedures under Directive (EU) 2024/1788, requests for information and documentation from applicants should be concrete, specific and contained in time. As such Member States should ensure that national authorities request the relevant information to issue the permit from applicants within a pre-specified period counted from when the application is received and concretely determine the content and detail of any information or data requested. After such period, requests for information should be limited to missing information that had been previously identified or requested by the authority, or information that could not be requested before due to the fact that it relates to a material change in circumstances taking place after the project applied for an authorisation.

(31) Regarding approval procedures under Directive (EU) 2024/1788, in line with the importance of ensuring the quick deployment of hydrogen facilities and hydrogen system infrastructure and the fulfilment of the deadlines established in that Directive Member States should ensure that, in jurisdictions where the concept of tacit approval exists under national law, it is applied to administrative decisions concerning such projects, except for environmental decisions. To guarantee the rights of third parties to judicial protection, the relevant authorities should make public all decisions adopted, including those that were tacitly adopted.

(32) In the spirit of simplification, Member States may deem appropriate and more efficient to centralise the role of a single contact point under the obligation of Directive (EU) 2024/1788 in the national competent authorities referred to in Article 8 of Regulation (EU) 2022/869, as these authorities already perform such role in what concerns the permit-granting procedures of infrastructure projects of common interest and projects of mutual interest. When opting to merge such roles, Member States should pay particular attention to ensure the contact points are adequately staffed and enjoy of the resources and capacity necessary to perform the tasks under their responsibility.

(33) To improve efficiency, Member States should ensure the availability of **a** digital **portal or portals at national level for all the steps of the** ~~platforms that facilitate the management of~~ authorisation~~s~~ **procedure.**

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive (EU) 2018/2001

Directive (EU) 2018/2001 is amended as follows:

(1) in Article 2, second paragraph, the following points (10a) to (10f) are inserted:

(10a) 'plug-in mini solar systems systems' are very small photovoltaic energy systems which are connected to a micro-inverter and plugged directly into a standard socket, through which it will feed the building's internal electricity system.

(10**ba**~~ab~~)'stand-alone energy storage' means energy storage that is not combined with an energy-producing facility**, excluding energy storage covered by the scope of Directive (EU) 2024/1788**;

(10**cb**~~bc~~)'recharging station' means a recharging station as defined in Article 2, point (52), of Regulation (EU) 2023/1804;

(10**dc**~~cd~~) 'hybridisation' means the conversion of a renewable energy plant that is not a hybrid plant into a hybrid plant behind the same connection point;

(10**ed**~~de~~)'hybrid plant' means a renewable energy plant that combines multiple renewable energy technologies, or that combines one or more renewable energy technologies with energy storage;

(10**fe**~~ef~~)'procedure for a grid connection permit' means the procedure from the project developer's complete request for a connection to the grid up to the system operator's decision on whether the project can be connected to the grid;

(2) in Article 15c, the following paragraph 6 is added:

‘6. Member States shall endeavour not to designate large areas where the installation of renewable energy plants and their related infrastructure is legally or de facto restricted due to environmental reasons, including protection of landscape, unless they can demonstrate that those types of plants and their related infrastructure would result in irreversible damage in the area which cannot be mitigated or compensated for during the environmental assessment pursuant to Directive 2011/92/EU and, where relevant, the appropriate assessment pursuant to Article 6(3) of Directive 92/43/EEC’;

(3) in Article 15d, the following paragraphs 3 and 4 are added:

‘3. Member States shall adopt measures to ensure that a share of the benefits of renewable energy projects with an installed capacity above 10 MW is passed on, directly or indirectly, to local citizens and communities in proximity to those projects.

4. **Unless similar independent mechanisms are already in place,** Member States shall designate ~~and finance~~ an independent facilitator to promote dialogue between the project developer and the general public for renewable energy projects with an installed capacity above 10MW. **The facilitator shall be an independent third party, which can be a public authority, and shall not have any financial stake connected to the developer.** The facilitator shall only intervene upon request by any of the relevant parties and shall:

(a) facilitate public consultations, as necessary, including early consultations during the phase prior to the permit application;

(b) engage to find solutions to address potential concerns raised by local communities.

(c) ensure support and transparency in the choice of the type of benefit sharing measure, where relevant.

Member States may set up a fee, paid by project developers, to finance the services of the facilitator.';

(4) Article 16 is amended as follows:

(a) in paragraph 3, the following sentence is deleted:

'Applicants shall be allowed to submit relevant documents in digital form.'

(b) the following paragraph 3a is inserted:

'3a. **By [12 months after the transposition deadline of this Directive],** Member States shall set up a single digital portal at national level for all the steps of the permit-granting procedures for renewable energy, storage and grid projects.

