

Energy transition

**Based on the country reports of Austria, Estonia,
the Czech Republic, Hungary, Poland and Spain**

Status Report

Justice and Environment 2013

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I. Introduction

The Association Justice and Environment (J&E) as a European network of environmental law organisations is striving to protect the environment, human health and nature by improving environmental legislation and enhancing the enforcement thereof. J&E started to work in climate change related issues in 2008 tackling and analysing the matter from different legal perspectives. This year, J&E started long term oriented activities in a special niche of climate related policies, namely energy policies. Sustainable use and production of energy is one of the key triggers of EU environmental policies (the EU climate and energy package, EU 2020 targets, the Energy Roadmap 2050).

Energy Transition means a change towards sustainable economies by means of renewable energy, energy efficiency and sustainable development. The final goal is the abolishment of nuclear, coal, and other non-renewable energy sources. Basically energy transition has three pillars:

- Renewable energy production
- Decrease in energy consumption, including energy efficiency
- Smart grids able to transfer and store energy produced by renewable sources

Over the last years, Energy Transition has become popular in some EU Member States, influencing EU policies, and J&E has shifted its focus of research to the implementation of the RES related legislation.

The key regulation driving Member States (MS) towards the reform of the national legislation on energy production is the **Directive 2009/28/EC of the European Parliament and of the Council on the promotion of the use of energy from renewable sources** (hereinafter referred as **RES Directive**).

The RES Directive - as a part of the energy and climate change legislation package of the EU - provides a common framework for the production and promotion of energy from renewable sources; it is aimed at encouraging energy efficiency, energy consumption from renewable sources, at the improvement of energy supply and at the economic stimulation.

The main objective set out by the RES Directive is reaching 20% of the EU's energy consumption from renewable energy sources by 2020. It sets mandatory national targets for the overall share of RES in gross final consumption of energy, as well as a mandatory share of 10% RES in transport for each MS.

II. Promotion of the use of energy from renewable sources

II.1. National targets and the NREAPs

Each MS has a target calculated according to the share of energy from renewable sources in its gross final consumption for 2020 and these targets are in line with the overall 20-20-20 target for the EU.

The mandatory national targets provide certainty for investors and to encourage continuous development of technologies which generate energy from all types of renewable sources.

According to the Article 4 of the RES Directive, in order to implement the most appropriate measures for achieving the RES goals, National Renewable Energy Action Plans (NREAPs) were to elaborate and to submit by the Member States to the European Commission by 30th June 2010. The NREAPs set out how each Member State aims to achieve its national target stipulated in Annex I of the RES Directive.

MSs have to specify and to implement the necessary measures and to establish procedures for the reform of planning and pricing schemes, access to electricity networks and for the promotion of energy from renewable sources.

The six countries involved in J&E's survey have already adopted their national action plans setting out national targets and necessary measures as required¹.

In **Spain** – resulting from the specific political system – there have been seventeen regional renewable action plans adopted by the Autonomous Communities which documents are keyed to the coordination of sector- specific policies concerning energy infrastructures and to the achievement of RES objectives.

As the status reports showed, the national targets are announced by political documents as in Estonia and Hungary) but also incorporated into national legislative acts in Spain, in the Czech Republic and Austria.

From the countries involved the **Czech Republic** and **Hungary** aim to achieve a higher share of renewable energy sources by 2020 compared to the total gross energy consumption than it was stipulated in Annex I of the RES Directive².

¹ http://ec.europa.eu/energy/renewables/action_plan_en.htm

² National Status Reports on Energy Transition <http://www.justiceandenvironment.org/publications>

The main measures envisaged by the NREAPs in the countries involved are financial, legal and policy programmes such as:

- operational support and subsidies for investments producing electricity from renewable sources
- legislative measures, regulatory and comprehensive program formulation incentives
- reforms of taxation systems by introducing tax benefits for energy production from renewables or by increasing taxes of energy consumption
- integration of targets and measures for energy into spatial planning
- simplification of administrative procedures by the reform of the existing regulatory frameworks
- programmes for promotion, training and awareness raising

It could be stated that the content of the NREAPs comply with the provision of the Article 4 of the RES Directive; however the practical implementation of those has been hindered by different political or economic interests.

