

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.