



Technical support for RES policy development and implementation – Simplification of permission and administrative procedures for RES installations (RES Simplify)



Romania

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Executive summary

This report covers the three main RES-E technologies that Romania has deemed crucial for attaining its climate objectives: onshore wind, rooftop PV and ground-mounted PV.

For all technologies, the main barriers appear during the administrative authorisation stage. The lack of communication and transparency from the authorities and the lack of experience of civil servants in the field of renewable energy tend to delay the deployment of new renewable energy capacities in the electricity sector and discourage potential developers. An exception needs to be made for rooftop PV prosumers, which benefit from a more narrowly-tailored approach and thus avoid a large portion of the barriers existing for onshore wind and other large PV projects.

Concerning obtaining an electricity production license and a grid connection permit, a lack of know-how of the ANRE or the grid operators' staff with the renewable energy projects is one of the key barriers communicated by the stakeholders interviewed. An additional complaint concerns the fragmentation of the procedure, which prolongs the entire building process of the renewable energy installation for electricity generation. The plethora of institutions involved in the building process lacks an internal communication procedure, which leads to repetitive licensing procedures which prologue the process and deter potential investors.

Table 1 contains a traffic light assessment of the relevant process steps for the installation of onshore wind, ground-mounted PV and rooftop PV in Romania.

Table 1: Traffic light assessment of the relevant process steps

Process step	Site selection	Electricity production license	Application preparation process	Administrative authorization	Grid connection permit	Corporate legal-fiscal	Other
Onshore Wind	Green	Yellow	Grey	Pink	Red	Grey	Grey
PV rooftop	Green	Yellow	Grey	Red	Red	Grey	Grey
PV ground-mounted	Green	Yellow	Grey	Red	Red	Grey	Grey

■ No barriers identified	■ Moderate barriers identified
■ Minor barriers identified	■ Not relevant for target country
■ Severe barriers identified	■ No projects implemented

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1. National RES targets and relevant RES technologies

According to Romania's National Energy and Climate Plan for 2021-2030 (NECP) published in April 2020, the government increased the overall target for renewable energy sources (RES) from 27.9% to a share of 30.7%, aiming at having an additional 6,900MW of RES-E installed capacity by 2030, mostly from onshore wind, ground-mounted PV and rooftop PV installations. While conforming to the 2030 European Union national targets, it remains below the 34% reduction rate recommended by the EU Commission as adequate given Romania's RES-E potential (NECP, 2020).

The NECP (2020) reveals the plans of the authorities to reach the increased RES-E share by attaining a total generation capacity of:

- 5,255 MW from onshore wind energy, which involves the deployment of 2,302 MW additional capacity as compared to 2020;
- 5,054 MW from solar PV energy, both from ground-mounted PV and rooftop PV installations, which involves the deployment of 3,692 MW additional capacity as compared to 2020.

Additionally, repowering efforts for 4,500 MW of installed capacity are prepared: 3,000 MW of existing onshore wind capacity and 1,500 MW of existing solar PV capacity (NECP, 2020).

The main component of the energy mix for electricity remained constant in the last decade: hydro, coal and nuclear, followed by gas, wind, solar and biomass. In 2019, the total electricity generated was 55.29TWh, which can be broke down by technology in the following way (NECP, 2020):

- Coal: 22.2%
- Hydro: 38.3%
- Nuclear: 10.03%
- Gas: 17.83%
- Solar: 3.56%
- Wind: 7.35%
- Biomass: 0.57%.

During 2019, onshore wind power plants generated 6.7 TWh, while solar PV systems generated 1.7 TWh. Nevertheless, while hydropower remains the main source of renewable energy in Romania, and while from a political standpoint it remains central in the grand plans of further decarbonising the energy sector, more tangible plans have been laid out for onshore wind, ground-mounted PV and rooftop PV (NECP, 2020)

Figure 1 displays the annual deployment of PV and onshore wind between 2010 and 2019. Both technologies had a peak in deployment in 2013 with a rapid decrease mounting to zero in 2017.

