

EU SETS NEW RULES TO SPEED UP RENEWABLES' LICENSING

Regulation EU 2024/223 reinforces priority to the licensing of production renewable energy plants, collocated storage, and related grid infrastructure. It also extends the environmental impact assessment waiver.

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Last January 10th, 2024, [Council Regulation \(EU\) 2024/223 of December 22, 2023](#) ("Regulation 2024") amended and extended the rules in [Council Regulation \(EU\) 2022/2577 of December 22, 2022](#) ("Regulation 2022") for the granting licenses for renewable energy production.

These are the main highlights of this new regulation:

- (1) Member States must ensure that, for projects of overriding public interest, priority is given in the licensing procedure to the construction and operation of renewable power plants and the development of related grid infrastructure;
- (2) For other power production projects to benefit from the prevailing public interest there can be no alternative or satisfactory renewable solutions;
- (3) Licensing for the repowering of renewable energy plants in renewable energy zones and of the related grid infrastructure necessary to integrate renewable energy into the electricity system cannot exceed 6 months. If the plant's capacity increase does not surpass 15%, the permit-granting process for the grid infrastructure is reduced to 3 months;
- (4) The process of licensing the installation of solar energy equipment and co-located energy assets in existing or future structures may not exceed 3 months, provided that the main purpose of such structures is not the production of solar energy. The installation of such solar equipment is exempt from a case-by-case decision to carry out an environmental impact assessment.

Regulation 2024 will have, once in full force and effect (1st July 2024), an impact on the Portuguese regulatory framework, because:

- a) The time DGEG (the Portuguese energy ministerial department) has now to amend the permits of a project to allow its repowering as set out in the National Electricity System Law ([Decree-Law no. 15/2022](#)), including the obtaining of the required opinions of external entities, cannot exceed 6 months;
- b) Solar energy projects' not reaching the mandatory thresholds (generating capacity ≥ 50 MW or the area occupied by panels and inverters is ≥ 100 ha, or, in case it is installed in sensitive areas, has a generating capacity ≥ 20 MW or the area occupied by panels and inverters is ≥ 10 ha) cannot now be required by DGEG or by APA (the Portuguese environmental agency) to conduct a case-by-case environmental impact assessment, no matter their potential environmental impact and location of the project.

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