In **Spain** the economic crisis of the last years influenced adversely the implementation of the measures laid down in the NREAP. Since 2012, the Spanish Government has adopted measures to reduce the tariff deficit with an impact estimated at 6 billion euros savings per year- including the freezing of new renewable energy investment. Despite the undertaken measures, the tariff deficit was not solved.³

II.2. Reports on the implementation

Article 22 of the RES Directive requires Member States to submit their reports to the EC on progress in the promotion and use of energy from renewable sources by the end of 2011, and every two years thereafter. The sixth report to be submitted by 31 December 2021 shall be the last report required.

The MSs' reports from 2011 showed that all the countries involved in J&E's survey carried out a progress towards the first interim target >2% above the interim target (Austria, Estonia, Hungary, Spain) or <1% from or <2% above the interim target (Poland and the Czech Republic)

The last progress report of the EC on the implementation of the RES Directive was published in March 2013⁴. It stated that the most objective measure is to judge Member States against their first interim target, calculated as the average of their 2011/2012 shares. Whilst on average such progress to 2010 is good, this does not reflect the policy and economic uncertainties that renewable energy producers appear to face currently.

In the EC's analysis authorisation and planning procedures and the slow pace of electricity infrastructure development were identified as important challenges to the renewable energy growth.

³ National Status Report on Energy Transition – Spain 2013.

<http://www.justiceandenvironment.org/publications>

⁴ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2013:0175:FIN:EN:PDF>

II.3. Administrative procedures

Art 13 of the RES Directive promotes the simplification of the RES related procedures by requiring that any national rules concerning the authorisation, certification and licensing procedures that are applied to plants and associated transmission and distribution network infrastructures for the production of electricity, heating or cooling from renewable energy sources, and to the process of transformation of biomass into biofuels or other energy products, are proportionate and necessary in the MSs.

The RES Directive also promotes the coordination between different administrative levels and bodies and asks for transparent timetables for determining planning and building applications and for decisions. Administrative procedures shall be streamlined at the adequate administrative levels and requirements shall be objective, transparent and proportionate. It must be ensured that the rules do not discriminate between applicants and take fully into account the particularities of individual renewable energy technologies. Transparency on the costs of the proceedings is also required and the authorisation procedures shall be simplified and less burdensome.

The Commission's analysis⁵ of Member States' 2011 progress reports indicated that removal of the administrative barriers is still limited and slow, and also the progress report in 2013⁶ worded the concerns about slow progress regarding online applications, administrative time limits for planning and permitting decisions, and transparent approval processes.

In the six country reports, J&E aimed to follow up whether the existing national regulations have been amended or new regulations have been introduced into the national procedural legislation in order to fulfil Art 13 par 1 of the RES Directive.

In **Austria** the competence of legislation is shared among the federal state and the Laender which political system made the complexity of the regulation multi-faceted. The provision of Art 12 par 2 of the Austrian Federal Electricity Act 2010 is aimed at guaranteeing that no high barriers are set and no complex proceedings are to be carried out with respect to electricity generation plants from renewable energy sources. This provision copes with the meaning of proportionate and necessary proceedings in the meaning of Art 13 of the RES. However, most of the Laender's Electricity Acts do not comply with the instructions of Art 12 Federal Electricity Act. The former cited acts rather provide for simplified procedures or a mere notification procedure (in contrast to a permitting procedure) for all production installations not exceeding certain power thresholds. This is to be seen very critically if we assume that the Federal Electricity Act is based on a general permitting provision on production installation – because then such an exemption clause can't be handled that generously. Art 12 Federal Electricity Act does not define the criteria for applying simplified procedures or mere notification procedures in the permission of production installations – so the Laender decided freely between both alternatives.⁷

⁵ Renewable Energy: progressing towards the 2020 target (COM (2011) 31 and SEC (2011) 130)

⁶ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SWD:2013:0102:FIN:EN:PDF>

⁷ Cp. Hauenschild, Energieerzeugungsanlagen. In: Raschauer/Wessely, Handbuch Umweltrecht (2010²): p.437. referred in Status Report AUSTRIA

In the **Czech Republic** the NREAP sets goals to be accomplished in order to fulfil principles set in the Article 13 of the RES Directive and the Act No. 183/2006 Coll. on zone planning and building code has recently been amended in order to simplify some of the procedures. The most significant change is that land use permitting for all electricity producing installations over 100MW, as well as grid constructions, is now centralized under the competence of Ministry of Regional Development. This centralization of permitting procedures however does not affect development of RES installations directly as there are no RES installations over 100 MW. This modification is rather aimed at permitting procedures for large conventional installations whilst - with regard to Art. 13. - no significant improvement has been made. In addition to that, the procedure on adoption of spatial plans has been simplified.

