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Offshore Wind in Greece: Legal Frameworks & Challenges

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HWEA Project: Necessary Legislative Adjustments to Promote Offshore
Wind in Greece 2020-2021

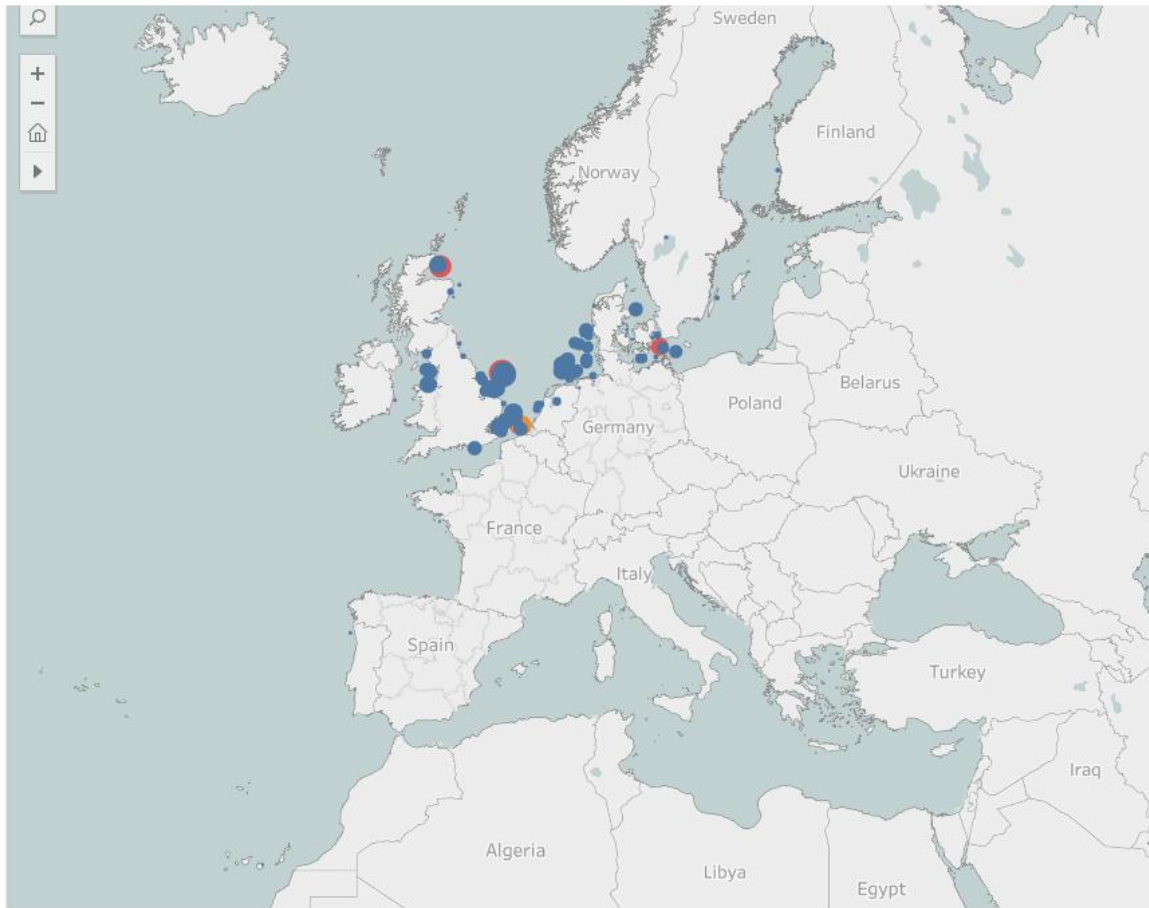


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*“**Francis Taylor Building** is a barristers’ chambers with a leading reputation for planning, environment, infrastructure, licensing, compulsory purchase and land valuation, rating, local government, ecclesiastical and religious liberty, regulatory crime and associated aspects of EU law”.*



