



No wind farms have been built in Hungary for the past 12 years. Since 2016, the wind energy legislation has made it technically impossible to build them, as it stated that wind power plants can only be built at least 12 km from settlements, leaving not an inch of territory for development in the country. The new wind energy law was published for public consultation in late December 2023, and the NECP (National Energy and Climate Plan) has also set a target for wind energy development, although the planned expansion is not very ambitious and is not sufficient for a rapid and economic green energy transition in Hungary.

Wind energy is the technology available today that can generate large amounts of electricity with the least environmental impact. The energy system that has been developed over the last hundred years is unsustainable, and a multi-component crisis is now threatening the very existence of humanity, making a radical transformation of the energy system inevitable as soon as possible. Increasing efficiency and raising awareness, along with the rational use of renewable energy sources, can help significantly reduce environmental, social, and economic damage.

The draft amendment to the law regulating wind farms was published on December 15, 2023, nine months later than previously promised. The deadline for submitting comments was December 21, 2023, which does not meet the minimum 8 days required by law. Furthermore, we regret that, despite our previous studies and proposal on legislation, which is regularly stressed by several NGOs in the context of the various social consultations, the responsible legislators did not take into account the Christmas and New Year holidays, raising concerns about whether the social consultation can be carried out in a form that is genuinely useful.

In the draft amendment to the law, Energiaklub considers the reduction of the previous protection distance of 12,000 metres to 700 metres to be supportable (although no information is available on the justification for setting the 700 figure) and the criteria for built-up and non-built-up areas to be appropriate. Furthermore, the bill establishes 'facilitated areas', the conditions of which, in our opinion, do not seem to be justified (no background calculation or other justification is provided in the bill documents) and are therefore unduly restrictive. The text of the Impact Assessment has not been published, only the Impact Assessment sheet. According to this, the amendment does not contribute significantly to improving the country's competitiveness or to increasing employment, but the justification for these and other impacts are not detailed. Due to the incompleteness and/or inaccuracy of the information provided, Energiaklub is not in a position to give a professional opinion on this Impact Assessment sheet.

The concept of facilitated areas under the draft law could be forward-looking and ambitious, but its conditions strongly restrict where and how wind farms can be built or expanded under the facilitated procedure; thus, in practice, it may also suggest which stakeholders will benefit, i.e., it is feared that it may unduly restrict genuine market competition. We also have reservations as to whether the regulation really puts economic, payback, and energy aspects first, as no background calculations, legal, economic, or energy aspects have been included in the documents accompanying the draft law, i.e., we do not see any evidence of their validity, depth, or basis for calculating the limits indicated in the criteria. Furthermore, it is not clear whether the facilitated areas will be given priority only in terms of authorization procedures or whether they will also receive other concessions in these areas.

A facilitated area may be designated in the administrative territory of a district where

(a) the average annual global irradiance of the installation or extension of solar power plants in the district exceeds 5,100 MJ/m² on average;

Comment: This point of the Regulation does not clearly specify whether the legislators have defined the global irradiance as a limit value in horizontal terms or in terms of an optimum inclination (i.e., an optimum slope). This would be important because, while the annual average global radiation in horizontal terms does not reach 5,100 MJ/m² almost anywhere in our country, so that in this case the point in the regulation is extremely restrictive (almost



prohibitive), the annual average global radiation in optimal inclination terms reaches or even exceeds 5,100 MJ/m² in almost all regions. If the latter is to be taken into account (i.e., the annual average global irradiance at the optimum tilt angle), we believe that it may be reasonable to grant a facilitated procedure to areas where wind farms would be installed alongside planned solar PV generation or expansion, but that in this case, too, the availability of connection points, the availability and quality of the grid, and geographical and consequent economic considerations should determine these facilitated installation procedures. It is also incomprehensible why this provision only applies to the installation or extension of solar PV plants and not to existing solar plants. The role and importance of the combined use of solar and wind energy, especially at the local level, in system balancing have been discussed in this study, and its land use aspects have been examined. Relevant regulatory proposals have been made as well. If the purpose of this part of the regulation is to give preference to wind energy investments where photovoltaic electricity generation is intended to be complemented or equalled by the wind farm to be installed, we would be happy to support that objective, but in this case, we do not consider the condition in point (a) to be at all satisfactory or appropriate, nor do we see how the value of 5,100 MJ/m² is assigned.

(b) the average wind power density at 150 metres above sea level for the installation or extension of wind farms in the district is more than 500 W/m², or

(c) the wind farm or wind farm already has a valid small wind farm general licence and a grid connection contract

Comment: Unfortunately, according to point b), only a very small area of the country (less than 10%) can be considered as facilitated area on this basis, where the wind power at 150 m is above 500 W/m² (in our previous proposal, we considered a limit of 460 W/m² at 150 m under the RRF, and even with this limit, the percentage of available areas was below 10%). We consider the regulatory limit to be unnecessary and unduly restrictive, as existing, more obsolete turbines are already producing above the European average, even though they could not have been installed under this proposed rule: at 100 m, where they are currently producing, they do not have the required wind power output (500 W/m²). We reiterate our proposal to allow investors to install on sites that are measured and acceptable to them, i.e., with a good return on investment, and that are economically viable to operate and have wind power output. Beyond the otherwise justified limits, such regulation is unnecessary and appears to be unjustified in the draft amending legislation. It is proposed that no such restriction should be imposed in order to ensure that power plants are installed in as wide a geographical distribution as possible. If such a limit is unavoidable for some technical reason, we propose to reduce it to 340 W/m².

Although points (b) and (c) do not necessarily apply together, both points make it impossible to fast-track wind farms in areas where they would be economically and energetically viable. Point (c) would be logical and supportable in itself. It is also not entirely clear whether one of the three points should apply or whether (a) is mandatory and (b) or (c) should still apply.

In our opinion, the amending ordinance in its current form does not provide an adequate legal environment and does not sufficiently support the development of wind energy projects as quickly as possible and their planning. The creation of a more readily understandable legal environment based on concrete data and conclusions would be particularly important at a time when the country is facing a severe energy crisis, when the share of electricity imports is extremely high, and when this amendment does not seem to support the achievement of the NECP renewable energy share target in a way that would allow for a rapid and properly planned expansion of renewable energy production.

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