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Accelerating Permit Issuances for Renewable Energy Projects

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Accelerating Permit Issuances for Renewable Energy Projects

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One of the most important measures in terms of promoting the development of renewable energy is the simplification of permit-issuing procedures for renewable energy projects. A number of recent legal acts in this area have been adopted at the EU level, including Directive 2023/2413, also known as RED III. Amendments contained within this have been criticised for lowering environmental protection and impacting assessment standards. A less frequently discussed but yet equally important aspect is the relationship between national administrative law and EU rules on permitting renewable energy projects. The preparation of this article was prompted by the fact that the simplification of permit procedures for renewable energy projects has a significant impact on the member state administrative systems and governance structures. One of the article's main objectives is to examine, from the perspective of administrative law, EU and Lithuanian legal frameworks where these relate to procedures for granting permits for renewable energy projects. The research is conducted through an assessment of the general legal regulation of permit issuance in Lithuania, and the task io linking this aspect with innovations which have been introduced by the EU in terms of permit procedures for renewable energy projects. Both the Lithuanian legal system and its doctrine are facing several challenges: it is necessary to systematise and clearly regulate general provisions for permit issuance while, at the same time, in specific sectors such as the issuance of permits for renewable energy projects, new EU permitting provisions are being introduced which have previously been unknown to national law.
Keywords: renewable energy, permit-granting procedure, administrative law, Directive 2023/2413, RED III.

Leidimų atsinaujinančiųjų išteklių energijos projektams išdavimo spartinimas

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Viena iš svarbiausių atsinaujinančiųjų išteklių energijos plėtros skatinimo priemonių – leidimų atsinaujinančiųjų išteklių energijos projektams išdavimo procedūrų supaprastinimas. Pastaruoju metu ES lygiu priimti keli šios srities teisės aktai, iš kurių ir Direktyva 2023/2413, vadinamoji RED III. Pastarieji pakeitimai kritikuotini dėl mažėjančių aplinkos apsaugos ir

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poveikio aplinkai vertinimo atlikimo standartų. Mažiau dėmesio sulaukiantis, tačiau ne mažiau svarbus aspektas – leidimų ES atsinaujinančiųjų išteklių energijos projektams vykdyti išdavimo taisyklių ir nacionalinės administracinės teisės santykis. Straipsnį rengti paskatino tai, kad leidimų atsinaujinančiųjų išteklių energijos projektams išdavimo supaprastinimas turi nemažą poveikį valstybių narių administracinėms sistemoms ir valdymo struktūroms. Vienas iš pagrindinių straipsnio tikslų – išnagrinėti ES ir Lietuvos teisės reglamentavimą, susijusį su leidimų atsinaujinančiųjų išteklių energijos projektams išdavimo procedūromis, administracinės teisės aspektu. Tyrimas atliekamas vertinant bendrą Lietuvos leidimų išdavimo teisinį reglamentavimą ir siejant jį su ES leidimų atsinaujinančiųjų išteklių energijos projektams išdavimo procedūros naujovėmis. Lietuvos teisės sistema ir doktrina susiduria su keliais iššūkiais: reikia susisteminti ir aiškiai reglamentuoti bendrąsias leidimų išdavimo nuostatas, o tuo pat metu konkrečių sektorių sritims, pavyzdžiui, leidimų atsinaujinančiųjų išteklių energijos projektams išdavimo, atsižvelgiant į naujas nacionalinei teisei nežinomas ES leidimų išdavimo nuostatas.
Pagrindiniai žodžiai: atsinaujinančiųjų išteklių energija, leidimų išdavimo procedūra, administracinė teisė, Direktyva 2023/2413, RED III.

Introduction

The move towards renewable energy offers numerous advantages, including a reduced dependency on foreign energy imports and substitution of polluting fossil fuels with clean energy sources. Permit procedures are associated with greater barriers when it comes to making possible renewable energy deployment, both by foreign legal scholars[1] and those based in Lithuania[2].

The EU's commitment to promoting RES is also linked to an early realisation of the need to simplify permit procedures for the development of RES projects. In recent years, a number of EU laws have been adopted with the aim of simplifying the process of issuing RES permits. These include the RED II Directive[3], plus Council Regulation 2022/2577[4], which is known as the "*Emergency Regulation*", and Directive 2023/2413[5], which is also known as "*RED III*". This last directive increases targets for RES deployment and introduces EU-level administrative and procedural rules.

The EU's new regulatory framework for renewable energy has been met with criticism, primarily due to its reduction of environmental requirements and the narrowing of the scope of environmental impact assessments[6]. Reforms intended to streamline planning and permitting processes may prove counterproductive if they raise concerns about the quality of environmental decision-making[7]. Investments in renewable energy is an example where "some fast-track measures are occasionally welcomed by environmentalists"[8].

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[1] CROSSLEY, Penelope (2019). *Renewable Energy Law: An International Assessment*. Cambridge University Press, p. 80. https://doi.org/10.1017/9781316888490

[2] MATULIONYTĖ-JARAŠIŪNĖ, Erika (2013). Atsinaujinančių energijos išteklių vystymas energetikos saugumo kontekste. *Darnaus vystymosi strategija ir praktika*, 2013, 1(6), 76–92.

[3] Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the Promotion of the Use of Energy from Renewable Sources (recast). *OJ* L 328, 21.12.2018, p. 82–209.

[4] Council Regulation (EU) 2022/2577 of 22 December 2022 laying down a framework to accelerate the deployment of renewable energy. *OJ* L 335, 29.12.2022, p. 36–44.