European Offshore Wind Farms Map



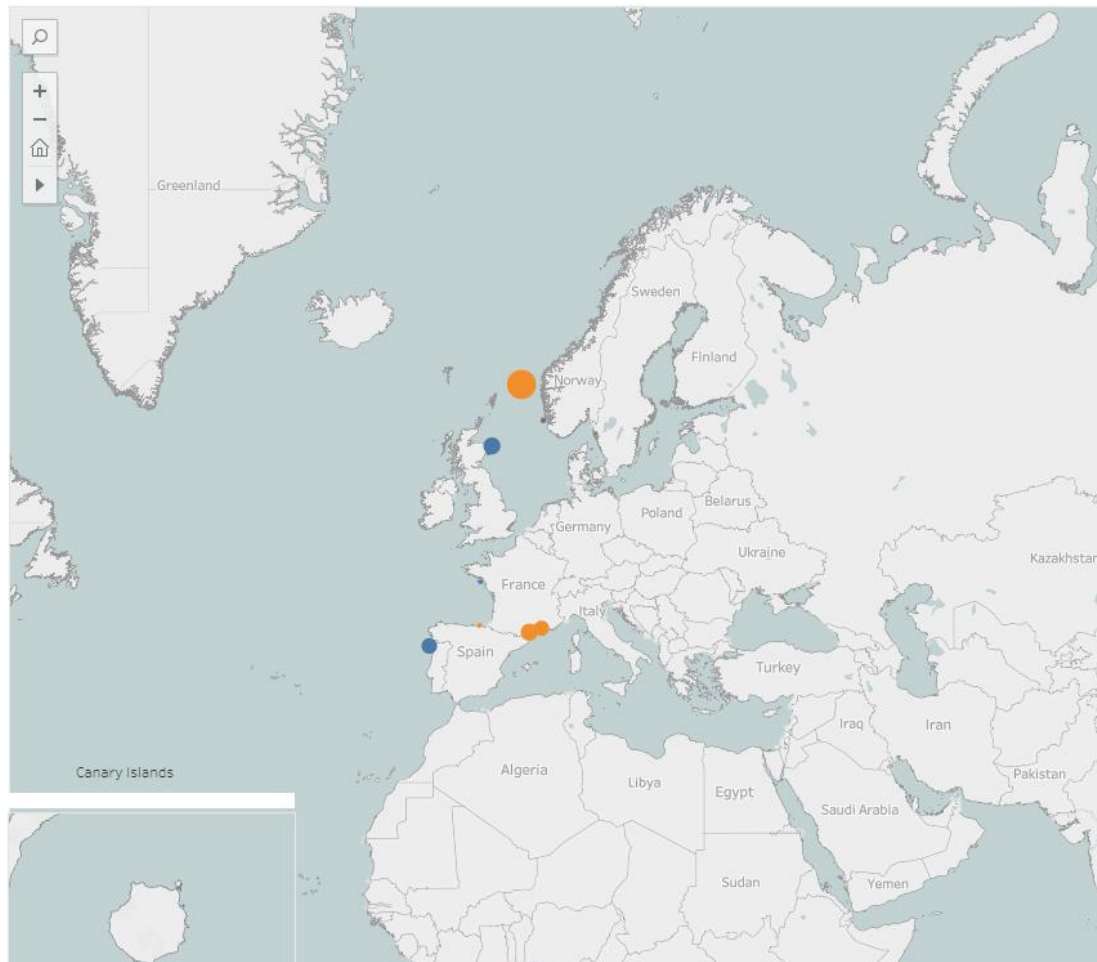
● European wind farms ● International wind farms

Country Details

	MW connected	Turbines connected
BELGIUM	1,791	343
DENMARK	1,703	559
FINLAND	71	19
FRANCE	2	1
GERMANY	7,659	1,501
IRELAND	25	7
NETHERLANDS	1,342	393
NORWAY	2	1
PORTUGAL	25	3
SPAIN	5	1
SWEDEN	192	80
UNITED KINGDOM	10,428	2,294

