Question 2 to the Communicant following meeting on 12th December 2012

With respect to the consultation process in relation to the Communication on "Renewable Energy: a major player in the European Energy market" (COM(2012)271), please provide a copy of the comment submitted to the European Commission, and show (provide evidence) how this was not considered.

1. CHRONOLOGY OF EVENTS

EU Commission opens Consultation on "Renewable Energy: a major player in the European Energy market" for period 06/12/11 to 07/02/12[1].

Communicant submits her Submission on 6th February 2012; see e-mail chain and confirmation by EU (Attachment 1 of Question 2) and Submission itself (208343911591603512) (Attachment 2 of Question 2). Note: Similar submissions were made by groups registered on the EU Transparency Platform, such as the European Platform Against Windfarms (EPAW), Save The Eagles International (STEI), Communities Against Turbines Scotland and non-registered groups, such as the Gweebarra Conservation Group and individuals in the UK and Ireland.

The Summary of Results was then published by the EU Commission[2] following closure of the consultation.

Note: The results of the Consultation were presented at a meeting in Brussels on 24th February 2012[3].

On 6th June 2012 the EU Commission published its Communication COM(2012)271, which included an Impact Assessment and an accompanying Staff working document[4].

In late 2012, the Communication was being debated by the Energy Committee of the European Parliament[5].

2. HOW CONTENT OF SUBMISSION WAS NOT CONSIDERED

Please see the Table overleaf showing the main substance of the Submission and evidence as to how it was not considered.

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[1] http://ec.europa.eu/energy/renewables/consultations/20120207_renewable_energy_strategy_en.htm

[2] http://ec.europa.eu/energy/renewables/consultations/doc/20120404_long_summary_of_consultation.pdf

[3] http://ec.europa.eu/energy/renewables/events/20120224_renewable_energy_strategy_en.htm

[4] http://ec.europa.eu/energy/renewables/communication_2012_en.htm

[5] http://ec.europa.eu/prelex/detail_dossier_real.cfm?CL=en&DosId=201696

Main Points in Submission	How the EU addressed these Points in their Documentation
Section A: The Principle of Proportionality – the greenhouse gas tonnages to be reduced, the cost basis and alternatives considered, the environmental objectives involved, such as avoided environmental degradation.	In long summary of the consultation, proportionality, greenhouse gas emissions or environmental objectives were not addressed. In relation to cost it was mentioned in Section 2.2: “Nevertheless a number of respondents stressed the importance of exposing renewables to market price signals”. In the Staff Working Document on COM(2012)271 it is stated in Section 3.2 on Specific Objectives: “More specifically, in order to achieve the general objectives, this initiative aims to: i) reduce uncertainty for investors and the business community, ii) improve viability and cost effectiveness of financial incentives, iii) facilitate consistency with market arrangements, iv) provide adequate energy infrastructure, v) foster technology innovation and development, vi) and ensure wider public acceptance and address sustainability considerations”. Similar in 5.2 on Environmental Impacts it is stated: “An increased share of renewable energy in the EU final consumption has the potential to reduce significantly greenhouse emissions”. However, no quantification is given in terms of numeric analysis either in relation to tonnages or avoided environmental degradation.
Section A: The complete failure to verify the emission savings and environmental performance of renewable installations installed to date and as to how engineering analysis is clearly showing how ineffective intermittent generators, such as wind and solar, are in delivering reliable energy supplies.	In the long summary of the consultation this aspect was not addressed. In the Staff Working Document it was stated in Section 1: “According to NREAP analysis, in the next decade the strongest growth will occur in wind power (from 2% to 14.1% of the total electricity consumption) and solar electricity (from 0% to 3% of the total electricity consumption)”. Although it is admitted in Section 6.2.2: “Furthermore, reliable and affordable solutions for assuring grid stability as well as for balancing demand and production in the presence of high shares of wind electricity will have to be developed and demonstrated”.
Section B: That renewable energy support schemes should be phased out - ECJ judgement in case C-379/98	In long summary of the consultation in was noted in Section 2.2; “only 13% favoured phasing out all support for renewables post-2020”. No analysis was

