Basic information

2011/0300(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Trans-European energy infrastructure: guidelines Repealing Decision 1364/2006/EC 2003/0297(COD) Amending Regulation (EC) No 713/2009 2007/0197(COD) Amending Regulation (EC) No 714/2009 2007/0198(COD) Amending Regulation (EC) No 715/2009 2007/0199(COD) **Subject** 3.60.06 Trans-European energy networks	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ITRE Industry, Research and Energy	CORREIA DE CAMPOS António Fernando (S&D)	14/12/2011
	Shadow rapporteur SAUDARGAS Algirdas (PPE) VĂLEAN Adina (ALDE) JADOT Yannick (Verts/ALE) TOŠENOVSKÝ Evžen (ECR) TZAVELA Niki (EFD)	

Committee for opinion	Rapporteur for opinion	Appointed
ECON Economic and Monetary Affairs	LAMBERTS Philippe (Verts/ALE)	29/11/2011
ENVI Environment, Public Health and Food Safety	POC Pavel (S&D)	20/12/2011
IMCO Internal Market and Consumer Protection	KALNIETE Sandra (PPE)	24/01/2012
TRAN Transport and Tourism	MARCINKIEWICZ Bogdan Kazimierz (PPE)	24/01/2012
REGI Regional Development	OLEJNICZAK Wojciech Michał (S&D)	23/11/2011

Council of the European Union	

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	3127	2011-11-24
Environment	3233	2013-03-21

European Commission	

Commission DG	Commissioner
Energy	OETTINGER Günther

European Economic and Social Committee

European Committee of the Regions

Key events

Date	Event	Reference	Summary
19/10/2011	Legislative proposal published	COM(2011)0658	Summary
15/11/2011	Committee referral announced in Parliament, 1st reading		
24/11/2011	Debate in Council		Summary
18/12/2012	Vote in committee, 1st reading		
08/02/2013	Committee report tabled for plenary, 1st reading	A7-0036/2013	Summary
11/03/2013	Debate in Parliament		
12/03/2013	Decision by Parliament, 1st reading	T7-0061/2013	Summary
12/03/2013	Results of vote in Parliament		
21/03/2013	Act adopted by Council after Parliament's 1st reading		
17/04/2013	Final act signed		
17/04/2013	End of procedure in Parliament		
25/04/2013	Final act published in Official Journal		

Technical information

Procedure reference	2011/0300(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealing Decision 1364/2006/EC 2003/0297(COD) Amending Regulation (EC) No 713/2009 2007/0197(COD) Amending Regulation (EC) No 714/2009 2007/0198(COD) Amending Regulation (EC) No 715/2009 2007/0199(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 172

Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/7/07672

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE480.775	28/03/2012	
Amendments tabled in committee		PE487.726	08/05/2012	
Amendments tabled in committee		PE487.998	08/05/2012	
Amendments tabled in committee		PE487.999	08/05/2012	
Amendments tabled in committee		PE488.000	08/05/2012	
Committee opinion	ENVI	PE480.523	09/05/2012	
Committee opinion	REGI	PE486.214	31/05/2012	
Committee opinion	IMCO	PE487.677	31/05/2012	
Committee opinion	TRAN	PE483.779	04/06/2012	
Committee opinion	ECON	PE483.695	11/06/2012	
Committee report tabled for plenary, 1st reading/single reading		A7-0036/2013	08/02/2013	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0061/2013	12/03/2013	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00075/2012/LEX	17/04/2013	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2011)0658	19/10/2011	Summary
Document attached to the procedure	SEC(2011)1233	19/10/2011	
Document attached to the procedure	SEC(2011)1234	19/10/2011	
Commission response to text adopted in plenary	SP(2013)306	30/04/2013	
Follow-up document	COM(2016)0509	22/08/2016	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2011)0658	09/01/2012	
Contribution	CZ_SENATE	COM(2011)0658	08/03/2012	
Contribution	RO_CHAMBER	COM(2011)0658	15/03/2012	
Contribution	IT_SENATE	COM(2011)0658	23/05/2012	
Contribution	BG_PARLIAMENT	COM(2011)0658	08/08/2012	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0491/2012	22/02/2012	
CofR	Committee of the Regions: opinion	CDR0020/2012	19/07/2012	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Regulation 2013/0347
OJ L 115 25.04.2013, p. 0039 Summary

