



EUROPEAN PARLIAMENT

2009 - 2014

Committee on the Environment, Public Health and Food Safety

2011/0300(COD)

9.5.2012

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

PA_Legam

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 CO₂ 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 lack of clarity 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 6

Text proposed by the Commission

(6) Accelerating the refurbishment of existing and deployment of new energy infrastructure is vital to achieve the Union's energy and climate policy objectives, consisting in completing the internal market in energy, guaranteeing security of supply, notably for gas and oil, reducing greenhouse gas emissions by 20%, increasing the share of renewable energy in the final energy consumption to 20% and achieving a 20% increase in energy efficiency by 2020. At the same time, the Union has to prepare its infrastructure for further decarbonisation of its energy system in the longer term towards 2050.

Amendment

(6) Accelerating the refurbishment of existing and deployment of new energy infrastructure is vital to achieve the Union's energy and climate policy objectives, consisting in completing the internal market in energy, guaranteeing security of supply, notably for gas and oil, reducing greenhouse gas emissions by 20%, increasing the share of renewable energy in the final energy consumption to 20% and achieving a 20% increase in energy efficiency by 2020. At the same time, the Union has to prepare its infrastructure for further decarbonisation of its energy system in the longer term towards 2050 ***and, in the same time frame, prepare it for connecting regions which have high renewable energy production capacity and electricity storage potential. These energy and climate objectives should be met in the most cost-effective way possible;***

Amendment 2

Proposal for a regulation

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) The best infrastructure – environmentally, socially and

economically – is an existing infrastructure that does not have to be build. Therefore energy efficiency is of vital importance; full account should be taken of the likely effects of the Energy Efficiency Directive proposed by the Commission (procedure still ongoing) in reducing the need for future infrastructure.

Amendment 3

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) Despite its legal existence as defined in Directives 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas, the internal market in energy remains fragmented due to insufficient interconnections between national energy networks. Union-wide integrated networks however are vital for ensuring a competitive and well functioning integrated market for promoting growth, employment and sustainable development.

Amendment

(7) Despite its legal existence as defined in Directives 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas, the internal market in energy remains fragmented due to insufficient interconnections between national energy networks. Union-wide integrated networks ***and deployment of smart grid infrastructure allowing for increased energy efficiency and integration of distributed renewable energy sources*** however are vital for ensuring a competitive and well functioning integrated market for promoting ***resource efficient*** growth, employment and sustainable development.

Amendment 4

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) The Union's energy infrastructure

Amendment

(8) The Union's energy infrastructure

should be upgraded in order to prevent and increase its resilience to natural or man-made disasters, adverse effects of climate change and threats to its security, notably concerning European critical infrastructures as set out in Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection.

should be upgraded in order to prevent and increase its resilience to natural or man-made disasters, adverse effects of climate change and threats to its security, notably concerning European critical infrastructures as set out in Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection, ***by a decentralised architecture tending to energy self-sufficiency of local territories*** .

Amendment 5

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) The investment needs up to 2020 in electricity and gas transmission infrastructures of European relevance have been estimated at about EUR 200 billion. The significant increase in investment volumes compared to past trends and the urgency to implement the energy infrastructure priorities requires a new approach in the way energy infrastructures, and notably those of cross-border nature, are regulated and financed.

Amendment

(11) The investment needs up to 2020 in electricity and gas transmission infrastructures of European relevance have been estimated at about EUR 200 billion. The significant increase in investment volumes compared to past trends and the urgency to implement the energy infrastructure priorities requires a new approach in the way energy infrastructures, and notably those of cross-border nature, are regulated and financed. ***This approach nonetheless should take account of fiscal consolidation mechanisms taking place across the EU, prioritise those projects of common interest providing genuine European added value, and recognise where authorities of Member States and the market are better placed to intervene.***

Amendment 6

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) The identification of projects of common interest should ***be based on*** common, transparent and objective criteria in view of their contribution to the energy policy objectives. ***For*** electricity and gas, ***proposed projects*** should be part of the latest available ten-year network development plan. This plan should notably take account of the conclusions of the 4 February European Council with regard to the need to integrate peripheral energy markets.

Amendment

(15) The identification of projects of common interest should ***comply with*** common, transparent and objective criteria in view of their contribution to the energy policy objectives. ***Projects for*** electricity and gas should be part of the latest available ten-year network development plan. This plan should notably take account of the conclusions of the 4 February European Council with regard to the need to integrate peripheral energy markets ***and establish the deployment of smart grid infrastructure.***

Amendment 7

Proposal for a regulation
Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) Third parties that wish to invest in this area should not be excluded from applying for and receiving funding for projects of common interest. Furthermore, partnerships between third parties and governmental bodies, involving projects of common interest should also be encouraged;

Amendment 8

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

(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.

adverse impact on the environment, for reasons of overriding public interest, **only** when all the conditions provided for under Directives 92/43/EC and 2000/60/EC are met. ***The cases where infrastructure could be minimised through energy efficiency policies, where existing national and cross-border infrastructure can be upgraded or modernised and where new infrastructure is needed and can be built alongside existing energy or transport infrastructure should be identified, according to a hierarchy of importance and in the interest of cost-effectiveness.***

Amendment 9

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) Despite the existence of established standards for the participation of the public in environmental decision-making procedures, additional measures are needed to ensure highest possible standards of transparency and public participation for all relevant issues in the permit granting process for projects of common interest.

