

Trans-European energy infrastructure: guidelines

2011/0300(COD) - 08/02/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Industry, Research and Energy adopted the report by António Fernando CORREIA DE CAMPOS (S&D, PT) on the proposal for a regulation of the European Parliament and of the Council on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC.

The committee recommends that the position of the European Parliament adopted in first reading following the ordinary legislative procedure should amend the commission proposal as follows:

Priority corridors and areas of energy infrastructure: the Regulation establishes **twelve Regional Groups** for the purpose of proposing and reviewing projects of common interest, leading to the establishment of regional lists of projects of common interest. Decision-making powers in the Groups shall be restricted to Member States and the Commission.

On the basis of regional lists, the Commission shall be empowered to adopt (and revise) delegated acts that establish **the Union list of projects of common interest ("Union list")**, which will take the form of an annex to the Regulation, aiming for a manageable total number of projects of common interest on the Union list. The first Union list shall be adopted by **31 July 2013**.

Projects of common interest should comply with **common, transparent and objective criteria** in view of their contribution to the energy policy objectives of electricity and gas. Projects of common interest should fulfil certain criteria, such as:

- be necessary for at least one of the energy infrastructure priority corridors and areas;
- the potential overall benefits of the project outweigh its costs, including in the longer term; and
- involve at least two Member States by directly crossing the border of two or more Member States; or
- cross the border of at least one Member State and an EEA country.

Electricity transmission and storage shall contribute significantly to certain specific criteria, such as: (i) market integration, inter alia through lifting the isolation of at least one Member State and **reducing energy infrastructure bottlenecks**; (ii) sustainability, through the integration of renewable energy into the grid; (iii) **security of supply**, inter alia through interoperability, appropriate connections and secure and reliable system operation.

Gas projects must also contribute to sustainability criteria, inter alia, through **reducing emissions**, supporting intermittent renewable generation and enhancing deployment of renewable gas.

Priority status for projects of common interest: where such a status exists at national level, projects of common interest shall be allocated the status of the highest national significance possible and be treated as such in regional and spatial planning, permit granting, environmental impact assessment and strategic environmental assessment procedures.

Implementation and monitoring: project promoters shall draw up an **implementation plan** for projects of common interest, including a timetable. The amended text sets out a series of measures where the commissioning of a project of common interest is delayed compared to the implementation plan other than for overriding reasons beyond the control of the project promoter.

TSOs, distribution system operators and other operators shall co-operate with each other in order to facilitate the development of projects of common interest in their area.

Permit granting process (organisation and duration): six months after the entry into force of the Regulation, each Member State shall designate one national competent authority which shall be responsible for facilitating and coordinating the permit granting process for projects of common interest. The **comprehensive decision** shall be issued according to one of the following schemes:

- **integrated scheme:** the comprehensive decision shall be issued by the competent authority and shall be the sole legally binding decision resulting from the statutory permit granting procedure;
- **coordinated scheme:** the comprehensive decision comprises multiple individual legally binding decisions issued by several authorities concerned, which shall be coordinated by the competent authority;
- **collaborative scheme:** the comprehensive decision shall be coordinated by the competent authority.

The permit granting process shall consist of **two procedures**: (i) the pre-application procedure shall take place within an **indicative period of two years** and shall include the preparation of any environmental reports to be prepared by the project promoters; (ii) the statutory permit granting procedure, covering the period from the date of acceptance of the submitted application file until the comprehensive decision is taken, **shall not exceed one year and six months**.

The combined duration of the two **shall not exceed a period of three years and six months** and may be extended by a maximum of nine months for both procedures combined.

Energy system wide cost-benefit analysis: an amendment stipulates that the **European Network of Transmission System Operators (ENTSO)** for Electricity and the **ENTSO for Gas** shall publish and submit to the Agency, the Commission and Member States their respective methodologies, including on network and market modelling, for a harmonised energy system-wide cost-benefit analysis at Union-wide level for projects of common interest. Those methodologies shall be applied for the preparation of each subsequent ten-year network development plan developed by the ENTSO for Electricity or the ENTSO for Gas.

Prior to submitting their respective methodologies, the ENTSOs shall conduct an extensive consultation process involving at least the organisations representing all relevant stakeholders-, national regulatory authorities and other national authorities.

Enabling investments with cross-border impacts: the amended text states that the costs for the development, construction, operation and maintenance of projects of common interest should in general be fully borne by the users of the infrastructure. Projects of common interest should be eligible for **cross-border cost allocation** when an assessment of market demand or of the expected effects on the tariffs have indicated that costs cannot be expected to be recovered by the tariffs paid by the infrastructure users.

When deciding on cross-border cost allocation, national regulatory authorities should ensure that its impact on national tariffs does not represent a disproportionate burden for consumers.

When an investment request takes into account benefits beyond the borders of the Member States concerned, the national regulatory authorities should consult the TSOs concerned on the project-specific cost-benefit analysis.