Applicants shall submit permit applications and all relevant documents required for the permit-granting procedure only through the single digital portal. The single digital portal shall automatize the attribution of permit applications to the competent authorities, which shall process the relevant applications and documents in electronic form and interact with the applicants directly in the single digital portal.

The single digital portal shall include features allowing the applicant to be informed about all steps of the permit-granting procedure, the status of the procedure and of the decisions of the relevant authorities, and to check compliance with the permit-granting deadlines set in this Directive. The single digital portal shall ensure access to the relevant environmental and geological data and decisions available in the single digital geographic information system-based portal referred to in Article 10(3) of Regulation [xxxxx] of the European Parliament and of the Council.

The single digital portal shall publish annual statistical data regarding the duration of permit-granting procedures, clearly identifying the different steps of the permit-granting procedure and their duration. This data shall be publicly available.

The single contact point or points referred to in paragraph 3 shall have access to all relevant data and information available in the portal, in order to perform its duties.

(5) Article 16b is amended as follows:

(a) in paragraph 2, the following sentence is deleted:

'Where a renewable energy project has adopted necessary mitigation measures, any killing or disturbance of the species protected under Article 12(1) of Directive 92/43/EEC and Article 5 of Directive 2009/147/EC shall not be considered to be deliberate'

(b) the following paragraph 3 is added:

'3. In the permit-granting procedure referred to in paragraph 1 and in paragraph 2, second subparagraph, Member States shall ensure that the lack of reply by the relevant competent authorities or entities within the established deadline results in the specific steps to be considered as approved, except for environmental decisions and grid connection permits**, which shall be explicit. Member States shall not be required to apply this rule in any of the following cases:**

(a)~~or~~ where the principle of administrative tacit approval does not exist in the national legal system of the Member State concerned**,**

(b) where the applicant is entitled to compensation if the competent authority does not comply with the applicable deadline, in accordance with national law.

All decisions shall be made publicly available, including final decisions granted tacitly.~~'~~

(6) Article 16c is amended as follows:

(a) paragraph 1 is deleted;

(b) the following paragraph 2b is inserted:

‘2b. Member States shall ensure that a change in the status of the land where a renewable energy installation is placed does not prevent that installation from being repowered.’;

(c) the following paragraph 4 is added:

‘4. Where the repowering of wind energy installations increases the total capacity of the installation without using additional land surface**, reduces the total number of turbines installed,** and complies with the applicable environmental mitigation measures established for the original wind energy installation, the project shall be exempt from any applicable requirements to carry out a screening process pursuant to Article 16a(4), to determine whether the project requires an environmental impact assessment pursuant to Article 4(2) of Directive 2011/92/EU or Article 5 of Regulation [xxxxx] of the European Parliament and of the Council, or to carry out an environmental impact assessment pursuant to Article 4(~~1~~**2**) of Directive 2011/92/EU.’;

(7) Article 16d is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. Member States shall ensure that the permit-granting procedure referred to in Article 16(1) for the installation of solar energy equipment and co-located energy storage with a total installed capacity above 100 kW in existing or future artificial structures, with the exclusion of artificial water surfaces, shall not exceed three months, provided that the primary aim of such artificial structures is not solar energy production or energy storage. By way of derogation from Article 4(2) of Directive 2011/92/EU and Annex II, points 3(a) and (b), alone or in conjunction with point 13(a), to that Directive, the installation of solar energy equipment and co-located energy storage referred to in paragraphs 1 and 2 of this Article shall be exempt from the requirement, where applicable, to carry out a dedicated environmental impact assessment pursuant to Article 2(1) of Directive 2011/92/EU .’

(b) paragraph 2 is replaced by the following:

‘Member States shall not require any administrative permits, including on environmental aspects, with the exception of grid connection permits, for the installation of solar energy equipment and co-located energy storage with a total installed capacity of 100 kW or less. Without prejudice to paragraph 1, Member States shall restrict the application of this paragraph in Natura 2000 areas and other areas under national protection schemes and cultural or historical heritage protected areas’;

(c) the following paragraphs 3 and 4 are added:

‘3. Member States may exclude certain areas from the application of paragraphs 1 and 2 for the purpose of protecting cultural, historical heritage, national defense interests, or for safety or for grid security reasons.

