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EU renewables programme: unlawful?

Legal recourse accepted by EU Court of Justice

The Court of Justice of the European Union has accepted to process the recourse presented by the European Platform Against Windfarms (EPAW) (1). The ruling of the Court is expected in 12 - 18 months. The 608 associations composing the platform are hailing this as a first victory in their fight towards holding the European Commission accountable for the catastrophic results of its energy policy. The rights of European citizens have been violated, they claim, and at long last justice will be done.

The Commission has failed to conduct technical studies calculating how many tonnes of fossil fuels will **really** be saved by the **hundreds of thousands** of wind turbines it wants to force onto rural populations and on avian and marine life. “As it turns out, various independent engineers estimate there will be no savings at all (2), so the people are more than justified to seek redress,” says Mark Duchamp, the conservationist who runs EPAW.

The Aarhus Convention (3) requires that programmes that will affect the environment be elaborated with the participation of the public **in a transparent manner**. This means that Europeans should have been fully informed of the benefits of the EU renewable energy programme, as well as of its costs and undesirable impacts. “Instead”, argues Duchamp, **“the Commission has been parroting the claims of the wind industry without verifying them.”**

For instance, the European windfarm policy is based on the idea that any electricity produced by windfarms would save the amount of fossil fuels that would be necessary to produce it by conventional means. “This erroneous claim, promoted by the wind industry, has been adopted by the European Commission **without due diligence**”, accuses Duchamp. “Had they done their homework, they would have discovered that fossil fuel power stations, forced to ramp their production up and down to balance the erratic production from windfarms, are burning more fuel in the process, like a car leaving the highway and getting caught in city traffic. **Yet more fossil fuel power stations must be built to stabilise the production generated from always variable winds.** And if you add all the other factors which the Commission did not investigate (e.g. upgrading the national grid of HT power lines), **in the end there are no net savings of CO2.** Some engineers even suggest that the net overall result could be an increase in fossil fuel consumption.” (2)

This aspect of EPAW’s recourse to the Court of Justice shows how important it may be for the future of Europe. “If windfarms are not helping to save on our consumption of fossil fuels, then **they have no raison d’être and should be scrapped**,” adds the conservationist. “Indeed, the collateral damage they cause is unsustainable, from people’s health to their quality of life and the value of their homes, from massacres of birds and bats to underwater acoustic pollution causing whales to beach, from billion-dollar subsidies to growing public debt, and from fast-rising power bills to fuel poverty and the wholesale destruction of jobs (4). These aspects of the EU programme have not been assessed either, and in any case were not communicated to the public in a transparent manner. It is a serious violation of the Aarhus legislation, and we expect the Court of Justice to rule that the extension of the programme beyond 2020 has no proper authority; this in turn will cause Europeans to question the legality and the soundness of the current programme.”

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References:

- (1) - Case number T-168/13, accepted by the Court's Registrar:
http://www.unece.org/fileadmin/DAM/env/pp/compliance/C2012-68/Communication_with_Communicant/frComm_AddInfo22Mar13/2_EPAW_to_CJ_EU_2013_final_APPLICATION.pdf
- (2) - <http://epaw.org/documents.php>? click “the backup problem” in the right margin.
- (3) - <http://www.unece.org/fileadmin/DAM/env/pp/acig.pdf>
- (4) - <http://epaw.org/documents.php>? see studies etc. classified by subject in the right margin.

The European Platform Against Windfarms (EPAW) regroups 608 associations of actual and potential victims of windfarms from 24 countries.