In **Estonia** the country reports stated that there weren't any changes in legislation regarding the administrative procedures.

In **Hungary** during the second half of 2010 the reorganisation of public administration was commenced and these changes also affected the administrative authorisation procedures of investments related to the utilisation of renewable energy sources.

The Hungarian Progress Report in 2011 explained that the measures for the simplification of authorisation procedures for RES investments will be integrated into the Simple State Programme, which includes the total reform schedule of the Hungarian public administration, and as a result, authorisation procedures concerning renewable energy sources, too, will be gradually simplified in the future, procedural deadlines will be shortened and the administrative costs of market participants will be reduced⁸.

The measure-package of the Simple State Programme⁹ does not deal with renewables expressly, but aims to make all the permitting procedures of investments shorter and simpler – from our point of view - by limiting the participatory rights of the concerned public.

The European Commission reacted on this package of measures and delivered recommendation for a Council opinion on Hungary's convergence programme for 2012-2016 including the Simple State Programme.¹⁰ However, the EC's reaction to the 114 measures of the simplification suggested the acceleration of the implementation of the measures, without having those separately evaluated from the aspect of public participation. The Council gave out its Recommendation on the 9th of July 2013 approving the recommendation of the Commission¹¹.

In **Poland** the national procedural legislation does not fully implement Art 13 par 1 of the Directive. The current provisions regulate issues related to planning, construction and operation of RES installations in a comprehensive manner. In issuance of decisions,

⁸ Report on the use of renewable energy sources in Hungary in 2009 and 2010 (Reporting by the Member States pursuant to Article 22 of Directive 2009/28/EC)

⁹ <http://egyszeruallam.kormany.hu/a-114-intezkedes>

¹⁰ http://ec.europa.eu/europe2020/pdf/nd/csr2013_hungary_en.pdf

¹¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:217:0037:0041:EN:PDF>

competent authorities must observe the principles of objectivity, transparency, proportionality and non-discrimination. Renewable sources of energy have, pursuant to the Polish law, a number of facilities and amenities of both financial and procedural feature. The Polish Energy Law has recently been amended in order to simplify some of the procedures. The most significant changes are the obligation to purchase green energy by the so-called ex officio seller and priority transfer of electricity from RES.

In **Spain** the Law on Sustainable Economy provides that the Ministry of Industry, Energy and Tourism shall seek to simplify administrative procedures by adopting a catalogue on administrative procedures to follow for the establishment of facilities using renewable energies and high efficiency energy from cogeneration with the aim of serving as guidelines to competent public administrations when establishing those procedures as well as of guiding developers of this type of facilities. However, this catalogue has not been produced yet. In addition, this regulation also provides that administrative procedures and requirements shall be adequate to different technologies, sizes and uses and shall take into consideration brief timelines for response and shall be subject to reduced and uniform tariffs and taxes. It is important to mention that the Renewable Energy Plan 2011-2020 considered the need to develop a brief procedure but it did not define the horizon dates.

Par (90) of the RES Directive pronounces that the implementation thereof should reflect, where relevant, the provisions of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, in particular as implemented through Directive 2003/4/EC on public access to environmental information.

The further provisions of the RES do not refer to the importance of public participation in decision-making; it is missing from the administrative rules where those would have been important.

In our opinion, the removal of the administrative barriers from the permitting and other procedures for RES investments shall primarily serve environmental interests and the fight against climate change.

Obviously, the bureaucracy shall be fought back especially in relevant procedures for realization of RES investments; it is however recommendable that the development in efficiency of the RES related procedures is not at the expense of effective public participation.

II.4. Technical specifications in support schemes

According to the RES Directive, Member States shall clearly define any technical specifications which must be met by renewable energy equipment and systems in order to benefit from support schemes. Where European standards exist, including eco-labels, energy labels and other technical reference systems established by the European standardisation bodies, such technical specifications shall be expressed in terms of those standards.