Wind
EUROPE

International Floating Wind Projects Map



Global figures

74 MW floating offshore capacity connected to the grid
16 floating wind turbines in the water across **7** countries

Status

Online ■
 Partially online ■
 With permits ■

Country details

	Number of pr...	Total Project ..
FRANCE	5	113
JAPAN	5	29
NORWAY	3	94
PORTUGAL	1	25
SPAIN	1	2
SWEDEN	2	1
UNITED KINGDOM	3	80

Wind'
EUROPE

A European legal framework

1. Binding Climate Targets
2. Environmental and Planning Framework
3. Competition Framework
4. Pilot/Pre-Commercial Projects





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1. BINDING CLIMATE TARGETS



Legally Binding Commitments

- ☐ Not merely declarations of intent
- ☐ Commission given powers to monitor states
- ☐ Increasingly binding commitments
- ☐ New Package of Legislation
- ☐ From Paris Agreement to Climate Law



Paris Agreement 2015

‘Each Party shall prepare, communicate and maintain successive nationally determined contributions that it intends to achieve. Parties shall pursue domestic mitigation measures, with the aim of achieving the objectives of such contributions.’



Renewables Directive 2009

- ❑ Original Directive 2009/28/EC established an overall policy for the production of energy from renewable sources to fulfil at least 20% of its total energy needs with renewable energy by 2020
- ❑ individual national targets



Renewables Directive 2018

- ☐ Directive Recast 2018
- ☐ new binding renewable energy target for the EU for 2030 of at least 32%
- ☐ Clause for a possible upwards revision by 2023
- ☐ No individual state targets, but reference to Governance Regulation 2018, EU processes

Governance Regulation 2018

- ❑ Regulation on the governance of the energy union and climate action (EU)2018/1999
- ❑ Based on integrated [national energy and climate plans \(NECPs\)](#) covering ten-year periods starting from 2021 to 2030
- ❑ national [long-term strategies](#)
- ❑ reporting, monitoring and data publication.

Governance Regulation 2018

☐ Article 5

☐ ...

- ☐ 2. Member States shall collectively ensure that the sum of their contributions amounts to at least 32 % of energy from renewable sources in gross final energy consumption at Union level by 2030.



Governance Regulation 2018

- ❑ **Article 32 - Response to insufficient progress towards the Union's energy and climate objectives and targets**
- ❑ 6. Where, in the area of energy efficiency, without prejudice to other measures at Union level pursuant to the third subparagraph of paragraph 2 of this Article, the Commission concludes, based on its assessment pursuant to Article 29(1) and (3), carried out by the years 2022, 2025 and 2027 that progress **towards collectively achieving the Union's energy efficiency targets referred to in the first subparagraph of Article 29(3) is insufficient, it shall propose measures and exercise its power at Union level** in addition to those set out in Directive 2010/31/EU and Directive 2012/27/EU to ensure that the Union's 2030 energy efficiency targets are met.

Current framework

- ❑ Somewhat vague, but
- ❑ Binding, without a doubt.



Greece: 2030 Objective for Wind Power Generation Capacity

Table 9: Evolution of installed RES capacity in power generation.

Power generation, installed capacity [GW]	2020	2022	2025	2027	2030
Biomass & biogas	0.1	0.1	0.1	0.2	0.3
Hydro (incl. mixed pumping)	3.4	3.7	3.8	3.9	3.9
Wind farms	3.6	4.2	5.2	6.0	7.0
Photovoltaics	3.0	3.9	5.3	6.3	7.7
Solar thermal	0.0	0.0	0.1	0.1	0.1
Geothermal	0.0	0.0	0.0	0.0	0.1
Total	10.1	11.9	14.6	16.4	19.0



Decarbonising the EU's energy system is critical to reach our climate objectives.