Delegated acts

Reference	Subject
2013/2889(DEA)	Examination of delegated act
2015/2983(DEA)	Examination of delegated act
2017/2990(DEA)	Examination of delegated act
2019/2907(DEA)	Examination of delegated act
2021/2991(DEA)	Examination of delegated act

Trans-European energy infrastructure: guidelines

2011/0300(COD) - 19/10/2011 - Legislative proposal

PURPOSE: to develop and ensure the interoperability of trans-European energy networks (TEN-E).

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: the TEN-E framework was developed and shaped in the 1990s through the successive TEN-E Guidelines and the corresponding financing Regulation. The report on the implementation of the TEN-E framework in the period 2007-2009 concluded that, while making a positive contribution to selected projects by giving them political visibility, the policy lacks focus, flexibility and a top-down approach to fill identified infrastructure gaps.

In order to achieve the key objectives of its energy policy in terms of competitiveness, sustainability and security of supply, the **Union as a matter of priority needs to modernise and expand its energy infrastructures and to interconnect networks across borders**. Several challenges need to be addressed:

- electricity networks must be upgraded and modernised to meet increasing electricity demand due to a major shift in the overall energy value chain and mix;
- grids must also be urgently extended and upgraded, including through electricity highways, to foster market integration and maintain the existing levels of system's security, but especially to transport and balance electricity generated from renewable sources, which is expected to more than double in the period 2007-2020;
- the need for more innovation and intelligence in the networks at both transmission and distribution level, in particular through information and communication technologies;
- in the medium term, depleting indigenous conventional natural gas resources call for additional, diversified imports;
- given the role of oil in the energy mix of the coming decades, maintaining uninterrupted crude-oil supplies to land-locked EU countries in Central-Eastern Europe, currently dependent on limited supply routes, is of strategic importance;
- carbon capture and storage (CCS) technologies would reduce carbon dioxide emissions on a large scale while allowing the use of fossil fuels, which will remain an important source for electricity generation over the next decades.

The Commission, in its communication entitled “Energy infrastructure priorities for 2020 and beyond” called for a new EU energy infrastructure policy to coordinate and optimise network development on a continental scale. It confirmed in particular the necessity to overhaul the existing trans-European Networks for Energy (TEN-E) policy and financing framework.

In the report that it presented to the June 2011 Energy Council, the Commission estimated total investment needs in energy infrastructures of European importance up to 2020 at about EUR 200 billion. Investment volumes for the period from 2011 up to 2020 will increase by 30% for gas and up to 100% for electricity compared to current levels.

The main identified obstacles, which will under business-as-usual assumptions prevent these investments from taking place or delay them far beyond the 2020 deadline, are problems related to permit granting (lengthy and ineffective permit granting procedures, along with public opposition), regulation (framework not geared towards delivering European infrastructure priorities) and financing (limited financing capacities of operators, lack of adapted funding instruments and sufficient support).

BACKGROUND: after a first impact assessment, undertaken in 2010, the 2011 assessment, on the basis of the first, deals in greater detail with the policy options in the following areas:

- ***Permit granting and public consultation:***The analysis compares three options: i) establishment of a regime of common interest; ii) definition of rules on the organisation and duration of the permit granting process, notably a "full one-stop shop" and a time limit; and iii) a combination of the two previous options. The overall impact of the last policy option is considered to be the most positive of all.
- ***Regulatory issues****:* the analysis compares three options: i) cross-border cost allocation; ii) investment incentives; and iii) a combination of the two previous options. The analysis shows that both an ex ante cross-border cost allocation mechanism and incentives commensurate with the risks incurred by the operator are necessary to ensure implementation of projects of common interest facing challenges with regard to their viability.
- ***Financing:*** four financing options were also examined: i) use of risk sharing instruments (including project bonds and guarantees); ii) use of risk capital instruments (including equity participations); iii) use of grant support for project studies and construction; and iv) a combination of grants, risk sharing and risk capital instruments. The overall impact of the last policy option was considered the most positive

