

Energy infrastructure: investment projects

2009/0106(CNS) - 04/02/2010

The Committee on Industry, Research and Energy adopted the report drafted by Adina-Ioana VĂLEAN (ADLE, RO) amending, under the consultation procedure, the proposal for a Council regulation concerning the notification to the Commission of investment projects in energy infrastructure within the European Community and repealing Regulation (EC) No 736/96.

Legal basis: the current Regulation should be based on the new 'energy' legal basis, Art. 194(1) TFEU. The decision-making procedure under this new provision is the ordinary legislative procedure (the former "codecision" procedure).

Purpose and scope: Members state that this Regulation establishes a common framework for the notification to the Commission of data and information on investment projects in energy infrastructure in the oil, gas, coal, renewable energy and electricity sectors, and on major investment projects related to district heating and cooling and related to the capture and storage of carbon dioxide produced by these sectors.

This Regulation shall apply to the types of investment projects on which construction (and not work) has started or is scheduled to start within five years.

Definitions: Members would like to include in the definition of investment projects the development of new interconnections with energy transport systems between the EU and its neighbouring countries. It should also be noted that the Regulation should foresee a specific mention of district heat – production of heat, of combined heat and power, district heating and cooling. It should also mention district heating and cooling under 'transport'. Lastly, the definition of carbon dioxide storage should be in line with the Directive 2009/31/EC on the geological storage of carbon dioxide.

Reporting: as the Regulation will only be adopted in 2010, Members consider it unrealistic to request reporting as of 2010 and propose the beginning of 2011 as an alternative date (as opposed to the beginning of 2010 as proposed by the Commission).

Data sources: Members consider that it has to be ensured that the information and data provided by other means is fully compatible and comparable with the data and information provided by notification. They also place emphasis on the aim of avoiding double reporting and unnecessary administrative burdens.

Content of the notification: with a view to assessing energy security, a distinction must be made between those investments that may be deemed 'certain' and will help to enhance energy security in the near future and those that are still at the planning stage. It is also important to have more information about the exact stage in the development of a new energy infrastructure. It has to be made clear that Member States have an obligation to add comments to their notification, in case they dispose of any information on delays or /and obstacles as regards the implementation of investment projects

Quality and publicity of data: an amendment states that the information to provided to the Commission must be clear and comprehensive, and, if this not the case, the Commission is entitled to request clarifications. Member States, the entity they delegate to or where appropriate the specific bodies entrusted with EU energy sector specific investment plans shall ensure the quality, relevance, accuracy, clarity, timeliness and coherence of data and information they notify to the Commission. If the information is not sufficiently clear and comprehensive, the Commission may require those bodies to provide additional information.

The Commission shall publish aggregated data and information forwarded pursuant to this Regulation. Such publication shall be without prejudice to the relevant national and European Union legislation relating to public access to information, in particular environmental information, information regarding publicly listed companies or information on the public financing of investment projects.

Member States, their delegated entities and the Commission shall each be responsible for preserving the confidentiality of commercially sensitive data or information in their possession.

Implementing measures: in order to avoid administrative burden, an amendment aims to clarify how the exemption in the case of double reporting is to be applied.

Data processing: given the highly sensitive nature of the data and information requested by the Commission, it must ensure that the IT resources needed for the purposes guarantee the confidentiality of the data and information notified to the Commission pursuant to this Regulation.

Monitoring and reporting: the Commission should provide a regular and cross-sector analysis of the structural evolution and perspectives of the Union energy system and, where appropriate, more focused analysis on certain aspects of this energy system. The collected data and information must be used in particular to identify deficiencies as regards infrastructure investments, which could hamper the implementation of the internal energy market legislation as well as the renewables Directive. Members consider that the instrument of notification must be used as an early-warning tool for infrastructure deficiency, which jeopardise a successful implementation of a common EU energy policy. The Commission shall be obliged to discuss their analyses with interested parties.

In order to improve the quality of data, the Commission, when carrying out the analyses under the first paragraph shall examine, if appropriate, the minimum thresholds set out in the Annex, and may require Member States to specify the main characteristics of the infrastructure or capacities planned or under construction.

Annex: Members consider that the Regulation should: (i) take into account the capacity of extraction /production of oil and gas, (ii) provide reporting obligations for natural gas capacities; (iii) reduce the threshold for onshore wind farms; (iv) to include, in the Annex, a chapter on coal infrastructure.