

**To: Energy and Environment Ministers of EU Member States**  
**Cc: Commission President, Executive Vice-President for the European Green Deal and Commissioners for Environment, and the Chair of the European Parliament Environment Committee**

**Re: Input to the EU Energy Council Meeting, Brussels, 24 November 2022**

Brussels, 17 November 2022

Dear Minister,

On behalf of the European Environmental Bureau (EEB), I am writing to share with you our views on some of the issues on the agenda of the upcoming extraordinary EU Energy Council on 24 November 2022.

The EEB strongly supports the EU's aim to speed up the roll-out of renewable energy installations and infrastructure where this is done in a nature-friendly and people-centric way. Transitioning to renewable energy rapidly and at unprecedented scale is a precondition if we are to limit global warming to 1.5°C. As the current geopolitical context makes it even more urgent for the EU to needs to boost its energy sovereignty and reduce its dependency on unsafe, climate-harming sources, it has now become imperative to swiftly scale up renewable energy capacity. However, we would like to take this opportunity to highlight that nature protection does not stand in the way of more renewables and that public participation is key to ensuring accelerated renewable deployment.

I invite you to take our concerns into account during the final official level preparations, as well as at the meeting itself. We have structured the letter according to our understanding of the 24 November Council Agenda.

### **1. Council Regulation laying down a framework to accelerate the deployment of renewable energy**

The rapid upscale of nature-friendly and people-centric renewables is urgently needed. The Emergency Council Regulation can further enable that if it keeps the focus on low-impact solutions. The quick uptake of solar energy technologies and heat pumps, coupled with a focus on repowering existing wind power plants, represents a no-regret option to decrease Europe's dependence on fossil fuels in the short term. However, it is crucial to make sure that this momentum is not jeopardised by unclear or hardly implementable rules which might trigger further socio-political resistance towards renewable energy.

Streamlined permitting for new renewable energy installations is extremely important. However, merely setting short deadlines in the absence of concrete plans to improve the administrative capacity and resources of permit-granting authorities does not seem to reflect the Member States' specificities, and risks the non-compliance with current legal safeguards, defective permitting processes, and consequent legal challenges.

The proposal does not provide any clarity about how the continuous obligations of the Birds and Habitats Directives or Water Framework Directive will apply to new and existing projects once this

#### **European Environmental Bureau**

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temporary emergency measure is lifted. Particularly the proposal to render any killing of species protected under the Nature Directives lawful as long as 'appropriate mitigation measures' are adopted amends these cornerstone Directives without any assessment or democratic say.

***We therefore call upon the Energy Council to:***

- **Ensure that the provisions in the Emergency Regulation as well as its implementation result in adequate staff capacity, expertise and resources for permitting authorities** to ensure that shortened deadlines are implementable in practice;
- **Reject Article 2 on overriding public interest, in particular in relation to the deliberate killing of species** protected under the Birds of Habitats Directives as well as in relation to the Water Framework Directive, given the negative impacts on biodiversity, the uncertainty entailed in the application of the continuous obligations under the Directives, and the limited benefits for speedier renewables uptake;
- Support Articles 3 and 4 in their ambition on **repowering existing projects and uptake of solar energy equipment and heat pumps** while ensuring the full compliance with environmental protection obligations to avoid negative environmental and social consequences of such projects;
- **Include provisions to supplement the REPowerEU chapters in National Recovery and Resilience Plans** in order for Member States to swiftly start mapping renewable energy needs and correspondent requirements of land and sea areas, designate contact points to guide and facilitate the entire administrative permit application and granting process, and establish a roadmap to set up the IT platform needed to digitalise renewable energy permitting procedures;
- Work with your Environment Ministers to ensure that the revision of the Renewable Energy Directive focuses on **a nature-friendly and people-centric upscale of renewables** that complies with existing environmental safeguards by putting holistic spatial planning at the core of the renewables expansion and involving local communities.

**2. Council Regulation on enhancing solidarity through better coordination of gas purchases, exchanges of gas across borders and reliable price benchmarks**

Addressing high gas prices in the EU and ensure security of supply in the short term is of utmost importance. The European Commission's proposal for an Emergency Regulation to improve stability on European gas markets and mitigate the pressure felt by European citizens and businesses goes a step in the right direction by laying the ground for joint gas purchases and strengthening solidarity between Member States.

However, attention should be paid to avoid lock-in of new gas supplies. The short-term need to secure gas supply or help cover high energy costs should not result in further fossil fuel subsidies beyond the immediate next winter. The proposed measures should not distract from the fact that for the EU to become independent from Russian – or otherwise imported – fossil gas, strong political and financial support must be channelled to energy savings, energy efficiency, and renewable energy deployment.

***We therefore call upon the Energy Council to:***

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- **Include compulsory measures to ensure that Member States keep pursuing their effort in drastically reducing gas consumption beyond March 2023.** Gas consumption at the EU-27 level should decrease by at least 55 percent by 2030 with respect to 2020 levels, as outlined in our [Paris Agreement Compatible \(PAC\) scenario](#);

Thank you in advance for your consideration of these points which support the ambitions of the European Green Deal and will help catalyse progress in meeting the environmental and climate challenges facing Europe and the planet. This will respond to scientific evidence and support EU and national legitimacy in the eyes of a public which broadly supports increased action at EU level to protect the environment.

Yours sincerely,



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