



Innovative Tools for Energy Regulations of Province Associations on
Renewable Energy Sources - IEE/08/753/SI2.538848

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POLICY PAPER

*COMPARATIVE STUDY ON THE AUTHORIZATION
PROCEDURES OF RENEWABLE ENERGY SOURCES
SYSTEMS OF BULGARIA, FRANCE, HUNGARY AND SPAIN*

D21 Policy paper on strategies for the promotion of electricity production from RES at NUTS 3 level

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1. Preliminary remarks: generic description of the document aims and context as for the project

INTER PARES (Innovative Tools for Energy Regulations of provinces and Associations on Renewable Energy Sources) is a project co-financed under the Programme Intelligent Energy Europe (2007-2013) of the European Commission and carried out by a team of two National Associations of Local Authorities: the Union of Italian Provinces (UPI) and the National Union of County Councils of Romania (UNCJR).

The aim of the project is to develop practical solutions to promote policies and strategies related to renewable energy, taking action on issues related to administrative simplification for the increase in electricity production from renewable energy sources.

Within the context of the project, the role that intermediate Local authorities (at NUTS 3 level) in some CEPLI members, i.e. Bulgaria, France, Hungary and Spain, have concerning the authorization procedures for the installation of RES (Renewable Energy Sources) systems was analysed.

The study was realised on these four countries both for their similarities and differences (legal and administrative system, geographic proximity) with the three INTER PARES partners: Italy, Greece and Romania.

France, which has a strong energy production capacity thanks to the nuclear energy, is developing the RES sector only recently, particularly wind energy and marine energy. But France is also characterized by a centralist and statist management of the two different administrative processes: the authorization for the execution and the one for the exercise, whose competence is given respectively to the regional and departmental Prefectures. Local authorities have, however, the right to adopt local energy plans.

In Bulgaria, the Government focused on increasing the RES production capacity and it established a regulatory authority giving the competences about the authorization procedures to the local authorities. They are supposed to develop a local energy Plan consistent with the spatial Plan.

In Hungary, from the 1st of January 2012, a new law transferring authorizing powers from the Local entities to the central Government came into force: a second thought that underlines the lack of success of powers decentralization to the local authorities about the strengthening of renewable energies. However, local authorities keep their competence and the obligation to elaborate local energy plans.

In Spain, instead, there is an opposite situation: local authorities add up all the competences on the authorization procedures and don't have any planning obligation.

2. Methodology: description of the methodology used for the collection of data and information

In order to draw a complete framework of the different systems and competences that NUTS 3 authorities have in each country, a consultation between the National Associations of Local Authorities and the National Regulatory Authorities for Energy of the four countries selected has been/was realised.

Due to the high fragmentation of competencies and variety of the planning and authorization systems within the countries, characterized by different administrative levels of government, it was decided to consult not only the National Associations of Local Authorities, in order to explore their specific competences, the possible conflicts of competence with regional and national governments and the requests for regulatory simplification, but also the National Regulatory Authorities, in order to compare the different positions, to analyze the single country system and to give an overview of issues relating to efficiency and effectiveness of each current country system.

The analysis of each national situation allowed a comparison between the four countries that share common needs thanks to their geographical similarities, although their diversity in the regulatory developments, in the issues relating to air pollution and the parameters of Kyoto Protocol, in the consequent sensitivity of public opinion and institutions on the topic of renewable energy, as well as in the energy demand.

As has been said, France is developing the RES sector only recently, particularly wind energy and marine energy. But it is also characterized by a centralist and statist management of the two different administrative processes: the authorization for the execution and the one for the exercise, whose competence is given respectively to the regional and departmental Prefectures. Local authorities have, however, the right to adopt local energy plans.

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The analysis is divided in two parts:

The first part (paragraph 3) is related to the description of the existing background concerning regulations and barriers to the use of RES: the general functions of the national regulatory authorities and the office responsible for RES were analysed, as well as the local authorities' functions.

The regulatory framework existing in each country at national, regional and local level and the regulatory sources were also considered. The local authorities' competencies on the permitting procedures, with particular reference to the type of competence on different technologies and on systems size were examined as well. Moreover, the planning and programming system of each country was analysed, as well as the administrative procedures concerning the construction and production of RES, with particular regard to the requirements of simplification, transparency, communication, investigating the existing barriers and what are the current critical aspects to improve.

In the second part (par. 4), the guidelines for simplification paths to be adopted by each one of the considered countries were outlined. A comparison was made among the different systems and, while respecting the national realities, the best procedures used by the countries were identified, uniforming and coordinating them through a good practices exchange.