LEGAL BASIS: Article 172 of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the proposal aims at replacing the existing TEN-E Guidelines and will lead to the repeal of Decision 1364/2006/EC as of 1 January 2014. It seeks to lay down rules for the **timely development and interoperability of trans-European energy networks** in order to achieve the energy policy objectives of the Treaty on the Functioning of the European Union to i) ensure the functioning of the internal energy market, ii) to ensure security of supply in the Union, iii) to promote energy efficiency and the development of new and renewable forms of energy, and iv) to promote the interconnection of energy networks.

To this effect, this initiative identifies, for the period up to 2020 and beyond, a limited number of trans-European priority corridors and areas covering electricity and gas networks, as well as oil and carbon dioxide transport infrastructure, for which European Union action is most warranted. It then aims at implementing these priorities by:

- streamlining permit granting procedures to significantly reduce their duration for projects of common interest and increase public participation and acceptance for the implementation of such projects;

- facilitating the regulatory treatment of projects of common interest in electricity and gas by allocating costs depending on the benefits provided and ensuring allowed returns are in line with risks incurred;
- ensuring implementation of projects of common interest (PCIs) by providing necessary market-based and direct EU financial support.

The main aspects of the proposal are as follows:

Priority to 12 strategic trans-European energy infrastructure corridors and areas:

- the proposal establishes a selection process based on regional expert groups and an advisory role for the Agency for the Cooperation of Energy Regulators (ACER) in electricity and gas, the final decision, to be updated every two years;
- the regional expert groups and the Agency for the Cooperation of Energy Regulators (ACER) are entrusted with the monitoring and evaluation of the implementation of PCIs. The Commission may nominate European coordinators for PCIs facing difficulties.

A regime of common interest for PCIs,:

- this would give particular responsibilities to one national competent authority within each Member State to coordinate and oversee the permit granting process for PCIs, set minimum standards for transparency and public participation and fix the maximum allowed duration of the permit granting process;
- this clarifies that PCIs can be implemented under certain conditions for reasons of "overriding public interest", as defined in Directives 92/43 /EC and 2000/60/EC;
- Member States are free to design their specific internal procedures in line with their national legal systems.

Methodology and a process for the elaboration of a harmonised energy system-wide cost-benefit analysis:

- on the basis of this methodology, it gives responsibility to national regulatory authorities and ACER to allocate costs across-border for PCIs in these sectors according to the benefits in the Member States directly or indirectly concerned by these PCIs;
- national regulatory authorities are also requested to grant appropriate incentives through tariffs for the implementation of PCIs facing higher risks for justified reasons.

Eligibility of projects: the Regulation determines the conditions for eligibility of PCIs to Union financial assistance under the Connecting Europe Facility, for both studies (accessible to all PCIs except those in the oil sector) and works (accessible to all PCIs in the smart grids and carbon dioxide sector, and to PCIs in electricity and gas fulfilling certain conditions, notably having obtained a cross-border cost allocation decision).

BUDGETARY IMPACT: all budgetary implications of this proposal are dealt with under the legislative financial statement of the Proposal for a Regulation establishing the Connecting Europe Facility. This mechanism, announced by the Commission in its Communication of 29 June 2011 "A Budget for Europe 2020" on the next multi-annual financial framework (2014-2020), is designed to finance the completion of priority energy, transport and digital infrastructures with a single fund of EUR 40 billion, of which **EUR 9.1 billion would be dedicated to energy**.

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.

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.

Trans-European energy infrastructure: guidelines

2011/0300(COD) - 12/03/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 539 votes to 85, with 16 abstentions, a legislative resolution 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.

Parliament adopted its position at first reading under the ordinary legislative procedure. The amendments adopted in plenary are the results of a compromise negotiated between the European parliament and the Council. They modify the 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 by delegated acts the **Union list of projects of common interest ("Union list")** , which will take the form of an annex to the Regulation, ensuring: (i) only projects that meet the criteria are included; (ii) cross-regional consistency; (iii) any opinions of Member States are taken into account; and (iv) the total number of projects of common interest on the Union list is manageable.