In the countries involved, the national legislations require to meet specific technical norms in order to be able to be entitled to support.

II.5. Renewables in building sector

As buildings account for a significant part of the energy consumed, in order to increase the share of all kinds of energy from renewable sources in the building sector, the RES Directive requires that MSs shall introduce appropriate measures in their building regulations and codes.

In **Estonia**, amendments to Building Act adopted in May 2012 authorize the Minister of Economic Affairs and Communications to adopt Regulations on conditions for use of renewable energy in buildings; however, this ministerial regulation has not been adopted yet.

In the **Czech Republic** there have been legislative measures introduced in the national building regulations related to RES. Although the Act on zone planning and building code does not contain any regulation directly related to increasing share of renewable energy, the Act on energy management and the Regulation on energetic demand of buildings contain such provisions. There are several types of measures included in the Czech law as Energetic Conceptions prepared by regional or municipal authorities, or assessment of feasibility alternative energy supply for new buildings or buildings undergoing a “significant reconstruction”.

In **Spain**, the Technical Building Code introduced a minimum contribution of renewables for supplying hot water and electricity and a Royal regulation on the State Plan to promote house renting, building rehabilitation and urban regeneration and renovation (2013-2016)¹² includes subsidies to install energy generation equipment from renewables such as the solar, biomass and geothermal sources to reduce the consumption of conventional energy (thermal or electricity) in the buildings.

In **Austria** only the Laender have the competence with respect to building regulations. To ensure uniform development of measures and incentives set for the use of renewable energies in the building sector the Federal Agreement on Measures regarding buildings in order to reduce greenhouse gas emissions was concluded. As examples the Viennese Building Code, the Styrian Building Code or the Salzburg Construction Engineering Act¹³ can be mentioned. The latter regulation states that when new buildings with a surface area of over 1,000 m² are constructed alternative systems have to be assessed and used, if this is technically, environmentally and economically feasible.

In **Hungary** a number of regulations have been adopted in the last few years in construction law but these do not oblige directly anyone to increase the share of renewable energy; these provisions concerning relate rather to the construction documentation that shall contain the assessment of the opportunities and alternatives of the application of renewable energy sources. More efficient are the support schemes which have been introduced in order to

¹² BOE núm. 86, of 10.04.2013.

¹³ Regional Law Gazette No. 75/1976.

develop the energy performance of buildings combined with the utilisation of renewable energy sources. As required by 2002/91/EC Directive, an energy performance certificate is required for the take over and letting out of new buildings. As a policy document a new National Energetic Strategy for Buildings can be mentioned that has been prepared and published for stakeholder consultation in November of 2013.

II.6. Promotion conversion technologies in using biomass

In the case of biomass, MSs shall promote conversion technologies that achieve a conversion efficiency of at least 85 % for residential and commercial applications and at least 70 % for industrial applications.

A support scheme of the **Austrian** Energy Strategy (only a political document) promotes measures supporting thermal energy, heat pumps and biomass heating systems in residential and commercial applications. Funding shall be exclusively granted to conversion technologies, with a conversion efficiency of at least 85 percent.¹⁴

Nor in **Estonia** neither in **Poland** there are legislative measures to promote such conversion technologies but in Estonia subsidies are paid for electricity produced by means of co-generation of electricity or from RES.

Spain has implemented biomass support measures. In Spain the 2005-2010 Spanish Renewable Energies Plan, the 2008-2012 Action Plan (PAE4+) and the 2011-2020 Plan Energy Renewable (PER) promote the conversion technology. The PER 2011-2010 includes number of measures to promote the conversion technologies that achieve a conversion efficiency of at least 85 % for residential and commercial applications and at least 70 % for industrial applications. However, the current political context has put a break to many of these measures.

II.7. Information, training

As awareness-raising and appropriate access to the RES related information is an important part of the promotion of the utilization of renewable energy sources, the RES Directive requires to provide information to all stakeholders including energy producers, builders, installers, architects and the citizens.

To ensure the availability of the specific information according to the Article 14 of the RES Directive, in most of the countries involved no specific legislative measures have been taken.