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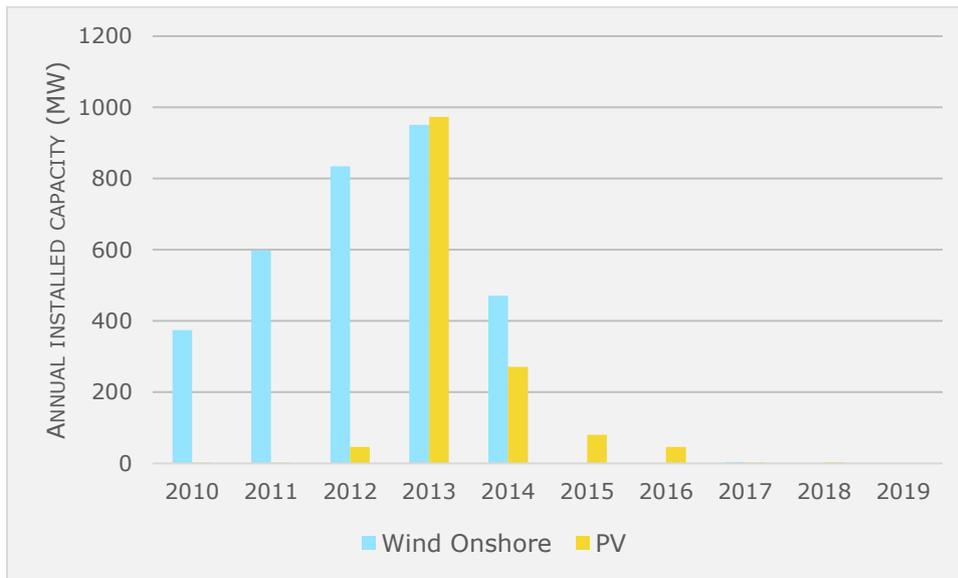


Figure 1: Annual installed capacity of PV and Wind onshore 2010-2019 (source: EurObserv'ER)

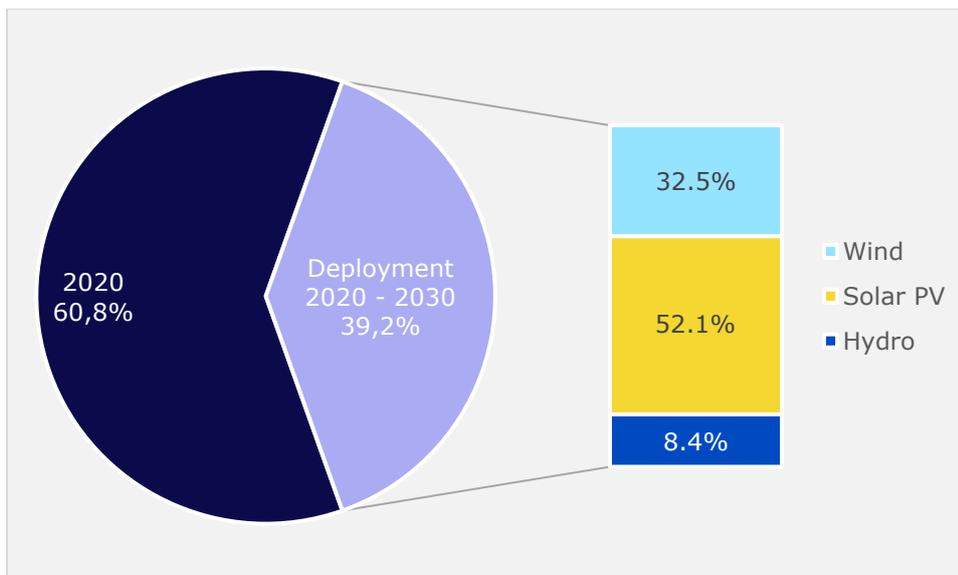


Figure 2: Planned deployment of RES-E 2020-2030 in relation to past deployment (source: NECP)

2. Administrative and grid connection procedure

2.1. Relevant process steps

In Romania, there is no specific law governing the licensing regime as a whole, and multiple authorities supervise the different stages of the permitting process for any electricity generation activity. The most important authority, however, is the National Authority for Energy Regulation (ANRE), which supervises the governance process of electricity generation, being central in numerous stages of the permitting process.

The first step towards the commercial realisation of any renewable energy project is fulfilling the legal provisions related to the permitting process for the construction of any type of electricity generating installation. Construction works can only be performed

based on the project developers securing a usage right over the land where the construction is intended. This step is usually made in coordination with the municipality's Local Council, which determines if a certain location is suitable for the production of renewable electricity, both from an economic and a technical point of view. Nevertheless, this step is rather informal, as the legally binding decisions regarding the construction site are included in the administrative authorisation stage.

