

IDEAS PAPER

EU Action Plan for a “European Offensive to Speed Up Planning and Permitting Procedures”

1. Significance of the European Offensive

- Achieving the Green Deal’s objectives involves considerable and timely transformation processes in European industry. These procedures are too slow. In Germany, for instance, the proceedings based on the German Federal Immission Control Act take between 5 to 8 years. This affects for example electrolyzers, which are needed to produce hydrogen as an energy carrier¹.
- A joint **major effort of Europe to simplify and speed up planning and permitting procedures** is needed so that
 - the goals of the Green Deal are not missed,
 - European industry can realise urgent innovations in a timely manner,
 - Europe’s industrial base is not weakened,
 - the dependence on oil from Russia is reduced.

Essential Demands:

- IT TAKES A COMPREHENSIVE EU ACTION PLAN FOR FASTER PROCEDURES²
- THE EU COMMISSION SHOULD HAVE A CENTRAL ROLE IN THE ABOVE

2. Proposal for an “EU Action Plan for Faster Procedures”

To enable the European transformation process, it takes well-targeted action **at two levels**.

2.1 European support for the national level: The call for mutual learning and intra-European competition for efficient procedures

Basic Ideas:

- Planning and permitting procedures are a central location factor
- A systematic “**Best Practice Exchange**” between the Member States – with the European Commission as a “moderator” – would enable **mutual learning**.
- A **systematic comparison of the course and duration of procedures** could result in the intra-European competition of locations being used as a driver of reform at national level. **Intra-European competition** for modern and efficient planning and permitting procedures would strengthen the EU’s international competitiveness overall and would contribute massively to unleash the necessary European capacity for European Green Deal innovations.

Specific Design of an Action Plan:

- New public annual report by the COM on a centralised procedure (“Best Practice”) and an annual ranking of the Member States
- Possible content items of the annual report:

¹ See Prof. Hüther, Director IW: [Der ökonomische und ökologische Impact beschleunigter Planungs- und Genehmigungsverfahren in Deutschland \(vci.de\)](https://www.vci.de/der-oeonomische-und-oekologische-impact-beschleunigter-planungs-und-genehmigungsverfahren-in-deutschland)

² The „recommendation on fast permitting for renewable energy projects” announced in the REPowerEU Communication (COM(2022) 108) points in the right direction. However, a broader and politically centralised process is needed for a transformation.

A Best Practice exchange and a systematic comparison should – for plant/ installation permitting – take up the following elements:

- Comparison of duration of procedures
- Support for efficient overall planning:
 - Thresholds for each individual step in processing
 - Inclusion of land use and urban development planning
- Course and duration of environmental impact assessment
- Course and duration of public participation
- Handling of objections and lawsuits
- Comparison of resources of competent public authorities
- Degree of interoperationality and status of digitalisation

Proposal for a first step: European comparison of duration of procedures for plant/installation permitting for a “power-to-gas” plant.

- Connected with the above: at least half-yearly meetings
Participants: Commission, implementing authorities, economic actors, other stakeholders
- Examination of linkage to European Semester and systematic use of Member State-specific recommendations

2.2 European level: better implementation and optimisation of EU legal framework

The Green Deal brings an ambitious adaptation of the EU legal framework. This is also an opportunity to work towards fast procedures in a targeted way.

Concrete approach in the design of an Action Plan:

- Mechanism in **ongoing and forthcoming revisions** of relevant legal provisions. The following is important:
 - Always pay particular attention to the potential of faster procedures, e.g. in **the ongoing IED revision** – especially regarding the scope of application and substantive law proposals or the Biodiversity Strategy with a wider designation of protected areas.
 - Enshrine in central provisions an explicit monitoring obligation of the Commission (and of the Member States) regarding the duration of procedures.
 - Establish a strong motivation to rapidly create the necessary infrastructures.
- In addition, the possible existing legislative leeway needs to be examined for an **improved implementation of legal provisions that could speed up procedures**. This might be, for example, a fixed aspect in evaluations of legal acts (e.g. by adding this point to the Better Regulation Toolbox).
- Furthermore, the **pursuit of a horizontal legislative approach** could make a **contribution to faster procedures**. If designed suitably, the creation of a European “Law of Administrative Procedure”.

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