In **Hungary**, the Art 7/A of the Electricity Act lays down in its par (2) that the minister in charge for energy policy has to maintain an up-to-date webpage providing information on promotion and application of RES investments. The webpage is run by the Energy and Public Utility Regulatory Authority and contains the data required by the Art 14 of the RES Directive.

¹⁴ Cp. Austrian Energy Strategy 2010, p. 59.

In **Austria** the “klima:aktiv” initiative of the Ministry of Agriculture, Forestry, Environment and Water Management, aims at the information of several target groups about the opportunity to use renewable energies.¹⁵ The Austrian magazine "renewable energy - magazine for a sustainable energy future" is edited by the Federation of the Task Force “Renewable Energy” also providing information mainly to architects, planners and other professionals about the possibilities of the use of sustainable energy technologies.

In the **Czech Republic** the Ministry of industry and trade operates a website¹⁶ providing information about the subject.

In the countries involved, information – on support schemes and funding programs - have been made available via internet, whereas it also could be stated that in **Estonia** some of the required information is readily available (on support measures), whereas there is hardly any systematic information on net benefits, cost and energy efficiency of equipment and systems for the use of heating, cooling and electricity from renewable energy sources provided by national authorities.

The Member States have to develop suitable information, awareness-raising, guidance or training programmes in order to inform citizens of the benefits and practicalities of developing and using energy from renewable sources.

In majority of the countries involved the projects on awareness raising on renewable energy are encouraged mainly by political documents. Related campaigns and/or trainings, seminars were launched by national NGOs and state funds, e.g. in Austria – The Climate and Energy Fund¹⁷, in the Czech Republic by the Ministry of Environment, in Hungary – environmental NGOs/e.g. Centre for Environmental Studies/ and in Spain the Institute for Energy Diversification and Savings.

II.8. Certification schemes

According to the Art 14 par 3 of the RES Directive MSs shall ensure that certification schemes or equivalent qualification schemes become or are available by 31 December 2012 for installers of small-scale biomass boilers and stoves, solar photovoltaic and solar thermal systems, shallow geothermal systems and heat pumps.

Most of the countries involved introduced qualification schemes required by the RES Directive; however, as regards Estonia it could be stated that no legislative measures to introduce such schemes have been adopted as of July 2013.

In **Austria** a WIFI¹⁸ Certificate - internationally accredited according to EN ISO / IEC 17024 – for the profession of an "ÖKO-Energietechniker/in" (“Ecological Energy Engineer”) has been created.

¹⁵ <http://www.klimaaktiv.at/>

¹⁶ www.mpo-efekt.cz

¹⁷ The Austrian Climate and Energy Fund is a fund established and controlled by the state (i.e. the ministry of environment); its structure and the criteria for funding projects is determined by law.

¹⁸ The WIFI – Certification Office has been set up as a certification body of the Austrian Chamber of Commerce.

In **Hungary**, in 2011 the National Register of Trainings was amended with a new training for “Refrigeration, air conditioning and heat-pumps mechanics”. Further a ministerial decree introduced the specific certification of “Energeticist specialized in renewable energy”.

In the **Czech Republic** the certification schemes were made available by Act on energy management and Act on trade business before 31 December 2012. According to Act on energy management, installers of small-scale biomass boilers and stoves, solar photovoltaic and solar thermal systems, shallow geothermal systems and heat pumps must hold an authorization issued by Ministry of Industry and Trade, graduate from a training programme as it is defined in the related legislation and each five years to attend a refresher seminar.

II.9. Guarantees of origin of electricity, heating and cooling produced from renewable energy sources

The guarantee of origin is an electronic document whose function is to prove to a final customer that a given share or quantity of energy was produced from renewable energy sources. According to the Art 15 of the RES Directive MSs shall ensure that a guarantee of origin is issued in response to a request from a producer of electricity.

In all the countries involved, the national legislation provides that a guarantee of origin will be issued.

There is also an opportunity for MSs provided by the RES Directive that the national regulation may arrange for guarantees of origin to be issued in response to a request from producers of heating and cooling from renewable energy sources as well. Such an arrangement may be made subject to a minimum capacity limit. A guarantee of origin shall be of the standard size of 1 MWh.