Thus, the second step is the acquiring of multiple administrative authorisations. These include: the urbanism certificate and the building permit (which is different from the previous step of acquiring a real right of ownership, easement or concession). Additionally, if any environmental impact is expected, an Environment Impact Assessment (EIA) procedure must be followed by the developers. Lastly, based on the Construction Law 50/1991, in some circumstances there might be an extra need for certifications from institutions such as the Romanian Ministry of Defence, the Romanian Intelligence Service and the Romanian Civil Aeronautical Authority. However, these latter certifications were put in place for traditional coal-based power plants and are not relevant, in practice, for renewable electricity.

In parallel, any onshore wind project or ground-mounted PV solar park must obtain a set-up authorisation from the National Authority for Energy Regulation. This authorisation allows developers to set up a new electricity generation unit with capacity of more than 1 MW. This step comes before the actual step of obtaining a licensing right from the same institutions, but remains necessary from an administrative point of view.

Once all the necessary permits have been obtained by the developers of renewable energy project, the next step is to obtain the technical grid connection permit, which stipulates both the technical and economic conditions for the connection of the electricity generation unit to the grid. Afterwards, for any form of energy supplying activities, there is an electricity supply licence issued by ANRE, usually valid for ten years. For well-prepared projects, these are the most straightforward steps, especially when compared to the administrative authorisation process.

2.1.1. Site selection

Process flow

Selecting a suitable site is the first step towards the construction of a new renewable energy installation in Romania, but remains informal in nature. There are no legal obstacles as to who can initiate the proceedings for selecting a suitable location — the project can originate from private developers, local authorities or communities of organized citizens. Moreover, there are no restrictions for foreigners in selecting location for the construction of renewable energy installations. In order to have the legal right to select a location for the purpose of a renewable energy project, the developer needs to acquire a real property right over the land on which the installation is to be constructed; this can happen through the acquisition of the plot of land, through obtaining a non-possessory easement right, or a concession agreement from the authorities to use a publicly owned piece of land (Thomson Reuters, 2020).

There are no legal obligations at this stage, prior to starting the administrative authorisation preparation. Nevertheless, it is usually the case that all parts involved in the certification of the renewable energy installation are notified of the intention of the developer. Local authorities might intervene at this stage, if either one of the regional or zonal urban plans do not allow for such projects. This would halt any development, even before the formal process of obtaining a building permit. In practice, this is more relevant for the development of onshore wind projects (Founder of RES-E retail supplier, 2020).

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In order to notify the Office of the Mayor of the intention of developing a renewable energy installation, either onshore wind, large ground-mounted PV or large rooftop PV, developers must submit directly to the Office a prior certification that attests the legal capacity of production, as stated in the Statistical Classification of Economic Activities in the European Community (NACE) code. In the case of PV prosumers, the site selection step is not accounted for, as prosumers are allowed to use their rooftop space given that they fulfil the requirements of the ANRE.

Deadlines

Given this step does not include any legally binding procedures, there is no deadline for selecting a suitable location for the construction of a renewable energy installation. However, developers need to engage with projects only as long as they are recognised as pursuing commercial activities in the field of electricity generation (NACE code D35). If for some reason the company that initiated the project is no longer allowed to pursue this type of commercial activity, it will be required to extend the commercial scope of the firm to include electricity generation. This operation is executed through the national Trade Register and usually takes around 72 hours (Founder of RES-E retail supplier, 2020).

Detected barriers

Uncertainty regarding general and local urban plans. Romania has had multiple problems with its regional spatial planning documents, as these have frequently been challenged in courts by stakeholders affected by what appear to be arbitrary grounds. The court rulings have often times been against the local authorities. As such, whenever project developers contact the authorities to inform about their intention to use a certain site for the construction of a renewable energy installation, there is no approved and functioning urban plan that could provide preliminary information on the feasibility of the renewable energy project (Head of public affairs for rooftop PV solutions vendor, 2020).

Lack of transparency from the authorities. When developers try to consult with local authorities, they are often ignored due to the lack of a strategy related to the deployment of new renewable energy capacity. Often times, the fact that so many different institutions are involved in the implementation of a renewable energy project leads to lack of communication between the different authorities. According to the stakeholders interviewed, it is very difficult to obtain clear responses from the authorities regarding any potential issues that might appear in relation to a selected location, as there are no internal communication channels between responsible institutions (Head of public affairs for rooftop PV solutions vendor, 2020; Founder of RES-E retail supplier, 2020)

Identified good practice

No need for a NACE code in the case of prosumers. For years, there were no prosumers in the Romanian electricity market because due to a legal gap: it was not clear if the prosumers should be treated like other electricity producers and therefore be required to obtain a NACE code D35. In 2018, Law 220/2008 was amended and the amendments now allow commercial prosumers up to 100 MW/ location to operate without a NACE code. This facilitates a much faster interaction with the local authorities before the certification and authorisation stages.

