

Bruxelles, le 2 juin 2022
(OR. fr, en)

9655/22

**Dossier interinstitutionnel:
2021/0218(COD)**

LIMITE

**ENER 234
CLIMA 248
CONSOM 139
TRANS 336
AGRI 222
IND 206
ENV 517
COMPET 420
FORETS 41
CODEC 811**

NOTE

Origine:	Secrétariat général du Conseil
Destinataire:	délégations
N° doc. Cion:	10746/21 + ADD 1
Objet:	Proposition de Directive du Parlement Européen et du Conseil modifiant la directive (UE) 2018/2001 du Parlement européen et du Conseil, le règlement (UE) 2018/1999 du Parlement européen et du Conseil et la directive 98/70/CE du Parlement européen et du Conseil en ce qui concerne la promotion de l'énergie produite à partir de sources renouvelables, et abrogeant la directive (UE) 2015/652 du Conseil

À la lumière des discussions qui se sont tenues lors du COREPER du 25 Mai 2022, et compte tenu des commentaires écrits soumis par les délégations, veuillez trouver ci-joint le compromis proposé par la Présidence pour l'Article 15.

Tout le nouveau texte portant sur le document ST 8705 2022 (REV4) est « **souligné en gras et surligné en gris** ». Les suppressions sont « ~~barrées~~ » et ~~surlignées en gris~~. Les amendements apportés dans les versions précédentes (REV1 à REV 4) sont « **soulignés en gras** » ou « ~~barrés~~ ».

New recital 10a:

Some of the most common issues faced by renewable energy projects relate to delays in the permit-granting procedures established at national level. In order to reduce greenhouse gas emissions and contribute to the attainment of climate neutrality, Member States should consider the projects of the deployment of energy from renewable sources as being in the interest of public health and safety and carried out for imperative reasons of overriding public interest in the planning and permit-granting process. All the other conditions set out in the 92/43/EEC and 2009/147/EC Directives should be fulfilled. Member States should also respect the provisions of the Aarhus Convention and the Espoo Convention of the United Nations Economic Commission for Europe (UNECE). In order to contribute to the achievement of climate neutrality, Member States should give high priority, in the planning and permit-granting process, to the construction and operation of energy plants from renewable sources and the related grid infrastructure. Member States should also provide appropriate reporting notably on the possible effect of these measures on biodiversity so that the Commission may assess and decide on appropriate action.

New recital 10b:

In order to facilitate and simplify the repowering of existing renewable energy plants, impacts of those existing energy plants which are to be replaced should be considered as a previous impact in the planning and permit-granting process. Therefore, it is clarified that given previous impacts stemming from those existing energy plants which are to be replaced must be taken into account in the context of fulfilling the respective preconditions. Member States may further specify “given previous impacts” to be taken into account.

Article 15

(c) paragraph 8 is replaced by the following:

‘**8a.** Member States shall assess the regulatory and administrative barriers to long-term renewables power purchase agreements, and shall remove unjustified barriers to, and promote the uptake of, such agreements, including by exploring how to reduce the financial risks associated with them, in particular by using credit guarantees. Member States shall ensure that those agreements are not subject to disproportionate or discriminatory procedures or charges, and that any associated guarantees of origin can be transferred to the buyer of the renewable energy under the renewable power purchase agreement.

Member States shall describe their policies and measures promoting the uptake of renewables power purchase agreements in their integrated national energy and climate plans referred to in Articles 3 and 14 of Regulation (EU) 2018/1999 and progress reports submitted pursuant to Article 17 of that Regulation. They shall also provide, in those reports, an indication of the volume of renewable power generation supported by renewables power purchase agreements.’;

Following the assessment of Member States under the first subparagraph, the Commission shall analyse the barriers to long-term power purchase agreements and in particular to the deployment of cross-border renewable power purchase agreements and issue guidance on the removal of these barriers’;

~~In the planning and permit-granting process the deployment of energy from renewable sources and the related grid infrastructure is considered as being in the public interest and serving public safety without prejudice to Union and national laws on environmental protection.~~

8b. With regard to the environmental impacts addressed in Article 6(4) and 16(1)(c) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora and Article 9(1)(a) of Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, Member States shall consider the projects of the deployment of energy from renewable sources and the related grid as being in the interest of public health and safety, and as being carried out for imperative reasons of overriding public interest, in the planning and permit-granting process. All the other conditions set out in these directives shall be fulfilled, especially the demonstration of the absence of satisfactory alternative location nearby.

In order to contribute to the achievement of climate neutrality, Member States shall ensure, at least for projects which are recognized as being of public interest, that in the planning and permit-granting process, the construction and operation of energy plants from renewable sources and the related grid infrastructure is given a high priority when balancing legal interests in the individual case. Concerning species protection, the preceding sentence shall only apply if and to the extent that appropriate species conservation measures contributing to the maintenance or restoration of the populations of the species at a favourable conservation status are undertaken and sufficient financial resources as well as areas are made available for this purpose.

Member States may restrict the application of paragraph 8b to certain parts of their territory as well as to certain types of technologies or to projects with certain technical characteristics in accordance with the priorities set in their national integrated energy and climate plans.

8c. Member States shall ensure that in the planning and permit-granting process for the repowering of renewable energy plants, the impacts of those existing renewable energy plants which are to be replaced are being taken into account, and should be considered as a given previous impact.

8d. As part of their integrated national energy and climate reports pursuant to Regulation (EU) 2018/1999, Member States shall report on the contribution of the measures to lift the barriers to renewable energy projects as well as on their effect on biodiversity. By 31 December 2026, the Commission shall examine the measures taken by Member States. If there is a major impact on biodiversity, the Commission may present, as appropriate, a proposal to revise paragraph 8b.