With respect to heating and cooling from renewable energy sources, the guarantees of origin may be issued in **Austria** and in **Hungary** (according to explicit regulation), and in **Spain** (deduced from the wording of the related regulation). Nor in **Estonia**, nor in **Poland**, neither in the **Czech Republic**, guarantees of origin can be issued in case of heating and cooling.

Although the RES Directive ensures the opportunity that MSs may provide that no support be granted to a producer when that producer receives a guarantee of origin for the same production of energy from renewable sources, in the countries involved no provisions prohibit financial support to energy from renewable sources that has also received a guarantee of origin.

II.10. Access to and operation of the grids

As regards the access to the grid, MSs shall develop transmission and distribution grid infrastructure, intelligent networks, storage facilities and the electricity system generally, in order to accommodate the further development of electricity production from renewable energy sources, which includes interconnection between MSs and between MSs and third countries.

Furthermore, MSs are required to ensure either priority access or guaranteed access to the grid-system of electricity produced from RES, and also provide that transmission system operators give priority to generators using RES when dispatching electricity.

As a main rule, the electricity produced from renewable energy sources has priority access in **Austria** and in the **Czech Republic**.

In **Austria** the priority access of electricity produced from renewable energy can be avoided by low transmission system capacities. Network operators can only feed-in the amount of electricity the network is capable to bear. Low network capacities and high grid costs undermine the priority access in practice; producers of electricity from renewable energy sources are charged grid costs just as other producers of electric energy. In practice – due to low network and transmission capacities – quite high network connection fees are negotiated with electricity producers from renewable energy sources.

In **Estonia** the producers of energy using RES are treated as any other electricity producer, e.g. it must apply for a permit to produce energy and conclude an agreement with the transmission network operator on joining the network

According to the **Spanish** system, Royal Decrees regulating the activity on the production of electricity under the special regime have been derogated adopting urgent measures to guarantee the financial stability of the electricity system withdrawing the feed-in tariffs provided in them. This represents the loss of the priority access that provided those decrees.

The Art 35 par (3) of the Electricity Act of **Hungary** is aimed at ensuring that when providing access to grids, transmission system operators shall - based on the conditions set out by a separated piece of legislation - provide priority to generating installations applying CO₂-free technology or using RES; however the separated piece of legislation referred has not been adopted yet.

In **Poland** this provision of the Directive has not been implemented yet. The amendment - in force from 11 September 2013 - of the Polish Energy Act does not introduce priority access for the electricity produced from renewable energy sources to the grid system. Nevertheless, the operator of the electricity system is required to ensure priority in the provision of transmission and distribution of electricity produced from renewable energy sources and cogeneration, simultaneously maintaining the reliability and security of the national electricity system.

III. Energy efficiency

The minor part of the country reports was aimed at collecting information on the national policies and legislation on energy efficiency. J&E already studied the implementation of the Directive 2006/32/EC of the European Parliament and of the Council on energy end-use efficiency and energy services in 2011.

The EU adopted the Directive 2012/27/EU on energy efficiency which directive amended the directives 2009/125/EC and 2010/30/EU and repealed the directives 2004/8/EC and 2006/32/EC. The new directive creates a common framework of measures for the promotion of energy efficiency in order to achieve the Union's 2020 20 % headline target on energy efficiency.

The Directive lays down provisions aimed to remove barriers in the energy market and overcome market failures that impede efficiency in the supply and use of energy, and provides for the establishment of indicative national energy efficiency targets for 2020.

The country reports focused primarily on the following points of the national energy efficiency policies and legislation.

The issue of energy efficiency and decreasing energy demand is covered mainly by political documents (e.g. State Energy Conception in the Czech Republic, the Austrian Energy Strategy, Energy Savings Programme 2007-2013 in Estonia).

There has not been adopted overarching legislation but there exists specific legislation relating to energy efficiency in the countries included.

III.1. National Energy Efficiency Action Plan (NEEAP)

According to the previous directive, MSs shall submit to the Commission the following EEAPs:

- a first EEAP not later than 30 June 2007;
- a second EEAP not later than 30 June 2011;
- a third EEAP not later than 30 June 2014.

All EEAPs shall describe the energy efficiency improvement measures planned to reach the targets, as well as to comply with the provisions on the exemplary role of the public sector and provision of information and advice to final customers.