in relation to justifying state aid for wind generated renewable electricity was on the basis that it was "useful for protecting the environment in so far as it contributes to the reduction in emissions of greenhouse gases". "It should be noted that the policy is also designed to protect the health and life of humans, animals and plants". Such environmental protection had not been demonstrated.	given in relation to the environmental justification for such support schemes in any of the documentation related to the Consultation and Communication, see previous points above.
Section C: The Lisbon Treaty requires that: "Decisions shall be taken as openly and as closely as possible to the citizen". Reference was then made to failures with regard to Strategic Environmental Assessment, the Aarhus Convention and the progress on Communication ACCC/C/2010/54.	In the long summary of the consultation in Section 3.3 it was stated: "From the side of the renewable energy sector the absence of clear deadlines for authorisation procedures leading to excessive lead times was stressed as a key problem". The rights of the public were clearly not an issue. In Section 5.2 of the Impact Assessment it was stated: "However, all in all, if the infrastructure development follows well established environmental rules (including Strategic Environmental Assessment and Environmental Impact Assessment), these potentially negative consequences can be limited".
Section D: The Submission pointed that in Com (2011) 658 on a proposal for regulation of a pan-European energy infrastructure, this states in relation to proportionality, that the proposal does not go beyond what is necessary to achieve the objectives perused. This is incorrect, the renewable programme has by-passed both proper environmental, technical and financial assessment and legally binding measures related to public participation. It is certainly not proportionate in terms of achieving demonstrated environmental protection objectives. Now citizens of member states are expected to carry the burden of grid expansions, with massive and unnecessary financial and environmental impacts.	The financial and environmental burden on the citizen of these grid integration projects was not addressed in the long summary of the consultation. In Section 2.3 (6) of the Impact Assessment it was stated: "Generally, renewable energy generation enjoys widespread public support because of its distributed nature and its global and local environmental and socioeconomic benefits. However, a lack of such support for building large-scale renewable energy installations or related energy infrastructure (both at transmission and distribution level) is often causing a slowing down of their planning and permitting processes, potentially becoming a barrier to renewables growth". This clearly is a contradiction of itself.

Additional details were also provided of failures to ensure legally binding steps related to public participation in decision-making were completed.	
Section F: Political expediency and not environmental protection is driving the uptake of renewables in heating and cooling both at EU and Member State level by policies which have not been properly assessed. There is a problem with the promotion of wood biomass for domestic heating leading to the destruction of natural wood resources. Particularly in Northern Europe, the moisture content is high and therefore leading to increased particulate emissions and urban pollution.	In the long summary of the consultation, it was noted in Section 2.6: "On biomass, respondents raised concerns about the limited availability, alongside concerns on sustainability and the call to operate biomass facilities on highest efficiency levels". In Section 2.8: "Respondents also made reference to existing regulations in the forestry sector as a basis for ensuring sustainable biomass use. Overall, only a minority of respondents considered that the implementation of the existing criteria was sufficient". In Section 5.2 on the Impact Assessment it was stated: "However, in some cases (where small unregulated biomass plants increase significantly), particulate matter (PM) and gaseous emissions could rise, causing local air pollution, although this risk can be mitigated by emission standards for small boilers as well as increased use of efficient and modern district heating. Overall, air quality effects can be expected to remain positive". However, this last sentence was a statement of opinion not quantified by factual analysis either in the Impact Assessment or the document it referenced.
Section G: There was no environmental assessment for the 10% target for transport fuel, being a transparently political target. Furthermore, it was pointed out that the Commission was being sued, accused of violating European transparency laws, following the Commission's refusal to provide access to information in decisions related to the sustainability of Europe's Biofuels policy. There is an urgent need for the 10% target to be reviewed and subject to the proper technical, environmental and financial assessment, in conjunction with proper public participation, which was initially mandatory for such a	In Section 2.7 on Renewables in Transport of the long summary of the consultation it was noted: "Other concerns relate to public acceptance, which can be linked to a lack of suitable information, but as well to sustainability concerns such as indirect land-use change". No mention of public participation was made. In the Impact Statement in Section 4.1.1 it was stated: "Concerning the sustainability of renewable energy, in most instances, the environmental impact of energy related activities, including renewable energy, are addressed through horizontal measures. At EU level these include requirements for strategic environmental assessments, environmental impact assessments, compliance with EU biodiversity and environmental legislation as a whole. This strong European

