

Progress for public participation must be preserved in RED trilogues

Next week's trilogue negotiations on the Renewables Energy Directive must safeguard public participation in the expansion of renewables. Neglecting public participation and access to judicial review will not accelerate the transition to renewable energy – it will only make it less democratic.

The RePowerEU Plan was designed as an instrument to reduce Europe's dependence on Russian fossil fuels and protect citizens and businesses from very high energy prices. To achieve those goals, amendments to the Renewable Energy Directive have been put at the heart of the plan. Most importantly, the EU-wide target for renewable energy would be raised to 45% by 2030 – 5 percentage points higher than what was proposed in the Fit-for-55 package, marking a step up in ambition from EU decision makers. The goal now will be to ensure that the proposed measures do not [undermine environmental legislation](#) and [environmental democracy by circumventing public participation](#).

One step forward and two steps back for public participation in the Renewable Energy Directive Revision

So far, public participation has greatly suffered in the RED revision. The engagement of citizens and civil society through public participation in environmental matters is one of the pillars of the [Aarhus Convention](#) - an international agreement on environmental rights which the EU has legally committed to maintain. Despite this fact, the EEB and other civil society organisations have been greatly concerned by the oversight of public participation in the decision-making process for the deployment of new renewable energy facilities in the proposals for the revision.

“Go-to areas” have been a particular point of contention with regards to public participation in the RED revision. These “go-to areas” will allow for renewable energy projects to be exempted from Environmental Impact Assessments (EIAs) and will be designated based on a quick – and [potentially insufficient](#) – screening process, in theory speeding up the expansion of renewables.

But EIAs are crucial to public participation, as the inclusion of the views of the affected and interested public helps to ensure the decision-making process is equitable and fair and leads to more informed choices and better environmental outcomes. EIAs are also important for access to justice, since they provide the public with the possibility of challenging individual environmental authorisation that, for the projects mentioned above, would not be required anymore. This public participation in turn legitimises decisions and mitigates the risk of social backlash and [lengthy legal battles further down the line](#).

Instead of skipping over EIAs completely, common bottlenecks such as lack of administrative staff and resources, slow uptake of digitalisation in bureaucratic procedures, and low transparency of authorisation process involving high numbers of competent authorities should be addressed.

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While the Parliament's proposal for the RED revision has maintained these "go to areas" from the Commission's proposal, rebranding them "renewables acceleration areas", it at least improves conditions for public participation by resolving to involve the public in the preparation of plans for identifying the "renewables acceleration areas." The Commission's proposal did not include any detail on public participation beyond a general reference to the Aarhus Convention and its three pillars in the preamble, which is nowhere near good enough. Nonetheless, involving the public only at the early stage of designing the plans where they won't be able to voice their opinion later about how these areas are used (when the actual project is in the works) could still trigger [public resistance and social backlash](#). Not to mention that such an exemption will likely be deemed not in accordance with Aarhus Convention requirements, undermining the rule of law.

What must happen next

The speeding up of administrative procedures is needed to deploy a greater amount of renewable energy installations, but this should not come at the cost of nature protection or environmental governance through the dismantling of nature protection legislation and environmental rights. This would not only set a bad precedent for the rule of law but also [problems for renewables projects further down the line](#).

The small victory for public participation made in the current proposal must be preserved in trilogue negotiations. The EU must demonstrate its commitment to environmental democracy and upholding the rule of law.