4. Member States shall remove regulatory and non-regulatory barriers that affect the installation of plug-in mini-solar systems of up to 800 W capacity in and on buildings.';

(8) Article 16f is amended as follows:

(a) the last two sentences are deleted;

(b) the following paragraph is added:

'Until climate neutrality is achieved, Member States shall ensure that, in the permit-granting procedure, 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, storage assets and recharging stations are presumed as being in the overriding public interest and, in such case, are given priority when balancing legal interests other than those referred to in the first paragraph. Member States may exclude the application of this presumption for the purpose of protecting culture heritage on the basis of legal criteria to ensure harmonized implementation.';

(9) the following Articles 16g to 16k are inserted:

‘Article 16g

Absence of alternative or satisfactory solutions and implementation of compensatory measures ~~for the purpose of Article 6(4) of Directive 92/43/EEC~~

1. When assessing whether satisfactory alternative solutions to projects of renewable energy plants, the connection of such plants to the grid, the related grid itself and storage assets exist for the purposes of Articles 6(4) and 16(1) of Directive 92/43/EEC, Article 4(7), point (d), of Directive 2000/60/EC and Article 9(1) of Directive 2009/147/EC, the condition of having no satisfactory alternatives shall be fulfilled if there are no satisfactory alternative solutions capable of achieving the same objective of the project in question in terms of the 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.

2. When implementing compensatory measures for projects of renewable energy plants, the connection of such plants to the grid, the related grid itself and storage assets, for the purpose of Article 6(4) of Directive 92/43/EEC, Member States may, in justified cases and where it can be reasonably demonstrated that the plan or project would not irreversibly affect the ecological processes essential for maintaining the structure and functions of the site and compromise the overall coherence of the Natura 2000 network before compensatory measures are put into place, allow for such compensatory measures to be carried out in parallel with the implementation of the project . Member States shall allow for those compensatory measures to be adapted over time in accordance with the precautionary principle, depending on whether the significant negative effects are expected to arise in the short, medium or long term.

Article 16h

Permit-granting procedure for stand-alone energy storage other than hydrogen storage

1. The permit-granting procedure for stand-alone energy storage, other than hydrogen storage, shall cover all relevant administrative permits to build, repower and operate stand-alone storage, including grid connection permits and, where required, environmental assessments and permits. The permit-granting procedure shall comprise all administrative stages from the acknowledgment of the completeness of the permit application to the notification of the final decision on the outcome of the permit-granting procedure by the relevant competent authority or authorities. Within 30 days of receipt of an application for a permit, the competent authority shall acknowledge the completeness of the application or, if the applicant has not sent all the information required to process the application, request that the applicant submit a complete application without undue delay. The date of acknowledgement of the completeness of the application by the competent authority shall serve as the start of the permit-granting procedure.

2. Member States shall not require any administrative permit, including environmental ones, with the exception of grid connection permits, for the installation of stand-alone storage, other than hydrogen storage, with a total installed capacity of 100 kW or less. By way of derogation from Article 2(1) of Directive 2011/92/EU, the installation of that storage shall be exempt from the requirement applicable pursuant to Article 2(1) of that Directive, to carry out a dedicated environmental impact assessment. Member States shall restrict the application of this subparagraph in Natura 2000 areas and other areas under national protection schemes and cultural or historical heritage protected areas.

3. Member States shall ensure that the permit-granting procedures, including grid connection permits and, where required, environmental assessments, shall not exceed six months for stand-alone energy storage, other than hydrogen storage, with a total installed capacity above 100 kW. However, in the case of pumped hydropower storage, the permit-granting procedure shall not exceed two years.

Article 16i

Permit-granting procedure for recharging stations

1. The permit-granting procedure for recharging stations shall cover all relevant administrative permits to build, repower and operate recharging stations including grid connection permits and, where required, environmental assessments and permits. The permit-granting procedure shall comprise all administrative stages from the acknowledgment of the completeness of the permit application to the notification of the final decision on the outcome of the permit-granting procedure by the relevant competent authority or authorities. Within 30 days of receipt of an application for a permit, the competent authority shall acknowledge the completeness of the application or, if the applicant has not sent all the information required to process the application, request that the applicant submit a complete application without undue delay. The date of acknowledgement of the completeness of the application by the competent authority shall serve as the start of the permit-granting procedure.

2. Member States shall not require any administrative permit, including on environmental aspects, with the exception of grid connection permits, for the installation of recharging stations with a total installed capacity of 100 kW or less. By way of derogation from Article 2(1) of Directive 2011/92/EU, the installation of those stations shall be exempt from the requirement, where applicable pursuant to Article 2(1) of that Directive, to carry out a dedicated environmental impact assessment. Member States shall restrict the application of this subparagraph in Natura 2000 areas and other areas under national protection schemes and cultural or historical heritage protected areas.

