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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	10746/22 +ADD1
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive (EU) 2018/2001 of the European Parliament and of the Council, Regulation (EU) 2018/1999 of the European Parliament and of the Council and Directive 98/70/EC of the European Parliament and of the Council as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652 - Joint Statement by Germany, Luxembourg, Poland, Portugal and Slovenia

Delegations will find in the Annex a joint statement by Germany, Luxembourg, Poland, Portugal and Slovenia in relation to the general approach for the Revision of the renewable energy Directive as set out in document ST 10488/22 and discussed at the Council (Transport, Telecommunications and Energy) at its 3886th meeting held on 27 June 2022.

Statement for the minutes
on the General Approach of the RED II and Article 15
Energy Council, Luxemburg on 27 June 2022

DE, LU, PL, PT and SI have the common understanding that the Council will revert to the issues raised in the German non-paper and the EC proposals from RepowerEU on permitting under the CZ presidency as a matter of priority.

In this context, we would like to underline that we do not support that the provision in Article 15 (8b) providing that renewables and the related grid infrastructure are to be considered as being in the overriding public interest and as serving the public safety is limited to the three Directives mentioned in the current version of the text of the General Approach. The provision needs to apply also to other relevant provisions for the balancing of legal interests in the planning and permit-granting procedures.

If the EU is to achieve ambitious renewable energy targets by 2030, renewables and the related grid infrastructure need to be considered as being in the overriding public interest more broadly. The legal reasoning behind the limitation of the overriding public interest to specific articles needs further thorough assessment and discussion.