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## 可再生能源的新动向：挪威在岸和离岸风电的最新进展 Renewable update: Latest development on Norwegian onshore and offshore wind power



挪威石油和能源部（MPE）最近开放了两个新区域（Utsira Nord和Sørlige Nordsjø II），用于潜在的离岸风电开发。MPE还通过了《离岸能源法》的新规定，其中详细规定了离岸能源许可制度。关于在岸风能，MPE刚刚向议会提交了一份报告，内容涉及挪威在岸风电场的许可程序修订。该报告提出了对许可制度的若干修正，这些修正将对新的风电场项目的开发商提出更严格的要求。国会还要求政府审查现有的风电场许可证，并审查是否所有法规和要求都被遵守。在出现违规的情况时，议会还要求政府“停止”执照。

*The Norwegian Ministry of Petroleum and Energy (MPE) has recently opened two new areas (Utsira Nord and Sørlige Nordsjø II) for potential offshore wind power development. The MPE has also adopted a new regulation to the Offshore Energy Act with detailed regulation of the offshore energy licencing regime. Regarding onshore wind, the MPE has just submitted a report to the Parliament regarding amendments to the license process for onshore wind farms in Norway. The report proposes several amendments to the licencing system that will impose stricter requirements for developers of new wind farm projects. The Parliament has also required that the Government should review existing wind farm licenses and examine if all regulations and requirements have been complied with. In the case of non-compliance, the Parliament has asked the Government to “stop” the licences.*

SCHJØDT

—— 修德 ——

## 挪威在岸风电近况

### 挪威石油和能源部关于在岸许可证制度的报告

该部的报告指出，政府将继续为挪威新的和盈利的在岸风电场发展提供便利。同时要强调的是，进一步的在岸开发必须以不会对重要的环境和当地利益造成不合理的负面后果的速度进行。拟议的在岸许可证制度修正案旨在降低最近在建的一些项目中出现的冲突程度和减少当地反对。拟提高地方政府的参与度，并对开发商的期限和许可条件提出更严苛的要求。

该报告将在夏季过后在议会进行评议。

该部报告中提出的主要修正如下：

- 对同一区域的新在岸风电应用进行并案处理

该部建议在同一地区内的新许可证申请应并案处理。为了实现这一目标，NVE（挪威监管机构）为在该区域内开展的新的在岸项目设置了通知NVE的期限。其主要规定是，在期限内未通知NVE的项目，在其它按期通知NVE的项目被审批完毕之前，将被排除在审批之外。

该报告还建议，区域和地方当局应更多地参与许可程序。NVE将为申请流程发布新指南，以阐明区域主管部门和其他利益相关者的权责。

- 关于在岸风力发电厂新的更明晰的许可条件

当前的标准许可条件将被修订，目的是对许可过程的早期进行更明确的规范。新许可证将包含最大高度要求。此外还提及，如到住宅建筑物的最小距离，和为航空灯使用雷达系统等要求。这些要求将与许多新项目有关。

- 更加重视环境问题

将提出更严苛的环境影响评估要求。地方当局将在更大程度上参与环境影响评估，并需通知较多的邻居。将更着重强调评估风电场对社会经济影响的相关知识和基础。

## UPDATE ON ONSHORE WIND IN NORWAY

### The Ministry's report on the onshore license system

The Ministry's report states that the Government will continue to facilitate for the development of new and profitable onshore wind farms in Norway. At the same time, it is emphasized that further onshore development must happen at a pace that does not lead to unreasonable negative consequences for important environmental and local interests. The proposed amendments to the onshore license system aim to reduce the conflict level and local opposition that have recently been seen in some projects under construction, inter alia by increased involvement from local authorities and stricter deadlines and licensing requirements for the developer.

The report will be subject to debate in the Parliament after the summer.

Key amendments proposed in the Ministry's report:

- Joint regional processing of new applications for onshore wind

The Ministry proposes that new license applications within the same region should be processed together. In order to achieve this, NVE (the Norwegian regulatory authority) will set a deadline for when new onshore projects within a region must be notified to NVE in order to be considered. Projects that are not notified within the deadline will as the main rule not be considered until after a final decision has been made with regards to the projects that were notified within the deadline.