New Climate Law: 2050 Target

- ❑ legally binding target of net zero greenhouse gas emissions by 2050
- ❑ The EU Institutions and the Member States are bound to take the necessary measures at EU and national level to meet the target, taking into account the importance of promoting fairness

New Climate Law: Monitoring

- ❑ Climate Law includes **measures to keep track of progress and adjust our actions accordingly**, based on existing systems such as the governance process for Member States' National Energy and Climate Plans, regular reports by the European Environment Agency, and the latest scientific evidence on climate change and its impacts.

Conclusion on Targets

- ❑ Governments are already legally bound
- ❑ New Climate Law: political and legal pressure



2. ENVIRONMENTAL & PLANNING LAW FRAMEWORK



Maritime Spatial Planning

□ Directive 2014/89

28.8.2014

EN

Official Journal of the European Union

L 257/135

DIRECTIVES

DIRECTIVE 2014/89/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 23 July 2014

establishing a framework for maritime spatial planning

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 43(2), 100(2), 192(1), and 194(2) thereof,

Basic Obligations

- ☐ Each Member State shall establish and implement maritime spatial planning
- ☐ Deadline: March 2021
- ☐ Minimum requirements (art. 6):
 - ☐ Take into account 'environmental, economic and social aspects'
 - ☐ 'ensure the involvement of stakeholders'
 - ☐ 'organise the use of the best available data'

Activities may include

- ☐ Aquaculture
- ☐ Fishing areas
- ☐ Energy installations, oil & gas
- ☐ Maritime transport routes
- ☐ Military training areas
- ☐ Nature and species conservation
- ☐ Raw material extraction areas
- ☐ Scientific research
- ☐ Submarine cables
- ☐ Tourism
- ☐ Underwater cultural heritage



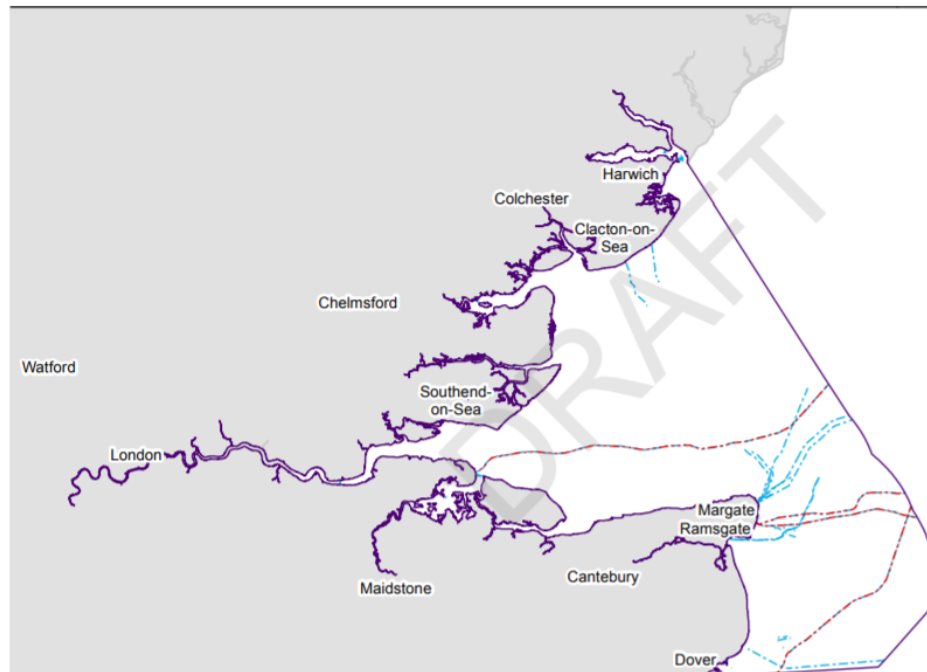
Example of England

- ❑ [Marine and Coastal Access Act 2009](#) - Basic legal framework
- ❑ The [UK Marine Policy Statement](#) (MPS) is the national strategy
- ❑ 11 plans in England
- ❑ Marine Management Organisation
 - <https://www.gov.uk/government/organisations/marine-management-organisation>

Example: Southeast England Draft Plan – January 2020



Figure 6 | Distribution of Subsea Cables



Policy map
This map is to be used for reference only.