3. Member States shall ensure that the permit-granting procedures, including grid connection permits and, where required, environmental assessments, shall not exceed six months for recharging stations with a total installed capacity above 100 kW.

Article 16j

Permit-granting procedure for the hybridisation of renewable energy plants

1. Where the hybridisation of a renewable energy power plant is subject to a screening process pursuant to Article 16a(4), to a determination whether the project requires an environmental impact assessment or to an environmental impact assessment pursuant to Article 4 of Directive 2011/92/EU, such a screening process, determination or environmental impact assessment shall be limited to the potential impact arising from the addition compared to the original project.

2. In cases of change of the use status of land on which renewable energy projects are installed, Member States shall ensure that the operation and hybridisation of those renewable energy projects can still occur.';

(10) Article 17 is replaced by the following:

‘Article 17

Procedures for grid connection permits

1. Member States shall ensure that the procedures for the grid connection permit do not exceed:

   (a) one month for the solar energy equipment and co-located energy storage referred to in Articles 16d(2), the stand-alone energy storage referred to in Article 16h(2), and the recharging stations referred to in Article 16i(2);

   (b) three months for the installation of the solar energy equipment and co-located energy storage referred to in Article 16d(1), and the repowering or hybridisation of existing renewable energy plants referred to in Articles 16c and 16j, unless there are justified safety concerns or there is technical incompatibility of the system components or, if due to the size of the capacity increase, more time is required to carry out the assessment.

2. Within the deadlines set out in Article 16a(1), Article 16b(1), and paragraph 1 of this Article, the system operator shall choose one of the following actions:

   (a) where there is sufficient capacity and the requested connection does not affect grid stability, reliability and safety, accept the requested grid connection and grant the connection,

   (b) where there is insufficient grid capacity, propose, where technically possible, a flexible connection agreement in accordance with Article 6a of Directive (EU) 2019/944.

3. Where a proposal for an agreement referred to in paragraph 2, point (b), is rejected by the project developer, the system operator shall, on justified grounds of safety concerns or technical incompatibility of the system components, propose an alternative grid connection point, an alternative provisional date for the grid connection, or, if not possible, reject the connection request.

4. The lack of reply by the distribution system operator within the deadline established in paragraph 1, point (a), shall result in the connection permit being considered as granted, provided that the capacity of the solar energy equipment, the energy storage or the recharging stations does not exceed the available existing capacity of the connection to the distribution grid.'

Article 2

Amendments to Directive (EU) 2019/944

Directive (EU) 2019/944 is amended as follows:

(1) Article 8 is replaced by the following:

‘

Article 8

Authorisation procedure

1. In circumstances where an authorisation, such as a licence, permission, concession, consent or approval, is required for the construction or operation of transmission or distribution system infrastructure for electricity, or associated equipment, or for the construction of new generating capacity, Member State, or any competent authority they designate, shall grant such authorisation in accordance with paragraphs 2 to 14. Member States or any competent authority they designate may also grant authorisations on the same basis for the supply of electricity and for wholesale customers.

2. Member States that implement a system of authorisation shall:

(a) establish objective and non-discriminatory criteria, along with transparent procedures, which must be satisfied by any undertaking seeking authorisation to construct and/or operate new generating capacity, as well as transmission or distribution system infrastructure.

(b) make public the criteria and procedures for granting authorisations;

(c) ensure that authorisation procedures for such generation capacity, and infrastructure, or associated equipment, take into account the importance of the project for the internal markets for electricity and renewable energy sources, where appropriate;

(d) ensure that authorisation procedures take into account the necessity, or lack thereof, for conducting assessments in accordance with Council Directive 92/43/EEC[20] and Directives 2000/60/EC[21], 2001/42/EC[22], 2009/147/EC[23], Directive 2011/92/EU[24];

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20 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, ELI: http://data.europa.eu/eli/dir/1992/43/oj)

21 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, ELI: http://data.europa.eu/eli/dir/2000/60/oj)

22 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, ELI: http://data.europa.eu/eli/dir/2001/42/oj).

23 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, ELI: http://data.europa.eu/eli/dir/2009/147/oj).

24 Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1, ELI: http://data.europa.eu/eli/dir/2011/92/oj).