The Report also proposes that regional and local authorities should be more involved in the license process than today. NVE will publish a new guideline for the application process that will clarify the roles of the regional authorities and other stakeholders.

- New and clearer license conditions for onshore wind plants

The current standard license conditions will be revised, with the aim of imposing clearer restrictions at an earlier stage of the license process. New licenses will contain a maximum height requirement. Conditions such as minimum distance requirements to residential buildings and required use of radar systems for aviation lights are mentioned as examples of conditions that are expected to be relevant for many new projects.

- More emphasis on environmental matters

Stricter requirements for the environmental impact assessment will be introduced. Local authorities will be involved in the environmental impact assessment to a larger degree, and a larger number of neighbours shall be notified in the process. The knowledge and basis for

- 与电网运营商更好的协调

许可证颁发机构将提出一项要求，即在许可证颁发过程中尽早评估可用的电网容量。将要求项目开发记录与相关电网运营商的联系，并为需要升级的电网系统提交计划。

- 单独审查地方补偿税

在现阶段，该部未提议对在岸风电场的现行税制进行任何修订。但是，报告中指出，将对在岸风电场向市政当局提交的潜在的地方补偿税进行单独审查。

### 议会关于现有在岸风电场许可证的决议

6月底，议会一致通过了一项决议，要求政府审查现有的在岸风电场许可证是否符合《能源法》和《公共管理法》的授予规定。如果发现错误，则要求监管机构停止相关的决定/许可。

审查的范围尚不清楚，包括是否涉及已经在建的项目或仅涉及已获得许可但尚未开始施工的项目。无论如何，监管机构的许可决定和随后的详细计划批准通常是在经过深思熟虑之后做出的，撤销不再可上诉的许可决定的可能通常非常有限。

因此，从法律的角度来讲，议会要求因“错误”而“停止”执照的要求非常成问题。政府的召回许可或增加新许可条件的权力受法律及其许可条件的约束。通常，政府只有在出于重要的社会利益而有必要的情况下才可以增加新的许可条件。仅当最初授予许可证的决定被认为无效或许可证持有人应破产或以其他方式无法履行其在许可证下的义务时，才可撤销在岸风电设施许可证。

议会还要求监管机构不能将现有在岸许可证的延期许可延至2021年12月31日之后，并且在议会对该部的报告进行审议之前，不得授予新的在岸许可证。这符合监管机构已经实施的政策。

该部的报告可在线查询：<https://www.regjeringen.no/no/aktuelt/stortingsmelding-om-vindkraft-pa-land/id2693072/>

### 挪威离岸风电近况

对于挪威当局和离岸产业而言，离岸风能都很

assessing the socio-economic impact of wind farms will be strengthened.

- Better coordination with grid operators

The license authorities will introduce a requirement that available grid capacity is assessed earlier on in the licensing process. The project developer will be required to document contact with the relevant grid operators, and to submit plans for any upgrades of the grid system that are deemed to be required.

- Separate review of local compensation tax

The Ministry does not propose any amendments to the current tax regime for onshore wind farms at the present stage. However, it is stated in the Report that a separate review will be conducted with regard to a potential local compensation tax to municipalities for onshore wind farms.

### The Parliament's resolution regarding existing onshore wind farm licenses

In the end of June the Parliament unanimously passed a resolution requiring the Government to review whether existing onshore wind farm licenses have been granted in accordance with the Energy Act and the Public Administration Act. If errors are discovered, the regulatory authorities are asked to stop the relevant decision/license.

The scope of this review is unclear, including whether it will involve projects already under construction or only projects that have been granted licenses but where construction is yet to start. In any event, the regulatory authorities' license decisions and subsequent detail plan approvals are normally made after thorough considerations, and the ability to revoke license decisions that are no longer subject to appeal is generally very limited.

The Parliament's request to "stop" licenses with "errors" is therefore highly problematic from a legal perspective. The Government's ability to recall licences or impose new license conditions is regulated by law and by the licences conditions in itself. In general the Government can only impose new license conditions if this is necessary due to vital social interests. An onshore wind power facility license can also only be revoked if the initial decision to award the license is considered invalid or if the license holder should go bankrupt or in other ways be unable to fulfil his obligation under the licence.