As the country reports explained, the second EEAPs have been adopted in the countries involved.

III.2. Energy efficient public procurement

The previous Directive 2006/32/EC on energy efficiency required that MSs shall ensure that energy efficiency improvement measures are taken by the public sector, focussing on cost-effective measures which generate the largest energy savings in the shortest span of time. MSs should facilitate this process by publishing guidelines on energy efficiency and energy savings as a possible assessment criterion in competitive tendering for public contracts.

In **Austria**, in **Poland**, in **Hungary** and in **Estonia** there have been clear criteria defined that shall be taken into consideration during public procurement procedures; meanwhile in the **Czech Republic** in the national legislation there is no direct reference to the energy efficiency and energy savings as assessment criterion.

IV. Closing remarks

J&E's experts studied the RES relevant legislation of six EU Member States. The main aim of the work was to provide an insight into the national regulations on production of energy from renewable sources.

The RES Directive includes a number of provisions relating to the simplification of RES related administrative procedures, integration of RES in buildings, training and information, certification of installers, guarantees of origin, access to the electricity grid for RES, infrastructure development, sustainability criteria for biofuels and it provides the frames for the cooperation mechanisms among MSs.

The six countries involved in J&E's survey have already adopted their national action plans setting out national targets and necessary measures as required. As the status reports showed, the national targets are announced by political documents (Estonia, Poland and Hungary) but also incorporated into national legislative acts (Spain, the Czech Republic, Austria). The main measures envisaged by the NREAPs in the countries involved are financial, legal and policy programmes and it could be stated that the content of the NREAPs comply with the provisions of the RES Directive; however the practical implementation of those has been hindered by different political or economic interests. The economic crisis of the last years influenced adversely the implementation of the measures laid down in the NREAP of Spain.

The national legislations on buildings have been amended in most of the countries involved, however, in case of Estonia it could be stated that **although an act authorized the competent legislator to adopt regulations on conditions for use of renewable energy in buildings; this regulation has not been adopted yet.**

Information on support schemes and funding programs have been made available via internet in the countries involved, whereas it also could be stated that some of the required information is readily available (on support measures), whereas **there is hardly any systematic information** on net benefits, cost and energy efficiency of equipment and systems for the use of heating, cooling and electricity from renewable energy sources provided by national authorities (e.g. Estonia).

The access to the RES related information is a relevant part of the promotion of the utilization of renewable energy sources, thus **the data and information required by the RES Directive shall be published via internet in a more effective and comprehensive way.**

Local and regional bodies have significant role in the promotion of renewables. Most of the involved countries' legislation does not encourage expressly these bodies to include heating and cooling from renewable energy sources in the planning of city infrastructure.

The implementation of the RES directive has been evaluated by the EC and the last progress report was published in March 2013. In the EC's analysis authorisation and planning procedures and the slow pace of electricity infrastructure development were identified as important challenges to the renewable energy growth.

In accordance with the EC's last progress report, it has been confirmed that **the existing national regulations were not or insufficiently modified in order to make the RES related procedures simplified, proportionate and transparent.**

The procedures haven't been amended (Estonia), or have not been adequately modified (Austria, Poland). There are Member States having announced the political will of the simplification of administrative procedures; however, the modifications did not concern the RES investments (e.g. the Czech Republic) or the detailed regulation hasn't been adopted yet (Spain), or the planned amendments and modifications of the relevant legislation may risk the participatory rights of the concerned public (Hungary).

The removal of the administrative barriers from the permitting and other procedures for RES investments is one of the most important challenges of the national legislation in order to promote the energy production from RES.

In our point of view, these legislative changes shall primarily serve environmental interests and the fight against climate change. We found it recommendable that the development in efficiency of the RES related procedures is not at the expense of effective public participation.

Contact information:

name: Ágnes Gajdics
organization: J&E
address: Garay u. 29-31., 1076 Budapest, Hungary
tel/fax: 36 1 3228462, 36 1 4130300
e-mail: info@justiceandenvironment.org
web: www.justiceandenvironment.org

The Work Plan of J&E has received funding from the European Union through its LIFE+ funding scheme. The sole responsibility for the present document lies with the author and the European Commission is not responsible for any use that may be made of the information contained therein.

