



Transition measures

The key to a successful transition
to the OSW Special Act

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Summary

This paper examines the Special Act on the Promotion of Offshore Wind Power and Industrial Development (the “OSW Special Act”) and proposes transition measures to integrate existing offshore wind development businesses and energy clusters into the new regime. The analysis draws on relevant legislation, interviews with subject matter experts, and international case studies – most notably Ireland’s Maritime Area Planning Act (the “MAP Act”).

Main takeaways:



To advance the OSW Special Act’s purpose and credibility, transition measures for legacy projects should reflect the statutory qualifications for designating OSW zones and OSW developers under the new regime.



To avoid duplication and inefficiency, transition measures should leverage prior evaluations and documentation from the legacy regime, while confirming their continued adequacy, taking into account elapsed time and any material change.



Ireland’s MAP Act provides a clear reference point. The country’s shift from a developer-led to a government-led model reduced confusion by specifying in statute who qualified for transition and what criteria apply, and by establishing a phased pathway to leverage both existing and new projects toward the 2030 target.¹

¹ The country adopted a two-phase approach to offshore wind development: Phase One for existing businesses transitioning to the new regime, and Phase Two for new businesses created under the new regime.

Introduction

The Special Act on the Promotion of Offshore Wind Power and Industrial Development (the “OSW Special Act”) establishes a legislative foundation for government-led maritime spatial planning and a one-stop-shop licensing and permitting framework. **How will the new regime integrate existing offshore wind projects that already have a designated site or are in the process of site designation under the legacy regime?**

The OSW Special Act provides for transition of existing businesses and renewable energy clusters in Addendum Articles 2-3, but delegates to subordinate legislation the detailed transition measures – such as applicable timeframes and evaluation criteria – leaving existing businesses in a state of uncertainty.

To enhance regulatory predictability and advance the OSW Special Act’s legislative purpose, this paper proposes holistic transition measures for legacy projects. The analysis draws on relevant legislation, interviews with subject matter experts, and international case studies – most notably Ireland’s shift from a developer-led to a government-led offshore wind development model.

Beyond the Addendum, this paper also proposes measures to leverage sites identified by local governments that are preparing energy clusters or supporting site planning and offshore wind development.

The significance of detailed transition measures for existing businesses and energy clusters is as follows:

First, to meet the 2030 offshore wind target. Given the OSW Special Act takes effect on March 26, 2026, designating OSW candidate zones and OSW zones and selecting OSW developers is expected to require at least 32 months before new projects can commence under the new regime.² Integrating legacy projects can close this gap and ensure a seamless transition.

² Park H. S. (2024. 11.). *Legislative review report: the Special Bill on the Promotion of Offshore Wind Spatial Planning and Industrial Development*. Trade, Industry, Energy, SMEs and Startups Committee.

Second, to raise policy acceptance. Transition measures will materially affect policy acceptance given that provisions applicable to existing businesses were contentious during the OSW Special Act's legislative process.³ Reducing uncertainty during the transition phase – while ensuring that delegated legislation serves the primary legislation's purpose – is critical to policy acceptance.

³ Yang Y. B. (2024. 11. 12.). *Legislative analysis on legacy businesses under a new maritime spatial planning regime*. Solutions for Our Climate.

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1. Possible pathways for legacy projects

The OSW Special Act was enacted on March 25, 2025, and enters into force on March 26, 2026. From that date, OSW zones and OSW developers will be designated under Chapters 3-4 of the Act. **What, then, will happen to existing projects that obtained licenses or progressed under the legacy regime?**

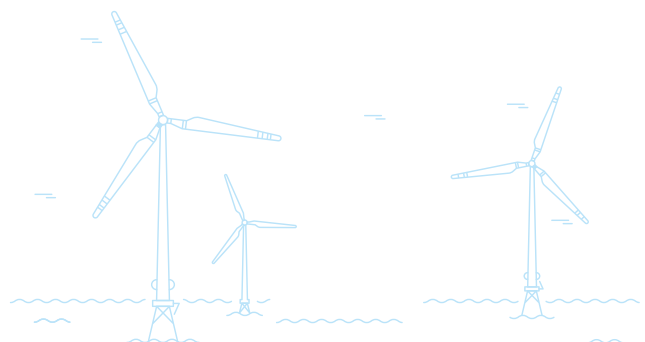
Until Article 33(1) takes effect on March 26, 2028, electricity generation businesses (“legacy businesses”) that obtained an electric utility license under Article 7 of the Electric Utility Act have three pathways:

First, continue under the legacy regime pursuant to Addendum Article 2(1) of the OSW Special Act.

Second, transition to the new regime pursuant to Addendum Article 2(2) of the OSW Special Act and seek designation as an OSW developer under Article 24.

