



E.DSO preliminary assessments of the emergency measures to accelerate permitting rules for renewables

On 9 November 2022, the European Commission proposed a temporary emergency regulation on accelerating the deployment of renewable energy. Its main aim is to simplify permit-granting procedures for renewable energy projects, in particular for solar installations, heat pumps, and projects involving the repowering of renewable energy plants. Accelerating the rollout of renewables is considered one of the main measures that could help the EU address the current energy crisis, improve security of supply, and reduce energy price.

Article 1 – “Definitions”

For the purpose of this Regulation, the following definitions apply:

(1) permit-granting process for renewable energy projects’ means the process:

(a) comprising all relevant administrative permits issued to build, repower and operate plants for the production of energy from renewable sources including heat pumps, co-located energy storage facilities, and assets necessary for their connection to the grid, including grid connection permits and environmental assessments where these are required; and

(b) which starts from the acknowledgment of the reception of the application by the relevant authority and ends with the notification of the final decision on the outcome of the procedure by the relevant authority;

E.DSO assessment: The definition requires explanation if not intended as such to take into consideration Member States differences. The scope of this definition is unclear, especially in relation to the “grid connection permits” notion. We further consider that it remains to be clarified what stages constitute the permitting process within the meaning of the regulation and especially what is the last stage (final decision). We believe that it remains to be determined whether it is equivalent to issuing a permit by DSO (as an entity) to operate a given generating unit (i.e. *in many cases after the necessary tests and analyses of compliance with the conditions set out in the EU connection code for generators and the necessary network investments*). Considering the actual definition, it remains unclear whether Article 1 it is intended to cover only administrative decisions of public authorities or also operators as entities.

Justification:

The draft regulation it is used both “relevant authorities and entities” , suggesting that these notions are separate. This might lead to different understanding. However, at the same time we should also

expect some scope for flexibility in this EU regulation as connection procedures are not the same in different Member States.

DSOs are not usually recognised as “a relevant authority”. As in Directive (EU) 2019/944, ‘distribution system operator’ means a natural or legal person who is responsible for operating, ensuring the maintenance [...]’. Considering the above definition, it is yet unclear if a DSO can have the consideration of ‘relevant authority’.

Article 2 – “Overriding public interest”

E.DSO assessment: E.DSO positively welcomes this article. We however propose a small change in bold below: “The planning, construction and operation of plants and installations for the production of energy from renewable sources, and their connection to the grid and the related grid itself, **including its extension**, and storage assets shall be presumed as being in the overriding public interest and serving public health and safety when balancing legal interests in the individual cases, in particular, (...)”

Justification:

We believe that it is necessary to clarify the overriding public interest as including the existing grid and its further extension. Clarification is equally needed regarding the assets that might be under public interest (i.e. *in some Member States the legislation establishes a difference between national and public interest*).

Article 3.1 – “permit-granting process for the installation of solar energy equipment”

E.DSO Assessment: We believe that it is advisable to propose more time for connection. Furthermore, in the case of large solar installations, it is important to be assured if the energy from this source will be consumed for own needs or will be transmitted to the grid.

Justification:

1 month to issue permits is possible only if the installation is connected as a load (*without exceeding the existing power capacity in the connection point and without power output to the grid*), as the grid connection (entire process) for the generation installation requires additional stages, such as tests or necessary investments, which is not achievable in 1 month time.

Article 3.2 – “For the permit-granting process regarding the installation of solar energy equipment, including for renewables self-consumers, with a capacity of 50 kW or less, the lack of reply by the relevant authorities or entities within one month following the application shall result in the permit being considered as granted, provided that capacity of solar energy equipment does not exceed existing capacity of the self-consumer’s connection to the distribution grid.

E.DSO Assessment: We believe that should be clearer rules regarding the time to give feedback from each separate Entity is a necessity for the process to work as a whole. This article should further consider the period for the DSOs to give feedback, as different entities take part in the process.



Article 4 – “repowering of renewable energy power plants”

E.DSO Assessment: In the case of repowering (*also by 15% increase in installed capacity – Article 4.2*) the key question remains whether it will be necessary to change the connection capacity in this situation, which may significantly extend the process considering that tests and investments may take up to a year. We strongly oppose to the limitation of one month time since it cannot possibly be reasonable unless this time is limited to the processing of documents only.

Furthermore, each case of repowering (Article 4.1 and 4.2) must be analysed individually, because the network situation at a given point depends on local conditions - there may be situations of overload, voltage drop or increase in one point and not in another one.

We conclude that Articles 3, 4 and 5 shall be interpreted that in the cases where connection permits could be considered as granted, automatic connections to the grid shall never be admitted since they are not exempt of risks.

Justification:

Verifications, inspections, and tests, generally established in national regulations and network codes, are needed to ensure that the new generator does not cause disturbances or blackouts to the grid, the consequences of which result in less renewable generation from existing plants.

We believe that further guidance is necessary for national implementation considering that not all national laws include the need to de-aggregate specific and individual assets regarding the Installations. Shall there be a need to de-aggregate specific assets of the Installations in EU, the Regulation must clearly state, where applicable, that the national grid laws must be reviewed.

Article 5 – “Acceleration of the deployment of heat pumps”

Grid connections to the transmission or distribution grid shall be permitted following notification to the relevant entity for:

- (a) heat pumps of up to 12 kW capacity; and
- (b) heat pumps installed by a renewables self-consumer pursuant to Article 2(14) of Directive (EU) 018/2001 of up to 50 kW capacity, provided the capacity of the renewables self-consumer's renewable electricity generation installation amounts to at least 60% of the capacity of the heat pump.

E.DSO Assessment: The provisions on heat pumps installed by a renewable self-consumer up to 50kW capacity also raised the question on the impact of this new asset on the existing grid connection and on the need for grid reinforcement. The impact on the grid should be taken into account in the provisions.

Justification:

The proposal can have critical effects on the network as the 60% rate is on the capacity of the installation, not the effective power that continuously supply the heat pump. The network impact is permanent, and



up to 50kW if the local production is 0. Indeed, the heat pump is mostly used in wintertime, at night, with serious doubts about the effective 60% capacity supply of the renewable self-consumption installation. At least batteries will have to be included. A power output of 50kW on a rural area or even in urban area can require a serious grid reinforcement. This use case can seriously jeopardise the grid if the network is not accordingly adapted to support the electricity demand when the local production is low.