Legal and Regulatory Permitting Process for Renewable Energy in Republic of Moldova

This presentation outlines the necessary legal and regulatory steps for renewable energy projects in Moldova. It covers land acquisition, permitting, grid connection, and licensing, providing a comprehensive overview. Understanding these processes is crucial for successful project implementation.

The National Agency for Energy Regulation (ANRE) plays a central role in overseeing the energy sector, ensuring compliance and promoting sustainable energy practices.

Denis Ceban - The National Agency for Energy Regulation

Key Areas of Focus

This presentation is structured around four key areas critical for renewable energy projects in Moldova:

1 Land Rights and Public Authorities

Navigating legal and regulatory considerations related to land acquisition, usage rights, and interactions with public authorities.

2 Construction Permit

Understanding the administrative processes for obtaining permits for constructing renewable energy installations, including environmental assessments.

3 Grid Connection

Detailing the steps to secure permission to connect installations to the electricity grid and any additional necessary procedures.

4 Electricity Production Licensing

Outlining the processes required to obtain a license for producing electricity or operating the renewable energy installation.

Obtaining Real Rights Over the Land

Securing real rights to the land is essential for renewable energy investments. This ensures the long-term stability and operational capability of power plants. Several methods exist for obtaining these rights, each with specific legal implications.

Competent Authority

The Public Property Agency, Real Estate Register, and Public Services Agency are key entities involved in land rights acquisition and registration.

Acquisition Methods

- Superficies rights over public land
- Privatization of public land
- Servitude rights over land
- Lease agreements

Property rights and other real rights are officially recorded at the Public Services Agency, providing legal certainty and protection for investors.

Change of Land Use

Historically, changing land use from agricultural to industrial purposes required navigating complex regulations. Preserving high-quality agricultural land was prioritized to prevent soil degradation. However, recent amendments have streamlined this process for renewable energy projects.

1

Competent Authority

The government or councils of territorial administrative units are typically responsible for land use change decisions.

2

Application Process

Individuals or legal entities apply to the competent authority and may need to conclude a contract.

3

Compensation for Losses

In the past, compensation was required for losses resulting from the exclusion of land from agricultural use.

These steps ensured that any impact on agricultural productivity was carefully considered and mitigated, although the landscape has changed.

Renewable Energy Land Use Amendments

Recent amendments to the Land Code have significantly simplified land use regulations for renewable energy projects. This reflects a strategic effort to promote clean energy development and reduce regulatory burdens.

Solar Photovoltaic Systems

Land use for solar photovoltaic systems has been permitted since 2022, facilitating solar energy development.

Wind Power Plants

Land use for wind power plants will be permitted starting in 2025, supporting wind energy projects.

Battery Energy Storage

Land use for battery energy storage systems will also be allowed from 2025, enhancing grid stability.

Biogas Plants

Land use for biogas plants will be permitted from 2025, encouraging the development of biogas energy sources.

These changes streamline the process, reducing hurdles for renewable energy investors and aligning land use policies with energy transition goals.

Environmental Impact Assessment and Agreement

An Environmental Impact Assessment (EIA) is a crucial step for projects that may affect the environment. Obtaining an environmental agreement ensures that projects comply with environmental regulations and mitigate potential harm.

1

Request Submission

The project initiator submits a request for an environmental agreement to the Environment Agency, including project details.

2

Preliminary Evaluation

The Environment Agency conducts a preliminary evaluation based on the environmental impact assessment report prepared by the initiator.

3

Agreement Issuance

The agency issues the agreement if the report meets legal requirements and adverse impacts are prevented or minimized.

Costs associated with the EIA report are the responsibility of the project initiator.

Authorization to Install Power Plants of Over 20 MW

Installing new power plants with a capacity exceeding 20 MW, or increasing the capacity of existing plants by more than 20 MW, requires government authorization. This process ensures alignment with national energy policies and grid stability.

Policy Compliance

The technology must comply with Moldova's Energy Strategy and the National Integrated Energy and Climate Plan.

Grid Connection

Credibility of connecting the power plant to the electrical networks is a key factor in the authorization decision.