[5] Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023 amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652. *OJ* L, 2023/2413, 31.10.2023

[6] DEVIS, Alessio (2024). Change of Paradigm in EU Environmental Law: Does the Climate Crisis now "Override" the Biodiversity Crisis? *European Law Blog*. https://doi.org/10.21428/9885764c.eaa4248f; GURRECK, Matti (2025, March 21). *Simplification or Deregulation? Evaluating the EU's Clean Industrial Deal and Action Plan for Affordable Energy*. The Center for Climate Change, Energy and Environmental Law [online]. Available at: https://sites.uef.fi/cceel/simplification-or-deregulation-evaluating-the-eus-clean-industrial-deal-and-action-plan-for-affordable-energy/

[7] WOOLLEY, Olivija (2023). *Renewable Energy Law*. Hart Publishing, p. 157.

[8] RICHARDSON, Benjamin J. (ed.) (2017). Rallentare. In: *Time and Environmental Law: Telling Nature's Time*, p. 292. Cambridge University Press. https://doi.org/10.1017/9781108120678.005

An important but less often analysed aspect is that any simplification of RES project permit issuance has a significant impact on the member state administrative systems and governance structures. Scientific literature considers permit procedures to be linked to national legislation[9]. However, even areas of authorisation which previously were exclusively linked to national law are increasingly being influenced by the EU law. Conversely, this mirrors a broader trend of Europeanisation in the member state national legal systems, something which can be associated with the harmonisation of the entire legal system[10] and the impact of European administrative law on the local administrative legal systems[11]. National administrative law, as a result, is being subjected to new interpretations and changes in content, while it is being supplemented and replaced by the EU law[12].

This article **aims** to examine from the perspective of administrative law the EU and Lithuanian legal framework(s) for permit procedures which are related to renewable energy projects. In order to achieve this goal, three main **research objectives** have been set out. The primary objective is to examine the evolution and trends in the EU law in terms of the regulatory framework around permit procedures for renewable energy projects. The second objective is to examine the general legal framework around Lithuania's own system of permits. The third task concerns an examination of problematic aspects in the definition of the permit-granting procedure, both from the perspective of the EU regulation and national law implementation. However, those aspects of RES which are discussed in this article remain less well explored by legal scholars where they touch upon the broader topic of Europeanisation and where they relate to the practical regulation of incentives and procedures. Lithuania's legal regulations have been selected for use in the analysis of national law. This choice is based on the author's knowledge of this national legal system. Furthermore, Lithuania's selection is driven by its ambitious commitment to achieving 100% renewable energy use. This demonstrates the country's recognition of the importance of renewable energy and should encourage it to implement RED III provisions in a responsible manner.

The topic of this article is deemed to be **relevant and important**, as the incorporation of RED III into the national legislation is an ongoing process. RED III is scheduled to be transposed by 21 May 2025, with individual provisions which are related to permit procedures to be implemented by 1 July 2024. On June 25, 2025, the Seimas [i.e., the Parliament] of Republic of Lithuania transposed the provisions of RED III and approved a package of five legislative amendments[13]. Member states are required to have completed the first procedure for the designation of 'renewables acceleration areas' by 21 February 2026, with such zones being prioritised for streamlined renewable energy project development. Available research on this topic is limited, and the number of studies is somewhat modest. **Research methods** used here include document analysis, logical analysis, along with linguistic and systemic methods.

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[9] CALSTER, Geert Van, & REINS, Leonie (2017). *EU Environmental Law*. Edward Elgar Publishing, p. 112. https://doi.org/10.4337/9781782549185

[10] HOFMANN, Hans (2021). Europeanisation and German Public Administration. In: S. Kuhlmann, I. Proeller, D. Schimanke, & J. Ziekow (eds.). *Public Administration in Germany*, p. 53–60. Springer International Publishing. https://doi.org/10.1007/978-3-030-53697-8_4

[11] BAKAVECKAS, Audrius (2012). *Administracinė teisė: Teorija ir praktika*. I dalis: vadovėlis. Vilnius: MES, 2012, p. 47 [online]. Available at: https://cris.mruni.eu/entities/publication/c9a0ea65-a7f9-4987-85ab-33505438bcaa

[12] KAVALNĖ, Salvija (2010). Administracinės teisės europeizacija – administraciniams teismams aktualūs klausimai. In: *Administraciniai teismai Lietuvoje. Nūdienos iššūkiai*. Lietuvos vyriausiasis administracinis teismas, p. 212.

[13] Ministry of Energy of the Republic of Lithuania. (2025). Seimas priėmė atsinaujinančių išteklių plėtrą skatinančius teisės aktus [online]. Available at: https://enmin.lrv.lt/lt/naujienos/seimas-prieme-atsinaujinanciu-istekliu-pletra-skatinancius-teises-aktus/?utm_source=chatgpt.com

1. EU's Influence on Renewable Energy Permits

The promotion of renewable energy sources is recognised as an EU policy objective, as outlined in Article 194 of the "*Treaty on the Functioning of the European Union*" (abbreviated as TFEU). A significant development in RES promotion is reflected in EU secondary legal acts.

A need has already been recognised for the simplification of administrative procedures in the use of renewable energy, in Directive 2001/77/EC (the first RES-E)[14]. According to Recital 20 of the RES-E preamble, the specific structure of the renewable energy sector had to be taken into account, in particular by reviewing procedures which cover the authorisation of power plant construction.

RED I[15] emphasises the importance of streamlining administrative approval procedures for RES-using installations, highlighting the need for "proportionate and necessary" national rules and transparent timetables (RED 1, Recital 41, Article 13). Member states must also give priority or allow guaranteed access to the electricity network for renewables (RED I, Recital 60, and Article 16(2)).