(e) ensure the existence of specific, simplified and streamlined authorisation procedures for small decentralised and/or distributed generation and distribution system infrastructure, taking into account their limited size and potential impact;

(f) ensure that guidelines for those specific authorisation procedures are established and revised by regulatory authorities or other competent national authorities, including planning authorities, which may recommend amendments;

(g) ensure that all decisions are made publicly available;

(h) ensure applicants are informed of the reasons for any refusal to grant an authorisation. That these reasons are objective, non-discriminatory, well-founded and duly substantiated, and that appeal procedures are made available to applicants;

(i) ensure that competent national authorities have adequate technical, financial and human resources to render a decision, on the authorisation within the applicable timeframes;

3. Where Member States implement a system of authorisation for transmission or distribution system infrastructure for electricity, Member States shall also:

(a) ensure consistency of the system of authorisation for transmission and distribution system infrastructure with the distribution network development plan and the transmission ten-year network development plan adopted pursuant to Articles 32 and 51;

(b) ensure that authorisation procedures, including all relevant procedures of the competent authorities, do not exceed two years except when duly justified on the grounds of extraordinary circumstances, where they may be extended by up to one year;

(c) ensure that the lack of reply by the competent national authorities or entities within the deadline established in point b results in the specific steps to be considered as approved, except for ~~the~~ environmental decisions**, which shall be explicit. Member States shall not be required to apply this rule in any of the following cases:**

(i)~~and~~ where the principle of administrative tacit approval does not exist in the national legal system of the Member State concerned;

(ii) where the applicant is entitled to compensation if the competent authority does not comply with the applicable deadline, in accordance with national law.

All decisions shall be made publicly available, including final decisions granted tacitly.

~~(d) ensure that the publication of final decisions includes decision granted tacitly following the lack of reply by the relevant competent authorities or entities;~~

(~~e~~)**d)** ensure that the authorisation of transmission or distribution system infrastructure is regarded as essential for the integration of renewable energy resources, as well as for achieving climate and energy targets and the objective of climate neutrality.

4. Member States shall ~~establish~~ **set up** or designate one or more contact points for transmission or distribution system operators. Those contact points shall, upon the ~~applicant's~~ request **by the applicant** and free of charge, ~~provide guidance~~**guide** ~~to~~ the applicant **through** and facilitate the entire authorisation procedure for the activities referred to in paragraph 1, up to the ~~final decision~~**delivery** by the responsible authorities **at the end of the procedure**. The applicant shall not be required to contact more than one contact point for the entire process.

The contact points may be the same as the national competent authorities referred to in Article 8 of Regulation (EU) 2022/869 or the contact points referred to in Article 16 of Directive (EU) 2018/2001.

5. Where Member States implement a system of authorisation for transmission or distribution system infrastructure for electricity, Member States shall ensure that, where any studies, reports and documentation required for the procedure are missing from the applications, the competent national authorities, in cooperation with other relevant authorities, request the necessary materials from the developer, specifying their scope and level of detail after, within three months from the application. **When informing the developer**~~Within the same three-month period~~, the national competent authority shall ~~inform the developer~~ c**onfirm** whether the presumptions under paragraph 10 ~~do not apply~~**applies** to the project. After ~~that period~~**requesting the necessary materials,** neither the competent authority nor any other relevant authority shall request additional information, studies, reports or assessments, except in cases where a material change has occurred to the project or its surrounding environment, rendering the initial criteria upon which determinations were based no longer appropriate, or **when it would otherwise be impossible to issue a positive decision based on the information available**. ~~Where such material change has occurred~~ **In such cases,** the national competent authority shall provide the project promoter with a well-reasoned justification for the request for additional information.

6. The time limit established in paragraph 3 of this Article shall apply without prejudice to obligations under applicable Union environmental and energy law, including Directive (EU) 2018/2001, to judicial appeals, remedies and other proceedings before a court or tribunal, and to alternative dispute resolution mechanisms, including complaints procedures, non-judicial appeals and remedies, and may be extended for the duration of such procedures.

7. This Article shall apply without affecting Articles 7 to 10 of Regulation (EU) 2022/869 and Article 15 and Articles 15b to 17 of Directive (EU) 2018/2001.

8. Until climate neutrality is achieved ~~at Union level~~, Member States shall ensure that~~, in the necessary case-by-case assessments~~ in ~~the context of~~ authorisation procedures **within the meaning of paragraph 1**, the planning, the construction and operation of transmission or distribution system infrastructure are presumed as being in the overriding public interest and serving public health and safety when balancing legal interests in individual cases for the purposes of Article 6(4) and Article 16(1), point (c), of Directive 92/43/EEC, Article 4(7) of Directive 2000/60/EC and Article 9(1), point (a), of Directive 2009/147/EC.~~Member States may, in duly justified and specific circumstances, restrict the application to certain parts of their territory, to certain types of technology or to projects with certain technical characteristics.~~

Until climate neutrality is achieved, Member States shall ensure that ~~those projects are also~~ **in the authorisation procedures, the planning, the construction and operation of transmission or distribution system infrastructure are presumed as being in the overriding public interest and, in such case, are** given priority when balancing legal interests other than those referred to in this paragraph**. Member States may exclude the application of this presumption for the purpose of protecting** ~~with the exception~~ of cultural heritage on the basis of legal criteria to ensure harmonized implementation.