2.1.2. Electricity production licence

Process flow

To acquire an energy production license, a company has to appear in the Trade Registry as an electricity producing company (i.e., to obtain a NACE code D35). The registration of the company under this code serves as a preliminary certification, as companies that are not registered in the Trade Registry are automatically banned from generating electricity.

The entire commercial electricity production licensing procedure is handled by the ANRE. The first step is to obtain the establishment authorisation, which allows the holder to set up a new electricity generating installation of over 1 MW. After all administrative authorisations have been obtained, the ANRE needs to grant a sector-specific licence for the commercial operation of the renewable energy installation. The average duration of this license is 25 years. Both processes, which happen under the supervision of ANRE, usually require a series of documents proving the financial soundness of the project developer, its valid scope of activity, as well as legalised copies of the authorisations granted by the local authorities (Thomson Reuters, 2020). The procedure is regulated by the Government Ordinance 540/2004 (republished and modified), as well as by ANRE's internal ruling 179/2018, which modifies the original ruling 42/2011.

In Romania, this is the first and last stage of the actual development of the renewable energy project in the power sector. The establishment authorisation is the first document issued by the ANRE, before the actual construction, while the commercial operation authorisation is the last document issued by the ANRE, after every other formal step has been successfully completed by the project developer.

Deadlines

ANRE is legally mandated to offer a written response to each application in a maximum period of 30 calendar days since the developer submitted the application for an electricity production license (Government Ordinance 27/2001).

Detected barriers

As a general note, very few renewable energy projects have been developed in the electricity sector in Romania in the last years, mostly due to a lack of a support scheme from the government, as well as due to the dominant position of existing nuclear and hydropower plants. Therefore, stakeholders interviewed are uncertain about how the actual licensing proceedings are being run by the ANRE. The barriers that apply to all stages of a renewable energy project implementation apply also to this process step: no centralised IT portal for document submission, lack of transparency and lack of communication between different authorities (Rooftop PV installer, 2020; Head of public affairs for PV company, 2020).

Identified good practice

No good practice related to this process step was identified.

2.1.3. Administrative authorisation

Process flow

The first step in the administrative authorisation process is for the investor to get an urbanism certificate from the Office of the Mayor. This urbanism certificate includes a list

of all the approvals that must be obtained by the project developer in order to acquire a building permit. Based on the documents listed in the urbanism certificate, the developers apply for a building permit to the same Office of the Mayor. In the case in which significant environmental impact is expected, they must also acquire an environmental impact assessment (EIA) approval. Finally, based on the type of construction, additional administrative approvals might be required before obtaining the building permit, such as the one of the aeronautical authority or the Ministry of Defence (Thomson Reuters, 2020).

Urbanism certificate

The process of administrative authorisation for the construction of a renewable energy installation for electricity generation is initiated by obtaining an urbanism certificate from the Office of the Mayor. The issue of the urbanism certificate is regulated by the Law 50/1991 and Government Order 1943/2001.

The application for an urbanism certificate officialises the discussions between the project developer and the Mayor's Office, as the role of the local authority is to inform project developers on the conditions under which a renewable energy installation can be built in the selected area. This certificate stipulates the following:

- Information about the current judicial, technical and economic regime of the site selected for the construction of the renewable energy installation, based on already existing general or local urban plans.
- The complete and detailed description of the urban planning conditions that will have to be met by the developer while implementing the renewable energy project. These conditions are contained in the architectural project that has to be submitted by the project developers to the Office of the Mayor.
- A complete list of additional certificates, authorisations and permits that need to be collected for the issuance of the building permit (for example authorizations from the telecommunication authority or from the civil aviation authority).
- A notification to contact the local environmental authority in order to obtain the mandatory EIA approval.

Building permit

The building permit is the official document that once issued by the Office of the Mayor, allows the construction of a renewable energy installation on the selected site. The issue of the building permit is regulated by the Law 50/1991 and Government Order 1943/2001. In order for this permit to be issued, project developers must submit documents proving their legal right to use the chosen site, a list of endorsements, approvals and certifications from different authorities, including the environmental protection agency, the water management and the land planning authorities, the aeronautical authority, the telecommunications authority, or even institutions such as the Ministry of Defence or the Romanian Intelligence Service (Building Law, Art.2). The list of approvals depends on the nature and location of the renewable energy installation.