Third, transition to the new regime pursuant to Addendum Article 3(1) of the OSW Special Act and seek designation as an OSW zone under Article 19. Energy clusters designated before the OSW Special Act’s enforcement may apply to designate all or part of the cluster as an OSW zone; businesses operating within such a zone are deemed OSW developers under Article 24.

For energy clusters, the path is much straightforward. Energy clusters (“legacy clusters”) designated under Article 27(1)2 of the Act on the Promotion of the Development, Use and Diffusion of New and Renewable Energy (the “Renewable Energy Act”) may transition to the new regime pursuant to Addendum Article 3 of the OSW Special Act and seek designation as an OSW zone.



2. Drafting criteria for transition measures

The OSW Special Act provides transition pathways for legacy projects. Addendum Article 2 allows legacy businesses to apply for designation as OSW developers under Article 24. Addendum Article 3 allows legacy clusters to seek designation as OSW zones under Article 19, in which case businesses operating within a designated zone are deemed OSW developers under Article 24.

The Act delegates to the Ministers of Trade, Industry and Energy (MOTIE) and Oceans and Fisheries (MOF) the task of establishing detailed transition measures – including application timelines, evaluation criteria and assessment procedures – to integrate legacy projects into the new regime. Pending issuance of the relevant ministerial notices, legacy projects remain in a state of uncertainty.




This paper proposes evaluation criteria that (i) reduce uncertainty and confusion during the transition phase and (ii) advance the OSW Special Act’s legislative purpose.

Misalignment between primary legislation and delegated legislation would inhibit legacy businesses and local governments operating legacy clusters from progressing their projects, thereby delaying offshore wind deployment.

To maintain regulatory credibility and predictability, subordinate legislation should not deviate from, and must not conflict with, the primary legislation. Otherwise, the public will lose confidence in the legal system.

To that end, this paper analyzes (a) designation criteria for OSW candidate zones and OSW zones under the OSW Special Act, (b) licensing criteria under the Electric Utility Act, (c) permission criteria for energy cluster planning under the *Guidelines for the Creation and Support of New and Renewable Energy Clusters* (the “Energy Cluster Guidelines”), and (d) other relevant instruments.

[Table 1] Legislative purposes of relevant laws

Electric Utility Act	Renewable Energy Act	OSW Special Act
 <p>“The purpose of this Act is to enhance the sound development of the electric utility industry and protect the interests of electricity consumers by establishing a basic system for the electric utility industry and by promoting competition in such industry as well as introducing new technologies and business, thereby contributing to developing the national economy.” [Article 1]</p>	 <p>“The purpose of this Act is to contribute to the preservation of the environment, the sound and sustainable development of the national economy, and the promotion of national welfare by diversifying energy sources through the promotion of technological development, use, and distribution of new energy and renewable energy, and the vitalization of the new energy industry and the renewable energy industry, and by promoting the stable supply of energy, environment-friendly conversion of the energy structure, and the reduction of greenhouse gas emissions.” [Article 1]</p>	 <p>“The purpose of this Act is to ensure the balanced development and use of public maritime areas by introducing government-led planning for offshore wind development and prescribing measures to support the offshore wind industry’s growth and a healthy ecosystem, thereby advancing greenhouse gas reduction and carbon neutrality, strengthening the competitiveness of offshore wind development, and contributing to national, energy, and economic security.” [Article 1]</p>

Under the addendum of the Offshore Wind Special Act, the criteria for selecting existing project developers and designating clustered zones – to be issued by MOTIE and MOF - should reflect the Act’s distinct legislative purpose, in contrast to the frameworks under the Electricity Business Act and the Renewable Energy Act (see [\[Table 1\]](#)).

The scope of transition criteria should be limited to matters not addressed in sufficient detail under the legacy system because they apply to legacy businesses that already obtained an electric utility license and legacy clusters designated by MOTIE. This avoids duplicative regulation.

In addition, given the staged process under the OSW Special Act – designation of OSW candidate zones, then OSW zones, selection of OSW developers, and authorization of development plans – transition criteria should exclude items reserved for the later planning permission stage.

Accordingly, this paper proposes draft criteria for legacy projects by distinguishing critical assessment areas that serve the OSW Special Act’s purpose. The steps to draft criteria are as follows:

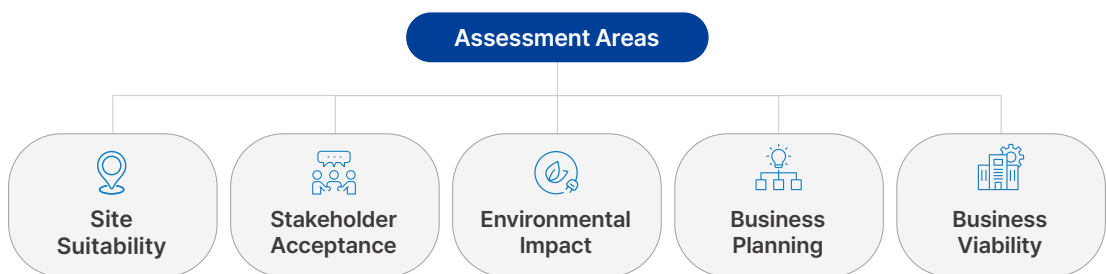


3. Transition criteria advancing the legislative purpose

1) Proposed criteria for legacy businesses

This proposal is based on legislative analysis, expert interviews, and international case studies. The assessment areas are: (i) site suitability; (ii) stakeholder acceptance; (iii) environmental impact; (iv) business planning; and (v) business viability. These areas reflect the statutory qualifications for designating OSW candidate zones and OSW zones, and for selecting OSW developers under the OSW Special Act.

Legacy businesses that wish to transition to the new regime under Addendum Article 2 are expected to prepare the required documents and apply within the timeline specified by ministerial notice.



A. Proposed document package

Pursuant to Addendum Article 2 of the OSW Special Act, a legacy business seeking designation as an OSW developer should submit the following to the Minister of MOTIE:

- **Electric utility license:** Temporary licenses do not satisfy.
- **Business plan:** A plan that is equivalent to the “basic design” defined in Article 16 of the OSW Special Act. MOTIE and MOF should publish preparation guidelines by notice under Addendum Article 2(3).

- **Environmental review report:** A report equivalent to the “marine environmental impact analysis” under Article 16(3) of the OSW Special Act. Where applicable, an environmental impact assessment or marine utilization impact assessment (formerly, maritime utilization impact assessment) previously reviewed and approved under the legacy regime may be submitted in lieu. MOTIE and MOF should issue preparation guidelines by notice.
- **Community consultation statement:** A statement outlining outcomes of community consultation equivalent to the “public-private council” process in Article 17 of the OSW Special Act. To ensure delivery of the agreed outcomes, a duty to implement may be specified, analogous to Article 15 of the Energy Cluster Guidelines.



Rationale for requiring a community consultation statement

- The OSW Special Act seeks to secure stakeholder acceptance of an OSW zone or developer through a public-private council. Article 17 requires establishing such a council and reaching agreement on specific items.
- The legacy regime contains similar mechanisms – e.g., a community consultative body under the *Guidelines for Offshore Wind Development through Stakeholder Engagement* (MOTIE, 2023) and a public-private council under Article 5 of the Energy Cluster Guidelines. However, if stakeholder acceptance is treated as “secured” only when the council reaches agreement, merely creating and operating a deliberative body does not by itself demonstrate acceptance.
- What matters is **the substance of agreement**, not the form. For a public-private council to carry real weight, the agenda items requiring agreement and the scope of stakeholders must be defined in advance. Otherwise, practices from the existing electric utility licensing regime will recur. For example, treating regional approval as obtained upon submission of a generic consent form, or deeming community acceptance secured upon a residential consent form – despite the lack of a clear legal basis and clarity on who is included and what is being consented to.

B. Measures to avoid duplicative procedures

- Legacy businesses have already been assessed under Table 1 of the *Notice on Detailed Licensing Criteria for Electricity Generation Businesses, Calculation Standards for Electricity Pricing, Margin of Error for Electric Meters, and Operation of the Electric Power System* (the “Electric Utility Licensing Criteria”) issued pursuant to the Electric Utility Act. Under the new regime, reviews should be streamlined by (i) limiting evaluation to matters not addressed in sufficient detail under the legacy system and (ii) verifying the continued adequacy of prior evaluations and documentation, taking into account the time elapsed since license issuance.
- Include a provision authorizing the Minister of MOTIE and other electric-utility licensing authorities, upon request, to transfer prior evaluation records directly to the reviewing authority. This avoids requiring applicants to re-submit the same documents for transition reviews.

[Table 2] Proposed evaluation criteria for legacy businesses

Evaluation criterion	Relevant legislation	Review approach
Site suitability	Suitable wind conditions for offshore wind development [Articles 14(1)1 and 19(1)1 of the OSW Special Act]	Where similar reviews have already been conducted. <ul style="list-style-type: none"> Verify the continued adequacy of prior evaluations and documentation, taking into account the time elapsed since license issuance and any material changes in wind conditions.
	Ability to develop project site and related infrastructure [Article 19(1)2 of the OSW Special Act]	Where similar reviews have already been conducted. <ul style="list-style-type: none"> Under the Electric Utility Licensing Criteria [Annex 1], business plans - including construction and operation of electrical facilities, site acquisition and layout, and procurement of fuel and water - are to be reviewed for detail and feasibility at the time of licensing. Confirm that prior evaluations and documentation meet the OSW Special Act’s expected standard.
	Limited impact on fishing; navigation safety; use and operation of ports and fishing ports; the marine environment and ecosystem; and military operations [Article 14(1)2-6 of the OSW Special Act]	Use the “maritime spatial data portal.” <ul style="list-style-type: none"> Use the data portal specified in Article 12 of the OSW Special Act to check whether the evaluation site is equivalent to OSW candidate zones under Article 14. Interim measure: until the portal is operational, accept site-specific spatial information for screening.
Stakeholder acceptance	Stakeholder acceptance [Articles 16(1)6, 19(1)3, and 24(1)3 of the OSW Special Act]	Submit a community consultation statement. <ul style="list-style-type: none"> Submit a statement that documents the content and outcomes of community consultations on the agenda items for the public-private council listed in Article 17(1)1-5 of the OSW Special Act.