biofuel programme. Additional comments were made as to how increased electricity prices were affecting the cost of rail transport.	environmental framework is usually capable of addressing the public's concerns regarding sustainability. However, with the expected increase in biofuel generation due to the current 10% renewable energy in transport target by 2020, dedicated sustainability criteria have been introduced for biofuel and bioliquids under the RES Directive, Fuel Quality Directive (FQD) and are also applicable under the EU ETS. Under this option, given that the current sustainability scheme for biofuels is closely linked to the enforcement of the EU renewable energy target for transports, it is unclear how it would apply to biofuels used post-2020". No mentioned of the effect of increased electricity prices on rail users was made.
Section H Sustainability: The sums of money which have been made available by Europe's biofuel policies are monumental, with a matching potential for environmental devastation. With a rising global population often experiencing famine, diverting food grade products into fuel tanks when other options are available, is an obscenity impossible to understand. Undeniably, Biofuels have not provided the environmental benefits which were claimed for them. Again another instance where there was no proper environmental assessment of the policy before it was introduced.	In the long summary on the consultation there was no mention of the negative environmental impact so clearly associated with these policies. COM(2012)271 states on Section 7: "Moreover, Europe's well managed forestry and agriculture sectors will benefit greatly from new market opportunities as the bioenergy market develops, together with other sectors of the whole bio-economy. Despite such benefits, the increased use of renewables may still raise sustainability concerns, regarding both generation and infrastructure, in terms of direct or indirect impacts on biodiversity and the environment as a whole. This requires particular attention and vigilance. In general, such concerns are addressed by cross-cutting EU legislation. In other cases, the EU has developed energy specific rules, namely the biofuels sustainability criteria introduced by the Renewable Energy and Fuel Quality Directives. The Commission shortly expects to address indirect land use change impacts too. Reducing emissions from the transport sector will be helped by the transition to biofuels with no or limited indirect land use change impacts". In other words, there was a failure to address the negative impacts of the policy.
Section I on Regional and International Dimensions: In relation to COM (2011) 539 on "The EU Energy Policy:	In the long summary on the consultation, the speculative or other limiting features of such plans were never mentioned. Indeed this must be considered in the light of

Engaging with partners beyond our borders" and the Mediterranean Solar Plan, this plan is seen as widely speculative, particularly given the complete failure of solar power to deliver either cost effective or reliable electricity. Europe is already collapsing under a burden of financial debt, therefore for the EU Commission to increase this burden based on speculative and ill-conceived projects in neighbouring countries, will be a decision bringing the Commission into disrepute. Similar comments were expressed in relation to North Sea offshore wind energy.	the fact that by early 2013, plans for giant solar energy installations in North Africa have all but been abandoned and offshore wind installations in the North Sea are running into major technical, financial and environmental obstacles.
Section J on Technology Development: In view of the complete lack of data made available as to the environmental effectiveness of renewable energy research, very serious questions must now be asked about the sums of taxpayers now being diverted into this sector. Notably, it is a legal obligation to possess and update such environmental data.	In the long summary of the consultation no mention was made about the environmental effectiveness of renewable technologies. Neither was this addressed in COM(2012)217.