In the case of onshore wind, the usual approvals tend to come from the Romanian Civil Aeronautical Authority and the National Authority for the Administration and Regulation of Communications, but the complete list is not standardised. This means that different local authorities might require different approvals from different institutions, based on a completely different interpretation of the existing law or of the nature of the renewable energy project (Head of public affairs for PV company, 2020)

In the case of solar PV, recent encouragements from the Romanian government towards the development of a prosumer market allow any PV installation below 100 kW to be built

without any prior certification, aside from a simple notification. However, in the case of larger solar PV installations, exceeding 100 kW, the same procedure for obtaining a building permit is in place as for onshore wind turbines (Law 184/2018). Nevertheless, no large PV project, with an installed capacity of above 100 kW/location, has been developed in Romania recently and thus, stakeholders are not aware of the usual list of approvals required for building a large rooftop PV or ground-mounted PV solar parks (Rooftop PV installer, 2020; RES-E retail supplier, 2020)

Environmental Impact Assessment

Given the current Romanian legislation (Law 292/2018 and Government Order 1798/2007), not all renewable energy projects in the electricity sector require an environmental impact assessment. The environmental impact assessment is only required if the local environmental authority, during the stage of issuing the building permits, determines that the onshore wind project or the rooftop PV projects above 100 kW/location might impact the environment in a significant manner. After the project developers contact the local office of the National Authority for Environmental Protection, in a couple of months the project will be classified as either significantly damaging or not.

If the project is not considered significantly damaging, the building process can continue. Otherwise, the National Authority for Environmental Protection will start a lengthy process of determining the specific nature of the damage the project brings for the local ecosystem. The list of conclusions is therefore issued to the project developer, which afterwards starts a process of dialogue with the authority. The scope of the dialogue is to either find solutions that avoid the environmental damage altogether, or reduce it to such degree that it is no longer considered significant. In the case in which mitigation is impossible, a list of compensatory solutions will be drafted by the National Authority for Environmental Protection in accord with the project developer.

According to the stakeholders surveyed, in the case of onshore wind power plants the environmental impact assessment is likely to find large potential damages only if the chosen site is a national protected area. However, in this very unlikely case and under the given conditions, urbanism certificates will also probably deem the project as impossible to be built from the beginning. In the case of rooftop solar PV, stakeholders stated that it is highly unlikely that a problem of a significant damage to the environment will arise. According to an interview conducted, there have been discussions on having exemptions for very small onshore wind turbines, like in the case of PV prosumers, but currently there is no legal development in sight (Head of public affairs for PV company, 2020; RES-E retail supplier, 2020)

Other permits and certificates

In the case of onshore wind, further certificates from the Romanian Civil Aeronautical Authority and the National Authority for the Administration and Regulation of Communications might be required, due to the potential of the wind turbines to interfere with communication waves routes or with radar signals (Building Law, 1991). For both certifications, the project developer must personally contact the Office of the Mayor and submit all the legally mandated documents. The main requirements usually involve a series of technical descriptions of the project, that can be used as proof that there will be no interference with the radar systems. However, if the Civil Aeronautical Authority decides the safety requirements are not met from their perspective, the project can be halted.

Deadlines

Official deadlines for each of the above-mentioned sub-steps in obtaining complete administrative authorisation for the building of a renewable energy installation vary

usually between 30 and 90 working days (Government Ordinance 27/2001). Nevertheless, stakeholders interviewed for the purpose of this study have commented that in practice, authorities do not respect their own deadlines (RES-E retail supplier, 2020; PV installer, 2020). Furthermore, if a document is missing when application has been submitted by the project developer, the competent authorities sometimes decide to start the entire process from the beginning.

Detected barriers

Very complex procedure with no clear timeline. The responsibilities for the different parts of the administrative authorisation procedure are spread across multiple institutions which hardly coordinate. As a result, many authorities require legal documents at the same time, which the project developer cannot provide. For example, if a project developer applies for approval from both the Romanian Civil Aeronautical Authority and the National Authority for the Administration and Regulation of Communications, these institutions can request mutually-issued documents, delaying the entire process. This forces project developers to take a very linear approach towards engaging with the authorities, something that increases the time needed for completing this stage of the process. Additionally, stakeholder interviews have revealed that in some cases, even when engaging authorities individually, documents were requested that could not be issued at that stage (RES-E retail supplier, 2020).