Evaluation criterion	Relevant legislation	Review approach
Environmental impact	<p>Limited impact on the marine environment and ecosystem [Articles 14(1)5, 16(3), and 19(1)3 of the OSW Special Act]</p>	<p>Submit an environmental review report.</p> <ul style="list-style-type: none"> Under the new regime, environmental impacts are reviewed at four stages: (i) designation of OSW candidate zones; (ii) preparation and finalization of basic designs; (iii) designation of OSW zones; and (iv) authorization of development plans. Apply proportionate, screening-level criteria at this transitional stage. A more formal environmental impact review occurs at the final planning permission stage under Article 26 of the OSW Special Act, which may substitute for an environmental impact assessment and a marine utilization impact assessment under the legacy regime.
Business planning	<p>Site layout and installed capacity [Article 16(1)2 of the OSW Special Act]</p>	<p>Submit a business plan.</p> <ul style="list-style-type: none"> Under the legacy regime, applicants submitted layout plans and detailed, actionable plans for the construction and operation of electric installations pursuant to the Licensing Criteria for Electricity Generation Businesses under the Electric Utility Act. However, these materials do not fully satisfy the “basic design” requirements in Article 16 of the OSW Special Act. Accordingly, applicants must submit an additional business plan specifying the site layout and installed capacity of offshore wind development. Where prior submissions are demonstrably equivalent, the reviewing authority may accept them in lieu. MOTIE and MOF should issue preparation guidelines or a standardized template specifying minimum content to include.
Business viability	<p>Financial soundness and financing capacity [Article 24(1)2 of the OSW Special Act]</p>	<p>Where similar reviews have already been conducted.</p> <ul style="list-style-type: none"> Under the legacy regime, applicants demonstrated financial capability – having a valid, actionable financing plan and an acceptable credit rating – pursuant to the Electric Utility Licensing Criteria. For transition, conduct a streamlined review to confirm the continued adequacy of prior evaluations and documentation, taking into account the time elapsed since license issuance and any material changes in financing conditions.
	<p>Grid connection and infrastructure planning [Articles 16(1)4 and 19(1)5 of the OSW Special Act]</p>	<p>Where similar reviews have already been conducted.</p> <ul style="list-style-type: none"> Under the legacy regime, applicants submitted a grid connection plan and an official confirmation letter from the relevant authorities – i.e. KEPCO or KPX – pursuant to the Electric Utility Licensing Criteria. For transition, rely on prior evaluations and documentation to confirm there is no material change to the OSW layout, installed capacity, grid connection plans, connection points, and related items specified in the business plan. If material changes exist compared with documents previously reviewed for an electric utility license or a grid connection agreement, the applicant must obtain and submit renewed confirmation from the relevant authority covering the revised plan. MOTIE and MOF should issue preparation guidelines or a standardized template specifying minimum content (e.g. connection points, contract periods, and compensation policies for connection delays) and clearly defining the responsibility of electric transmission businesses to support and provide grid connection.
	<p>Business operation and pricing capability [Article 24(1)1 of the OSW Special Act]</p>	<p>Generation costs are to be established through auctions.</p> <ul style="list-style-type: none"> Applicants become eligible to participate in these auctions only after they are designated under the new regime.

2) Proposed criteria for legacy clusters

Pursuant to Addendum Article 3(1)-(2) of the OSW Special Act, legacy clusters that apply to transition are designated as an OSW zone under Article 19. Accordingly, this proposal focuses on the statutory qualifications for designating OSW zones. Note, however, that once an energy cluster is designated as an OSW zone, businesses operating inside the cluster are deemed OSW developers under Article 24; in that case the qualifications for designating OSW developers must also be applied.

Heads of local governments operating legacy clusters that wish to transition to the new regime are expected to prepare the required documents and apply within the timeline specified by ministerial notice.

