



HWEA

HELLENIC WIND ENERGY ASSOCIATION

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NOTE

On the clauses of the new law 4685/2020 for the environmental licensing and renewables

The Hellenic Parliament has approved a new law which includes important clauses for our sector. The law has been published at the Official Government Gazette A'92/7.5.2020 under the no 4685/2020.

Some of the main clauses of the new Law 4685/2020 are the following:

1. The duration of the environmental licenses (EIA) is defined to 15 years (from 10 years). This is applied automatically to the existing EIAs as well.
2. Shorter deadlines are introduced to some of the procedures for the issuance of the EIA. The deadlines do not apply for the Central Archaeological Council.
3. If one authority does not meet the relevant deadline, then the issue is examined within 20 days by the Central (or the Regional) Council of Environmental Licensing.
4. The Production License for RES project is substituted by the Certification of RES Producer.
5. Two categories of projects are defined:
 - The special projects (i.e. wind onshore above 150MW, wind offshore, hybrid plants, RES projects which are connected to the mainland with a new underwater cable etc.)
 - The non-special projects (i.e. wind onshore less than 150MW, PVs etc).
6. For the issuance of a Certification for a special project, RAE follows an evaluation procedure similar to the existing one based on analytical criteria (i.e. the financing and technical capacity of the applicant, its total business plan, the energy productivity based on certified wind measurements, IRR etc.).
7. For the issuance of a Certification for a non-special project, instead of the above evaluation, the applicant pays a fee as per the following table:
 - 3.000 €/MW for the first 1MW
 - 2.500 €/MW for the part of the capacity 1-10MW
 - 2.000 €/MW for the part of the capacity 10-50MW
 - 1.500 €/MW for the part of the capacity 50-100MW

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- 1.000 €/MW for the part of the capacity 100-250MW
- 0 €/MW for the part of the capacity above 250MW

The fee is paid in two milestones i.e. the first one 20 days after the approval of the application and the second one after 12 months.

8. Applications for new Certifications may be submitted with the first 10 days of each February, June and October, starting from October 2020.
9. The pending applications submitted since September 2018 and afterwards, will pay a fee reduced by 50%-90% depending on the period of the applications (e.g. the applications of September 2018 will pay 10% of the fee while the application of December 2019 will pay 50% of the fee).

The pending applications submitted up to June 2018 will be evaluated with the previous law and criteria.

10. The projects should meet specific restrictions for the land use.
 - For wind onshore:
 - The distance between the WTGs of the same polygon cannot be greater than $5*D$ and less than $2,5*D$
 - The distance of the WTGs and border of the polygon cannot be greater than $3,5*D$
 - For PVs at public and municipal lands, the polygon cannot be greater than 40 stremmas/MW

The existing Production License should be adapted to these restrictions by 31.12.2021.

11. A Production License or a Certification can be split once in two or more Certifications. The polygons and the new Certification should be parts of the initial one. The new Certifications cannot be exempted from the auctions.
12. Under strict restrictions two or more Production Licenses or Certifications can be unified in one (e.g. the initial license should belong to the same entity, they should refer to the same RES technology, they should have not been selected in an auction, installation licenses should have not been issued, the initial projects should be at the same level of licensing maturity, they should have the same connection point, the unification should not lead to a special project).
13. New deadlines are introduced for several milestones of the licensing procedure. If a project company does not meet these deadlines, the Production License/Certification is cancelled.
 - For non-special wind onshore, PVs and hybrid plants:
 - Submission of application for EIA: 6 months from the issuance of the Certification
If a Special Ecological Assessment is required, the 6 months period is increased by 12 months (18 months in total)



- Submission of application for a binding Grid Connection Offer: 36 months from the issuance of the Certification
- For special projects (and for hybrid plant projects which include the interconnection of two or more non interconnected islands), the above deadlines are doubled.
- The above deadlines can be further extended by 24 months more, if the project company pays 150€/MW/month.
- The above deadlines are suspended only in case of a court decision for the suspension of any permission which is required for the project.
- For the existing Production Licenses the clauses for the above deadlines are put in force from 1.9.2020 and the counting of the deadlines starts from that date.

In the following links you may find additional information in Greek:

The presentation of Eletaen at the Parliament during the discussion for the new law <https://eletaen.gr/i-paroysia-tis-eletaen-vouli-video/>

The policy document of Eletaen on the draft of the law as submitted in the Parliament <https://eletaen.gr/ypomnima-gia-sxedio-nomou-ypen/>

The opinion of Eletaen on the draft of the law as put in public consultation before its submission in the Parliament <https://eletaen.gr/epistoli-ston-ypourgo-gia-sn-ypen/>