Lack of transparency from the authorities. From the perspective of developers of renewable power projects, it is almost impossible to find out at which stage any of the certification procedure is. The only contact between the project developer and the competent local authorities happens when the necessary documents are submitted by the developer or when the authorities issue a final decision for a specific certificate or approval. If at any stage during the process it turns out that some documents are incomplete, missing or inadequate, there is no way for project developers to know about this. The main consequence of this detected barrier is that projects tend to be severely delayed, as the authorities have little experience in analysing request for the renewable energy projects and therefore tend to be very conservative regarding the adequacy of the documents submitted (Head of public affairs for PV company, 2020).

Lack of communication by the authorities. By law, any request to the authority must be answered in 30 working days of its receipt (registration by the project developer). Nevertheless, in practice this can take months and sometimes project developers may not receive a response from the authorities at all if they reach a decision without responding to the questions posed by the renewable energy project developers in the meantime. Given that in the case a certificate is not issued due to the inadequacy of the application developers must start from the beginning. Thus, the lack of communication prolongs the administrative stage inconclusively (Head of public affairs for PV company, 2020).

Problems with the general and urban plans. Urban plans have often times been adopted without a proper legal basis and are constantly contested in courts by third parties affected. In some cases, if a project is approved based on the provisions of a general or an urban plan that is found to be illegal, any document (i.e., permits, licenses, etc.) issued in compliance with that plan can also be deemed illegal. Stakeholders revealed during interviews that it is very hard to keep track of all existing legal challenges related to the regional or urban plans, and thus high risks are involved whenever a project developer wants to submit an application for the construction of a new renewable energy installation for electricity generation (RES-E retail supplier, 2020). This barrier applies especially to onshore wind farms, which usually use larger sites that have higher chances of being part of a contestation of the urbanistic plan.

Different interpretation of the laws in different municipalities. The lack of a cohesive interpretation of some legal documents is common for the Romanian legal system. However, this is more pronounced in the field of administrative approvals, as significant differences might exist between territorial units. For example, different legal documents can be required in municipalities in Romania for the same project, or different procedures for contestation might be employed (PV installer, 2020; Head of public affairs for PV solutions vendor).

Lack of experience in working with renewables. During interviews, stakeholders have indicated that many problems in obtaining administrative approvals come from the lack of know-how of civil servants because they lack experience working with renewable energy projects (PV solutions vendor, 2020). In recent years, due to no support scheme being developed for renewables, many project developers postponed the implementation of new projects, which has hindered a potential learning curve for local authorities. This is especially a problem for onshore wind farms, large-scale ground-mounted PV projects and large-scale rooftop PV projects (above 100 kW/location), as understaffed departments and staff with lacking experience in the field of renewable energy have hard times determining whether the documents submitted by the project developers are in compliance with the relevant legislation. In addition, it is not beneficial that a plethora of different institutions is involved in the permitting process, whose responsibilities sometimes overlap. In practice, this creates a legal gap that is closed by civil servants on an arbitrary basis (PV solutions vendor, 2020).

Identified good practice

No good practice related to this process step was identified.

2.1.4. Grid connection permit

Process flow

A grid connection permit is issued either by the transmission system operator (TSO) or by the distribution system operator (DSO), depending on the envisioned capacity of the renewable energy project and on the available grid connection point. The first step in the grid connection process is for developers to submit an application to the grid operator, DSO or TSO. They need to prepare all the documents obtained until this stage, for the grid operator to legally acknowledge the state of the project and move towards the grid connection stage (Thomson Reuters, 2020). Grid connection functions based on the non-discriminatory legal principle, meaning that the grid operators must always allow access to the grid for any recognized third party, given the third party complies with all legal requirements. The technical solution for connecting a generation plant to the grid is based on an impact study, which is conducted by the TSO/DSO and analyses the technical and economic feasibility of different alternatives for the installation to be connected to the grid (Thomson Reuters, 2020; RES-E retail supplier, 2020).

Based on existing legislation, the grid operator must collaborate with the developer of renewable energy project to find the most convenient solution for the connection, both from an economic and technical point of view. The feasibility is determined for both sides, as it is forbidden for the grid operator to suggest a solution that would be easy to implement on his part, but would be costly for the project developer. If the project developer accepts the grid connection solution suggested by the grid operator and submits the necessary documents, the grid connection permit will be issued by the grid operator in 30 working days from the submission of an application (RES-E retail supplier, 2020; PV installer, 2020). In this case no grid connection contract needs to be concluded

between the project developer and the grid operator. The grid operator issues the grid connection permit based on the existing infrastructure.