RED II has already encouraged member states to simplify and speed up administrative procedures at the appropriate administrative level, in particular for decentralised installations, renewable energy production and storage, and when establishing predictable timeframes for the procedures (RED II, Article 15, para. 1). Article 16(1) of RED II requires the establishment of one or more contact points at the national level to manage and facilitate the procedure for applying for and granting an administrative authorisation. Article 16 of RED II defines the concept of the permit-granting process and lays down provisions regarding the duration of the permit process. Permit-granting duration is generally limited to two years when it comes to the construction, re-powering, and operation of plants for the production of energy from renewable sources and the necessary grid connections. For the re-powering of installations and the creation of smaller installations which have an electrical capacity of under 150kW, the procedure is restricted to a one-year maximum.

Directives which regulate renewable energy were adopted and revised in 2001, 2009, and 2018, and the pace of change has recently accelerated. There has been a discernible trend at the European Union level since 2018 towards the regulation of permit issuance conditions, a trend which has substantially been reinforced by legislative amendments which were enacted in 2022–2023. The impetus for accelerating renewable project permit issuances is Russia's invasion of Ukraine in 2022, along with the resultant increased costs of energy resources and the need to strengthen Europe's energy independence.

Council Regulation 2022/2577, hereinafter referred to as the "*Emergency Regulation*", established a system to accelerate the deployment of RE solutions as measures with an exceptional and temporary nature. The emergency regulation establishes a presumption that the planning, construction, and operation of plants and installations for the production of renewable energy is of an overriding public interest. The emergency regulation linked the inclusion of projects in dedicated renewable or grid areas to the possibility of exempting them from certain environmental impact assessment requirements (Article 6). This will enable such projects to benefit from streamlined assessments for a range of environmental

[14] Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market. *OJ* L 283, 27.10.2001, p. 33–40.

[15] Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC. *OJ* L 140, 5.6.2009, p. 16–62.

obligations which are included in specific EU directives[16]. Council Regulation 2024/223[17], taking into account the commission's report, modified and prolonged by one year the application of certain of those provisions in Regulation 2022/2577 (until 30 June 2025).

RED III introduced further simplification and the shortening of the administrative permit-granting procedures for renewable energy plants. RED III focuses extensively on the permit-granting procedure, outlining in the directive itself what the permit-granting procedure entails, along with its main stages.

The permit-granting procedure is a composite procedure which consists of a number of other permits, such as those for the construction, modernisation, and operation of renewable energy installations, grid connection permits and, where required, environmental impact assessments. The permit-granting procedure may involve the competent authority or authorities, thereby leaving the granting of permits to the discretion of the member states and recognising the complexity and diversity of such procedures. However, it is recommended that member states create a single unified application process for the entire administrative permit application and granting process for renewable energy projects, and to prioritise simultaneous applications over sequential applications[18].

Article 16(1) of RED III defines the procedure's starting point (with acknowledgement of the completeness of the authorisation application) and the end-point (in providing notification of the final decision regarding the outcome of the authorisation procedure), between which, all administrative stages are established. Furthermore, this definition of the procedural start and end points allows for the clearer regulation of time limits for the procedures themselves.

The length of permit procedures is differentiated for any renewable energy projects which are located inside and outside of renewable energy acceleration areas (hereinafter referred to as "RAAs"). Member states are to ensure that the duration of the authorisation procedure does not exceed twelve months for renewable energy projects in terms of RAAs and two years for renewable energy projects which are outside of RAAs. These are the key timeframes to which the other timeframes correlate which are set out in RED III, which provides for a number of cases in which shorter deadlines apply, in particular, for installations which feature lower capacity levels.

By 21 February 2026, the member states are to ensure that competent authorities adopt one or more plans which serve to designate RAAs for one or more types of renewable energy resources and areas for the grid and storage. According to Recital 26 of RED III, the combined size of such areas should be significant enough so that they are able to contribute to the achievement of those objectives which have been set out in Directive (EU) 2018/2001. In addition, RED III constructs a simpler permissions procedure for RAA-based projects. These can particularly benefit from an exemption, under certain conditions, from the requirement to carry out environmental assessments under the "*Environmental Impact Assessment Directive*" (Directive 2014/52/EU) and the "Habitats Directive" (Directive 92/43/EEC), which are replaced by a shorter screening procedure[19].

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[16] Council of the EU (2022). EU to Speed up Permitting Process for Renewable Energy Projects. *Consilium* [online]. Available at: https://www.consilium.europa.eu/en/press/press-releases/2022/11/24/eu-to-speed-up-permitting-process-for-renewable-energy-projects/

[17] Council Regulation (EU) 2024/223 of 22 December 2023 amending Regulation (EU) 2022/2577 laying down a framework to accelerate the deployment of renewable energy. *OJ* L, 2024/223, 10.1.2024

[18] *Commission Recommendation (EU) 2024/1343* (2024), Part 5 [online]. Available at: https://eur-lex.europa.eu/eli/reco/2024/1343/oj/eng

[19] *Guidance on Designating Renewables Acceleration Areas SWD(2024) 333 Final* (2024), p. 7 [online]. Available at: https://energy.ec.europa.eu/document/download/af3927a5-3b82-42f0-8954-7b9fdc567e43_en?filename=SWD_2024_333_2_EN_autre_document_travail_service_part1_v1.pdf

Some RED III provisions are aimed at ensuring good administrative practices by 21 November 2025, including the establishment of a contact point, a procedures manual for the developers of renewable energy plants, and the electronic form for permit-granting procedures. The importance of qualified staff, along with training and retraining for their competent authorities, is recognised and should be ensured by the member states. The European Commission has issued an updated recommendation for accelerating permit-granting procedures in terms of renewable energy and related infrastructure projects (EU/2024/1343), accompanied by the supporting guidance for the member states (SWD/2024/124).