It is clear that the conclusions of this work could be subject to careful evaluation by the European authorities on the possibility of promoting the homogeneous process of simplification by issuing guidelines.

Paragraph 6 describes the authorities involved in the survey.

Paragraph 5 presents the bibliography and the normative references.

3. Survey results: description of the background concerning regulations and barriers to the use of RES

BULGARIA

NAMRB - National Association of Municipalities in the Republic of Bulgaria is the only local authorities' national association working in Bulgaria.

The national regulatory authority is the Energy and Water State Regulatory Commission (SEWRC) which is responsible for all power stations capable of over 5 MW of power. Its functions are:

- granting, modifying, suspending, renewing the licences provided for the Energy Act;
- adopting and publishing the guidelines for the activities provided for the Energy Act;
- issuing price regulation for energy and setting the amount;
- approving rules for electricity trade and technical rules for the network;
- making rules, prices for the access to the electricity network;
- issuing certificates of origin for renewable energy producers;
- fixing the preferential sale prices of energy produced from alternative and renewable sources;
- drawing up development plans for the RES connections to the networks;

The Sustainable Energy Development Agency participates in the preparation of National Plan for the development of renewable energy sources and issues guarantees of origin.

In Bulgaria local authorities (NUTS 3 level - municipalities and local offices of Ministry of Development, Ministry of Agriculture, etc.) have competence, direct or indirect, on issuing licenses and building permits and any other document relating to the building. The SEWREC (Energy and Water State Regulatory Commission) is responsible for licenses of all power stations capable of over 5 MW of power and his competence is always direct. About technology, there are national, regional and provincial laws, as well as regulations on security, on access networks, on the landscape, on standards, on noise pollution. Other important regulations concern the system of environmental permits and building permits.

For solar energy, solar thermal, bioenergy, biofuels, wind power, energy and hydropower biothermal, legislation is only national except for noise pollution.

The following national laws have to be mentioned:

- Energy Act, promulgated in the Bulgarian Official Journal n. 107/ 09.12.2003;
- Renewable and alternative energy sources and biofuels act, published in the Official Journal no. 9/19.06.2007 and modified on the 14.11.2008;
- Energy Efficiency Law;
- Permission Law;
- Environment Law;
- Local Self-government and Local Administration Act: Promulgated, State Gazette, SG No. 77/17.09.1991;
- Ordinance of Namrb National Association on Municipalities in the Republic of Bulgaria on Licensing of Activities in the energy sector: Promulgated in the "State Gazette", No. 53 of June 22, 2004.

The *"Renewable and alternative energy sources and biofuels act"* with the aim to promote and diversify energy sources, while facilitating the creation of SMEs in supporting a sustainable local and regional development:

- introduced mechanisms for RES production and use;
- regulated the rights and duties of the executive authorities and peripheral authorities;
- created a public system of information dedicated;
- maintained the preferential treatment in case of change of the mechanisms of RES production;
- introduced the mandatory inclusion of the producers of RES in the national network
- showed preferential prices for the purchase of energy from RES
- introduced administrative cuts for producers and the provision of facilities

In Bulgaria local authorities draw up a local energy plan as required by law. The plan should incorporate the objectives and guidelines of the higher level plans. Moreover, local authorities have to develop a territorial plan containing territorial forecast of development for RES. The other authorities having direct competence in this field are the offices of the Ministry of Environment and Ministry of Agriculture.

SEWRC is not responsible for the administrative procedures concerning the building of RES.

The length of the procedures is three months. The actual time spent is 1 month for plants smaller than 50 kVA, 6 months for plants with a capacity of 50 kVA and 2 years for plants with a capacity higher than 0.5 MW. The administrative cost of issuing the license is 500 Euro. General administrative costs borne by the

claimant company for the whole process are only related to the instructor charges. The most frequent hindrances to the realization of projects are the lack of conformity with technical and administrative requirements to obtain the authorization and the complexity of the procedure for Environmental Impact Assessment.

The protection of the company rights is guaranteed effectively and the responsibility is to SEWRC that also guarantees that the entire licensing and pricing procedures are fully transparent.

CONCLUSIONS:

A strengthening of the Regulatory Authority functions in terms of simplification of administrative procedures for authorizations is recommended. Also, the Authority, together with the local authorities, could create an on-line service for SME's, or through local front office, to provide technical assistance for the drafting of projects and administrative assistance in the preparation of documents for the procedures.

The objective of the European Union is to encourage the large development of RES all over the territory; that capillarity is possible only by full involvement of SMEs which represent the backbone of the economy of Bulgaria.

Therefore, the essential prerequisite for this goal is to spread the culture of RES among business and professional; at this aim is necessary to support the planning phase so that the technical requirements required by national, regional and municipal legislation are met.