If the TSO or DSO has to construct a new grid connection point at the site, then a grid connection contract needs to be concluded between the project developer and the grid operator, covering the construction of the new connection point. This connection point will be owned and operated by either the TSO or the DSO, while the project developer by contract retains the right to use it. The connection of electricity generation plants to the grid requires compliance with special legal requirements and the adoption of measures to minimise any risk related to the safety of the entire power system, including certification of the equipment used by the project developer and an agreement of the maximum capacity of the power plant (Thomson Reuters, 2020).

The grid connection process is formally the same for all RES technologies. In the case of rooftop-PV prosumers, the grid connection is also realised by the grid operator, but in a very straightforward process after an authorised installer has completed the installation of the PV installation (Law 184/2020). The simplified grid connection process for small-scale systems only involves the installer contacting the grid operator, which in turn approves the connection after a technical verification procedure (Law 184/2020).

Deadlines

The process of obtaining the grid connection permit is less formal compared to other permits to be obtained in developing a renewable energy project in the electricity sector. The timeline for grid connection is decided by the grid operator and the project developer, and specified in the grid connection agreement (Thomson Reuters, 2020). Usually, once all other relevant approvals have been secured, this last process step tends to be the least complex from an administrative point of view.

Detected barriers

Lack of experience in working with renewables. Stakeholders interviewed mentioned that while grid operator's staff is knowledgeable and efficient, they have little experience in working with renewable energy projects. This tends to delay the process and remains a problem across multiple steps of the project, such as through the administrative procedures or when obtaining an electricity license (RES-E retail supplier, 2020).

Congestion in most important areas for RES. Stakeholders revealed that the lack of investment in grid infrastructure at the national level has left the most important regions in terms of RES development without the technical possibility of integrating new capacities. This has prevented the finalisation of both industrial PV and wind projects. While grid-connection permitting is not legally blocked, it is improbable for developers to acquire the necessary authorisations in due time. More precisely, the earliest date when new injections of electricity in the grid would be possible in these regions, like Dobrogea, is around 2025-2026 (Head of regulatory affairs, 2021).

Prohibitive tariffs. The introduction of a grid straightening tariff of about 100k€/MW has made developing large-scale projects prohibitive, according to representatives of both PV and wind power associations. Given the lack of support schemes, this tariff implies a significant risk for the RES project developers, which has stunted the development of the RES market in Romania (Head of regulatory affairs, 2021).

Identified good practice

Good collaboration procedure between project developer and grid operators.

The grid operation functions in a transparent manner that allows project developers to plan the deployment of renewable energy installation in due time. The foundation of cooperation is, as described by stakeholders' interviews, the extensive knowledge and professional conduct of the employees affiliated with the grid operators (PV installer, 2020; PV solutions vendor, 2020). This is in specific contrast to the lack of professionalism in relation to other stages of the implementation of renewable energy projects, as described earlier. Furthermore, stakeholders have stated that at both levels, electricity transmission and distribution, grid operators allow online communication, which is rare in the case of Romania. Ultimately, this step appears to be the smoothest from the perspective of project developers (PV installer, 2020; PV solutions vendor, 2020).

3. Use of IT systems

The lack of a centralised IT system for developers of renewable energy projects in the electricity sector was one of the main complaints raised by stakeholders during the interviews. The existence of local IT points where developers can submit applications and supporting documents for different permits has grown in recent years, however the interaction with national authorities such as the National Environmental Fund (AFM) or the ANRE has not been digitised (RES-E retail supplier, 2020; Head of public affairs for PV company, 2020).

Discussions over the implementation of online portals that could function especially for the simultaneous submission procedures (only discussed) have been ongoing, but the public health crisis surrounding the Covid-19 pandemic has slowed down any potential developments.

3.1.1. Complaint procedure

In Romania, complaint procedures are established by law for all types of permits and certifications, which also stipulates the relevant deadlines. Nevertheless, in the majority of the cases, the lack of transparency makes the complaint procedure only feasible for the stakeholders directly affected by a project, at only they would have knowledge of the project plan. However, according to stakeholders, in practice the statutory deadlines for complaint procedures are not respected by the authorities.