9. Until climate neutrality is achieved at Union level, by way of derogation from Article 2(1) and Article 4(1) and 4(2) of Directive 2011/92/EU and Annex I, point 20, and Annex II, point (3)(b), of that Directive, and by way of derogation from Article 6(3) of Directive 92/43/EEC, Member States shall ensure that the competent authority may, under justified circumstances, including the need to accelerate the deployment of the electricity system infrastructure to achieve climate neutrality and renewable energy targets, exempt the refurbishment, modernisation, or repowering of existing transmission and distribution system infrastructure, provided it does not entail the use of additional space and complies with the applicable environmental mitigation measures established for the original installation, from:

(a) the environmental impact assessment pursuant to Article 2(1) **and Article 4(2)** of Directive 2011/92/EU;

(b) an assessment of their implications for Natura 2000 sites pursuant to Article 6(3) of Directive 92/43/EEC;

(c) the assessment of their implications on species protection pursuant to Article 12(1) of Directive 92/43/EEC and to Article 5 of Directive 2009/147/EC;

(d) the screening pursuant to Article 5 of Regulation [xxxxx] of the European Parliament and of the Council,

Those exemptions shall not apply to the refurbishment, modernisation or repowering of existing transmission and distribution system infrastructure, and the construction of new distribution system infrastructure, or associated equipment, which are likely to have significant effects on the environment in another Member State, in accordance with Article 7 of Directive 2011/92/EU.

Member States shall restrict the application of this paragraph in Natura 2000 areas and other areas under national protection schemes and cultural or historical heritage protected areas.

10. Under justified circumstances, Member States may also apply the exemptions referred to in paragraph 9 to the construction of new distribution infrastructure or associated equipment, provided that the relevant project has undergone a screening in accordance with Directive with Article 4(2) of Directive 2011/92/EC whereby the competent national authority has ascertained that the project is not likely to have a significant environmental impact, notably in view of the particularities of the area in which the project is deployed, such as urban and densely built areas.

Those exemptions shall not apply to the construction of new distribution infrastructure or associated equipment, which are likely to have significant effects on the environment in another Member State, in accordance with Article 7 of Directive 2011/92/EU.

Where the screening referred to in the first subparagraph identifies a likely significant environmental impact, the competent authority shall inform the project developer within 45 days from the application that an assessment referred to in points (a), (b) and (c) of paragraph 9 is required.

Member States shall restrict the application of this paragraph in Natura 2000 areas and other areas under national protection schemes and cultural or historical heritage protected areas.

11. The planning, construction and operation of transmission and distribution system infrastructure shall be presumed to contribute to a long-term reduction of nitrogen emissions and shall not require an assessment of nitrogen emissions in an assessment that may be carried out to comply with Article 6 of the Council Directive 92/43/EEC.

12. An environmental impact assessment in accordance with Directive 2011/92/EU, and, where applicable, an appropriate assessment under Directive 92/43/EEC, for a project for the extension, refurbishment, modernisation or repowering of existing transmission or distribution system infrastructure, shall be limited to evaluating the potential impact arising from the changes or extensions compared to the original transmission or distribution system infrastructure.

13. ~~To manage authorisations within the meaning of paragraph 1,~~ Member States shall ensurethat **a single** digital **portal is** ~~platforms are~~ in place to manage applications **within the meaning of paragraph 1**, the associated process**es,** ~~and~~ ongoing decisions **and decisions issued, in an easily accessible format.**

This portal ~~Those platforms~~ shall provide access to the relevant environmental and geological data and decisions available in the **single digital geographic information system-based**~~central online~~ portal referred to in Article 10(3) of Regulation [xxxxx] of the European Parliament and of the Council.';

(2) the following Article 8a is inserted:

'Article 8a

Absence of alternative or satisfactory solutions and implementation of compensatory measures ~~for the purpose of Article 6(4) of Directive 92/43/EEC~~

14. When assessing whether satisfactory alternative solutions to transmission or distribution system infrastructure projects, and associated equipment, exist for the purposes of Articles 6(4) and Article 16(1) of Directive 92/43/EEC, Article 4(7), point (d), of Directive 2000/60/EC and Article 9(1) of Directive 2009/147/EC, the condition of having no satisfactory alternatives shall be fulfilled where there are no satisfactory alternative solutions capable of achieving the same objective of the project in question, in terms of the development of the same capacity through the same technology within the same or similar timeframe and without resulting in significantly higher costs.