A. Proposed document package

Pursuant to Addendum Article 3 of the OSW Special Act, the head of a local government operating a legacy cluster and seeking designation as an OSW zone should submit the following to the Minister of MOTIE:

- **Public notice on renewable energy cluster designation**
 - **Business plan (See Section 3.1.A)**
 - **Environmental review report (See Section 3.1. A)**
 - **Community consultation statement (See Section 3.1. A)**
-

B. Measures to avoid duplicative procedures

Legacy clusters have already been assessed under Tables 1-2 of the Energy Cluster Guidelines issued pursuant to the Renewable Energy Act. Under the new regime, reviews should be streamlined by (i) limiting evaluation to matters not addressed in sufficient detail under the legacy system and (ii) verifying the continued adequacy of prior evaluations and documentation, taking into account the time elapsed since the cluster's designation.

[Table 3] Proposed evaluation criteria for legacy clusters

Evaluation criterion	Relevant legislation	Review approach
Site suitability	<p>Suitable wind conditions for offshore wind development [Articles 14(1)1 and 19(1)1 of the OSW Special Act]</p>	<p>Where similar reviews have already been conducted.</p> <ul style="list-style-type: none"> • Under the legacy regime, applicants demonstrated wind resources sufficient to establish an energy cluster pursuant to Article 4(3) of the Energy Cluster Guidelines and submitted a business plan that included preliminary site investigation results including wind conditions pursuant to Article 7(1). • For transition, verify the continued adequacy of prior evaluations and documentation, taking into account the time elapsed since cluster designation and any material changes in wind conditions.
	<p>Capability to deliver site works and infrastructure [Article 19(1)2 of the OSW Special Act]</p>	<p>Where similar reviews have already been conducted.</p> <ul style="list-style-type: none"> • Under the Energy Cluster Guidelines, implementation capability – including the local government’s role and business implementation plan, the energy cluster business plan, land use and public water use plans, and permitting/ authorization plans are to be evaluated. • Confirm that these prior evaluations and documentation meet the OSW Special Act’s expected standard.
	<p>Limited impact on fishing; navigation safety; use and operation of ports and fishing ports; the marine environment and ecosystem; and military operations [Article 14(1)2-6 of the OSW Special Act]</p>	<p>Use the maritime spatial data portal.</p> <ul style="list-style-type: none"> • Use the data portal specified in Article 12 of the OSW Special Act to check whether the evaluation site is equivalent to OSW candidate zones under Article 14. • Interim measure: until the portal is operational, accept site-specific spatial information for screening.
Stakeholder acceptance	<p>Stakeholder acceptance [Articles 16(1)6, 19(1)3, and 24(1)3 of the OSW Special Act]</p>	<p>Submit a community consultation statement.</p> <ul style="list-style-type: none"> • Under the legacy regime, applicants submitted detailed, actionable plans to secure community acceptance – including profit sharing with affected residents – pursuant to the Energy Cluster Guidelines. • However, the agenda items requiring agreement through the public-private council in Article 5(2) of the Guidelines do not fully encompass the items listed in Article 17 of the OSW Special Act. • Accordingly, applicants must submit a statement that documents the content and outcomes of community consultations on the agenda items specified for the public-private council pursuant to Article 17(1)1-5 of the OSW Special Act. • Where prior submissions are demonstrably equivalent, the reviewing authority may accept them in lieu.
Environmental impact	<p>Limited impact on the marine environment and ecosystem [Articles 14(1)5, 16(3), and 19(1)3 of the OSW Special Act]</p>	<p>Submit an environmental review report (See Section 3.1.A).</p>
Business planning	<p>Site layout and installed capacity [Article 16(1)2 of the OSW Special Act]</p>	<p>Submit a business plan.</p> <ul style="list-style-type: none"> • MOTIE and MOF should issue preparation guidelines or a standardized template specifying minimum content to include.

Evaluation criterion	Relevant legislation	Review approach
<p>Business viability</p>	<p>Grid connection and infrastructure planning [Articles 16(1)4 and 19(1)5 of the OSW Special Act]</p>	<p>Where similar reviews have already been conducted.</p> <ul style="list-style-type: none"> • Under the legacy regime, applicants demonstrated appropriate grid connection planning – including available grid capacity and connection methods – as specified in the Energy Cluster Guidelines and submitted a business plan that documented the outcomes of consultations with KEPCO pursuant to Article 7 of those Guidelines. • For transition, rely on prior evaluations and documentation to confirm there is no material change to the OSW layout, installed capacity, grid connection plans, and related items in the business plan. • If material changes exist compared with documents previously reviewed for cluster designation, the applicant must obtain and submit renewed confirmation from the relevant authority covering the revised plan. • MOTIE and MOF should issue preparation guidelines or a standardized template specifying minimum content (e.g. connection points, contract periods, and compensation policies for connection delays) and clearly defining the responsibility of electric transmission businesses to support and provide grid connection.