The Parliament also requested that the regulatory authorities do not grant extensions to the commissioning deadline in existing onshore licenses beyond 31 December 2021, and that no new onshore licenses are granted until the Ministry's report have been considered by the Parliament. This is in line with the policy already implemented by the regulatory authorities.

重要。挪威离岸风能的利用仍处于早期。然而，新法规《离岸能源法》的通过以及两个具有发展潜力的新区域的开发，是挪威为实现大规模离岸风电项目的重要举措。

为离岸风电项目开放的新区域为：Utsira Nord和SøriligeNordsjøII

Utsira Nord和SøriligeNordsjøII地区已经为2021年1月1日开始的许可开放申请。Utsira Nord面积1010平方公里，位于挪威西海岸的Utsira和Haugalandet西部，适合离岸浮动风（FOW）。SøriligeNordsjøII，面积2591平方公里，拥有更多浅水区，适合底部固定装置。该地区与丹麦经济区接壤，因此适合直接进口。这两个地区共计可开发4 500兆瓦的风力发电。

### 离岸风电的许可制度

将于2021年1月1日生效的新规定，阐明了处理和评估许可证申请的制度。没有许可证就不能建造离岸风力发电厂/设施。

简言之，许可证申请流程如下：

#### 第0步：初步评估-开放区域

-只能在已开放的地区申请许可建造和运营离岸风能设施

步骤1：公告-拟议的环境影响评估计划

步骤2：公告听证会

步骤3：环境影响评估

步骤4：申请许可（必须在影响评估报告确定后的两年内发出）

步骤5：评估许可证申请

步骤6：处理可能的申诉

步骤7：如果授予了许可证：必须在两年内提交详细计划供审批

步骤8：批准详细计划

步骤9：离岸风电厂必须在详细计划批准后的三年内建成。

环保部关于开放离岸风电新领域的新闻稿：

<https://www.regjeringen.no/en/aktuelt/norway-opens-offshore-areas-for-wind-power/id2705986/>

The Ministry's report is available online: <https://www.regjeringen.no/no/aktuelt/stortingsmelding-om-vindkraft-pa-land/id2693072/>

### UPDATE ON OFFSHORE WIND IN NORWAY

Offshore wind is high on the agenda for both Norwegian authorities and the offshore industry. The utilization of the Norwegian wind resources offshore is still in an early phase. The passing of a new regulation to the Offshore Energy Act together with the opening of two new areas for potential development, are however important steps towards the realisation of full scale offshore wind projects in Norway.

New areas opened for offshore wind projects: Utsira Nord and Sørilige Nordsjø II

The areas Utsira Nord and Sørilige Nordsjø II have been opened for applications for licences from 1 January 2021. Utsira Nord, 1010 km<sup>2</sup>, is situated west of Utsira and Haugalandet on the west coast of Norway and is suited for floating offshore wind (FOW). Sørilige Nordsjø II, 2591 km<sup>2</sup>, has more shallow waters which will allow for bottom fixed installations. This area borders to the Danish economic zone and could therefore be suitable for direct import. Combined, the two areas allow for the development of 4 500 MW of wind power.

### The licencing regime for offshore wind

The new regulation which comes into effect from 1 January 2021 clarifies the regime for processing and assessing license applications. Offshore wind power plants/installations cannot be built without a licence.

In short the licence application process will be structured as follows:

Step 0: Preliminary studies - opening of areas

- It's only possible to apply for licence to build and operate offshore wind facilities in areas which have been opened for development

Step 1: Notice - proposed program for environmental impact assessment

Step 2: Hearing of notification

Step 3: Environmental impact assessment/impact study

Step 4: Licence application (must be sent within two years after the impact study was decided)

Step 5: Assessment of the licence application

Step 6: Handling of potential appeals

Step 7: If licence is awarded: Detail plan must be submitted for approval within two years

Step 8: Approval of detail plan

Step 9: The offshore wind plant must be built within three years following the approval of the detail plan.

MEP's press release on opening of new areas for offshore wind: <https://www.regjeringen.no/en/aktuelt/norway-opens-offshore-areas-for-wind-power/id2705986/>

## CHINA DESK

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