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WESTERN BALKANS

Uniting Europe's Energy, Today

RED III: Permitting Reform

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Agenda

1. Duration of permitting processes
2. Set-up of single contact points and „single permit“ procedure
3. Simplified permitting procedures for RAA

RED III: principles for permitting procedures

General organisation (Art. 16)

- Administrative permits to build, repower and operate (hybrid) renewable energy plants
- Procedure comprises all stages from the acknowledgement of the complete application to the notification of final decision
- Date of acknowledgement of complete application is start date for permit-granting procedure
- (Single) Contact Point supports applicant throughout process
- Decision of permit-granting procedure must be transparent and made publicly available

- Government to provide enough qualified staff for authorities (upskilling, reskilling)
- Single contact points and digital permitting procedures as prerequisite to meet deadlines

RED III: maximum permitting timeframes

General permitting deadlines (Art. 16b)

- RED III (Art. 16) sets maximum durations for the entire permit-granting procedure, i.e. from the complete application to the final decision on the project
 - Standard onshore renewable energy projects within a maximum 2 years
 - Offshore renewable projects within a maximum of 3 years
 - Possible extension of up to 6 months for both cases if duly justified
- Single contact point (SCP) to carry out environmental assessment in combination with all other assessments in one single procedure
 - If project has all mitigation measures, provisions of Habitat and Bird Directives do not apply
 - If untested mitigation measures, Government may allow use for limited time as pilot project

RED III: maximum permitting timeframes

Permitting deadlines for smaller projects (Art. 16b)

- Repowering, small installations (electrical capacity of <150 kW), co-located storage, grid connections:
 - Onshore renewable energy projects within a maximum of 1 year
 - Offshore renewable energy projects within a maximum of 2 years
 - Possible extension of up to 6 months for both cases if duly justified
- Solar installations on existing or future artificial structure: up to 3 months without EIA
- Solar energy equipment with less than 100 kW installed capacity: up to 1 month
 - If longer, application of “silent consent” – i.e. automatic approval if no authority response

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RED III: single contact point (SCP)

SCP as functional requirement to meet permitting deadlines

- Government appoints or creates lead authority as the SCP for renewable permitting as main interface for project developers
- 2 options for SCPs
- Coordinating model
 - SCP coordinates multiple authorities (environment, grid, planning, aviation, etc.)
 - SCP manages permitting process although other authorities still issue opinions
- Centralized model
 - One unit handles all processes directly
 - Unit can be national or regional agency or administrative unit

RED III: single contact point (SCP)

National laws for the set up of a SCP

- Governments must provide SCP with authority to enforce the coordination of permitting processes
 - Amend or create relevant national administrative procedure laws
 - Define clear competencies between relevant authorities
 - Set-up of binding deadlines
 - Enable data sharing between agencies

RED III: single contact point (SCP)

SCP as digitalised information hub

- Governments must build or upgrade an online application portal allowing
 - Digital submission of applications
 - Transparent tracking of application
- Online portals include
 - Easy access
 - Pre-application guidance
 - Manual of procedures for developers (small-scale projects, self-consumption, RE communities)
 - Information about timelines and procedural steps
 - Standardized requirements and checklists

RED III: single contact point (SCP)

SCP as one-stop shop for entire permitting process

- Developer submits one application to SCP
- SCP handles whole permit-granting process
 - Submission of applications
 - Environmental assessments (EIA/SEA coordination)
 - Grid connection permits
 - Construction and operation permits
- SCP coordinates all administrative steps
 - Distributes application to all relevant authorities
 - Runs procedures in parallel where possible (not sequentially)
 - Monitors deadlines and progress

RED III: single contact point (SCP)

Best-practice examples

- **Single contact point**
 - Austria: central point of contact for green electricity support, *OeMAG Abwicklungsstelle für Ökostrom AG*, established under the Green Electricity Act 2012
- **Single, unified application process**
 - BE, FR, NL: introduction of “single permit” procedures
 - FR: single examination of several permits (environmental, air navigation, wind projects, electricity production licenses etc.
 - BE: combined environmental and urban permits with exemptions for small-scale projects
 - Use of EU and national funding for upskilling (e.g. FI, Recovery and Resilience Plan)

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RED III, Art. 16a: Permitting in RAAs

Shift of planning from project level to area level

- Designation of RAAs:
 - Focus on low-conflict areas; i.e. areas with minimal or no conflicts with biodiversity, heritage, land use
 - Environmental assessment is moved “upstream” from individual projects to the planning stage of entire areas; i.e. Strategic Environmental Assessment (SEA)
 - Application of the legal principle “Overriding Public Interest” implies a different implementation of environmental legislation (e.g. Habitat and Bird Directives)
- Strategic Environmental Assessment (SEA) as key prerequisite
 - Evaluates environmental impacts at the level of the whole zone
 - Identifies low-risk areas suitable for renewables
 - Screens out sensitive locations (e.g. key habitats)

RED III: Permitting in RAAs

Screening process for projects within an RAA

- General exemption from mandatory EIA under the Environmental Impact Assessment Directive
- Yet, screening process for each project
- Aim: to check for adverse effects in view of environmental sensitivity of geographical area
- If screening process reveals site-specific or unforeseen impacts (not covered under SEA), projects can still be modified or rejected if they create unexpected significant harm
- Lengths of screening process
 - 45 days after submission of complete application
 - 30 days for applications for projects with an electrical capacity of less than 150 kW

RED III: Permitting in RAAs

Fast-track permitting within RAAs

- Governments must apply shorter permitting deadlines than the general RED III deadlines:
 - Up to 12 months for an onshore project (extendable for 6 months if duly justified)
 - Up to 24 months for an offshore project (extendable for 6 months if duly justified)
 - Up to 6 months for new and repowering projects of less than 150kW (max. 12 months offshore)
 - Up to 9 months if repowering project has substantial impact on grid (max. 18 months offshore)
 - Planned projects inside a RAA undergo a screening process, not a full EIA



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THANK YOU!



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