15. When implementing compensatory measures for transmission or distribution system infrastructure projects, and associated equipment, for the purpose of Article 6(4) of Directive 92/43/EEC, Member States may, in justified cases and where it can be reasonably demonstrated that the plan or project would not 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, allow for such compensatory measures to be carried out in parallel with the implementation of the project. Member States may allow for those compensatory measures to be adapted over time in accordance with the precautionary principle, depending on whether the significant negative effects are expected to arise in the short, medium or long term.';

(3) the following Article 40a is inserted:

‘Article 40a

Network development and powers to make investment decisions

1. At least every two years, all transmission system operators shall submit to the regulatory authority a ten-year network development plan based on existing and forecast supply and demand after having consulted all the relevant stakeholders, in accordance with paragraph 2, point (c). That network development plan shall contain efficient measures in order to guarantee the adequacy of the system and the security of supply. The transmission system operator shall publish the ten-year network development plan on its website.

Member States shall endeavour to ensure coordinated planning steps of the respective ten-year network development plans for natural gas, hydrogen and electricity.

2. The ten-year network development plan shall in particular:

(a) indicate to market participants the main transmission infrastructure that needs to be built or upgraded over the next ten years and next fifteen years, considering the potential of anticipatory investments to accommodate future system needs;

(b) consider with priority use of non-fossil flexibility resources pursuant to Regulation (EU) 2019/943, non-wire solutions pursuant to Regulation (EU) [*TEN-E Regulation as proposed by COM(2025)xxxx*], and other alternatives to system expansion;

(c) be based on a joint scenario developed every two years pursuant to Article 55 of Directive (EU) 2024/1788 of the European Parliament and the Council[25], which shall be consistent with the central scenario and the sensitivities developed in accordance with Article 11 of Regulation (EU) [*TEN-E Regulation as proposed by COM(2025)xxxx*];

(d) be in line with the integrated national energy and climate plan and its updates, take into account the state of play in the integrated national energy and climate plans submitted in accordance with Regulation (EU) 2018/1999, be consistent with targets set by Directive (EU) 2018/2001, follow the application of the energy efficiency first principle in accordance with Article 27 of Directive (EU) 2023/1791 and support the climate-neutrality objective set out in Article 2(1) and Article 4(1) of Regulation (EU) 2021/1119 of the European Parliament and of the Council[26];

(e) contain all the investments already decided and identify new investments which have to be executed in the next three years;

(f) provide for a time frame for all investment projects.

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[25] Directive (EU) 2024/1788 of the European Parliament and of the Council of 13 June 2024 on common rules for the internal markets for renewable gas, natural gas and hydrogen, amending Directive (EU) 2023/1791 and repealing Directive 2009/73/EC (OJ L, 2024/1788, 15.7.2024, ELI: http://data.europa.eu/eli/dir/2024/1788/oj)

[26] Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1, ELI: http://data.europa.eu/eli/reg/2021/1119/oj)

3. New infrastructure projects shall be accompanied by an explanation how non-wired solutions, non-fossil flexibility resources or other alternatives to system expansion were taken into account.

4. When elaborating the ten-year network development plan, the transmission system operator shall fully take into account the potential for the use of demand response, energy storage facilities or other resources as alternatives to system expansion, as well as expected consumption, trade with other countries and investment plans for Union-wide and regional networks.

5. The regulatory authority shall consult all actual or potential system users on the ten-year network development plan in an open and transparent manner. Persons or undertakings claiming to be potential system users may be required to substantiate such claims. The regulatory authority shall publish the result of the consultation process, in particular possible needs for investments.

6. The regulatory authority shall approve or request the amendment of the ten-year network development plan and examine whether the ten-year network development plan covers all investment needs identified during the consultation process, and whether it is consistent with the non-binding Union-wide ten-year network development plan (‘Union-wide network development plan’) referred to in of Article 30(1), point (b), of Regulation (EU) 2019/943. Where any doubt arises as to the consistency with the Union-wide network development plan, the regulatory authority shall consult ACER. The regulatory authority may require the transmission system operator to amend its ten-year network development plan.

The competent national authorities shall examine the consistency of the ten-year network development plan with the national energy and climate plan submitted in accordance with Regulation (EU) 2018/1999.