A greater simplification of the administrative procedures of authorization and of the environmental impact assessment is achievable only through a strong commitment of the Regulatory Authority to review the regulation of his competence and to suggest to national, regional and local authorities the changes for their competence.

HUNGARY

In Hungary the National Regulatory Authority is the Hungarian Energy Office (HEO). Its main tasks are the regulation of electricity markets in the network (licensing and price regulation), the natural gas market, the district heating market and consumer protection, through the provision of information to stakeholders.

The main national sources are:

National laws on building permits:

- 2003 n. XXVI on the Territorial National planning
- 2007 n. LXXXVI Electricity Law
- Government Order no. 273/2007 (X.19.) on the implementation of certain provisions of the ACT no. LXXVI 2007
- 382/2007 Decree of the Minister for Local Government and planning on building permits
- 37/2007 Decree of the Minister for Local Government and planning on building permits
- 1995 act. n. LIII on environmental protection
- 1997, n. LXXVIII; Act on the protection of the built environment

National laws on access to network:

- 2007 n. LXXXVI Electricity Law.
- National law establishes the landscape standards and regulates noise pollution
- Government Order no. 860/2006 (XII.20.) on the Hungarian Office for the trade licensing issuing
- 314/2005 Government decree on the environmental licensing procedures
- Government Order no. 343/2006 on the operating condition and appointment of supervisors of construction
- Order no. 117/2007 (XII.29) of the Minister of Economic Affairs and Transport on financial and technical conditions for joining the network electricity for public use.
- Order no. 8/2201 (III.30) of the Minister of Economic Affairs and Transport on electrical systems technical safety requirements.

The regional governments (Counties) don't play any role in the procedure concerning RES authorizations, but it should take into account their territorial plans. From next year, even the regional development plans will be made on a regional level and they will consider the different kind of RES. The offices of the Regional Government, called offices of the district government from 2012, have direct competence.

Local regulations for construction are also important.

In particular, for the solar energy the only building permit is required for systems under 0,5 MW, while over 0,5 MW a contract for the connection to the electrical grid, the HEO permission and the building permit are necessary. For the solar thermal only the building permit is needed. For the biofuel the procedure for authorization for environmental protection, the contract for the connection to the electrical grid, the HEO permission, the building permit, in addition to the authorization for protection from disasters are required.

For wind energy, the procedure for authorization for environmental protection, the contract for the connection to the electrical grid, the HEO permission, the building permit are required.

Following a legislative reform, from 1st of January 2012 local authorities are not directly involved in the procedures for the building permits, but they have indirect competences, that means they draft on a voluntary basis a local energy plan required by national law. The plan has to incorporate the objectives and guidelines from higher level plans. Local authorities have to develop a territorial plan containing territorial forecast of development for RES. The national government offices add up both the direct and indirect competences at all levels.

There is an exception at these rules: for all technologies local authorities have direct competence only for systems of less than 50 kW and indirect competence for the systems above 50 kW of power through their solicitors.

There is no satisfaction about the current procedure compared to the requirements of simplification and promotion of RES production because there is a need for more coordinated and more streamlined procedure. So far, there is no coordination between the authorities directly and indirectly involved in the licensing procedure.

The months required by law to complete the entire authorization procedure is 30 days for the whole authorization process for systems under 50 kVA, 180 days for systems of 50 kVA <capacity <0.5 MW; 1 year for the environmental study and 90 days for the environmental permit.

The actual time spent for the completion of the procedure for installations of less than 50 kVA is 1 month; for systems above 50 kVA <capacity <0.5 MW: 6 months / greater than 0.5 MW: 1.5-2 years.

About the general administrative costs borne by the applicant company for the whole process, every administration has its own administrative fees.

The HEO administrative costs for all kind of systems are: HUF 500.000,00 for systems of 0.5 MW <capacity <5 MW, 1 million HUF for plants of 5 MW <capacity <20 MW, 2.5 million HUF for plants of 20 MW <capacity <50 MW and 2 million HUF for plants of 50 MW <capacity <200 MW.

The critical aspect of the procedure is that there is no harmonization between the authorities that issue permits. The HEO needs to work for a better harmonisation with the others authorities. The procedure guarantees properly the protection of the company rights. The whole decision-making process is clear to all competent professionals.

There are not many authorities responsible for the communication of the administrative procedure to applicant companies that are described and governed by law and regulations. The whole administrative procedure to obtain the permit is not well advertised, well-documented, clear and understandable.

