"LICENCE TO TRANSFORM"
A SWOT ANALYSIS OF INDUSTRIAL PERMITTING IN EUROPE

BusinessEurope is the leading advocate for growth and competitiveness at European level. A recognised social partner, we speak for enterprises of all sizes in 35 European countries whose national business federations are our direct members.

BusinessEurope has decided to conduct a SWOT analysis on industrial permitting in Europe with a view to:

- building a solid common understanding of the strengths and weaknesses of industrial permitting in Europe
- assessing the recent EU-level legislative initiatives in the field of permitting and their expected impacts; and
- developing policy recommendations both at EU and national level to maximise the opportunities and mitigate the risks.

The present survey is the first key step in the process.

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- Company name
- Contact person (full name)
- role in the company
- email
- sector (link to NACE codes)
- Is the company subject to?
  - Directive 2012/18/EU (SEVESO)
  - Directive 2010/75/EU (Industrial Emissions Directive)
  - not applicable
- location of the company headquarters in Europe (list EU + EEA countries + UK + Turkey)
- size of the company
  - SMEs up to 249 employees
  - 250-3000 employees
  - Over 3000 employees

SECTION B The PERMITTING PROCESS

- **Question 1: what are the types of permits your company needs?**

  → permit to build/start new facilities/ activities
  → permit to extend or change existing facilities/ activities
  → permit to operate existing facilities or to continue ongoing   activities
  → permit/declaration for the environmental impact assessment
  → permit for the land use
  → others (e.g., fire protection, cultural heritage protection, etc.)

Please provide additional background information about the type and number of permits your company needs

- **Question 2: on average, how long does the <u>preparation phase</u> (from first contacts with public authorities until an application is submitted) take?**

  → less than 6 months
  → between 6 and 12 months
  → between 1 and 3 years
  → between 3 and6 years
  → more than 6 years
  → With reference to the question above, does it include an environmental impact assessment (EIA) screening? YES/NO

Please provide additional background information about your answer. In particular, if you selected "more than 6 years", please indicate the exact duration

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- **Question 3: on average, how long does the <u>permit-granting process</u> (from submission of an application until final approval by public authorities/courts) take?**

  → less than 6 months
  → between 6 and 12 months
  → between 1-3 years
  → between 3-6 years
  → more than 6 years

Please provide additional background information about your answer. In particular, if you selected "more than 6 years", please indicate the exact duration

SECTION C The CHALLENGES

- **Question 4: to what extent is the complexity and duration of the permit-granting process an obstacle for your company to invest in Europe?**

  → not a problem at all
  → minor problem
  → moderate problem
  → serious problem
  → very serious problem

Please provide additional background information about your answer

- **Question 5: How much are the following a problem for your company during the permit-granting process?**

1= not a problem, 2= somewhat a problem, 3= moderate problem, 4= significant problem, 5= very significant problem

	1	2	3	4	5	Don't know/not applicable
Lack of clarity on the responsible authority(ies)						
More than one public authority involved						
Lack of coordination between different authorities						
Understaffed public authorities						
Lack of clarity from public authorities on the process/scope of the application						
Access to information/data from public authorities						
Lack of access to/submission of information in digital form						
Time of response by public authorities						

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Dispute resolution procedures / delays due to litigation					
Inefficient public consultations					
Speed of public consultations					
Not in my backyard (NIMBY)					
Complexity in EU/national legislation					
Regulatory uncertainty at EU/national level through the life-cycle of projects					
Lack of information in the national language					
Gathering of data and expert opinions for the preparation of analyses/reports					

Please provide additional background information about your answers, and feel free to list other problems you face

- **Question 6: to what extent do the following factors contribute to delaying the permit-granting process?**

1= never, 2= rarely, 3= sometimes (in about 50% of cases), 4= frequently, 5= always

	1	2	3	4	5	Don't know/not applicable
Primary/intermediary decision by competent authorities						
Final decision by competent authorities after all studies/documents have been submitted						
Input/data from other authorities/public bodies affected by the project						
Environmental Impact Assessment						
Public consultations						
Appeal procedures						

Please provide additional background information about your answers, and feel free to list other factors

- **Question 7: to what extent does your company have to face the following problems with the Environmental Impact Assessment (EIA) process?**

1= never, 2= rarely, 3= sometimes (in about 50% of cases), 4= frequently, 5= always

	1	2	3	4	5	Don't know/not applicable
EIA provisions arising from several national/EU legislations						
Lack of clarity on the scope of the EIA						
Approval of EIA comes when other deadlines – mandated by authorities – have passed						

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Stakeholders opposed to the project do not constructively engage in the consultation process					
Speed of the public consultation for the EIA					
Mandatory deadlines and tacit approval (in case of no objections) are not respected					
EU guidelines and best practices are ignored by national competent authorities					

Please provide additional background information about your answers, and feel free to list other problems you face

SECTION D The SOLUTIONS

- **Question 8: to what extent can the following measures help to simplify and speed up the permit-granting process?**

1= never, 2= rarely, 3= sometimes (in about 50% of cases), 4= frequently, 5= always

	1	2	3	4	5	Don't know/not applicable
Time limits for the granting of permits by public authorities						
Tacit approval in case of a lack of decision by public authorities						
Time limits for environmental impact assessment						
Increased/improved communication between project promoters and authorities						
Time limits for public consultations						
Reduced scope of public consultations						
Streamlining of judicial and administrative procedures around the admission (e.g. including stricter criteria) and handling of claims (e.g. speed of decisions)						
Use of 'overriding public interest' to provide exemptions from mandatory rules						
Identification of 'go-to areas'						
Digitalisation of the application process						
Allowing early start of projects/construction						

Please provide additional background information about your answers, and feel free to list other measures

- **Question 9: do you know of any good practices at local, national or European level that simplify and fast-track the permit-granting process?**

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