The RED directives clearly reflect more than 20 years of development in setting targets for the member states, starting with the general objective of simplifying administrative procedures to the use of renewable energy and ending with a detailed definition of administrative permit-granting procedures for renewable energy plants. This demonstrates that the member states' own incentives to achieve the set targets were not sufficient, and therefore the EU had to define the methods and measures for achieving these targets in more detail. However, the introduction of EU-level rules to speed up the permitting process is not a panacea, as they remain rather vague and incomplete. The member states still need to fulfil their obligation to carry out mapping and prepare RAAs in order for developers to feel the impact of the streamlining of the permitting process.

While accelerating the permit process is undoubtedly an important factor in the transition to sustainable energy, it is just one of many considerations, alongside investment and access to the electricity grid. The practical application of RED III will allow us to assess whether this was a 'third squeeze of the lemon' or a real breakthrough in the field of renewable energy. In any case, the changes introduced by RED are an excellent example illustrating the process of Europeanization.

2. Authorisation Framework and Renewable Energy Permissions in Lithuania

2.1. General Framework in Lithuania's Legislation for Authorisation Procedures

Lithuania's administrative law theory classifies the licensing function as being part of Administrative Law[20]. Permits and licences are understood to be individual administrative decisions, acts of sanction, which are not based on subordination and which confer the right to act[21].

According to the Constitutional Court's doctrine, the establishment of the state permit (licensing) system has been classified as a legal regulatory instrument of economic activity, one which aims to ensuring enhanced national controls in certain specific areas of economic activity[22]. In legal scholarship and constitutional doctrine, 'permit' and 'license'[23] are primarily regarded as decisions authorizing certain activities, and therefore they are often used as synonyms without any significant distinction between them.

The general licensing structure is laid down in three of Lithuania's legal acts: the Civil Code, the Services Act, and the Public Administration Act. On 25 September 2025, the Seimas adopted "*Amendment to the Civil Code No XV-443*", "*Amendment to the Law on Services No XV-442*", and "*Amendment to the Law on Public Administration No XV-441*". These laws require the President's signature

[20] BAKAVECKAS, Audrius (2012). *Administracinė teisė: Teorija ir praktika*. I dalis: vadovėlis. Vilnius: MES, 2012, p. 140 [online]. Available at: https://cris.mruni.eu/entities/publication/c9a0ea65-a7f9-4987-85ab-33505438bcaa

[21] ANDRUŠKEVIČIUS, Arvydas (2008). *Administracinė teisė: Bendrieji teorijos klausimai, valdymo aktų institutas, ginčo santykių jurisprudenciniai aspektai* [Book]. Lituanistika; Registrų centras, p. 20, 140 [online]. Available at: https://www.lituanistika.lt/content/14699

[22] The ruling of the Constitutional Court of the Republic of Lithuania of 30 May 2017', para 11.3.2.

[23] The English terms *permit* and *authorisation* are both translated into Lithuanian by the single word 'leidimas', while licence/license is translated as 'licencija'.

for implementation. While there are three dates for the laws to enter into force, the most significant provisions concerning permit issuance will take effect on 1 November 2027.

As stated in the explanatory memorandum, "Lithuania currently lacks a single horizontal law that would establish general and universal licensing principles"[24]. The principal legislative changes are that the new provisions governing the issuance of licenses are concentrated in the "*Law on Public Administration*", and 'license' is chosen as the main term, thus replacing the previously synonymous terms 'license' and 'permit'.

The amendment to the Civil Code broadens the concept of a license in Article 2.77(1), as the granting of a license gives legal entities the right not only to engage in certain types of activities, but also to perform certain acts or actions or to use certain objects. In the amendment to Article 2.77(2), the term 'permit' is removed, and only the term 'license' remains, stating that a legal entity must be in possession of all required licences, which are legally defined as a necessary prerequisite for its activities. Articles 2.78–2.79 of the Civil Code will be repealed, and the general principles governing the regulation and issuance of licenses will be set out in the "*Law on Public Administration*".

Meanwhile, under the "*Law on Services*", which transposes Directive 2006/123/EC, a license is understood to be one component of a permit (authorisation). The amendment did not significantly change the definition of a permit, but it did repeal a number of articles establishing the conditions for issuing, suspending, or revoking permits, as well as the terms and duration of permits.

Article 2(7) of the "*Law on Public Administration*" stipulates that "a licence is a document or an entry in the 'Licence Information System' which, in those cases which have been established by legal acts, grants the right to carry out a certain type of economic activity", but does not provide a definition of the permit or authorisation. This definition is considered too narrow, and unclear and it consequently gives rise to questions regarding its application[25].

The amendment to the "Law on Public Administration" introduced a new definition of a licence, but it is overly wordy and descriptive. In short, a licence is a means of expressing the will of a public administration entity, which grants the right to engage in economic or non-profit activities, work in a certain profession, perform certain actions, submit and/or supply a certain product to the market, or use or possess certain objects.

The amendment to the "*Law on Public Administration*" introduced a separate Chapter III[1], 'Licensing'. Licenses are issued under one of three models: *G* (strict), *D* (declaration), or *K* (competition). They are divided into four categories according to the nature of the rights granted. Some of the provisions are transferred from the Government Resolution No 937 of 18 July 2012, while others are completely new. Provisions that have not yet been implemented, such as the requirement for the Ministry of Economy and Innovation to approve the list of licence types, are to be abandoned.