The authorities ensure the transparency of the administrative and decision making procedure for the companies by publishing its regulations on their websites. During the procedure, deadlines are always observed by the authorities, but there are opportunities to request more information implying a term extension.

The current procedures for providing companies with information about national and local planning on RES need to be adjusted. An agreement among CEPLI members aimed at the simplification of authorization procedures for RES systems is not considered useful because in Hungary the competent authorities are those directly involved in the authorization procedures for RES systems (above 50kW); local authorities are involved just indirectly (except the solar and thermal).

CONCLUSIONS:

There is no satisfaction for the current procedure as regards to the requirements of promotion of RES production; there is still a need for simplification and for a more streamlined and coordinated procedure among the authorities directly and indirectly involved.

The critical aspect of the procedure is that there is no adequate harmonization between the authorities that issue permits and it is desirable that the HEO will act in this way.

This harmonization has to be structured also between the authorities responsible for the communication of the administrative proceedings against the applicants in order to ensure optimal, documented, clear and understandable advertising, especially with regard to SMEs and professionals, with reference to national planning and local levels.

Therefore, the same Authorities, together with the local authorities, could organize a service for SMEs both online and through local front office to provide technical assistance for the preparation of projects and administrative assistance for the preparation of documents.

FRANCE

The French national regulatory authority is the Commission de régulation de l'énergie – Commission of energy regulation (CRE). It is an independent administrative authority that regulates the energy sector in France.

It was created in 2000, when energy markets were opened to competition. Overall mission of the CRE is to "contribute to the proper functioning of the electricity and natural gas, for the benefit of end customers". It has a statute that guarantees the independence of its missions. The office responsible for RES is the "Département de soutien aux énergies renouvelables et aux consommateurs. Local authorities at NUTS 3 level have competences, direct and indirect, on the authorization procedures. The building permits necessary for the system buildings can be issued in some cases by the Mayor.

Their competence is always direct in the permit process for the following technologies and installation dimensions: solar energy (for power plants above 250 kW), solar thermal, bioenergy, biofuels, geothermal, hydropower. For wind systems, municipalities have direct competence in the permitting process for wind turbines taller than 12 m, Departmental Prefectures are responsible for issuing the building permit and Regional Prefectures are competent on the exercise permit.

The main national, regional and local sources of regulation for construction and planning of RES plants are R. R. A 421-1 424-3 Code de l'urbanisme, the Energy Code, Environment Code V, titre 1, art. L511-1 – Legislation "installations Classées" (Law n. 2001-44 du 17 janvier 2001); decree n ° 2000-877 7 September 2000, decree n ° 94-894 of 13 October 1994; Decree n. 2011-984 of 23 august 2011 and decree 26 august 2011 on systems producing electricity from the mechanical energy; Decree n. 2011-985 - 23 august 2011 and decree - 26 August 2011 on rehabilitation and the establishment of financial guarantees for facilities producing electricity from the mechanical energy of the wind; decree 2006-629 - 30 may 2006.

In France, local authorities can develop an energy plan required by law. This plan can be draft by by each municipality or by a union of municipalities.

The plan should incorporate the objectives and guidelines of the higher level plans, in particular by plans drawn up by the Regions. In preparing the plans business operators and economic actors are not involved. The Plan must be submitted for approval and authorization by the regional prefecture, which express his opinion within 6 months.

Local authorities must prepare a spatial plan. The plan contains territorial forecasts of RES development. The procedure for obtaining authorization for a wind farm under the above mentioned Decrees implies:

- The preparation of a dossier for the permit application for the Prefecture, including an environmental impact study;
 - The examination of the dossier by various State departments and municipalities located within the perimeter of the area concerned;
 - The call for a public inquiry;
 - The examination of dossiers by the examiners of the commissioners and the public during the public inquiry;
 - The opinion of the Commission department responsible for environment and health and technological risks;
- The signing, publication and notification of the administrative decision (prefectural);

The person who intends to get the incentive tariffs for the wind system must locate the plant in an area ZDE, defined by the individual municipality or union of municipalities in the Energy Plan.

Because in France the concept of work of public utility doesn't exist, it is not possible to proceed to compulsory purchase, so if the work is not located within the zones ZDE and is not acquired by the owners, the wind plant is not feasible. In the field of wind farm the departmental Prefecture opens a public inquiry process aimed at involving public and private stakeholders in the project approval process.

CONCLUSIONS

The timing of this procedure are not met by the competent authorities and therefore it is necessary to regulate substitute powers and guarantee systems in favor of the operators for administrative proceedings such as the introduction of conference services activated at the request of the operator.

There is a high level of legal cases because of legal actions taken by individuals and NGOs, consequently it is necessary to promote a simplification of administrative procedures to eliminate the inconsistencies that give rise to appeals.

