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Committee on the Environment, Public Health and Food Safety

2011/0300(COD)

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DRAFT OPINION

of the Committee on the Environment, Public Health and Food Safety

for the Committee on Industry, Research and Energy

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
(COM(2011)0658 – C7-0371/2011 – 2011/0300(COD))

Rapporteur: Pavel Poc

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SHORT JUSTIFICATION

Introduction

On 19 October 2011, the European Commission unveiled its proposal for a *Regulation on guidelines for trans-European energy infrastructure.* The Commission's proposal aims at ensuring that strategic energy networks and storage facilities in the EU are completed by 2020. More specifically, this Regulation aims at the full integration of the internal energy market, including by ensuring that no Member State is isolated from the European network.

It contributes to sustainable development and protection of the environment by enabling the Union to achieve its 2020 strategy targets, while ensuring security of supply and solidarity among Member States.

As requested in the *Commission Communication Energy Infrastructure Priorities for 2020 and Beyond*, existing policy on trans-European energy networks (TEN-E) should be reviewed, bolstered with instruments from new energy infrastructure policy, accelerated, and appropriately financed.

Financing

In the next ten years, around Euro 200 billion are needed for the construction of gas pipelines and electricity grids. More specifically: € 140 bn for high-voltage electricity transmission systems, storage and smart grid applications, €70 bn for gas pipelines, storage, Liquefied Natural Gas (LNG) terminals and reverse flow infrastructure, and € 2.5 bn for CO^2 transport infrastructure.

This means that current investment levels have to be increased considerably. Compared to the period 2000 to 2010, this would result in a 30% increase in investments in the gas sector, and a 100% increase in the electricity sector compared to the same period before.

Problems identification

Problems with permit granting procedures and public opposition are amongst the major reasons impeding the timely implementation of energy infrastructure projects, in particular of electricity overhead lines.

Administrative procedures are complex and inefficient, notably with regard to the organisation of procedures and the competences of involved parties, remain fragmented and lack clear time limits and upfront planning and coordination of the implementation of EU environmental legislation.

The opposition of affected population relates to the unclarity about the added value of a project, real or perceived impacts on the environment and landscape, health and safety concerns, late and insufficient involvement of the public and stakeholders.

In some Member States also political and/or possessive speculations occur in connection with the infrastructure investments granting procedures.

Impact on the environment

Energy infrastructures planned today must be consistent with long-term EU climate and energy objectives and their implementation in various national energy policies. The planning of energy infrastructure projects should also comply fully with the precautionary principle.

The proposal has to integrate the existing environmental protection requirements into the context of energy infrastructure. Priority should be given to those energy sources with no societal and environmental cost.

Apart from the capital and operational costs, significant environmental costs arise from the construction, operation and decommissioning of energy infrastructures. These environmental costs have to be taken in account in the cost-benefit analysis using the life-cycle costing approach. Thorough environmental impact assessment of the energy infrastructure project on a case-by-case basis is needed to assess the significant risks, considering local and regional environmental conditions.

Transparency and public participation

The new rules improve the possibility of citizens to get involved in a project and their voice to be heard. The Regulation says that citizens have to be involved at a very early stage of the permit procedure. The regulation says that this has to be done before the project developer submits his formal application for the permit. In this way, citizens concerns can still be taken into account in the planning phase of the project. In many Member States it is currently practice that public consultation is held after the submission of the file to the authority.

Projects of common interest

To this end, the Commission has identified 12 priority corridors and areas covering electricity, gas, oil and carbon dioxide transport networks. It proposes a regime of "common interest" for projects contributing to implementing these priorities and having obtained this label. Projects of common interest should benefit from the faster permit procedure which should not exceed 3 years.

Rapporteur's recommendations

Rapporteur welcomes the proposals on speeding up decision-making for infrastructure authorisations and also the new rules to improve the possibility of citizens to get involved in a project and their voice to be heard.

However it is not possible to exempt the infrastructure projects from the environmental legislation and in accordance with Article 11 TFEU, the proposal must integrate the existing environmental protection requirements in the context of energy infrastructure.
High-quality public debate must be guaranteed and European environmental legislation must be duly taken into account.

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Industry, Research and Energy, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a regulation
Recital 20

Text proposed by the Commission	*Amendment*
(20) Projects of common interest should be given "priority status" at national level to ensure rapid administrative treatment. Projects of common interest shall be considered by competent authorities as being in public interest. Authorisation should be given to projects which have an adverse impact on the environment***, for reasons of overriding public interest, when*** all the conditions provided for under Directives 92/43/EC and 2000/60/EC ***are met.***	(20) Projects of common interest should be given "priority status" at national level to ensure rapid administrative treatment. Projects of common interest shall be considered by competent authorities as being in public interest. Authorisation should ***not*** be given to projects which have an adverse impact on the environment. ***Authorisation should be given only to projects meeting*** all the conditions provided for under Directives 92/43/EC, ***Directive 79/409/EC*** and 2000/60/EC.

Or. en

Amendment 2

Proposal for a regulation
Article 4 – paragraph 2 – point a – indent 4 (new)

Text proposed by the Commission	*Amendment*
	– security of supply, inter alia through strengthening of current transmission stability and/or blackout resistance;

Or. en

Amendment 3

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission	*Amendment*
Projects of common interest shall be allocated the status of the highest national significance possible and be treated as such in permit granting procedures, where and in the manner such treatment is provided for in national legislation applicable to the corresponding type of energy infrastructure.	Projects of common interest shall be allocated the status of the highest national significance possible and be treated as such in ***spatial planning,*** permit granting***, and environmental impact assessment*** procedures, where and in the manner such treatment is provided for in national legislation applicable to the corresponding type of energy infrastructure.

Or. en

Amendment 4

Proposal for a regulation
Article 10 – paragraph 7a (new)

Text proposed by the Commission	*Amendment*
	7a. Member States shall endeavour to establish mechanisms for compensation of population affected by the projects of common interest as well as by other national projects in the field of energy infrastructure.

Or. en

Amendment 5

Proposal for a regulation
Article 11 – paragraph 7a (new)

Text proposed by the Commission	*Amendment*
	7a. In Member States where parts of the permit granting process, including spatial planning and environmental impact assessment procedures, do not result in a

legally-binding permit, Competent authorities are required to ensure that their duration is well integrated in the overall time limits.

Or. en

Amendment 6

Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Projects of common interest falling under the categories set out in points 1(a) to (d) and 2 of Annex II, except for hydro-pumped electricity storage projects, shall be also eligible for Union financial support in the form of grants for works in accordance with the provisions of [Regulation of the European Parliament and the Council establishing the Connecting Europe Facility], if they are carried out according to the procedure referred to in paragraph 6(b) of Article 5 or if they fulfil the following criteria:	2. Projects of common interest falling under the categories set out in points 1(a) to (d) and 2 of Annex II, except for hydro-pumped electricity storage projects, shall be also eligible for Union financial support in the form of grants for works in accordance with the provisions of [Regulation of the European Parliament and the Council establishing the Connecting Europe Facility], if they are carried out according to the procedure referred to in paragraph 6(b) of Article 5 or if they fulfil ***at least two of*** the following criteria:

Or. en