- South East Marine Plan Area
- Subsea Cables (KIS-ORCA)
- Subsea Cables (UKHO)

Date: August 2019
Coordinate System: ETRS 1989 UTM Zone 30N
Projection: Transverse Mercator
Datum: ETRS 1989

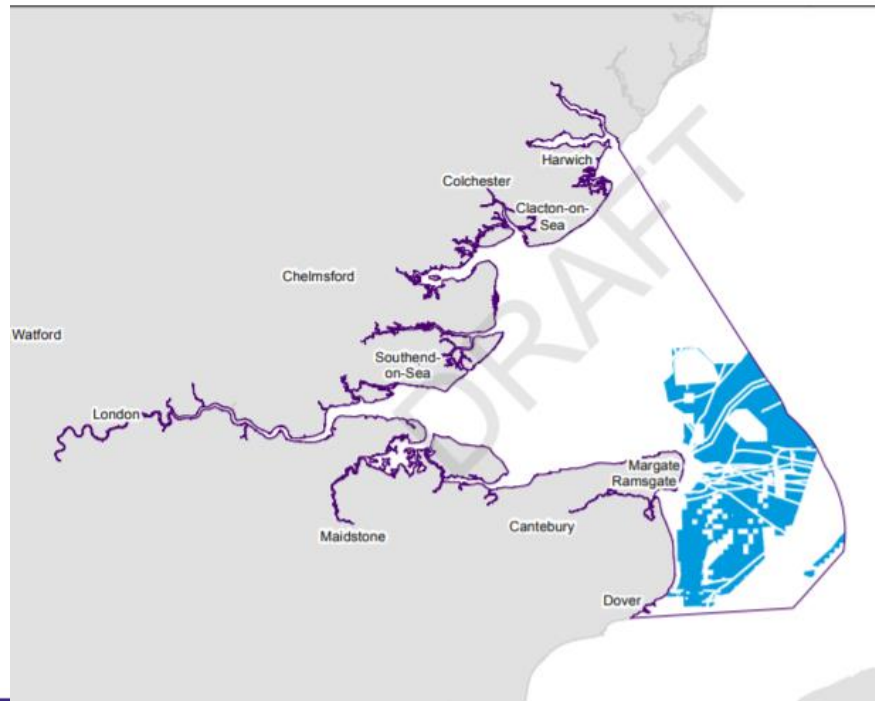
Contains public sector information, licensed under the Open Government Licence v3.0, from UKHO. Contains data captured by Subsea Cables UK and Renewable UK, but managed and distributed by Sea Fish Industry Authority. © 2018 SeaFish. UK Hydrographic Office © [2019]. Ordnance Survey data © copyright and database right [2018]. National Oceanic and Atmospheric Administration © copyright and database right [2015]. Marine Management Organisation © [2019].