Although the definition of a licence has been expanded, the rules regarding the relationship between the terms 'licence' and 'permit' still remain undefined. The current "*Licensing Information System*" (lt. *Licencijų informacinė sistema*) provides information on the various available types of licences, permits, and even certificates. By way of example, a clarifying provision could state that where other legal acts provide for the issuance of permits or certificates, such instruments are deemed licences under the "*Law on Public Administration*" if they satisfy the statutory definition. In the absence of such a provision, it may be necessary to amend a number of legal acts and rename 'permits' as 'licenses' in them.

[24] *Explanatory memorandum to the draft laws Reg No XIVP-3977- XIVP-3979* (2024) [online]. Available at: https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/ee56b1a02fc011efb121d2fe3a0eff27?jfwid=14rs7rib2i

[25] *Explanatory memorandum to the draft laws Reg. No XIVP-3977-XIVP-3979* (2024) [online]. Available at: https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/ee56b1a02fc011efb121d2fe3a0eff27?jfwid=14rs7rib2i

As is customary within the Lithuania's legal system, the procedure for issuing permits and licences is regulated by specific branch acts in various fields. Unlike the case with general legal acts, the electricity sector contains a clearer distinction between 'licences' and 'permits'. Pursuant to the "*Law on Electricity of the Republic of Lithuania*", three activities are licensed (the transmission of electricity, the distribution of electricity, and the public supply of electricity), and a total of ten activities are authorised (e.g., electricity generation, the development of electricity generation capacity, the construction of a direct line, and exporting electricity to non-member countries, along with others). Therefore, the initial version of the "*Law on Electricity*" of the year 2000 made a clear distinction between licensing and permitting. The law specified which activities were to be licensed, and, if an activity was not included in the list, a permit was issued for it to be carried out (the list of activities requiring a permit was determined by the Government of the Republic of Lithuania).

The development of renewable energy projects requires several permit types (and not licences) under the terms of the "*Law on Electricity*" and the "*Law on Energy from Renewable Sources*". In order to develop an RES power plant or facility, it is necessary to obtain the required permit for the development of electricity generation capacity. Once a power plant or facility has been constructed or installed, it becomes necessary to obtain a permit to produce electricity. For generating consumers, the requirement has been removed to obtain permits in order to develop generating capacity and different permits to produce electricity. The authorisation procedure itself is more complex though, consisting of a series of smaller preparatory steps and stages. However, recent legislative changes indicate that permits and licenses in the energy sector should be classified under a single category of 'license'. It may be necessary to amend the names of the permits required for the development of renewable energy projects. However, it is particularly important that the "*Law on Public Administration*" obliges the Government to prepare draft amendments to sectoral laws, thereby ensuring that they are brought into line with the new common provisions on the issuance of licenses. This will allow for a review of the grounds and procedure for issuing permits for RES projects, while also seeking to further simplify the permit issuance process.

At the same time, new EU permitting provisions which are not yet particularly familiar to national legal acts are being introduced into specific sector-related areas, such as permits for renewable energy projects. Lithuania's legal system is thus facing a dual challenge: to systematise the general regulation of permit issuance, and to prepare for the incorporation into national legislation of new, previously unfamiliar elements of the permitting process. While it is important to transpose these provisions into national law, it is also important to integrate them in a way which remains consistent with the overall permits system. It is therefore important to analyse how these new provisions are to be transposed where they relate to the authorisation of renewable energy projects.

2.2. The Permit Procedure for Renewable Energy Projects: Lithuania's Experience

The legal regulation of permit procedures for renewable energy projects in Lithuania has been influenced by domestic initiatives. These have been aimed at reducing administrative burdens and optimising public sector performance, while simultaneously being shaped by the evolving body of the European Union law.

The "*Law on Energy from Renewable Sources of the Republic of Lithuania*" (hereinafter referred to as "LRES"), which was adopted in 2011 as the principal national legal act in the field of renewable energy, served to transpose RED I. General requirements for the promotion of renewable energy were established by LRES, based on objective and non-discriminatory principles.

In accordance with those objectives which have been set out by the REDs to simplify the permit procedures, the Lithuanian legal framework is distinguished by relatively well-expedited timeframes

for the issuance of permits for energy facilities and related activities. Specifically, Article 17(2) of the "*Law on Electricity*" prescribes a general deadline of thirty calendar days for the issuance of licences and permits for energy-related operations. This authorisation period had already been codified into the year 2000 iteration of the "*Law on Electricity*".

Permits are currently issued by the independent energy regulator, the *National Energy Regulatory Council*. The Ministry of Energy had been formally carrying out this service until 2015. As of 1 August 2025, an amendment to the "*Law on Electricity*" came into force stipulating that the rules for issuing permits for activities in the electricity sector are also approved by the *National Energy Regulatory Council* (this function had previously been performed by the Government).

The impact of the European Union law on national legislation wherever this concerns renewable energy project permits has become increasingly pronounced since the 2018-dated adoption of RED II, and has further been reinforced by the 2022–2023 amendments.

Lithuania's parliament passed a package of energy law amendments in 2022, widely known as the "*Breakthrough Package*"[26]. This proposed improvements for RES activities and permit-issuing processes, while also improving regulations for citizen energy communities.

A new model has been included in the breakthrough package, that of hybrid power plants. Wind and solar power plans may be developed in non-urbanised areas (except wherever prohibited by applicable land-use planning documents, legal acts, or protected area regulations), without changing the purpose of the land if that land can still be used for its primary purpose. In non-urbanised and non-urbanising areas, the inclusion of windfarms in spatial planning documents remains optional. For example, sanitary protection zones are no longer being established for wind power plants and, due to this, the necessity of having to assess any impact on public health has not been not established[27]. Instead, a new requirement has been introduced which proposes a 'safety distance' (derived from the height of the wind turbine tower in metres multiplied by a factor of four). This is intended for the construction of wind turbines near residential houses, kindergartens, schools, etc.[28]. Simplified requirements are applied to wind power plants which have an installed power of less than 30kW and a height of no more than twenty-five metres, or solar power plants which have an installed power of less than 100kW, or solar heat energy collectors and heat pumps.

