#NaturaEAcasa

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WWF ROMANIA'S RECOMMENDATIONS
Regarding the Staff Working Document - Renewable energy – guidance on designating renewables acceleration areas (Call for evidence)

The European wind power action plan announced that the Commission will launch the Accele-RES initiative. This initiative aims to speed up the transposition and implementation of the revised Renewable Energy Directive ((EU) 2023/2413) and accelerate the deployment of renewable energy projects.

Under the revised Renewable Energy Directive Member States have to designate renewables acceleration areas for one or more types of renewable energy sources by 21 February 2026.

In this context, the EU Commission (*DG Energy – C1: Renewables and Energy System Integration Policy*) has published a call for evidence to support the elaboration of aStaff working document - **guidance on designating renewables acceleration areas**, providing practical guidance to support Member States in identifying and designating renewables acceleration areas for **wind and solar** projects.

According to the Call for evidence, Renewables acceleration areas should be areas particularly suitable for **quickly deploying** renewable energy plants given that deploying the specific type of renewable energy source is **not expected to have a significant environmental impact** in these areas.

WWF-Romania is welcoming the publication of the Call for evidence and appreciate the fact that the Call for evidence is focused specifically on wind and solar energy acceleration areas. In our view, other types of renewables such as hydropower and biomass should not benefit from acceleration areas and simplified development/authorization procedures, due to their significant pressures on water and/or forest resources and biodiversity in general.

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Although the Call for evidence is focusing on wind and solar, the new RED art. 15c(1) allows Member States to deploy establish RRAs also for hydropower and biomass in RAAs. WWF, together with other NGOs, have repeatedly raised strong concerns about including new hydropower and biomass in RAAs. We recommend that the guidelines makes clear that RAAs should be limited to the deployment of wind and solar.

Currently, the new RED sustainability criteria are completely inadequate as they do not limit the amount of primary woody biomass and dedicated crops that can be counted as zero carbon renewable energy. Burning these materials will increase emissions for decades and even centuries compared to fossil fuels. Likewise for hydropower, greenfield hydropower development has destructive impacts on freshwater ecosystems as it destroys both rivers and their surrounding environment, changing the river's natural flow, blocking fish migration routes and trapping sediments that protect riverbanks and deltas against floods and/or sea level rise.

GENERAL RECOMMENDATIONS

The EU needs to massively deploy wind and solar energy to achieve our energy transition and move away from fossil fuels. To achieve the EU energy transition, EU Member States have to speed up permitting processes. This needs to be done particularly through:

early stages public consultations, ongoing, meaningful, transparent stakeholder engagement, spatial and temporal mapping, using the mitigation hierarchy (avoid, mitigate, restore or rehabilitate and finally offset), establishing no go areas as a first step in the planning process, avoidance of areas where there is lack of biodiversity data (no data does not mean there is no impact), investing in timely mapping of key biodiversity areas in order to establish no go areas first, use all appropriate tools and data sets, including, where necessary field surveys, prioritisation of rooftops for solar, starting with the public buildings, identification of areas where renewable energy plants would have no or very little significant impact on the environment, ensure socio-economic impact assessments to find areas where acceptance of local communities is increased, establishing minimum distance from the nearest human settlement for wind power, taking into consideration existent infringement cases and EU Court of Justice Decisions with

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regards to biodiversity impacts, and significantly increasing administrative capacity in permitting authorities. More detailed recommendations can be found in the attached position paper.

SPECIFIC RECOMMENDATIONS

Member States should receive explicit and clear guidelines on the selection of RAAs

The selection of RAAs should be guided by explicit and precise directives provided to Member States. These guidelines should serve two primary purposes: firstly, aiding in the identification of sites where streamlined procedures can be more easily ensured, and secondly, unequivocally excluding environmentally and socially sensitive areas from this simplification process.

Article 15c §1(a) - Significant environmental impact and Article 15c §1(b): Effective mitigation measures

The concept of RAA should be clarified, as the new permitting rules are too vague when it comes to the environmental impact of renewables. The introduction of Article 15c 1(a) of the Renewable Energy Directive obliges the authorities to designate areas in which specific types of renewable energy sources are unlikely to have a significant environmental impact. As the strict protection level of the Bird and Habitat, as well as Water Framework Directive must nevertheless be complied with, the possible remaining environmental impacts should be avoided or significantly reduced by preventive mitigation measures.
The provisions of art. *15c §1(b)* requires the establishment of rules on the adoption of effective mitigation measures as part of the designation of RAAs. However, it is not clear how these can be ensured as in countries such as Romania, data are not available or insufficient.

The Commission's guidance should clarify the concept of "effective mitigation measures" for wind and solar. It should also be made clear that if no mitigation measures have been

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established, the designation of certain areas will not be appropriate. This is a very important aspect of the process because it is a prerequisite for excluding certain projects from environmental impact assessment (EIA) and appropriate assessment (AA) in article 16a §3.