Example: Southeast England Draft Plan – January 2020




Marine
Management
Organisation

Figure 13 | Offshore Wind Future Resource Potential



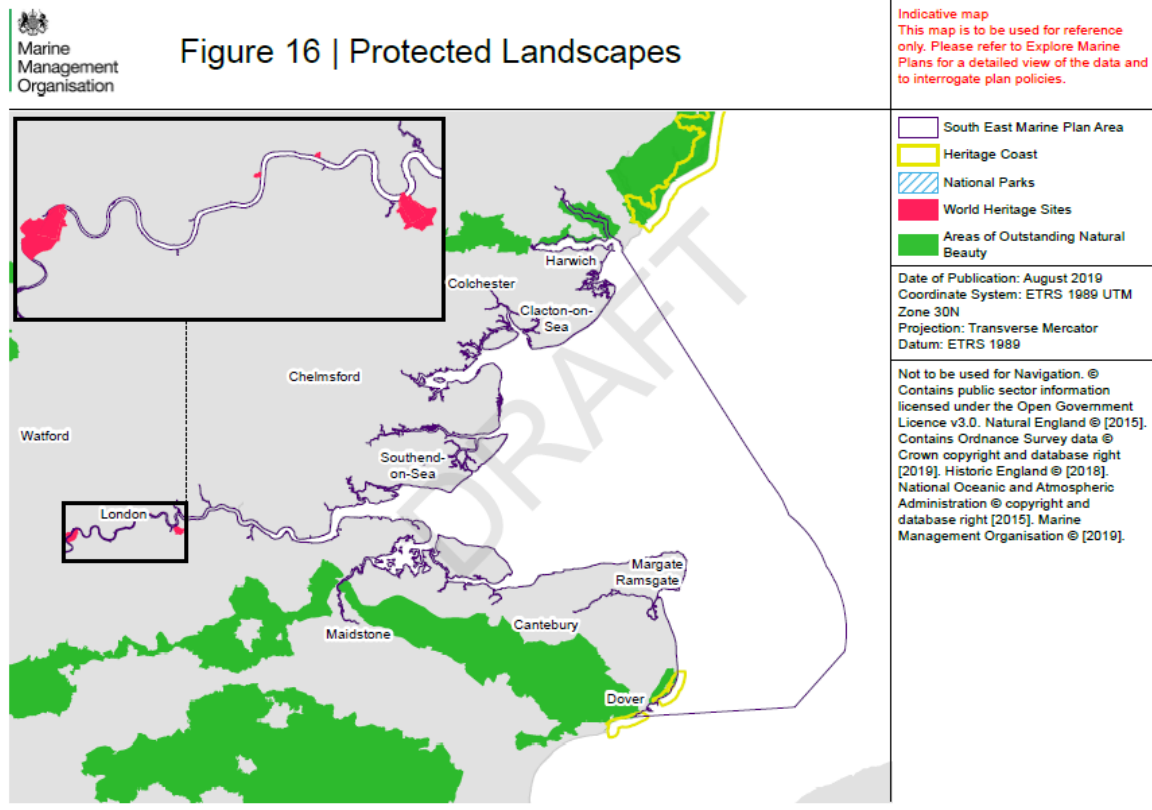
Policy map
This map is to be used for reference only. Please refer to Explore Marine Plans for a detailed view of the data and to interrogate plan policies.