Important changes have also been adopted for environmental impact assessments (abbreviated as "*EIAs*"). An EIA screening will be carried out prior to the construction of three or more windfarms, at least one of which is fifty metres or more in height, and for wind farms which are located within one kilometre of protected areas. An EIA is carried out for groups of seven or more windfarms, or for windfarms within five kilometres of pre-existing windfarms, or those which are already under construction or which are planned to be erected, and for wind farms which are planned to be built in Lithuanian maritime waters. No screening or EIAs shall be conducted for solar PV installations.

Although these amendments tend to promote RES, there are some amendments which can be considered as serving to limit RES promotion such as, for example, the limitation on the total installed

[26] *Breakthrough Package: Will Lithuania Realize its Green Energy...* (2022) [online]. Available at: https://www.roedl.com/insights/lithuania-green-energy-renewable-security; European Commission (2022). *Entry into Force of the Legislation to Promote the Production, Transmission and Consumption of Electricity from Renewable Sources* [online]. Available at: https://commission.europa.eu/projects/entry-force-legislation-promote-production-transmission-and-consumption-electricity-renewable_en

[27] Amendment to Law No XIII-2166 'On special Land Use Conditions'. TAR, 2022-07-07, No 2022-14929.

[28] Amendment to the 'Law on Energy from Renewable Sources of the Republic of Lithuania' No XI-1375. TAR, 2022-07-07, No 2022-14906.

2GW capacity of solar power plants. The Constitutional Court subsequently justified this restriction on the grounds of energy supply security, although it acknowledged that the law did not regulate ongoing solar power plant installations[29].

However, the amendments to the law did not include provisions on the designation of areas which might be favourable for RES development, which was in line with the Emergency Regulation. Instead, at the legislative level, the preparation of territorial planning documents and land-use changes were generally waived in non-urbanised areas, and requirements for conducting EIA and EIA screenings were broadly reduced. This suggests that a different type of a legal-procedural solution was used in Lithuania to promote RES: rather than implementing zoning measures, such as designating specific areas for RES development, a more generalised approach involving the relaxation of requirements was adopted. In order to avoid the need to re-designate the already existing areas, RED III made it possible for the member states to designate as RAAs certain areas which had already been identified as being suitable for accelerated deployment of one or more types of renewable energy technology, as long as they did so by 21 May 2024. Lithuania had not exercised the option until 21 May 2024. However, it is difficult to assess whether the reorganisation of the permits system will result in a loss of momentum in RES implementation, or whether it will create an impetus to accelerate permit issuance.

To be able to transpose the RED III provisions, a package of amendments was drafted in 2024 for Lithuania's legal framework[30]. Although these draft amendments were under consideration in the Seimas, following the 2024 parliamentary elections, the new Government was asked to provide an opinion on the package. This led to a delay in the legislative process, and the Seimas approved the package of five laws on 25 June 2025. The three legal acts are related to the simplification of administrative procedures[31]. With regard to the RED III permit procedures, it should be noted that certain aspects are not specific to the Lithuanian legal system.

Different approaches to the concept of the permit-granting procedure in RED III and Lithuania's legal framework. The definition of the permit-granting procedure, as set out in RED III also highlights different approaches to the structure and composition of applying permits for renewable energy projects within the EU and national law.

RED III delineates the permit-granting procedure as a single, composite procedure which encompasses various administrative permits. The permit-granting procedure is considered to be a single process because it has a defined start, end, and duration, and a composite process because the procedure consists of a series of individual permits. It is evident that the procedure's very definition contains an inherent contradiction. The guarantee of a single procedure with short, clear deadlines reflects a pro-business approach to offering a customer or developer a package of services – a single permit procedure – which is tailored to their needs. However, the RED III provisions on the procedure itself are not yet complete or consistently aligned. In light of current standards and practices, this procedure appears to be a combination of individual procedures rather than a cohesive, unified whole. While RED III does indeed provide a framework for permit-granting procedures, it does not specify how these procedures should be implemented on the ground, thus leaving this aspect to the discretion of the member states.

[29] The ruling by the Constitutional Court of the Republic of Lithuania of 7 November 2023.

[30] *Explanatory memorandum to draft laws Reg No XIVP-4238-XIVP-4243* (2024) [online]. Available at: https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/47752380911311ef955ff95815eb5ce5?jfwid=-b3dwpx0tp

[31] Amendments to the Law on Electricity of the Republic of Lithuania No XV-331. TAR, 2025-06-30, Nr. 11991; Amendments to the Law on Renewable Energy of the Republic of Lithuania No XV-330. TAR, 2025-06-30, Nr. 11990; Amendments to the Law on the Environmental Impact Assessment of Planned Economic Activities of the Republic of Lithuania No XV-334. TAR, 2025-06-30, Nr. 11994.

The opposite is true in Lithuania, where it is typical for a single administrative procedure to lead to one final decision, often involving multiple documents which are drawn up by the public administration body before a final decision is taken. According to Lithuania's Supreme Administrative Court, such intermediate procedural documents which do not produce legal effects cannot be the subject of a dispute before an administrative court[32].