Establishment of exclusion areas as first step in the planning process

Renewables acceleration areas must exclude environmentally sensitive areas such as Natura 2000 sites, nature parks and reserves, identified bird, bats and marine mammal migratory corridors, resting, nesting, breeding, feeding sites, offshore banks (key biodiversity sites), agricultural areas of High Natural Value, areas with important potential for ecological restoration (eg. wetland restoration sites), in or outside nature protected areas, as well as areas with potential of being designated as ecological corridors, blue carbon ecosystems, free-flowing river sections and identified climate refugia.

Also, proximity of nature protected areas need to be taken into consideration when establishing acceleration areas. For example, in Romania, there are pressures related to wind farm projects in **the proximity of protected areas**. The environmental conflicts are mainly generated by the presence in the immediate vicinity of nature protected areas that also have the status of areas of special avi faunistic protection. In one case, data from satellite transmitters mounted on specimens of the Danube falcon (Falco cherrug), a species classified as EN (endangered) according to the IUCN, suggest that the area is used during the post-nuptial dispersal period for resting and feeding by individuals of the Danube falcon from the Pannonian population. Also, the area is frequently used by different species of birds (day raptors, storks, cranes) during migration periods. The area with its five major protected areas is of continental importance for the European chiropteran fauna. Dozens of underground (caves, mine galleries) and above ground (buildings) locations harbor colonies of species of European interest. Here are the largest colonies for a number of species in Romania, for example Buhui Cave, with the largest colony of R. ferrumequinum (over 1,600 specimens) and the largest colony of B. barbastellus (over 400 specimens). In addition to these species, the other chiropteran species are present (from Annex IV of the Habitats Directive), the are (Banat and Portile de Fier) being the most diverse area for bats in Romania, with at least 31 species present out of the 32 in Romania.

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In conclusion, there is a need that the Commission Guidance is based on a complete literature review to propose minimum requirements, especially for wind power. Eg. The minimum distances to be kept from different types of important areas for birds (including natural protected areas), as well as the minimum distances for certain bird species sensitive to wind turbines, recommended at national level in Germany (Working Group of German State Bird Conservancies).

Other scientific recommendations to be taken into account:
- Langston RHW, Pullan JD (2003) Windfarms and birds: An analysis of the effects of windfarms on birds, and guidance on environmental assessment criteria and site selection issues. Report by Birdlife International on behalf of the Bern Convention. Council of Europe.
-Harrison A, Petkov N, Mitev D, Popgeorgiev G, Gove B, Hilton G (2018) Scale-dependent habitat selection by wintering geese: implications for landscape management. Biodiversity and Conservation.
-Larsen JK, Madsen J (2000) Effects of wind turbines and other physical elements on field utilization by pink-footed geese (*Anser brachyrhynchus*): a landscape perspective. Landsc Ecology

Prioritization of artificial areas and areas suitable for co-location, as a second step

Given the potential conflicts between renewable energy deployment and other land uses, particularly food production and carbon sequestration, and recognising the adaptability of solar PV systems even in areas lacking environmental value, acceleration areas should be designated particularly in artificial areas, minimising the impact to natural areas. In our view, these might be rooftops of public buildings, parking facilities, and certain sections of roads, motorways, railways, brownfield areas, and degraded land (unless designated for nature restoration and/or for carbon sequestration), ports, etc.

Priority should also be given to existing renewable energy areas in low-impact zones. Repowering old renewable energy plants should be facilitated in these locations, as they benefit from higher environmental knowledge and social acceptance compared to

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establishing new projects in new areas. The repowering of old plants in low-impact zones should thus be integrated into the RAAs framework.

RAAs must also identify the potential co-location between different activities and sectors to reduce the space needed and reduce environmental impacts. Co-locating renewable plants with other land uses may increase social acceptance. This should be prioritised whenever proved to have a direct positive impact on the land use type that is receiving a renewable energy project (for example: solar PV must prove to have a direct positive impact or, at least, no negative impact in agri solar. When these solutions are possible, these should be prioritised to make a more efficient land-use and to increase social acceptance of renewable energies). Co-locating renewable plants in previously built infrastructure (such as transport) can also contribute to accelerate permitting and project approval.

Co-location must be subject to robust cumulative impact assessments to ensure the additional impacts does not exceed their capacity to accommodate human pressures.