 South East Marine Plan Area
 Characterisation Areas

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Coordinate System: ETRS 1989 UTM
Zone 30N
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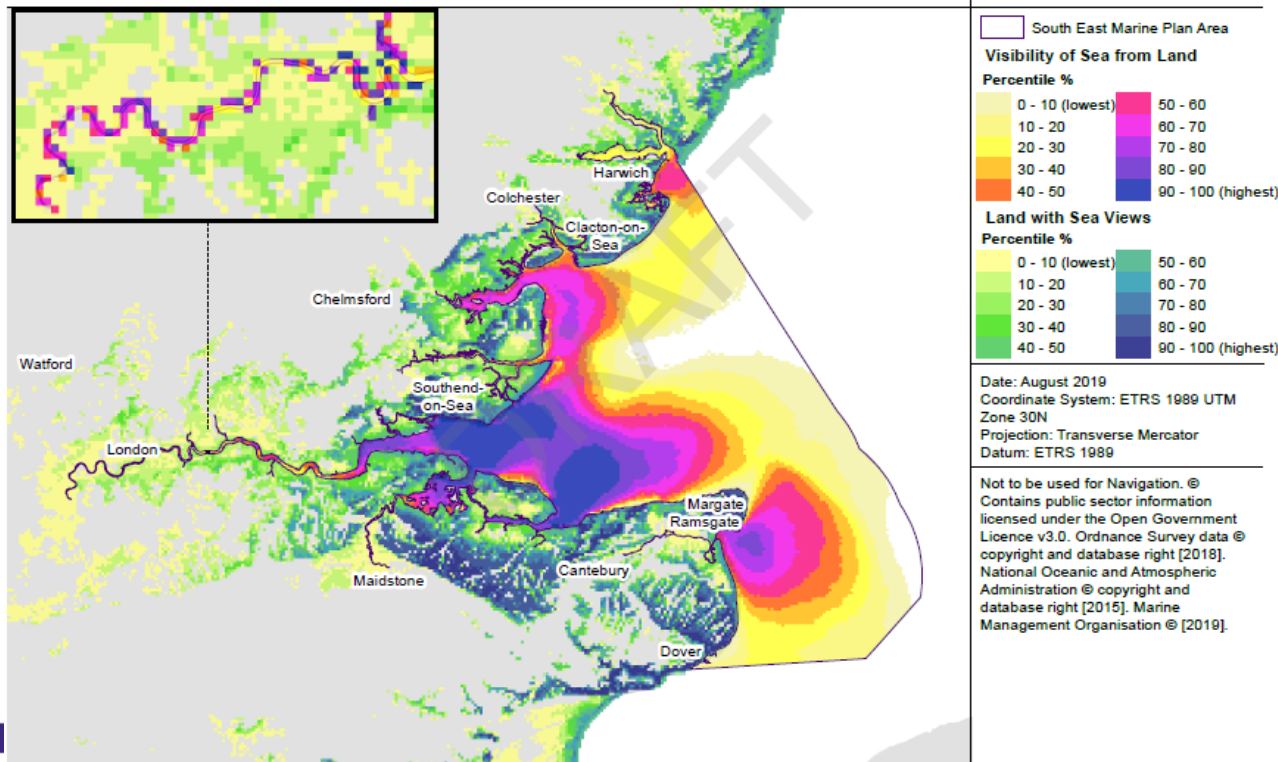
Example: Southeast England Draft Plan – January 2020