These transition measures apply only to legacy businesses and legacy clusters designated before the OSW Special Act enters into force on March 26, 2026. **What, then, of existing development sites that are not yet energy clusters?** This paper proposes the following to leverage these sites:



Recommended steps for local governments

Local governments have identified potential offshore wind development sites while preparing for cluster designation or through public initiatives that support large-scale projects. Because these sites are not designated energy clusters under the Renewable Energy Act, they cannot use the transition measures in Addendum Articles 2-3 of the OSW Special Act.

However, under Article 14(2) of the OSW Special Act, a local government may apply for designation as an OSW candidate zone. The designation criteria in Articles 14(1) and 19(1) are statutory prerequisites; applicants must satisfy all applicable requirements to be designated as an OSW candidate zone and, where eligible, as an OSW zone.

Local governments seeking transition to the new regime can take the following steps:

First, revisit the project to confirm status, map existing qualifications under the legacy regime, and identify gaps against the new regime.

Next, leverage legacy evaluations. Articles 4(3) and 7(1) of the Energy Cluster Guidelines already cover key assessment areas, including: suitable wind conditions for offshore wind development; energy development potential; capability to deliver site works and infrastructure; benefits to the new and renewable energy industry; grid connection planning; maintenance and safety management planning; environmental sustainability; and stakeholder engagement.

Where the site meets the above criteria, most of the requirements listed in Article 14 of the OSW Special Act will be satisfied. Then, address the remaining requirements: limited impacts on fishing, navigation safety, use and operation of ports and fishing ports, and military operations.

Finally, apply for designation as an OSW candidate zone – and, if applicable, as an OSW zone – once all prerequisites are satisfied.

For instance, the City of Yeosu has announced plans to seek OSW candidate zone designation under the new regime based on sites previously identified for energy clusters and offshore wind farms.⁴

⁴ Park D. S. (2025. 6. 9.). The city of Yeosu to be the first OSW candidate zone. Korea Herald. <https://biz.heraldcorp.com/article/10504760>

4. Policy recommendations on transition measures

1) Substantive measures for a seamless transition

Transition measures should provide a substantive examination of legacy projects' qualifications under the new regime, not automatic grandfathering.

The OSW Special Act offers transition routes through which legacy businesses and legacy clusters may seek integration into the new regime without repeating the entire sequence for selecting OSW developers and designating OSW zones.

To preserve and advance the OSW Special Act's legislative purpose, applicants should satisfy all applicable statutory qualifications under the new regime. Transition measures should function as interim screening to enable a seamless progression to the new regime, not as preferential treatment for existing players.⁵



Ireland's case: Maritime Area Planning Act and transitional provisions⁶

Ireland enacted the Maritime Area Planning Act (the "MAP Act") in 2021, replacing the legacy Foreshore Act 1933.⁷ The MAP Act's transitional provisions allow holders of foreshore authorizations to apply for a maritime area consent (MAC) under the new regime.

To obtain a MAC, legacy projects must demonstrate suitability against the MAC evaluation criteria, submit the required documentation, and apply within defined timelines.⁸

The Maritime Area Regulatory Authority (MARA) determines MAC applications based on financial and technical competency, legal compliance, and project viability.

⁵ Ministry of Government Legislation. (2024. 12.). *Legislative Deliberation Guidance*.

⁶ Maritime Area Planning Act 2021. <https://www.irishstatutebook.ie/eli/2021/act/50/enacted/en/html>

⁷ The MAP Act – comparable to the OSW Special Act – lays the legal foundation for a shift from a developer-led to a government-led offshore wind development model.

⁸ A legacy project shall submit: a copy of the foreshore lease, an environmental review report, and a stakeholder engagement statement.

2) A comprehensive transition roadmap to the new regime

Transition measures should set out a comprehensive roadmap – including how legacy projects will be integrated – to ensure regulatory predictability and a soft landing for the new regime.

The OSW Special Act provides a one-year period before it enters into force and a three-year grace period before a prohibition on granting electric utility licenses for offshore wind development outside the scope of OSW candidate zones and OSW zones takes effect.

However, the Act does not detail how the legacy and new regimes will operate concurrently during the transition. In addition, Addendum Articles 2-3 delegate the transition application timelines to the Ministers of MOTIE and MOF.

A comprehensive transition roadmap – analogous to the *Offshore Wind Power Competitive Bidding Roadmap* (MOTIE, 2024)⁹ – can fill this gap and reduce undue uncertainty.



Ireland's case: A phased approach to offshore wind deployment

The MAP Act was designed to bridge the gap between Ireland's offshore wind target and actual deployment. While the target is 5 GW by 2030, the installed capacity as of 2023 stood at 25 MW (a mere 0.5% of the target).

To close this gap, the government introduced a two-phase approach: Phase One for projects operating under the legacy developer-led regime and Phase Two for projects under the new plan-led regime, with the intention to deliver the maximum feasible capacity during Phase One.

