

Answer to public consultation

Permitting and administrative procedures

12/04/2022

PUBLIC CONSULTATION ON PERMIT-GRANTING PROCESSES FOR RENEWABLE ENERGY PROJECTS

The European Biogas Association welcomed the European Commission's proposal of doubling the share of renewables in the energy mix in 2030 compared to 2020. The recent REPowerEU initiative, confirms the need to scale up renewable energy capacity for Europe to disentangle from Russian Gas well before 2030. Biomethane will be one of the cornerstones of EU energy mix by the end of the decade. Nevertheless, to meet increasing demand and to supply 35 bcm of biomethane by 2030 the current pace of biomethane and biogas project deployment need to speed up significantly.

Bottlenecks such as permit related and administrative barriers are currently slowing down and discouraging deployment of new capacities. For this reason, the EBA welcomes the simplification put forward in the Renewable Energy Directive proposal as well as the imminent publication of guidelines to inform Member States administration of best practices and procedures to tackle issues such as permit application and granting procedures; complexity of administrative authorisations and of site selection and planning of land use; constraints related to grid connection and repowering and staffing and skilling of permitting authorities.

EBA calls on the European Commission to efficiently guide Member States to address the discrepancy between climate ambitions and cumbersome permitting procedures that are to date contributing to investors uncertainty and suboptimal roll out of capacities.

When addressing administrative complexity, **the case of biomethane and biogas is particularly relevant**, not only in relation to the recently indicative objective identified in the REPowerEU, but also because of the interdependencies with a variety of economy sectors and actors. Indeed, the approval, development, and operation of biogas plants/biomethane projects are subject to a multitude of legal requirements because of their overlapping with agriculture, waste disposal, recycling, energy industry, fertilizers, and soil amendments production, etc.

- 1) **Prioritize biogas and biomethane projects authorizations based on security of supply and climate change mitigation purposes.** Political commitment should correspond to swift administration procedure. In particular, the procedures for new plants as well as upgrading (**biogas-to-biomethane conversion**) must be accelerated. In parallel, projects financed through Recovery and Resilience plans should be swiftly approved to timely scale up capacities.
- 2) **Improve administrative capacity.** To streamline and cut administrative burden administration should be adequately staffed and trained to deliver a swift service and operate digital tools.
- 3) **Bridge EU digital gap.** To increase capacity of lagging regions, improving administrative procedures and access to digital tool would act as a driver for biomethane investments.
- 4) **Standardize review times and transparently communicate to the actors' requesting permits.** Administration should process the requests within standardized time frames. Limitation of the time window for reviewing (3 months for example) or requesting for additional information should be set to provide developers with visibility and security.
- 5) **Facilitate administrative procedure for upgrading plants.** To achieve the current 35 bcm target for biomethane by 2030, upgrading of existing biogas plant should be part of the strategies to scale up capacity. Upgrading should not require an all-new permit and authorization procedure, rather a simplified one, with binding reaction times from administrations.

- 6) **Address EU rules that are unduly complicating permitting and authorization procedure.** While the sector support stringent rules to guarantee environmental safety, the SEVESO III Directive (2012/18/EU) imposes unnecessary burden to biogas plants. EBA suggests that a level playing field with natural gas is established when it comes to the current exemption threshold set for tanks, gas storage facilities, gas pipelines, etc. This should be indeed increased to the same value established for natural gas (50 tonnes, while it currently 10 tonnes).
- 7) **Ease procedure and cost for injection.** In certain countries cost sharing (capped pricing) for biomethane injection can apply only for a limited period of time. Considering security of supply, urgency of gas grid decarbonization and the need to maintain the economic viability of biomethane projects cost sharing by the network operators should also be allowed by national authorities.
- 8) **Grant flexibility over the utilization of agricultural slurry containers for digestate storage.** When input quantities are increased this requires an increase in the volume of digestate. To guarantee the storage period of digestate as prescribed by national authorities, flexibility over the storage of digestate in agricultural slurry containers should be granted.
- 9) **Remove barriers to cross-border flow of biomethane by ensuring the gas quality standard EN 16726 is fit for this purpose.** The current CEN gas quality standard (EN 16726) gives the possibility to use a very low oxygen acceptance level at interconnection points. This jeopardizes cross-border flow of biomethane that contains higher level of oxygen than natural gas while not risking the network integrity. The European Commission should therefore task the **European Committee for Standardization to assess and update this quality standard. An oxygen content of 0,5% is appropriate for biomethane.** This will enable cross-border trading and standardization of the biogas equipment.

Contact

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About the EBA

The **European Biogas Association** is the voice of renewable gas in Europe since 2009. EBA advocates the recognition of biomethane and other renewable gases as sustainable, on demand and flexible energy sources that provide multiple knock-on socio-economic and environmental benefits. Supported by its members, EBA is committed to work with European institutions, industry, agricultural partners, NGOs and academia to develop policies which can enable the large-scale deployment of renewable gases and organic fertilisers throughout Europe, supported by transparent, well-established sustainability certification bodies to ensure that sustainability remains at the core of the industry. The association counts today on a well-established network of over 200 national organisations, scientific institutes, and companies from Europe and beyond