

Trans-European energy infrastructure: guidelines

2011/0300(COD) - 22/08/2016 - Follow-up document

The Commission adopted a report on the exercise of the power to adopt delegated acts conferred on the Commission pursuant to Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009.

Regulation (EU) No 347/2013 (TEN-E Regulation) lays down guidelines for the timely development and interoperability of priority corridors and areas of trans-European energy infrastructure. It introduces the notion of a '**project of common interest**' ('PCI') which is an infrastructure project necessary to implement the abovementioned energy infrastructure priority corridors and thematic areas.

PCIs are set out in a Union list of PCIs which constitutes an annex to the TEN-E Regulation ('Union list'). **The Union list is established by a delegated act** adopted by the Commission pursuant to the TEN-E Regulation.

The TEN-E Regulation states that the power to adopt delegated acts is conferred on the Commission for a **period of four years, starting from 15 May 2013**.

With this report, the Commission complies with its obligation to prepare a report in respect to the exercise of the delegated powers nine months before the end of the four-year period at the latest.

Exercise of the delegation: since the adoption of the TEN-E Regulation, the **Commission has exercised its competence twice** by adopting delegated regulations establishing two consecutive Union lists of PCIs in 2013 and in 2015, respectively.

Only one delegated regulation adopted by the Commission is currently in force. It passed successfully the period for objection of the co-legislators: it concerns [Commission Delegated Regulation \(EU\) 2016/89](#) amending Regulation (EU) No 347/2013 of the European Parliament and of the Council as regards the Union list of projects of common interest.

Delegated Regulation (EU) No 2016/89, which entered into force on 16 February 2016, amended Annex VII of the TEN-E Regulation by setting out **the (second) Union list of PCIs**.

Another delegated regulation adopted by the Commission which had passed successfully the period for objection of the co-legislators, and is no longer valid: this concerns Commission Delegated Regulation (EU) No 1391/2013 amending Regulation (EU) No 347/2013 of the European Parliament and of the Council on guidelines for trans-European energy infrastructure as regards the Union list of projects of common interest.

The Commission, according to the TEN-E Regulation, is obliged to ensure that the Union list of PCIs is established every two years. Consequently, the Union list established by Delegated Regulation (EU) No 2016/89 will be replaced by a new (third) Union list of PCIs to be laid down by a Commission delegated regulation that will be adopted in 2017.

Conclusions: the Commission considered that it has exercised its delegated powers within the scope conferred to it by the TEN-E Regulation, with due respect to all the Regulation's provisions regarding transparency and public participation.

The Commission considered that **the delegation of power conferred by the TEN-E Regulation should be extended** in order to enable the Commission to adopt consecutive Union lists of PCIs, including the (third) one in 2017 needed to achieve the EU's energy and climate objectives. The extension of delegation of power of the TEN-E Regulation should not be opposed.