

Implementation of new regulatory framework regarding RES production licensing

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[Introduction](#)

[Recent ministerial decisions](#)

[Comment](#)

Introduction

In May 2020 Law 4685/2020 on the modernisation and simplification of, among other things, renewable energy source (RES) production licensing was enacted. By virtue of Law 4722/2020, the next submission round for new applications for RES producer certificates pursuant to this new regulatory framework has been scheduled for December 2020 (instead of October 2020). This was deemed necessary in order to allow the Greek Regulatory Authority (RAE) to develop the new electronic system and finish evaluating several still-pending applications. Meanwhile, the RAE has been busy issuing RES producer certificates for which applications have been pending since before the enactment of Law 4685/2020, pursuant to its transitional provisions.

Recent ministerial decisions

Although the new regulation on the licensing procedure, which will further concretise Law 4685/2020, will be issued imminently, various other highly anticipated ministerial decisions have been issued which further regulate the Greek RES sector and specify the terms under which RES projects will receive environmental permits. More specifically, a minister of environment and energy decision (OJ B' 3291/06.08.2020) has raised the thresholds for the environmental permitting of RES projects. Thus, henceforth, photovoltaic (PV) stations of up to 1 megawatt (MW) need not have a prior environmental permit and PV stations of between 1MW to 10MW will require only standard environmental commitments. Further, wind parks of up to 10MW will be issued standard environmental commitments instead of an approval of environmental terms. This ministerial decision also stipulates that storage units that are connected to a RES project will receive the same environmental permit (ie, approval of environmental terms or standard environmental commitments) as the RES project.

Any pending applications for network connection terms that have been filed for RES projects and for which no environmental permit is necessary will be granted connection terms in accordance with guidelines to be issued by the Ministry of Environment and Energy.

Further, as the new law attempts to solve the problem of overlapping applications (ie, simultaneous applications for production licences that concern the same land plots) by assessing them based on criteria such as the possession of legal title over the land plots, the RAE has commissioned legal experts to determine what constitutes an indisputable legal title of ownership or usufruct and how this is to be evidenced, in view of the regulation to be introduced by the minister of environment and energy following the issuance of an opinion by the RAE.

In addition, a much-anticipated decision of the minister of environment and energy (OJ B' 3149/30.07.2020) has been issued, defining the maximum total capacity of PV power installed on agricultural land per 'prefecture' (a threshold which sets a cap on the total PV capacity to be produced by PV stations of up to 1MW installed on agricultural land of high productivity).

As regards small wind projects of up to 60 kilowatts, a ministerial decision which regulates their installation and connection to the network has been issued (OJ B' 3150/30.07.2020).

Comment

According to the Ministry of Environment and Energy, the licensing procedure as regards the installation licensing of RES projects should be simplified further in the coming months.

AUTHORS

[Mira Todorovic Symeonides](#)



[Maria Ioannou](#)



For further information on this topic please contact [Mira Todorovic Symeonides](#) or [Maria Ioannou](#) at Rokas Law Firm by telephone (+30 210 361 6816) or email (m.todorovic@rokas.com or m.ioannou@rokas.com). The Rokas Law Firm website can be accessed at www.rokas.com.

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