It is also necessary to streamline the process of environmental impact, to deal more clearly with the mode of communication, transparency of the administrative process and decision making process on the part of the Prefectures.

As in France the concept of work of public utility doesn't exist, it is not possible to proceed to compulsory purchase, so if the work is not located within the zones ZDE and is not acquired by the owners, the wind plant is not feasible.

The proposal is therefore to provide for the possibility of the declaration of public utility work for RES plants, which are considered strategic because part of local energy plans, in order to allow the expropriation in case of approval.

SPAIN

In Spain the national regulatory authority is the Comisión Nacional de la Energía (CNE). It is a consultative body that participates with proposals and reports in the general energy planning and pricing, third party access, and the payments of activities within the sector. It also prepares "circulars" for the development of royal decrees and prescriptions, inspects facilities, resolves disputes relating to TPA (third party access), and formulates legislative proposals. Offices responsible for RES are in the autonomous regions, in the CNE and in the Ministry of Tourism, Industry and Commerce. In Spain local authorities at NUTS 3 level have competence, direct or indirect, in the building permits.

For all the following technologies and installation size, local authorities always have direct competence in the licensing process: solar, solar thermal, bioenergy, biofuels, wind energy, geothermal energy, hydropower.

For the technologies the national law is Law 54/199 and its regulations:

- - Royal Decree 1955/2000;
- - Royal Decree 661/2007;
- - Royal Decree 1/2008;
- - Royal Decree 1565/2010;
- - Royal Decree 661/2007;

For the solar thermal: Royal Decree 1614/2010.

Per the wind-power: Royal Decree 1614/2010 and Royal Decree 1028/2007.

For all the subjects the regional legislation is also provided.

In Spain local authorities don't have to draft an energy plan. Local authorities have to draft a territorial plan but it doesn't include territorial forecast for RES development. The National Commission of Energy (CNE) is not satisfied by the current procedure compared to the need for simplification of the production and promotion of RES. The Government is preparing a new Royal Decree in order to simplify licensing procedures, connection, measurement and economic regime for small renewable generators.

The objective is to promote a reduced scale the production of renewable sources on a domestic scale. The applicant company must contact one local authority to obtain the permission for his project. The coordination between the authorities directly and indirectly involved in the authorization process occurs through the Autonomous Regions.

The authorization procedure lasts between 12 and 36 months depending on the technology. The general administrative costs incurred by the applicant company for the entire administrative process are the fees (almost free) and a guarantee for an amount equivalent to EUR 500/kW for photovoltaic or EUR 20/kW for all other services RES.

The administrative costs of the local authorities vary depending on the local authority.

CONCLUSIONS

In order to make the process more efficient, local authorities (NUTS-3) would not need more expertise in this field. The NUTS-2 level is more appropriate. The procedure ensures properly the protection of the companies rights. The authorities responsible for the communication of the administrative procedure to the applicant companies are autonomous regions. The entire decision-making process is unclear.

The whole administrative procedure to obtain the permit is not well advertised, well-documented, clear and understandable, even if authorities ensure to companies the transparency of administrative procedure and of decision making by taking public decisions.

The authorities have a deadline to give the answer for the authorization.

During the procedure, time limits are not always observed by the authorities.

It would be useful to an agreement between the members CEPLI aimed at simplifying the authorization procedures for RES installations.

4. GUIDELINES – Administrative framework in the target Countries

	BULGARIA	FRANCE	SPAIN	HUNGARY
1. Overview of the functions of the National Regulatory Authorities	Energy and Water State Regulatory Commission (SEWRC) - Licensing of all energy companies - electricity, district heating and natural gas. The prices of electricity, heat, gas and water, regulate prices, regulating trade in electricity, establishes rules, prices and access to the electricity grid.	La Commission de régulation de l'énergie (CRE) is an independent administrative authority that regulates the energy sector. It was created in 2000, when energy markets were opened to competition. CRE core mission is to contribute to the proper functioning of the electricity and natural gas, for the benefit of end customers. He has a statute that guarantees the independence of its missions.	Comisión Nacional de Energía (CNE). CNE is a consultative body, it participates with proposals and reports in the general energy planning and pricing, third party access, and the payments of activities within the sector. It also prepares "circulars" for the development of royal decrees and prescriptions, inspects facilities, resolves disputes relating to TPA (third party access), formulates legislative proposals.	Hungarian Energy Office (HEO). Main tasks: regulation (licensing and regulation of prices) of electricity markets in the network: the electricity market, the market for natural gas, district heating market, consumer protection, provision of information to stakeholders
2. Office responsible for RES	SEWRC is competent is responsible for licensing and for prices of RES for development plans for the links to the RES networks. The 'Sustainable Energy Development Agency participates in the preparation of National Plan for the development of renewable energy sources; issuing guarantees of origin	Département de soutien aux renouvelables energie consommateurs et aux	Autonomous Regions; CNE; Ministry of Tourism Industry and Commerce	Hungarian Energy Office (HEO)
3. Home page or other links	www.dker.bg ; www.namrb.org	www.cre.fr	www.cne.es	http://www.eh.gov.hu/home/html/index.asp?msid=1&sid=0&HKL=1&lng=2