Building permit

Any third party who can prove direct damage from the building permit issued for a renewable energy installation has the legal right to contest the permit in the Administrative court within 30 calendar days of its issue (Building Law, Art.20). It is possible to run through three instances in the process. However, there is a lack of a common judicial practice as to when the 30 days period actually starts: some courts state that it begins at the moment of issuance, while other courts have ruled that the period begins after the third party has been informed about the issue of the building permit. The latter interpretation leaves space for multiple abusive procedures from involved third parties, but the situation is currently decided on a case-by-case basis without a decision from the Supreme Court in this case. Secondly, it is controversial whether contestations can take place after the actual construction has started; again, this is decided on a case-by-case basis (Head of public affairs for PV company, 2020).

Environmental Impact Assessment

Both the project developers and third parties that can prove they are affected by the development of the renewable energy project can contest the results of the National Authority for Environmental Protection in the environmental impact assessment (art. 21 Environmental Impact Evaluation Law). There is no specific legal complaint procedure to contest environmental impact assessment results. However, a general administrative court procedure can be initiated, with three instances, one of which is at the Court of Appeal. Stakeholders interviewed complained that the court procedure might take months or even years if the parties involved cannot demonstrate urgency (RES-E retail supplier, 2020). If the parties can demonstrate the urgency of the complaint, the matter could be resolved in a matter of weeks, but given the large number of cases heard by administrative courts, this is rarely the case (PV installer, 2020).

Urbanism certificate

There have been significant legal debates regarding the complaint procedure surrounding the issuance of the urbanism certificate. In theory, given that the urbanism certificates serve only as a tool for obtaining the building permit, complaint procedures have to be made with regards to the building permit. Nevertheless, court practice shows that in many cases, the legality of the urbanism certificate has been itself contested both by project developers that have not been granted the certificate, and by third parties that can prove they are affected by the case (Head of public affairs for PV company, 2020). However, most of the cases related to project developers that were refused the urbanism certificate. In this scenario, project developers are allowed to sue the local authorities through the Administrative courts, to get them to issue the certificate. There are three instances, and one possibility of appeal in this case. Nevertheless, even if this is done in due time, there is no guarantee that the building certificate will also be issued. On the other hand, urbanism certificates that have been issued disregarding legal regional or urban plans can be challenged in the Administrative court by interested parties, usually environmental organisations. Again, there is no deadline for litigation to be settled in court and in some cases, construction is already completed by the time the court issues its final binding decision.

Any other authorisation, certification or approval can be challenged in the Administrative court, following the standard procedure outlined by Law 554/2004. This is an administrative court procedure with a single possibility of appeal, with the final decision being made by the regional Court of Appeals.

4. Specific features to ease administrative procedure

Table 2 below provides information on the existing specific features to ease administrative procedures in Romania.

Table 2: Specific features to ease administrative procedures

Specific feature	Existing	Short description
Simultaneous procedures	no	
National contact points and one-stop-shops	no	
Application of 2+1 and 1+1 rules	no	
Simple notification procedure	no	
Pre-planning	no	

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Pre-application consultation	yes	Informal consultations are often encouraged by the local authorities. However, there is no legally set obligation for carrying out pre-application consultation neither by ANRE or any other institution.
Project acceptance measures	no	
Measures to streamline litigation by third parties	no	
Other	no	

5. Indicators to measure the performance of the overall process

Table 3 below provides information on the indicators to measure the performance of the overall administrative and grid connection process in Romania.

Table 3: Performance indicators to assess administrative and grid connection processes

Performance indicator	Description
Average response time by the competent authorities and TSO/DSO for grid connection procedures	N.A.
Process duration	While there is no centralised data, stakeholders consulted for this project made it clear that the variance in process duration is extremely high, and the reasoning behind this variation can only be explain by the lack of a unified authorisation process. In recent years, almost no project managed to complete all the authorisation steps, while in the past there were periods when RES-E projects were implemented in less than one year.
Project approval rates	N.A.
Costs of administrative processes	N.A.
Share of permits that are legally challenged	N.A.
Share of legal challenges that are overruled	N.A.
Stakeholder interests	There is no centralised mechanism for stakeholder consultation in Romania. Therefore, neither the project developers nor the local authorities are obliged to account the specific interests of the third parties that might be affected as a result of the RES-E project implementation. Nevertheless, some special interests are recognised by existing laws. For example, environmental interests are represented by the authorities when conducting the environmental assessment, while other strategic or security interests are represented either by the Ministry of Defence or by

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	the Romanian Intelligence Service. However, these procedures are not transparent and are not open to the public.
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