The permit procedure in Lithuania is linked to public administration and the exercise of state functions, which are carried out by the permit-granting authorities. It is standard practice for applicants to apply for permits for individual activities, and these are typically issued by the authorised authorities in accordance with established rules. To ensure the issuance of different permits by different authorities so that this forms part of a single procedure, a corresponding change is needed in the Lithuanian legal framework. It is equally important to establish a legal framework which can enable or encourage cooperation between authorities in order to comply with the common deadline.

In order to implement the provisions of RED III, the amendment to the LRES defines the procedure for issuing permits. Article 16(3) of the draft LRES specifies that the permit-granting procedure consists of seven authorisations which are carried out under different statutes. These seven authorisations comprise four permits which are issued under the "*Law on Electricity*"[33], while the remaining procedural permits are granted through the "*Law on Construction*" (for a building permit), the "*Law on Energy from Renewable Sources*" (covering marine areas for the development and operation of renewable energy power plants), and the "*Law on Environmental Impact Assessment of Planned Economic Activities*" (covering a screening report or decision for the EIA of any planned activity). Time limits for granting permits are laid down in Article 16(3)(4) of the LRES.

While the legal amendments do not envisage any changes to the list of authorisations as set out in the "*Law on Electricity*", it adds new elements to the permit-granting procedure which are not considered permits under the "*Law on Electricity*". These include connection conditions or the 'Letter of Intent', the building permit, and the adoption of am EIA screening report or a decision on the EIA for the planned economic activity. This clearly demonstrates that RED III extends the scope of the authorisation procedure.

While the inclusion of individual administrative permits into the single permit-granting procedure may at first seem straightforward, an analysis of the explanatory memorandum to the draft law reveals that they exert a substantial impact on the procedure's overall timeframe. This information is outlined in Table 1 (covering the "*Composition of the permit-granting procedure and the calculation of permit deadlines*"), which was compiled by the author through an adaptation of the table which was presented in the explanatory memorandum to the draft law.

Table 1 demonstrates the fact that the permit-issuing process involves seventeen procedural steps, something which significantly exceeds the seven procedural steps which are set out in Article 16(3) of the LRES[34]. As shown in Column A of Table 1, the authorisation procedure is projected to take 327 days. However, as indicated in Column B, this is reduced to 145 days, as certain authorisations are

[32] Ruling of the Lithuania's Supreme Administrative Court, dated 2 October 2024, No eAS-406-492/2024.

[33] The connection conditions or the conclusion of a 'Letter of Intent'; a permit for the development of electricity generation capacity and/or energy storage capacity; a permit for the modernisation of a power plant or an electricity generating installation; a permit for the production of electricity and/or the generation of electricity from energy storage installations.

[34] Resolution No O3E-819 by the "*State Energy Regulatory Board*", dated 30 May 2025, approved the description of the procedure for the use of electricity transmission networks. The description delineates twenty-four stages which, due to the length of this article, will not be discussed individually. However, it should be noted that these stages largely overlap those which are listed in Table 1.

excluded from the procedure. This results in a larger part of the process time, as much as 182 days, not being included in the overall authorisation procedure. It shows that only a part of the overall number of procedural steps are counted towards any deadlines which may be relevant in the implementation of LRES and RED III.

Table 1. Composition of the permit-granting procedure and the calculation of permit deadlines

Main procedural steps in the renewable energy sector (for power plants with an installed capacity greater than 100kW)		**Duration of authorisation procedures**			
		For power stations with an installed capacity exceeding 100kW		**Developing solar power plants on man-made structures**	
		General deadlines for stage completion	Time limits are included in the permit procedure under RED III and the draft LRES	General deadlines for stage completion	Time limits are included in the permit procedure under RED III and the draft LRES
		A	B	C	D
1	Pre-connection conditions	30		30	
2	Municipal approval	14		14	
3	Concluding a letter of intent	25	25	25	25
4	Guarantee provisions	14		14	
5	EIA (duration not regulated)	-		-	
6	Coordination and approval of the EIA programme (if necessary)	20		-	
7	EIA decision (if applicable)	30	30	-	-
8	Development permission	30	30	30	30
9	Getting connection conditions	30		30	
10	Preparing the technical design	-		-	
11	Drafting a connection agreement	15		15	
12	Signing the connection agreement	15		15	
13	Building permit (if applicable)	30	30	30	
14	Construction process (duration not regulated)	-		-	
15	Roadworthiness certificate (not included in the time limit)	30		30	
16	Construction completion (declaration or completion certificate)	14		14	
17	Authorisation to produce electricity	30	30	30	30
	Total time taken to issue documents	**327**	**145**	**277**	**85**

Article 16a(2) of RED III stipulates the fact that the permit-granting procedure for new installations is not to exceed six months in cases where those installations have an electrical capacity of less than 150kW, and where they are located within renewables acceleration areas. It becomes evident here that the overall time limits for the granting of permits, as set out Column A of Table 1 (327 days, Table 1), significantly exceeds the six-month time limit which is set out in RED III. According to Column C of Table 1, the development of solar PV plants on artificial structures has a shorter overall timeframe of 277 days, which exceeds the six-month timeframe as set out in Article 16a(2) of RED III. Therefore, the exclusion of a number of the procedural steps and deadlines from the RED III permits procedure requires an explanatory note to show compliance with RED III.

This raises the question of whether the components of the permit-granting procedure are formulated in the law in a way which in the first place will justify a formal fulfilment of the time limits in the permit-granting procedure as set out by LRES and RED III. A more significant issue to be addressed is how the permit-granting procedure should be outlined in national legislation, and according to which criteria, in order to align with RED III.