Phase One – Facilitate the transition of legacy projects ("Relevant Projects"¹⁰) to the new MAP Act and secure 4.4 GW (c. 88% of the 2030 target) via the Offshore Renewable Electricity Support Scheme (ORESS) 1

Phase Two – Recognizing that some Phase One projects may fail to secure a route to market and that their aggregate capacity may fall short of the target, additional projects will be pursued to deliver 5 GW by 2030.¹¹

⁹ Ministry of Industry, Trade and Energy. (2024. 8. 8.). MOTIE lays out roadmap on competitive bidding for offshore wind power distribution. <https://www.motie.go.kr/kor/article/ATCL3f49a5a8c/169378/view>

¹⁰ Ireland, Department of Climate, Energy and the Environment. (2020. 5. 19.). Transition of Offshore Renewable projects announced. <https://www.gov.ie/en/department-of-climate-energy-and-the-environment/press-releases/transition-of-offshore-renewable-projects-announced/>

¹¹ Government of Ireland. (2023. 3.). *Accelerating Ireland's Offshore Energy Programme Policy Statement on the Framework for Phase Two Offshore Wind*.

3) Statutory and quantitative requirements to prevent subjective interpretation

Transition criteria should rest on a clear statutory basis and incorporate quantitative indicators to minimize ambiguity and subjective interpretation.

The *Legislative Deliberation Guidance* (Ministry of Government Legislation, 2024) recommends establishing transition measures where legislation is prone to interpretive confusion and administrative disputes involving vested interests.

To ensure regulatory objectivity and reduce the risk of legal disputes, transition measures should require quantitative metrics – particularly for site-specific permissions (e.g. environmental impact assessment, navigation safety, and military operations), grid connection agreements, and outcomes of the public-private council – and be complemented by qualitative assessments.

In addition, transition details – including clear evaluation criteria, application timelines, and integration procedures – should be set in binding, higher-order legislation (e.g. Presidential Decree or Enforcement Decree), rather than left solely to administrative guidelines or politicized interpretation.



Ireland's case: MAP Act and MAC application guidance¹²

Ireland reduced the risk of legal disputes by specifying transition eligibility, application timelines, and required documentation in Articles 80 and 93 of the MAP Act and in the General Guidance for Completing an Application for a Maritime Area Consent.

For example, the scope of eligible Relevant Projects is clearly defined, and objective qualifications are required – such as foreshore lease status, a valid connection agreement, or connection confirmation by the national transmission system operator.¹³

¹² Ireland, Maritime Area Regulatory Authority (MARA). (2024. 3.). General Guidance for completing an application for a Maritime Area Consent. https://www.maritimeregulator.ie/wp-content/uploads/2024/05/20240313_General-Guidance-for-completing-a-MAC-application.pdf

¹³ Ministry of Industry, Trade and Energy. (2024. 8. 8.). MOTIE lays out roadmap on competitive bidding for offshore wind power distribution. <https://www.motie.go.kr/kor/article/ATCL3f49a5a8c/169378/view>

4) Stakeholder engagement for effective policy implementation

Effective, seamless transition requires engaging all relevant stakeholders at the outset of designing transition measures. To improve policy acceptance and build trust between the government and legacy projects, the scope, process, and intended outcomes of stakeholder engagement should be made public in advance.

A practical option is to establish a multi-stakeholder consultative body comprising relevant ministries, industry, legal experts, and civil society. Engagement should exert material influence on policy decisions, not merely fulfill procedural consultation requirements. For each agenda item, record and retain the discussion, final decision, and rationale; these records should be available for reference in the event of disputes after the new regime takes effect.



Ireland's case: Public Consultation

Ireland conducted a four-week public consultation on the MAC regime and refined and finalized transition eligibility and assessment criteria based on stakeholder feedback.¹⁴



Minister Ryan launches consultation on Maritime Area Consent (MAC) regime for first phase of offshore renewable energy projects

This consultation on the Maritime Area Consent (MAC) regime presents the proposed model for the assessment of the first offshore renewable energy projects ... Feedback received will help finalize the Maritime Area Consent (MAC) assessment regime.

¹⁴ Ireland, Department of Climate, Energy and the Environment. (2022. 1. 19.). Minister Ryan launches consultation on Maritime Area Consent (MAC) regime for first phase of offshore renewable energy projects. <https://www.gov.ie/en/department-of-climate-energy-and-the-environment/press-releases/minister-ryan-launches-consultation-on-maritime-area-consent-mac-regime-for-first-phase-of-offshore-renewable-energy-projects/>

5) Transition protocol and grid connection support to meet the 2030 target

The government should publish a transition protocol to minimize uncertainty during the transition phase and establish a grid connection support scheme for legacy businesses.

