

NLVOW June 17, 2022
PRESS RELEASE



EU sidelined democracy in energy transition in “war law” June 2022

It seems to have completely escaped the attention of the press and Dutch politicians, but by chance the EU Parliament did not get around to discussing a proposal from the European Commission in the context of RepowerEU on 6 June. That is a set of measures to make haste with sustainable energy, with many good proposals. However, one of them aims 1

“to address the slow and complex licensing of major renewable energy projects, and a targeted amendment of the Renewable Energy Directive to recognize renewable energy as an overriding public interest. Member States should set up specific “go-to” areas for renewable energy, ie areas with lower environmental risks and with shorter and simplified permitting procedures”

For those who are not yet familiar with the proposal 2022/0160 dated 18-5-2022 2 : The European countries will then be obliged ỹ Art 15b ỹ Within 1 year, enough area on land and sea must be designated for the national contribution to the 2030 target for sustainable energy (45% of all energy consumption) ỹ Art 15c ỹ Preferred areas for sustainable energy to be designated (goỹtoỹareas) ỹ Art 16 ỹ In these areas the application must be approved within 2 weeks

(outside in 4 weeks), there may only be 1 point of contact for applicants, there may be **no legal objection to art 16a,b,c**

ỹ Art 16a ỹ The permit period in goỹtoỹareas may be a maximum of 1 year, otherwise deemed to be granted

ỹ Art 16b ỹ The permit period outside goỹto areas may be a maximum of 2 years ỹ Art 16c ỹ The permit period Sun on roof/constructions may be a maximum of 3 months ỹ **Art 16d ỹ Until climate neutrality is achieved, permit applications for sustainable sources exceed the public interest, and serve the health of citizens** And various existing European Directives are being called out of action.

This proposal is, of course, a direct attack on the very foundations of democracy and the values it represents. The trias politica is really shaking and the last echelon in democracy, namely the "difficult" citizens, are sidelined as could only be expected in wartime.

NLVOW supports the energy transition, but believes that there are sufficient options to do this without nuisance for local residents and the landscape 3 or to ensure sufficient compensation for disturbed quality of life and other damage. Without that, the “resistance” arises, against which anti-democratic laws should now be created. The proposal ignores this and believes that this “resistance” should be reduced for a while with autocratic new regulations. While unfairness is precisely the reason for civil movements to spend their free time, in order to achieve a more just society.

The higher authorities will not be able to designate areas within 1 year without having implemented the rules of the Aarhus Convention (information and participation) and the EIA. Also the

¹ https://ec.europa.eu/commission/presscorner/detail/nl/ip_22_3131

² <https://eur-lex.europa.eu/legal-content/NL/TXT/PDF/?uri=CELEX:52022PC0222&from=EN>

³ao with offshore wind and import hydrogen, see www.nlvow.nl

lower authorities are in for the block: anyone who does not manage to assess a permit application for admissibility within 2 weeks is doomed to grant a permit within 1 year and otherwise see it as granted. And objection and appeal is therefore impossible for citizens.

We already recognize this from the surprising application of the Crisis and Recovery Act to Integration Plans, but this proposal goes a big step further. There are already administrators and even judges who love to hide behind "Paris has to do it", but now there would be another top-down excuse for Pontius Pilate: "Brussels has to do it".

It is almost only a tyrant or church father who can come up with the motivation for restricting the law that this bill is actually in the service of the health of the citizens, and that only he knows better what is good for the citizens themselves. His sacred purpose would even transcend the public interest! No evidence is provided for this, however.

If our representatives and administrators are unable to communicate the urgency and necessity of a sustainable energy plan or location, then that clear urgency and necessity is not there. If our representatives and administrators are unable to arrive at fair wind turbine provisions, plan damage and financial participation, even for the less able-bodied, then they in fact arouse unnecessary resistance. Denying those troublesome municipalities and "Nimby's" their democratic rights is blowing from the wrong side of a sewer pipe. The energy transition is not served by this.

CALL

We hope that the press and national politicians will now take note of the EU 2022/0160 proposal, which is apparently somewhat hidden in paper. We call on them to point out to Messrs. Timmermans and Samson that there is no need to flee until these draconian deprivations of rights. More than sufficient methods of involving citizens and their interests in a timely manner have already been tested for the intended acceleration of the realization of sustainable energy alone.

The proposal 2022/0160 dated 18/5/2022 still has to be submitted to the European Parliament and the European Commission (Council of Ministers). There has been no evidence of any protest or discussion. There is only a short time left for that.

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NLVOW

The NLVOW (Nederlandse Vereniging Omwonenden Windturbines) represents the interests of (future) residents living in the vicinity of wind farms or wind turbines. We see it as our mission to give this group a full voice as much as possible when they are confronted with plans for a park or turbines.
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