

# Investment projects in energy infrastructure: notification to the Commission

2013/0082(COD) - 26/02/2014 - Final act

**PURPOSE:** to establish a common framework for the notification to the Commission of investment projects in energy infrastructure in the European Union.

**LEGISLATIVE ACT:** Regulation (EU) No 256/2014 of the European Parliament and of the Council concerning the notification to the Commission of investment projects in energy infrastructure within the European Union, replacing Council Regulation (EU, Euratom) No 617/2010 and repealing Council Regulation (EC) No 736/96.

**CONTENT:** in order to obtain an overall picture of the development of investment in energy infrastructure in the Union, the Regulation **requires Member States to notify the Commission of data and information** on:

- investment projects in the sectors of oil, natural gas, electricity — including electricity from renewable sources, electricity from coal and lignite, and cogeneration of electricity and useful heat;
- investment projects related to bio-fuel production and the capture, transport and storage of carbon dioxide produced by those sectors.

Member States should also notify to the Commission data and information on **investment projects in electricity interconnections and gas interconnections with third countries**.

The Regulation also applies to investment projects (listed in the Annex) on which construction or decommissioning work has started or on which a final investment decision has been taken.

**Notification of data:** the Regulation provides that Member States or the entities to which they delegate that task shall compile all the data and information required under this Regulation as **from 1 January 2015 and every two years thereafter**.

With a view to avoiding disproportionate administrative burdens and to minimise costs to Member States and undertakings, in particular for small and medium-sized enterprises, the Regulation allows Member States and undertakings to **be exempted from reporting obligations** provided that equivalent information has already been supplied to the Commission pursuant to energy sector-specific Union legal acts.

**Confidentiality:** the Regulation contains provisions on data procession by the Commission as well as the protection of individuals with regard to data processing.

Member States, or their delegated entities, and the Commission should preserve the confidentiality of commercially sensitive data and information.

**Monitoring and reporting:** the Regulation provides that the Commission shall forward to the European Parliament, and shall publish every two years a **cross-sector analysis of the structural evolution and perspectives** of the Union's energy system. That analysis shall aim in particular at **identifying potential future gaps between the demand and supply of energy** that are of significance for the Union's energy policy, including for the functioning of the internal energy market, with an emphasis on potential future deficiencies and flaws in the production and transmission infrastructure.

**Evaluation:** the Commission shall review the implementation of the Regulation by 31 December 2016, and inter alia, examine: (a) the possible extension of the scope of this Regulation to include terminals for compressed natural gas and additional types of electricity storage; (b) the question as to whether or not thresholds for renewable energy installations should be lowered.

This Regulation replaces Council Regulation No 617/2010, which was annulled by the European Court of Justice in September 2012 (but the effects of which are maintained until the entry into force of the new Regulation) and repeals Council Regulation No 736/96 from 9 April 2014.

ENTRY INTO FORCE: 09/04/2014.