A support scheme would help legacy businesses transitioning to the new regime and projects selected through offshore wind fixed-price auctions since 2022 to deliver power to the grid as scheduled.¹⁵

Leveraging legacy businesses is integral to achieving the 2030 offshore wind target, given that at least 32 months will elapse before new projects can commence under the new regime after the OSW Special Act enters into force on March 26, 2026.



Ireland's case: Transition Protocol and grid connection support

Upon enactment of the MAP Act, Ireland issued a Transition Protocol to provide administrative and technical support to legacy projects, facilitating a soft landing for the MAC regime, enhancing regulatory predictability, and supporting the 2030 target. Key priorities included:

- **Regulatory predictability:** Publish detailed procedures and guidance to support a smooth transition of Relevant Projects to the MAP regime.
- **Industry engagement:** Guarantee proactive engagement between the government and legacy projects.
- EirGrid – the national transmission system operator – will work proactively with industry and provide practical support on grid connection, application procedures, and project updates, with oversight by the Commission for Regulation of Utilities (CRU).¹⁶
- For example, CRU's *Phase 2 Offshore Wind – Grid Connection Pathway Decision Paper* directed EirGrid to issue a Grid Connection Information (GCI) pack and a connection pathway for projects seeking to participate in Phase 2 auctions, supporting delivery toward the 5 GW capacity target.

¹⁵ Successful bidders in the offshore wind fixed-price auction are required to complete the pre-use inspection within 72-78 months from the date of the offtake contract. (Source: New & Renewable Energy Center. (2025. 5. 26). Notice on the Offshore Wind Fixed-price Auction in 1H 2025.)

¹⁶ CRU. (2024. 10. 14.). *Phase2 Offshore Wind – Grid Connection Pathway Decision Paper*.

5. Conclusion

After a 1,407-day deliberation¹⁷, the OSW Special Act will enter into force on March 26, 2026. During the delay, only 100 MW of offshore wind was deployed, bringing cumulative capacity of 320 MW as of May 2025. To reach the 2030 target of 14.3 GW, roughly 2.8 GW per year must be connected to the grid.

Whether that target is met will turn on the acceptance and execution of the new regime. Transition measures for legacy businesses and legacy clusters will be the game changer: they should be designed and operated to support the 2030 deployment target and to strengthen regulatory credibility.

To ensure successful policy implementation and deliver tangible results, the new government should actively support the transition of legacy projects and the deployment of new projects under the OSW Special Act. Otherwise, the 1,407 days invested in establishing the legislative foundation for offshore wind development risk yielding little.

¹⁷ From the introduction of the Promotion of Offshore Wind Power Bill (Rep. Woni Kim) to enactment of the OSW Special Act on March 25, 2025 totals 1,407 days.

Appendix Relevant provisions from the Special Act on the Promotion of Offshore Wind Power and Industrial Development

Addendum

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation; except that Article 33(2) shall enter into force on the date of promulgation and Article 33(1) shall enter into force three years after from the date of promulgation.

Article 2 (Transition measures for legacy businesses)

(1) A business that obtained an electric utility license pursuant to Article 7 of the Electric Utility Act before Article 33(1) of this Act enters into force shall continue its project under the Electric Utility Act, notwithstanding Article 33(1).

(2) A business referred to in Paragraph 1 (excluding a business operating within an energy cluster under Article 27(1)2 of the Act on the Promotion of the Development, Use and Diffusion of New and Renewable Energy) that seeks designation as an OSW developer pursuant to Article 24 of this Act shall apply to the Minister of Trade, Industry and Energy. If the applicable criteria are satisfied, the Minister shall designate the business as an OSW developer under Article 24; in such case, the business's development site shall be deemed as an OSW zone under Article 19. .

(3) The application windows, selection criteria, and selection procedures under Paragraph 2 shall be prescribed by joint notice of the Ministers of Trade, Industry and Energy, and Oceans and Fisheries.

Article 3 (Transition measures for legacy clusters)

(1) The head of a local government operating an energy cluster designated pursuant to Article 27(1)2 of the Act on the Promotion of the Development, Use and Diffusion of New and Renewable Energy before this Act enters into force shall apply to the Minister of Trade, Industry and Energy for designation of all or part of the cluster as an OSW zone under Article 19 of this Act.

(2) If an application under Paragraph 1 satisfies the applicable timelines and criteria published by the Minister of Trade, Industry and Energy, the Minister shall refer the application to the relevant committee for deliberation and shall designate the cluster as an OSW zone under Article 19 of this Act; in such case, businesses operating within the cluster shall be deemed OSW developers under Article 24.

Solutions for Our Climate (SFOC) is an independent nonprofit organization that works to accelerate global greenhouse gas emissions reduction and energy transition. SFOC leverages research, litigation, community organizing, and strategic communications to deliver practical climate solutions and build movements for change.