7. The regulatory authority shall monitor and evaluate the implementation of the ten-year network development plan.

8. In circumstances where the independent system operator, or independent transmission operator, other than for overriding reasons beyond its control, does not execute an investment, which, under the ten-year network development plan, was to be executed in the following three years, Member States shall ensure that the regulatory authority is required to take at least one of the following measures to ensure that the investment in question is made where such investment is still relevant on the basis of the most recent ten-year network development plan:

   (a) to require the transmission system operator to execute the investments in question;

   (b) to organise a tender procedure open to any investors for the investment in question; or

   (c) to oblige the transmission system operator to accept a capital increase to finance the necessary investments and allow independent investors to participate in the capital.

9. Where the regulatory authority has made use of its powers under paragraph 8, point (b), it may oblige the transmission system operator to agree to one or more of the following:

   (a) financing by any third party;

   (b) construction by any third party;

   (c) building the new assets concerned itself;

   (d) operating the new asset concerned itself.

The transmission system operator shall provide the investors with all information needed to realise the investment, shall connect new assets to the transmission network and shall generally make its best efforts to facilitate the implementation of the investment project.

The relevant financial arrangements shall be subject to approval by the regulatory authority.

10. Where the regulatory authority has made use of its powers under paragraph 8, the relevant tariff regulations shall cover the costs of the investments in question.';

(4) Article 51 is deleted.

(5) in Article 59(1), the following point is inserted:

'(bb) approving and requesting the amendment of the ten-year network development plans referred to in Article 40a.';

Article 3

Amendments to Directive (EU) 2024/1788

Directive (EU) 2024/1788 is amended as follows:

(1) Article 8 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. In circumstances where an authorisation, such as a licence, permission, concession, consent or approval, is required for the construction or operation of natural gas facilities, hydrogen production facilities, and hydrogen system infrastructure, Member States or any competent authority they designate, shall grant authorisations to build or operate such facilities, infrastructure, pipelines or associated equipment within their territory, in accordance with paragraphs 2 to 11 and paragraph 16. Member States or any competent authority they designate, may also grant authorisations on the same basis for the supply of natural gas and hydrogen and for wholesale customers.’;

(b) the following paragraphs 5a to 5d are inserted:

‘5a. Member States shall ensure that, where any studies, reports, or documentation required for the procedure are missing from the applications, the competent national authorities, in cooperation with other relevant authorities concerned, request the necessary materials from the developer, specifying their scope and level of detail, within three months of the application.

After **requesting the necessary materials**~~that period,~~ neither the competent authority nor any other relevant authority concerned shall request additional information, studies, reports, or assessments, except in cases where a material change has occurred to the project or its surrounding environment, rendering the initial criteria on which determinations were based no longer appropriate**, or when it would otherwise be impossible to issue a positive decision based on the information available**. In such ~~instances~~**cases**, the national competent authority shall provide the project promoter with a well-reasoned justification for the request for additional information.

5b. Member States shall ensure that competent national authorities are equipped with adequate technical, financial and human resources to render a decision on the authorisation within the timeframe specified in paragraph 5.

5c. In the authorisation procedure referred to in paragraph 1 concerning hydrogen production facilities and hydrogen system infrastructure, Member States shall ensure that the lack of reply by the relevant competent national authorities within the deadline referred to in paragraph 5 results in the specific steps to be considered as approved, except for the environmental decisions**, which shall be explicit. Member States shall not be required to apply this rule in any of the following cases:**

(i) and where the principle of administrative tacit approval ~~is not recognised~~**does not exist** in the national legal system of the Member State concerned.

(ii) where the applicant is entitled to compensation if the competent authority does not comply with the applicable deadline, in accordance with national law.

~~5d. All decisions shall be made publicly available, including final decisions granted tacitly following the lack of reply by the relevant competent authorities.';~~

(c) in paragraph 8, the following subparagraph is added:

'The contact points may be the same as the national competent authorities referred to in Article 8 of Regulation (EU) 2022/869, or the contact points defined under Article 16 of Directive (EU) 2018/2001.';

(d) the following paragraph 16 is added:

'16. ~~To manage authorisations within the meaning of paragraph 1 of this Article,~~ Member States shall ensure ~~the~~ **a single** digital **portal** is ~~platforms are~~ in place to handle **applications within the meaning of paragraph 1**, the associated process**es**, ~~and~~ ongoing decision**, and decisions issued, in an easily accessible format**. ~~Those platforms~~ **This portal** shall provide access to the relevant environmental and geological data and decisions available in the **single digital geographic information system-based** ~~central online~~ portal referred to in Article 10(3) of **Regulation [xxxxx] of the European Parliament and of the Council**.'

Article 4

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [two years after its adoption] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 5

Entry into force

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

Article 6

Addressees

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President