Part of the application, or a separate stage of the permit-granting procedure? As illustrated in Table 1, the legislation stipulates that the initiation of the permit-granting procedure is contingent upon the finalisation of the 'Letter of Intent', thereby excluding the two antecedent stages, namely, the pre-connection conditions and municipal approval. This prompts the question of whether the pre-connection conditions and municipal approval should be classified as part of the application or as a separate stage of the permit-granting procedure.

The legal framework, and also *case law*[35], both recognise that the act of obtaining pre-connection conditions is one of the initial steps in the process. According to Article 2(17) of the LRES, pre-connection conditions are preliminary connection conditions which are issued to an entity that is planning to construct or install a power plant. These conditions set out the compulsory requirements for the construction, conversion, and/or development of the energy network for the purpose of connecting the power plant to a grid which is being handled by an energy network operator, or for the purpose of rendering any other services as provided for by legal acts. According to point No. 12 of the "*Description of the Procedure for the Use of Electricity Transmission Networks*" (Resolution No. O3E-819), the preliminary requirements for the connection of the network user's electrical installations with the greater electricity grid are intended to provide a preliminary assessment of the volume of the network user's future investments, as well as an assessment of the project's development over time. These requirements do not give rise to any rights or obligations either for the network user or the operator. These requirements remain valid for a period of six months from the date of issuance to the network user. Any entity which is planning to build or install a power plant has the right to submit a complaint to the National Energy Regulatory Council against pre-connection conditions which have been issued by the operator (as provided in point No. 19 of the description). The possibility of being able to appeal pre-connection conditions indicates that they have legal effect.

The authorisation procedure commences and continues with the pre-connection conditions, which include compulsory requirements. Upon receipt of the pre-connection conditions, the power plant developer is required to submit an application to the grid operator for the signing of a 'Letter of Intent', as outlined in Article 22(8) of the "*Law on Electricity*". While pre-connection conditions do not inherently establish rights or obligations for the network user or operator, they do establish binding requirements which become enforceable upon the final acceptance of a letter of intent.

[35] Ruling of Lithuania's Supreme Court, dated 23 October 2024, No e3K-3-213-1075/2024.

Municipal approval does not confer the right to carry out the activity, but it is one of the intermediate decisions which are required to obtain a permit. Such municipal approval is only to be submitted together with the application for the finalisation of a letter of intent. The principle of tacit approval has been established for municipal approval, with approval deemed to have been granted if the municipal administration has not submitted an approval or a reasoned objection within ten working days of the date of the request.

If pre-connection conditions and municipal approval fall under the concept of 'all relevant administrative permits' (Article 16(1) of RED III), then they should be included within the scope of the permit-granting procedure. Given the strategic approach to renewable energy as an important policy objective and in line with the logic of RED III, it is considered that an approach encouraging the inclusion of the permit granting procedure at the earliest possible stages should prevail.

The RED III provision differentiates between the maximum duration of the permit-granting procedure for renewable energy projects inside and outside the RAAs. Until this provision arrived, there had been no practice in Lithuania which made it possible to set out different timeframes for issuing permits, depending upon whether the object falls within the RAA's territory or within another spatial planning area.

Conclusions

1. The RED directives clearly reflect more than 20 years of development in setting targets for the member states, starting with the general objective of simplifying administrative procedures to the use of renewable energy and ending with a detailed definition of administrative permit-granting procedures for renewable energy plants. This demonstrates that the member states' own incentives to achieve the set targets were not sufficient, but the introduction of EU-level rules to speed up the permitting process is not a panacea nevertheless. The member states still need to fulfil their obligation to carry out mapping and prepare RAAs. The practical application of RED III will show whether this was a 'third squeeze of the lemon' or a real breakthrough in the field of renewable energy.
2. The general licensing structure is laid down in three of Lithuania's legal acts: the CIVIL CODE, the Services Act, and the Public Administration Act. On 25 September 2025, amendments to these laws were adopted with the aim of eliminating the "lack of a single horizontal law that would establish general and universal licensing principles". However, it is particularly important that the "*Law on Public Administration*" obliges the Government to prepare draft amendments to sectoral laws, ensuring they are brought into line with the new general provisions on the issuance of licenses. This will allow to review the grounds and procedure for issuing permits, while also seeking to further simplify the permit issuance process for RES projects.
3. In order to implement the provisions of RED III, the amendment to the LRES defines the procedure and the deadlines for granting permits. The article demonstrates that the general deadlines for granting permits are significantly longer than the deadlines for the permit-granting procedure defined in RED III and the LRES. This is not due to the removal of specific steps required for permit acquisition; rather, it is achieved by including only part of the duration of all procedural actions in the deadlines set by the LRES and RED III (e.g., excluding pre-connection conditions, municipal approval, and all processes related to the connection agreement). This may result in a tendency to rely on a system of calculating deadlines that complies with the procedures set out in RED III and the LRES, but does not correspond to the actual steps involved in obtaining permits.

4. The article poses the question of whether it is reasonable to link the start of the permit issuance procedure to the signing of conclusion of a 'Letter of Intent', thereby excluding the two previous stages, namely, the pre-connection conditions and the municipal approval. A detailed legal assessment has provided arguments for classifying them as 'relevant administrative permits' and including them in the scope of the permit procedure. Given the strategic approach to renewable energy as an important policy objective and in line with the logic of RED III, it is considered that an approach encouraging the inclusion of the permit granting procedure at the earliest possible stages should prevail.
5. The RED III provision differentiates between the maximum duration of the permit-granting procedure for renewable energy projects within and outside the RAA territory. This is a new concept for Lithuania, as, until now, there has been no practice in Lithuania allowing for different permit issuance deadlines depending on whether the object is located in the RAA territory or in another spatial planning territory.

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