	BULGARIA	FRANCE	SPAIN	HUNGARY
4. Direct or indirect competence of local authorities on the authorization procedures	Yes. For building permits and other construction documents.	Yes. The construction permits that are necessary for the power supply capacity, may be issued in some cases by the mayor. For wind energy, the departmental prefectures are responsible for issuing building permits and regional prefectures are competent to issue the operating license.	Yes. Building Permits.	Yes. Indirect competences concerning the building permits.
5. Technologies and size of the installation of systems for which the local authorities are competent in the licensing process (Technologies: solar energy, solar thermal, bioenergy, biofuels, wind energy, geothermal energy, hydropower).	All construction documents and permits are issued by local authorities - Municipalities and local offices of the Ministry of Environment, the Ministry of Agriculture, etc.. The SEWRC (State Energy and Water Regulatory Commission) is responsible for the licensing of all power plants over 5 MW of power. Competence is always direct.	Local authorities have always direct responsibility. In particular, the competence for solar energy is directed above 250 KW.	Always direct competence	For all technologies, local authorities have direct responsibility for facilities of less than 50 kW, and indirect responsibility for facilities of greater than 50 kW. There is no competence for biofuels dell'HEO (Hungarian Energy Office).
6. Main national, regional and provincial sources of regulation for building permits and RES plants planning	In terms of technology there are national laws, regional and provincial regulations and safety, access networks, on the landscape, on the standards, noise pollution. Other relevant regulations concerning building permits and authorization. For solar energy, solar thermal, bioenergy, biofuels, wind power, hydropower and biotermale, legislarion is only narional,	LEGGI NAZIONALI: R. R. 421-1 à 424-3 du code de l'urbanisme; Code de l'énergie. Code de l'environnement livre V, titre 1, art. L511-1 – Legislation "installations Classées" (Loi n. 2001-44 du 17 janvier 2001); REGULATIONS AND STANDARDS decret n ° 2000-877 du 7 septembre 2000, decret n ° 94-894 du 13 octobre 1994; Decret n. 2011-984 du 23 aout 2011 et arête du 26 aout 2011 relatif aux installations de production d'électricité à partir de l'énergie mecanique; Decret n. 2011-985 du 23 aout 2011 et arête du 26 aout	National Law for technologies: - Law 54/1997. Regulations and standards: - Royal Decree 1955/2000; - Royal Decree 661/2007; - Royal Decree 1/2008; - Royal Decree 1565/2010; - Royal Decree 661/2007; For the solar thermal: Royal Decree 1614/2010. Per the windpower: Royal Decree 1614/2010 and Royal Decree 1028/2007.	National law on building permit: - 2003 n. XXVI on the Territorial National planning - 2007 n. LXXXVI Electricity Law - Government Order no. 273/2007 (X.19.) on the implementation of certain provisions of the ACT no. LXXVI 2007 382/2007 Decree of the Minister for Local Government and planning 37/2007 Decree of the Minister for Local Government and planning

	BULGARIA	FRANCE	SPAIN	HUNGARY
	<p>except noise pollution.</p> <ul style="list-style-type: none"> - Energy Act, promulgated in the Bulgarian Official Journal n. 107/09.12.2003; -Renewable and alternative energy sources and biofuels act, published in the Official Journal no. 9/19.06.2007 and modified on the 14.11.2008; - Energy Efficiency Law; - Permission Law; -Environment Law; -Local Self-government and Local Administration Act: Promulgated, State Gazette, SG No. 77/17.09.1991; <p>-Ordinance of Namrb National Association on Municipalities in the Republic of Bulgaria on Llicensing of Activities in the energy sector: Promulgated in the "State Gazette", No. 53 of June 22, 2004.</p>	<p>2011 relatif à la remise en état et à la constitution des garanties financiers pour les installations de production d'électricité à partir de l'énergie mécanique du vent garanties financières pour les installations de production d'électricité à partir del l'énergie mécanique du vent; Decret 2006-629 du 30 mai 2006</p>	<p>For all subjects is also provided for regional legislation</p>	<p>on building permits 1995 act. n. LIII on environmental protection 1997, n. LXXVIII; Act on the protection of the built environment NATIONAL LAW ON ACCESS TO NETWORK: 2007 n. LXXXVI Electricity Law. National law establishes the landscape standards and regulates noise pollution Government Order no. 860/2006 (XII.20.) on the Hungarian Office for the trade licensing issuing 314/2005 Government decree on the environmental licensing procedures Government Order no. 343/2006 on the operating condition and appointment of supervisors of construction Order no. 117/2007 (XII.29) of the Minister of Economic Affairs and Transport on financial and technical conditions for joining the network electricity for public use. Order no. 8/2201 (III.30) of the Minister of Economic Affairs and Transport on electrical systems technical safety requirements.</p>
7. Presence of energy planning required by law	YES	YES	NO	YES
8. Requirement for	YES	YES	NO	YES

