

Energy infrastructure: investment projects

2009/0106(CNS) - 24/06/2010 - Final act

PURPOSE: to establish a common framework for the notification to the Commission of data on investment projects in energy infrastructure.

LEGISLATIVE ACT: Council Regulation (EU, Euratom) No 617/2010 concerning the notification to the Commission of investment projects in energy infrastructure within the European Union and repealing Regulation (EC) No 736/96.

CONTENT: obtaining an overall picture of the development of investment in energy infrastructure in the Union is essential for the Commission to perform its tasks in the field of energy. The availability of regular and up- to-date data and information will enable the Commission to make the necessary comparisons, evaluations or to propose relevant measures based on appropriate figures and analysis, in particular concerning the future energy supply-demand balance.

Subject matter and scope: 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, natural gas, electricity, including electricity from renewable sources, and bio-fuel sectors, and on investment projects related to the capture and storage of carbon dioxide produced by these sectors. It applies to investment projects of the types listed in the Annex on which construction or decommissioning work has started or on which a final investment decision has been taken. Member States may furthermore submit any estimated data or preliminary information on investment projects of the types listed in the Annex on which construction work is scheduled to start within five years and to those which are scheduled to be decommissioned within three years, but for which a final investment decision has not been taken.

Notification of data: while keeping the collection and reporting burden proportionate, Member States must compile all data and information specified in this Regulation from 1 January 2011 and from then onwards every two years. They must notify the data and relevant project information specified in the Regulation to the Commission in 2011, that year being the first reporting year, and from then onwards every two years. This notification shall be made in aggregated form, except for data and relevant information relating to cross-border transmission projects. Member States will notify aggregated data and relevant project information by 31 July of the reporting year concerned.

Member States are exempt from this obligation under certain specified conditions.

Data sources: the undertakings concerned shall notify the data to Member States in whose territory they are planning to carry out investment projects before 1 June of each reporting year. The data or information notified shall reflect the situation of investment projects as of 31 March of the relevant reporting year. This does not apply to undertakings where the Member State concerned decides to use other means of supplying the Commission with the data or information.

Content of the notification: with regard to investment projects of the types listed in the Annex, the notification shall indicate, where appropriate: (a) the volume of the capacities planned or under construction; (b) the type and main characteristics of infrastructure or capacities planned or under construction, including the location of cross border transmission projects, if applicable; (c) the probable year of commissioning; (d) the type of energy sources used; (e) the installations capable of responding to security of supply crises, such as equipment enabling reverse flows or fuel switching; and (f) the equipment of carbon capture systems or retrofitting mechanisms for carbon capture and storage.

With regard to any **proposed decommissioning** of capacities, the notification shall indicate: (a) the character and the capacity of the infrastructure concerned; and (b) the probable year of decommissioning.

Any notification shall include the total volume of installed production, transmission and storage capacities which are in place at the beginning of the reporting year concerned or whose operation is interrupted for a period exceeding three years.

Quality and publicity of data: Member States shall aim to ensure the quality, relevance, accuracy, clarity, timeliness and coherence of data and information they notify to the Commission. The Commission may publish data and information forwarded provided that the data and information are published in an aggregated form and that no details concerning individual undertakings and installations are disclosed or can be inferred. Member States, the Commission, or their delegated entities shall each preserve the confidentiality of commercially sensitive data or information in their possession.

Implementing provisions: the Commission shall adopt, by 31 October 2010, the provisions necessary for the implementation of the Regulation, concerning the form and other technical details of the notification of data and information referred to above.

Data processing: the Commission shall be responsible for developing, hosting, managing and maintaining the IT resources needed to receive, store and carry out any processing of the data or information on energy infrastructure notified to the Commission.

Monitoring and reporting: the Commission publish every two years a cross-sector analysis of the structural evolution and perspectives of the energy system of the Union. This analysis shall aim in particular at:

- identifying potential future gaps between energy demand and supply that are of significance from an energy policy perspective of the Union;
- identifying investment obstacles and promoting best practices to address them; and
- increasing transparency for market participants and potential market entrants.

The Commission shall provide all Member States with an opportunity to comment on the draft analyses, and it shall discuss the analyses with interested parties, such as ENTSO-E, ENTSO-G, the Gas Coordination Group and the Oil Supply Group.

Review: this must be done by 23 July 2015. In the review, the Commission shall, inter alia, examine the possible extension of the scope to include the extraction of gas, oil and coal.

ENTRY INTO FORCE: 04/08/2010.