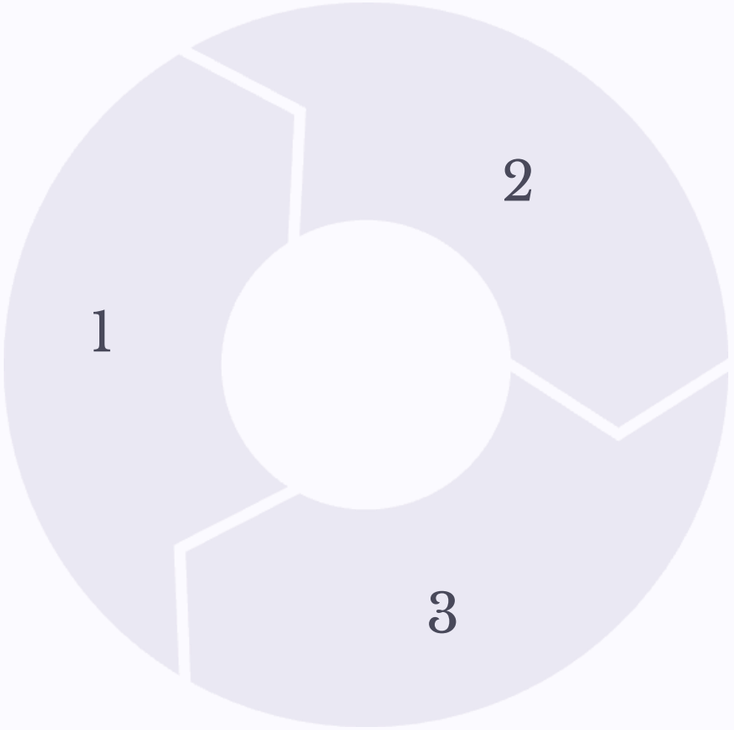
The Authorization Commission assesses these criteria before deciding to approve the installation, ensuring that the project contributes to Moldova's energy goals.

Urban Planning Certificate for Design (UPCD)

The Urban Planning Certificate for Design (UPCD) is mandatory if the approved general urban plan is more than ten years old. It provides guidelines for integrating the project within the existing urban framework and ensuring compliance with local regulations.

Competent Authority

The mayor of the administrative-territorial unit prepares and issues the UPCD.



Required Opinions

The issuer may attach opinions from public health, fire safety, and environmental impact assessment authorities.

Special Considerations

Opinions from road administrators and defense/internal affairs ministries may be required for specific locations.

The UPCD ensures that the project aligns with local development plans and addresses potential impacts on public health, safety, and the environment.

Construction Permit

A construction permit is essential before commencing any physical construction work on a renewable energy project. These permits are issued by the executive authorities of the local public administration, ensuring compliance with building codes and safety standards.

Competent Authority

Executive authorities of the local public administration are responsible for issuing building permits.

Issuance Timeline

A building permit is issued within 30 days of the application submission date.

Construction Deadline

Construction works must commence within 12 months of the permit issuance date.

The construction permit ensures that the project meets all necessary safety and quality standards, promoting a sustainable and secure energy infrastructure.

Approval in Areas Subject to Aeronautical Servitude

Placing wind turbines in areas subject to aeronautical servitude requires prior approval from the Civil Aeronautical Authority (AAC). This ensures that wind turbines do not pose a risk to air navigation and flight safety.

Strict Prohibition

Without prior AAC approval, the placement of wind turbines is strictly prohibited, regardless of location.

Competent Authority

The Civil Aeronautical Authority (AAC) grants approvals for technical documentation related to construction.

Beneficiary Request

Approvals are granted upon request from legal entities or natural persons.

This regulation safeguards air navigation and prevents any potential conflicts between renewable energy infrastructure and aviation activities, contributing to overall safety and operational efficiency.

Grid Connection Notice

To obtain a connection notice, the applicant must submit an application for connection notice issuance to the system operator responsible for the electrical network to which the power plant intends to connect.

Competent Authority

Distribution System Operator or Transmission System Operator

Procedure:

- The system operator issues connection notices based on the “first come, first served” principle.
- Applicants for power plants with an installed capacity equal to or greater than 1 MW must attach a study of connection solutions.

During the application registration, the system operator may request additional data beyond the minimum requirements as per the Electrical Networks Code.

CONFORMITY ACT— ADMISSION INTO OPERATION

The commencement of operations for a power plant and its associated connection facility is confirmed by the issuance of a conformity act by ANRE.

1

Competent Authority

The National Regulatory Agency

2

Examination of an Application

Submission of an application, along with the required documents, to the regional divisions of ANRE by the applicant.

3

Technical Inspection

Technical inspection conducted at the installation/power plant site, with the presence of the authorized electrician and the applicant.

Electricity Generation License

A license for electricity production is exclusively granted to producers with power plants boasting a capacity of 5 MW or higher, provided this power is intended for public consumption.

Competent Authority

The National Regulatory Agency

Procedure:

Law on promotion of renewable energy source utilization allows applicants aspiring to produce electricity from renewable energy sources to request a license before constructing their power plants.

If the licensee fails to complete power plant construction within four years from the issuance of the license, the license will be revoked by a decision of ANRE.

Thank you for your attention.

Phone

0 373 22 823982

Email

dceban@anre.md

www.anre.md

Chișinau, Republica Moldova, str. A. Pușkin 52/A, MD 2005