	BULGARIA	FRANCE	SPAIN	HUNGARY
integration of the local plan with goals and guidelines from higher level plans				
9. Requirement to draw a territorial plan of local authorities	YES	YES	YES	YES
10. Development forecasts for RES in the territorial plan	YES	YES	NO	YES
11. Other local authorities having direct competence	Offices of the Ministry of Environment and Ministry of Agriculture	All other local entities involved in licensing procedures are decentralized services of the government	NONE	Notaries of certain local authorities only for systems up to 50 KW
12. Other local authorities having indirect competence	/	The regions in terms of territorial planning and the Unions of Municipalities regarding ZDE (Energy plans of municipalities)	NONE	In the case of a building permit, the notary of the local authorities determined for systems with a capacity exceeding 50 KW
13. Satisfaction for the current procedure compared to needs for simplification and promotion of RES production	/	NO	No. A new Royal Decree is being prepared in order to simplify licensing procedures, connection, measurement and economic regime for small renewable generators. The objective is to increase a reduced scale distribution of renewable sources for the most part to the families	No, there the need for a procedure more coordinated and more streamlined.
14. Number of local authorities to be contacted directly to obtain the permission for the project	/	1	1	1 (the notary of the competent local authorities if the capacity is less than 50 Kw)
15. Number of local authorities directly involved	/	1	0	2 local authorities are involved in an indirect way in case of capacity

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				between 50 kW and 0.5 MW. In the event of a capacity exceeding 0.5 MW, the number of local authorities involved will depend on the characteristics and size of fuel and local characteristics.
16. Coordination between the authorities directly and indirectly involved in the authorization procedure	/	For wind turbines is scheduled the public inquiry	Autonomous Regions	There is no coordination
17. Months allowed by law to complete the whole authorization procedure	3 months	13 months	The authorization procedure lasts between 12 and 36 months depending on the technology.	for systems under 50 kW: 30 days for the whole authorization process, 50 kVA <capacity <0.5 MW=180 days; 1 year for the environmental study and 90 days for the environmental permit.
18. Actual time spent	under 50 kVA: 1 month / 50 kVA <capacity <0,5 MW: 6 months / above 0,5 MW: 1.5-2 years	For wind systems: 15 months	/	Under 50 kVA: 1 month; 50 kVA < capacity < 0,5 MV: 6 months; Above 0,5 MW: 1.5 – 2 years
19. General administrative costs borned by the applicant company for the whole administrative procedure	€ 500	/	Taxes (almost free) and a guarantee for an amount equivalent to EUR 500/kW for photovoltaic 20/kW, or Euros for all other RES services.	Every administration has its own administrative costs. The HEO administrative costs for all kind of systems are: HUF 500.000,00 for systems of 0.5 MW <capacity <5 MW, 1 million HUF for plants of 5 MW <capacity <20 MW, 2.5 million HUF for plants of 20 MW <capacity <50 MW and 2 million HUF for plants of 50 MW <capacity <200 MW.