The first Union list shall be adopted by **30 September 2013**. A new Union list should be established **every two years**. For electricity and gas, in order to be eligible for inclusion in the second and subsequent Union lists, projects should be part of the latest available ten-year network development plan.

Criteria: 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. In particular, projects should:

- 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;
- involve at least two Member States by directly crossing the border of two or more Member States;
- cross the border of at least one Member State and an EEA country.

Electricity transmission and storage projects 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 by (i) the criterion of the security of supply, *inter alia,* through appropriate connections; (ii) the criterion of sustainability, inter alia through reducing emissions, supporting intermittent renewable generation and enhancing deployment of renewable gas.

When assessing projects, each Group shall furthermore give due consideration to ensuring equality of opportunity in regard to **peripheral Member States** as well as the contribution of each project to **territorial cohesion**.

'Priority status' of projects of common interest: for the purpose of ensuring efficient administrative processing of the application files related to projects of common interest, project promoters and all authorities concerned shall ensure that the **most rapid treatment legally possible** is given to these files. Where such status exists in national law, projects of common interest shall be allocated the status of the highest national significance possible and be treated as such in permit granting processes.

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.

Transport system operators (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.

European coordinators: where a project of common interest encounters significant implementation difficulties, the Commission may designate, in agreement with the Member States concerned, a European coordinator for a period of up to one year renewable twice. The European coordinator shall: (i) promote the projects, for which he has been designated European coordinator and the **cross-border dialogue** between the project promoters and all concerned stakeholders; (ii) **assist all parties** as necessary, and, if appropriate, **advise project promoters** on the financing of the project.

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.

Transparency: no later than 12 months after the entry into force of the Regulation, the Member State or competent authority shall publish a **manual of procedures** for the permit granting process applicable to projects of common interest. The project promoter shall, within an indicative period of three months of the start of the permit granting process, draw up and submit a **concept for public participation** to the competent authority, following the process outlined in the manual.

Energy system wide cost-benefit analysis: an amendment stipulates that n o later than six month after the entry into force of the Regulation, 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 of the Regulation 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 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.

Incentives: by 31 March 2014 each national regulatory authority shall publish its methodology and the criteria used to evaluate investments in electricity and gas infrastructure projects and the higher risks incurred by them.

Trans-European energy infrastructure: guidelines

2011/0300(COD) - 17/04/2013 - Final act

PURPOSE: to develop and ensure the interoperability of trans-European energy networks (TEN-E).

LEGISLATIVE ACT: Regulation (EU) No 347/2013 of the European Parliament and of the Council 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.

CONTENT: this Regulation lays down **guidelines for the timely development and interoperability of priority corridors and areas of trans-European energy infrastructure**.

The main aspects of the Regulation are as follows:

Union list of projects of common interest: the Regulation establishes **twelve Regional Groups.** Each group shall adopt a **regional list of projects of common interest**. The membership of each Group shall be based on each priority corridor and area and their respective geographical coverage. Decision-making powers shall be restricted to Member States and the Commission.

On the basis of regional lists, the Commission shall be empowered to adopt by delegated acts the **Union list of projects of common interest** ("Union list"), which will take the form of an annex to the Regulation.

The first Union list shall be adopted by 30 September 2013. A new Union list should be established every two years.

Criteria for projects of common interest: projects of common interest should comply with common, transparent and objective criteria in view of their contribution to the energy policy objectives. They shall meet the following general criteria: (i) the project is necessary for at least one of the energy infrastructure priority corridors and areas; (ii) the potential overall benefits of the project, including in the longer term; (iii) involves at least two Member States by directly crossing the border of two or more Member States.

For electricity transmission and storage projects falling under the energy infrastructure categories, the project is to contribute significantly to at least one of the following specific criteria: (i) **market integration** by reducing energy infrastructure bottlenecks; (ii) **sustainability**, inter alia through the integration of renewable energy into the grid; (iii) **security of supply**.

