TRANSNET BW

THE POWER BRIEF

Your briefing on the energy transition.

Unlocking Grid Expansion

STRENGTHENING PERMITTING RULES IN THE GRIDS PACKAGE

Europe's energy transition requires faster grid expansion. The European Commission's Grids Package outlines new rules to modernise and expand the continent's electricity grids. However, a key factor in making the Grids Package a success lies in overcoming the persistent bottleneck of permitting processes.

While the Commission's proposals represent important steps forward, some targeted adjustments can further improve permitting rules.

WHAT'S ON THE TABLE?

The Grids Package introduces several measures designed to accelerate and harmonise permitting across the EU. While the European Commission's proposals include helpful improvements - such as population-based species protection rules, incremental environmental impact assessments for refurbishment projects, and digitalised processes - they also reveal some shortcomings. The presence of overlapping rules – on aspects like tacit approvals, deadlines for screening, overriding public interest, exemptions from environmental impact assessment, and on reasonable alternatives – across different regulations - such as TEN-E, RED III, the Electricity Directive, and the EIA Acceleration Regulation - risks creating legal uncertainty. Legal uncertainty directly undermines the massive long-term investments required for the energy transition and risks significantly weakening Europe's competitiveness. To truly accelerate infrastructure delivery, the EU needs a **consolidated permitting framework**.

TIMELINES AND PROCESSES

- Authorities are required to **process permit applications within set deadlines — generally two years**, with only limited extensions allowed for extraordinary circumstances. In some cases, the proposal introduces the concept of "tacit approvals" meaning that if authorities do not respond within the deadline, certain procedural steps are automatically approved. However, this **does not apply to environmental decisions**, which remain a frequent source of delay.

- The **introduction of a "preclusion rule" at the European level** means that objections or comments must be raised within a set timeframe — after that, new objections cannot be introduced. This helps avoid delays and gives everyone more legal certainty about the process. Beyond this, the package allows for **compensatory measures for Natura 2000 sites** to be implemented **in parallel with project execution**, significantly shortening delays caused by sequential ecological requirements. Best practices from Member States with efficient permitting procedures should be adopted EU-wide, and compensatory measures should be allowed in parallel with project execution wherever justified.
- There is also room for further improvement to have straightforward **exemptions for grid projects from certain environmental laws** — specifically the Water Framework Directive, the Marine Strategy Framework Directive, and the Soil Monitoring Law. Making these exemptions clear and easy to apply would **help avoid unnecessary delays**. Another useful change would be to introduce rules that **protect grid operators from liability during the construction phase of a project, through corresponding exemptions from the European Liability Directive**. This would give companies more legal certainty to move forward with building new infrastructure.

ENVIRONMENTAL IMPACT ASSESSMENTS

- We welcome the approach that for grid upgrades (i.e. refurbishment, modernisation or repowering of the existing infrastructure), **the scope of environmental impact assessments (EIA) is to be limited to the actual changes, rather than the entire infrastructure**. However, while streamlined in some respects, EIAs still suffer from parallel and sometimes conflicting requirements. **What is needed are harmonised definitions across all relevant directives.**
- The proposal establishes that grid projects are presumed to be of **overriding public interest**, supporting their prioritisation in legal and planning decisions. This being said, transmission infrastructure already benefited from that status in several member states and sometimes clash with other infrastructures that are equally of overriding public interest requiring **collision-resolution mechanisms.**
- We welcome the proposed clarifications to EIAs which specify how authorities should consider the **overall population of protected species**, rather than basing assessments on impacts to individual specimens. Beyond this, the proposal defines what counts as "intentional killing". This makes environmental assessments more practical and legally secure.

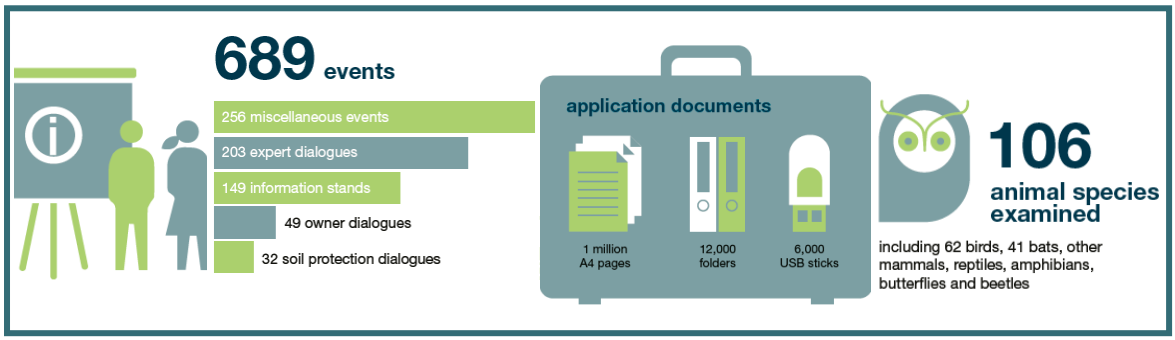
PUBLIC PARTICIPATION AND DATA PORTALS

- **Additional public participation requirements** and the obligation to create detailed public participation concepts **risk adding bureaucracy without clear benefits**. Public acceptance is an issue **best addressed locally**, Therefore, generic proposals for public participation requirements should be removed or streamlined, allowing Member States to retain flexibility and focus on what is necessary for transparency and stakeholder engagement.
- Furthermore, **digitalisation efforts**, which we welcome, should build on existing systems and experiences. Additional requirements should only be introduced if they demonstrably reduce complexity and cost. The intention to centralise information and track procedural steps is commendable, but practical implementation requires prioritising interoperability. A far more effective and realistic measure, which we would strongly welcome, is the development of a mandatory, shared

species-data repository. This repository should be fed by authorities, project promoters across **all** infrastructure sectors and environmental NGOs, and be made **accessible across sectors**. This would address one of the most persistent data bottlenecks in permitting procedures.

THE BOTTOM LINE

The Grids Package is a step forward, but without focused action on consolidation, enforceable timelines, streamlined assessments, and minimal bureaucracy, permitting – with its overwhelming numbers up to now, such as the ones presented below – will remain a bottleneck. Only by addressing these areas can permitting truly support, rather than hinder, Europe's energy transition.



Key figures of the federal sectoral planning process for **SuedLink**, including stakeholder engagement activities, environmental assessments, and the volume of application documents submitted during the procedure.

[redacted]

Who we are

TransnetBW operates the electricity transmission grid for more than 11 million people in Baden-Württemberg, Germany. In doing so, we secure the electricity supply in the region and throughout Europe. Together with our project partners, TransnetBW works to expand the network beyond its control area, notably with the projects SuedLink and Ultranet. As a member of ENTSO-E and the Copenhagen School of Energy Infrastructure, we actively participate in discussions and develop solutions in the field of European energy infrastructure. On our TransnetBW Policy and Regulation homepage you will find our current contact persons, position and concept papers.