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20. Administrative costs of the local authorities	/	/	Depending on the local authority	/
21. Critical aspects of the current procedure	For SEWRC: lack of compliance with the technical and administrative requirements for obtaining consent, the procedure of environmental impact assessment.	Difficult to meet the technical requirements and / or administrative procedure of Environmental Impact Assessment particularly complex, difficult relationship with NGOs and excessive litigation against the project	YES	YES. There is no harmonization between the authorizing authorities
22. Possible improvements to the current procedure	The current procedure for the responsibilities of SEWRC is governed by the law. SEWRC has no intention to change the system.	Simplifying the technical requirements and / or administrative and Environmental Impact Assessment	Simplifying more the procedure	HEO needs to work for for better harmonization with other authorities.
23. Identifying the competence to be allocated to local authorities to make the procedure more efficient	/	/	In the Spanish model, the local authorities (NUTS-3) would not need more competence e in this field. The NUTS-2 level is more appropriate	Local authorities are not designed to be directly involved in the authorization process for facilities over 50 kW of renewable
24. Effectiveness of the procedure to ensure properly the protection of the rights of the company	yes, in this field the responsibility is to SEWRC	NO	YES	YES
25. Clearness of the decision making process	SEWRC ensures that the entire procedure for the granting of licenses and the procedure for determining the pricing is fully transparent	NO	NO	Yes, it is clear to all competent professionals.
26. Identification of the authorities responsible for the communication of the administrative procedure to applicant companies	/	The regional and departmental prefectures	Autonomous Regions	There are not many authorities, administrative procedures are described and governed by laws and regulations

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27. Level of transparency of the administrative procedure for obtaining permission (well-publicized, well-documented, clear and understandable)	/	NOT GOOD	NOT GOOD	Not good. It is documented, but based on feedback from professionals, it is not entirely clear
28. How the authorities ensure the transparency of the administrative procedure and of decision making to the companies	/	/	Authorities take opublic decisions	Authorities publish on their web sites related regulations
29. Existence of a term to authority to give the answer to the request for authorization	/	YES	YES	YES
30. Stay within the allotted time during the procedure by the authorities	/	NO	NO	Yes, but there are opportunities to ask for more information, and this can lead to a term extension.
31. Adequacy of existing procedures aimed at providing information to businesses on national and local planning and local renewable energy sources	/	YES	YES	YES for the competent professionals

5. DESCRIPTION OF LOCAL AUTHORITIES INVOLVED

HUNGARY

In Hungary the national regulatory authority is the Hungarian Energy Office (HEO). Its main tasks are the regulation of electricity markets in the network (licensing and price regulation), the natural gas market, the district heating market and consumer protection, through the provision of information to stakeholders.

MÖOSZ (Megyei Önkormányzatok Országos Szövetsége- National Federation of Hungarian Counties and Municipalities) is the only local authorities' national association working in Hungary.

BULGARIA

The national regulatory authority is the Energy and Water State Regulatory Commission (SEWRC) which is responsible for all power stations capable of over 5 MW of power. Its functions are:

- granting, modifying, suspending, renewing the licences provided for the Energy Act;
- adopting and publishing the guidelines for the activities provided for the Energy Act;
- issuing price regulation for energy and setting the amount;
- approving rules for electricity trade and technical rules for the network;
- making rules, prices for the access to the electricity network;
- issuing certificates of origin for renewable energy producers;
- fixing the preferential sale prices of energy produced from alternative and renewable sources;
- drawing up development plans for the RES connections to the networks;

NAMRB - National Association of Municipalities in the Republic of Bulgaria is the only local authorities' national association working in Bulgaria.

The Sustainable Energy Development Agency participates in the preparation of National Plan for the development of renewable energy sources and issues guarantees of origin.

FRANCE

The French national regulatory authority is the "Commission de régulation de l'énergie (CRE)". It is an independent administrative authority that regulates the energy sector in France. It was created in 2000, when energy markets were opened to competition. Its global mission is "contributing to the proper functioning of the electricity and natural gas market, for the benefit of end customers". It has a statute that guarantees the independence of its missions.

The ADF- Assemblée des départements de France, is the only local authorities' national association working in France.

SPAIN:

In Spain the national regulatory authority is the Comisión Nacional de la Energía (CNE). It is a consultative body that participates with proposals and reports in the general energy planning and pricing, third party access, and the payments of activities within the sector. It also prepares "circulars" for the development of royal decrees and prescriptions, inspects facilities, resolves disputes relating to TPA (third party access), formulates legislative proposals.

Offices responsible for RES are in the autonomous regions, in the CNE and in the Ministry of Tourism, Industry and Commerce.

The FEMP - Federación Española de Municipios y Provincias, is the only local authorities' national association working in Spain.

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- MOOSZ: National Federation of Hungarian Counties and Municipalities
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- 2007 n. LXXXVI Electricity Law
- Government Order no. 273/2007 (X.19.) on the implementation of certain provisions of the ACT no. LXXXVI 2007
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- National law establishes the landscape standards and regulates noise pollution
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- 314/2005 Government decree on the environmental licensing procedures
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BULGARIA:

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www.namrb.org
- NAMRB: National Association Of Municipalities in the Republic of Bulgaria

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FRANCE:

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- R. R. 421-1 à 424-3 du code de l'urbanisme;
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SPAIN:

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