Implementation and monitoring: project promoters shall draw up an **implementation plan for projects of common interest, including a timetable** for each of the following: (i) feasibility and design studies; (ii) approval by the national regulatory authority or by any other authority concerned; (iii) construction and commissioning; (iv) the permit granting schedule.

Where a project of common interest encounters significant implementation difficulties, the Commission may designate, in agreement with the Member States concerned, a **European coordinator** for a period of up to one year renewable twice. The European coordinator shall promote the projects, for which he has been designated European coordinator and the cross-border dialogue between the project promoters and all concerned stakeholders.

Granting permits: this Regulation facilitates the timely implementation of projects of common interest by streamlining, coordinating more closely, and accelerating permit granting processes and by enhancing public participation.

Projects of common interest should be given "**priority status**" at national level to ensure rapid administrative treatment. Projects of common interest should be considered by competent authorities as being in the public interest.

By 16 November 2013, 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 permit granting process shall consist of two procedures: (i) **the pre-application procedure**, covering the period between the start of the permit granting process and the acceptance of the submitted application file; (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. The combined duration of the two procedures **shall not exceed a period of three years and six months and may be extended by 9 months if necessary**.

Transparency: by 16 May 2014, the Member State or competent authority shall publish a **manual of procedures** for the permit granting process applicable to projects of common interest.

The project promoter shall, within an indicative period of three months of the start of the permit granting process, draw up and submit a **concept for public participation** to the competent authority, following the process outlined in the manual. The Commission shall establish by six months after the date of adoption of the first Union list an infrastructure **transparency platform** easily accessible to the general public, including via the internet.

Energy system wide cost-benefit analysis: by 16 November 2013, the European Network of Transmission System Operators (ENTSO) for Electricity and the ENTSO for Gas shall publish and submit to Member States, the Commission and the Agency their **respective methodologies**, including on network and market modelling, for a harmonised energy system-wide cost-benefit analysis at Union level for projects of common interest.

Investments with cross-border impacts: **the efficiently incurred investment costs**, which excludes maintenance costs, related to a project of common interest shall be borne by the relevant TSO or the project promoters of the transmission infrastructure of the Member States to which the project provides a net positive impact, and, to the extent not covered by congestion rents or other charges, be paid for by network users through tariffs for network access in that or those Member States.

The Regulation determines the **conditions for eligibility of projects of common interest for Union financial assistance**. The guidance for the award criteria of Union financial assistance shall take account of the relevant Regulation on a Connecting Europe Facility.

Reports and evaluation: no later than 2017, the Commission shall publish a report on the implementation of the projects of common interest and submit it to the European Parliament and the Council.

ENTRY INTO FORCE: 15/05/2013. The Regulation shall apply from 01/06/2013.

DELEGATED ACTS: the Commission may adopt delegated acts to establish the list of projects of common interest. The power to adopt these acts is conferred on the Commission for a period of **four years from 15 May 2013**. A delegated act shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **two months** of notification of that act (this delay may be extended by two months). If the European Parliament or the Council object, the delegated act shall not enter into force.

Trans-European energy infrastructure: guidelines

2011/0300(COD) - 24/11/2011

The Council held a public **exchange of views** on a draft regulation on guidelines for trans-European energy infrastructure following the presentation of the proposal by the Commission.

Ministers were invited to focus their discussions in particular on the methodology proposed to identify projects of common interest and on the measures on the granting of permits, public participation and regulatory issues.

The Commission presented its proposal in October 2011, following the call from the European Council last February. The main challenges relating to the construction of energy infrastructure that this Commission proposal therefore aims to address are: the delays in construction due to lengthy permit procedures, the lack of focus on projects of common interest, and the need for a more attractive and efficient investment framework and for a mechanism that properly allocates costs and benefits across borders.

The presentation of the proposal by the Commission, a first exchange of views on the basis of the following questions:

1. Does the methodology proposed by the Commission to identify projects of common interest provide the necessary elements for a comprehensive but quick decision making process?
2. Do the measures on permit granting, public participation and regulatory issues – taken together with the tools of the Third Internal Energy Market package - provide a legal and regulatory framework for infrastructure investments which is sufficiently conducive for the private sector to build urgently needed infrastructure of European interest?