

28th meeting of the Aarhus Convention's Working Group of the Parties

Statements under item 4(c): public participation

The impact of so-called "permit acceleration" on public participation

Honourable Chair, honourable delegates, members of the secretariat,

Thank you for giving me the floor.

My name is Ilze Tralmaka and I am an Environmental Democracy lawyer at the non-governmental organization ClientEarth.

I would like to draw attention to so-called "permit acceleration" efforts and their implications on public participation. In 2022 as a response to the energy crisis, the EU introduced simplified permitting procedures for renewable energy in an emergency regulation. Today so-called permit acceleration has been included in permanent legislation and extends beyond renewable energy to critical minerals, the manufacturing of carbon capture technologies and other areas. We hear of similar efforts being undertaken by other Parties to the Convention.

While we welcome the much-needed transition to clean energy, unfortunately, these procedures do not solve the root causes of the delays in permitting processes and threaten to sidestep meaningful public involvement. In these procedures, time is meant to be saved by skipping essential steps for the protection of nature and people's rights. For example, permitting procedures are shortened by creating exemptions from environmental assessments and with that from practical opportunities to participate in decision-making on projects that may have significant environmental effects.

Permit acceleration in its various forms risks downgrading the standards for public participation under Articles 6 and 7 of the Aarhus Convention. I will highlight three trends we are particularly concerned about.

- 1. Downgrading of existing safeguards.** Firstly, since the adoption of so-called permit acceleration procedures in the EU, we have seen the gradual downgrading of the Aarhus Convention standards in some Parties. In some cases, the time given for public participation is reduced from 6 weeks to 2 weeks or sometimes even less. In these two weeks, members of the public are required to familiarize themselves with complex technical information and submit their observations to the competent authorities. We also see that an EIA is not required for projects that may have a significant environmental impact, which deprives the public of a key source of information in forming its opinion.
- 2. Lack of transparency and insufficient digitalization.** Secondly, transparency and lack of timely access to information in the process leading up to public participation remains a problem. In some Parties, information is published only shortly before or at the moment when consultations are launched. In 2022, the UNECE updated its recommendations on the more effective use of electronic information tools among other things to support more effective and inclusive public participation. However, States' administrative procedures and information channels still are not sufficiently digitalized. In some Parties, even the option of digital participation that was available during the COVID-19 pandemic is being removed in favour of physical attendance only, while in other Parties the possibility for in-person hearings is removed.

- 3. Capacity and involvement of the local authorities.** Finally, one of the main causes of prolonged permitting procedures is the lack of staff capacity and skilled workforce within the authorities. There is also an acute shortage of clear, practical and detailed guidelines on how to implement key steps of the new processes, including public participation. Client Earth is currently preparing a comprehensive guide to assist Parties in the implementation of accelerated procedures under the EU Renewable Energy Directive. We hope that this publication will assist national authorities in preparing clear standards and national guidance documents.

These kinds of permit acceleration procedures as currently envisaged fail to address the actual root causes of slow permitting procedures, such as the lack of relevant staff at public authorities, and thus risk exacerbating the effects of already diminished standards. Some Parties even struggle to fill the positions opened for the implementation of the accelerated permitting procedures.

Shortened deadlines without adequate administrative capacity risk overlooking essential guarantees for both nature protection and meaningful involvement of the public in the transition processes in key sectors.

We call on all Parties to ensure that Aarhus Convention experts are involved in the implementation of permit acceleration procedures on a national level and assist the competent authorities in guaranteeing the public's right to participate and access justice.

Thank you!