Example: Southeast England Draft Plan – January 2020



Figure 18 | Visual Resource Mapping

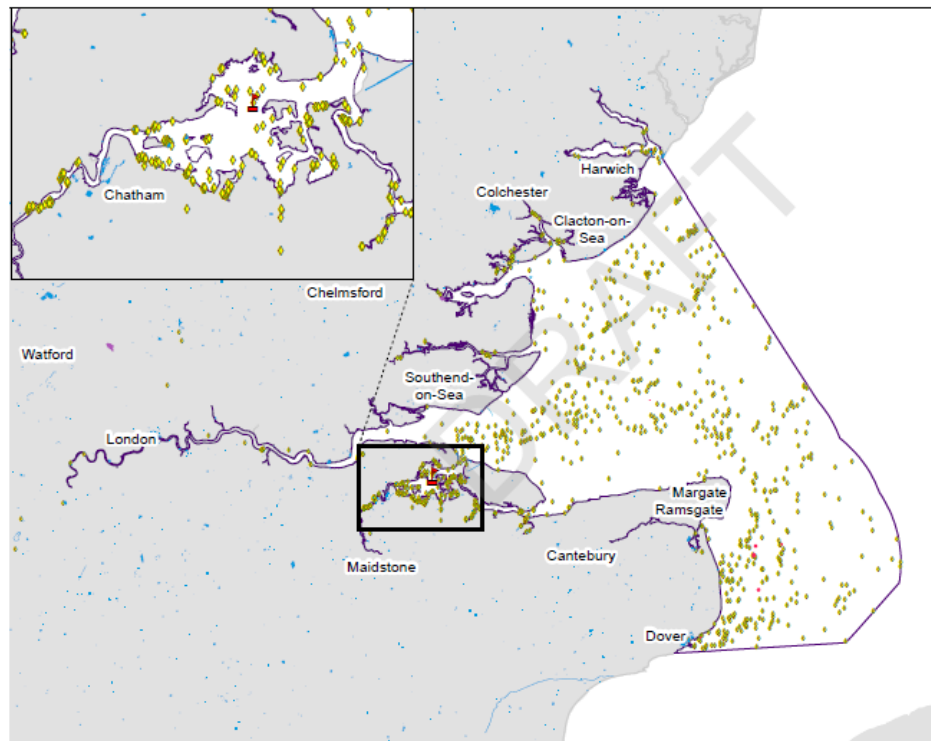


Example: Southeast England Draft Plan – January 2020










Marine
Management
Organisation

Figure 15 | Historic Environment



Indicative map
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only. Please refer to Explore Marine
Plans for a detailed view of the data and
to interrogate plan policies.

-  South East Marine Plan Area
-  Protected Wreck Sites and War Graves
-  Registered Battlefields
-  Scheduled Ancient Monuments
-  MOD Military Protected Wrecks
-  Historically Significant Shipwrecks

Date: August 2019
Coordinate System: ETRS 1989 UTM
Zone 30N
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Datum: ETRS 1989

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Administration © copyright and
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Management Organisation © [2019].

Is Greece going to be ready?

- ☐ Greek Law: 4546/2018
 - ☐ National Strategy
 - ☐ Regional Plans
- ☐ Minor Amendments currently planned
- ☐ Body Responsible: Department for Energy and the Environment
- ☐ Unlikely to be ready in March 2021 – Strategic Environmental Assessment, Consultation etc.

3. COMPETITION AND SUPPORT SCHEMES



Competition Issues

- ☐ Treaty obligations:
- ☐ Non-Discrimination
- ☐ Transparency
- ☐ Fairness
- ☐ Also: Concessions Directive under Public Procurement Law - [Directive 2014/23/EU on the award of concession contracts](#)



State Aid Issues for Support Schemes

- ❑ **Guidelines on State aid for environmental protection and energy 2014-2020** (2014/C 200/01)



State aid for environmental protection and energy objectives will be considered compatible with the internal market within the meaning of Article 107(3)(c) of the Treaty if, on the basis of the common assessment principles set out in this Chapter, **it leads to an increased contribution to the Union environmental or energy objectives without adversely affecting trading conditions to an extent contrary to the common interest.**

Renewables Directive (EU) 2018/2001

Article 4

Support schemes for energy from renewable sources

...

2. Support schemes for electricity from renewable sources shall provide incentives for the integration of electricity from renewable sources in the electricity market in **a market-based and market-responsive way**, while avoiding unnecessary distortions of electricity markets as well as taking into account possible system integration costs and grid stability.



4. PILOT AND DEMONSTRATION PROJECTS



Pilot Project

- ☐ Special Case
- ☐ Existing Environmental Framework from 2008 may be adequate
- ☐ Non-commercial nature, creates exemption from some of the state aid and competition rules



Pilot Project: Renewables Directive

- ❑ Article 4
- ❑ 3. Support schemes for electricity from renewable sources shall be designed so as to maximise the integration of electricity from renewable sources in the electricity market and to ensure that renewable energy producers are responding to market price signals and maximise their market revenues. To that end, with regard to direct price support schemes, support shall be granted in the form of a market premium, which could be, inter alia, sliding or fixed.
- ❑ Member States **may exempt small-scale installations and demonstration projects from this paragraph**, without prejudice to the applicable Union law on the internal market for electricity.

Pilot Project: Renewables Directive

- ☐ Article 4
- ☐ ...
- ☐ 4. Member States shall ensure that support for electricity from renewable sources is granted in an open, transparent, competitive, non-discriminatory and cost-effective manner.
- ☐ Member States may **exempt small-scale installations and demonstration projects from tendering procedures.**



Pilot Project: EIA & Transparency

- ☐ Environmental Impact Assessment in the normal way
- ☐ Fairness & non-discrimination and transparency is required, but without strict tendering and without strict state aid applying





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Thank you!