In Romania, there is a National Recovery and Resilience Plan measure and associated investment with the objective to assess and establish acceleration areas on unproductive/degraded land. **We recommend that lands located in the vicinity of Natura 2000 sites, parks and nature reserves, identified migration routes of birds and marine mammals, ecological corridors (even those that are not officially designated yet), as well as other areas identified on the basis of sensitivity maps, are not included in such initiatives.**

Holistic spatial planning and mapping is key in designating RAAs

RAAs must be based on wildlife sensitivity mapping and ecosystem-based spatial planning. Planning renewable energy areas must be part of a holistic strategy that not only minimises the spatial and temporal impacts of human-made infrastructure on nature but also on other activities on which communities rely. For example, socio-economic impact assessments can identify areas of lower social impact, as well as areas that could

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particularly benefit from renewable power plants, also from a work and social perspective.

Data used during the design phases should be available in an open, transparent, centralised and standardised database accessible at national and EU-wide levels. Authorities should provide justifications for the spatial and temporal decisions following the consultation periods, and address any conflicts between sectors, human activities, and nature protection and restoration.

Importantly, RAAs should also integrate national grid planning and expansion. It should be part of the assessment of the cumulative effects of the proposed RAAs.

Moreover, to ensure holistic planning between the relevant authorities working on other required mapping, such as the development of MSPs and Nature Restoration Plans, administrations need to work in synergy. For offshore wind, planning has to be transboundary to facilitate cooperation among countries through shared sites, which will decrease the overall space needed at sea.

Design RAAs with and for people

a. Engaging with citizens from the very beginning

Public participation is central to accelerate the deployment of wind and solar energy. Public participation during site-selection and project design is key to achieving support from a wide group of stakeholders. Data collected during the consultation periods can be used to identify conflicts, optimise the design and make it nature-inclusive, circular and future-proof, and propose mitigation measures to address residual conflicts.

It is also very important that the decision for the designation of RAAs can be challenged in national courts so as to ensure access to justice in line with the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. It should be noted that in this respect, the CJEU has stressed that

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recognised environmental NGOs have a right to challenge "decisions adopted by the competent national authorities within the framework of Article 6(3) of Directive 92/43, whether they concern a request to participate in the authorisation procedure, the assessment of the need for an environmental assessment of the implications of a plan or project for a protected site, or the appropriateness of the conclusions drawn from such an assessment as regards the risks of that plan or project for the integrity of the site" (C-243/15, paragraph 56). A similar approach should be ensured in the case of RAAs designation decisions.

b. Administrative burden

Member States will need more workforce to accelerate permitting processes. Member States should designate a competent authority with enough means to carry out stakeholder engagement processes, robust assessments, and oversee the development of renewable energy projects. This authority should also be responsible for monitoring the RAAs during and after construction to study the long-term impacts of energy infrastructure on ecosystems.

c. Skilled workforce

Along the value chain, the renewable sector needs to attract and train new workers, but also reskilling workers coming from other sectors, such as fossil fuel ones.

Implementation and monitoring will be crucial

New EU-level permitting rules exempting most projects in RAAs from having to carry out an EIA and AA are regrettable. The new rules must be carefully implemented by Member States and closely monitored by the Commission to ensure impacts on nature are minimised and that effective public participation is guaranteed.

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In the planning and design phase, Member States need to ensure that they comply with the requirements of the Strategic Environmental Assessment (SEA) Directive, Habitats and Birds Directives, and Water Framework Directive, when carrying out these assessments. If these requirements are not met, there is a risk that the designation of RAAs will be inappropriate for the deployment of renewables and will have significant environmental impacts. These processes are of great significance, especially as Article 16c of the revised RED exempts certain projects from EIA and AA. These assessments must identify, describe and evaluate reasonable alternatives in terms of location and renewable sources, and assess the cumulative impacts of other plans in an integrated and effective manner.

Identification and early implementation of mitigation measures should be applied and adapted according to regional, national and local environmental and socio-economic aspects, including the need for coherent biodiversity funding mechanisms across countries for uncertain and cumulative/compounding impacts. These measures must be applied through consultation, transparency and collaboration, with anticipation as the biggest consideration, and be included within the permitting processes, followed by management, monitoring and enforcement of measures.

The implementation and monitoring of RAAs must be led by one national agency with a high-level mandate and defined responsibilities, full access to data, capacity to process data and to run several spatial tools, and conflict-resolution skills, as well as experts in natural science in addition to policy, sectoral and participatory processes.

The new process for screening and environmental permitting introduced by Article 16a §4-5 should be in line with the relevant processes and requirements of all other relevant Directives (i.e., case-by-case analysis of article 4 (2) of the EIA Directive and screening process of article 6 (3) of the Habitats Directive). These processes need to ensure environmental rights in the form of public participation during the screening process and before the issuing of the decision of the competent authorities, and access to justice.

Monitoring of RAAs should also continue after they are designated, including the expeditiousness of administrative procedures. If any harm to wildlife is detected, corrected measures should be put in place immediately. Scientific experts should be

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tasked to review impact assessments and should provide sufficient evidence of a low negative impact at the ecosystem level before any further decisions are taken on the possible extension of projects.

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