Amendment

(22) Despite the existence of established standards for the participation of the public in environmental decision-making procedures, additional measures are needed to ensure highest possible standards of transparency and ***appropriate*** public participation for all relevant issues in the permit granting process for projects of common interest.

Amendment 10

Proposal for a regulation

Article 1 – paragraph 2 – point b

Text proposed by the Commission

(b) facilitates the timely implementation of projects of common interest by accelerating permit granting and ***enhancing*** public participation;

Amendment

(b) facilitates the timely implementation of projects of common interest by accelerating permit granting and ***setting minimum requirements for*** public participation;

Amendment 11

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. The Commission *shall* establish a Union-wide list of projects of common interest. The list shall be reviewed and updated as necessary every two years. The first list shall be adopted by 31 July 2013 at the latest.

Amendment

1. The Commission *shall, in cooperation with Member States*, establish a Union-wide list of projects of common interest, *classifying them in order of importance*. The list shall be reviewed and updated as necessary every two years. The first list shall be adopted by 31 July 2013 at the latest. *When establishing the Union-wide list the Commission shall also take into account the specific characteristics of small island Member States and develop projects to ensure that no Member State remains isolated from the European gas and electricity networks after 2015 or sees its energy security jeopardised by lack of appropriate connections. The Union-wide list shall also include such projects.*

Amendment 12

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. For the purpose of identifying projects of common interest, the Commission shall establish *a* Regional **Group** (*'Group'*) *as defined in section 1 of Annex III* based on each priority corridor and area and their respective geographical coverage as set out in Annex I.

Amendment

2. For the purpose of identifying projects of common interest, the Commission shall establish *twelve* Regional **Groups** (*'Groups'*) based on each priority corridor and area and their respective geographical coverage as set out in Annex I. *The composition of each group shall be based on the rules defined in section 1 of Annex III. Each Group shall carry out its workload based on previously agreed terms of reference or rules of procedure, having regard to any guidance provided by the Commission on this subject.*

Amendment 13

Proposal for a regulation
Article 3 – paragraph 3

Text proposed by the Commission

3. Each Group shall **draw up** its **proposed** list of projects of common interest **according** to the process set out in section 2 of Annex III, according to the contribution of each project to implementing the energy infrastructure priority corridors and areas set out in Annex I and according to their fulfilment of the criteria set out in. Each individual proposal for a project shall require the approval of the Member State(s), to the territory of which the project relates.

Amendment 14

Proposal for a regulation
Article 3 – paragraph 5

Text proposed by the Commission

5. For electricity and gas projects falling under the categories set out in points 1 and 2 of Annex II, the Agency shall submit, within two months from the date of receipt of the proposed lists of projects of common interest set out in the first subparagraph of paragraph 4, an opinion to the Commission on the proposed lists of projects of common interest, in particular taking into account the consistent application of the criteria set out in across the Groups, and the results of the analysis carried out by the ENTSOs for Electricity and Gas in accordance with point 2.6 of Annex III.

Amendment 15

Amendment

3. Each Group shall **adopt** its **regional** list of projects of common interest, **drawn up in accordance with** the process set out in section 2 of Annex III, according to the contribution of each project to implementing the energy infrastructure priority corridors and areas set out in Annex I and according to their fulfilment of the criteria set out in. Each individual proposal for a project shall require the approval of the Member State(s), to the territory of which the project relates.

Amendment

5. For electricity and gas projects falling under the categories set out in points 1 and 2 of Annex II, the Agency shall submit, within two months from the date of receipt of the proposed lists of projects of common interest set out in the first subparagraph of paragraph 4, an opinion to the Commission on the proposed lists of projects of common interest, in particular taking into account the consistent application of the criteria set out in across the Groups, and the results of the analysis carried out by the ENTSOs for Electricity and Gas in accordance with point 2.6 of Annex III.
The Commission shall finalise the list of projects of common interest, providing detailed analysis for its decision on each project.

Proposal for a regulation
Article 4 – paragraph 1 – point aa (new)

Text proposed by the Commission

Amendment

(aa) the project is in line with the Union energy and climate goals;

Amendment 16

Proposal for a regulation
Article 4 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the project involves at least two Member States, ***either by*** directly crossing the border of one or more Member States or ***by*** being located on the territory of one Member State ***and having*** a significant cross-border impact as set out in point 1 of Annex IV;

(c) the project involves at least two Member States ***if*** directly crossing the border ***at land or at sea*** of one or more Member States, or ***if*** being located on the territory of one Member State ***but nevertheless having*** a significant cross-border impact, ***or in the case of an internal reinforcement, the project is relevant to a cross-border interconnection*** as set out in point 1 of Annex IV, ***or if it has the purpose of connecting islands and peripheral regions to central regions of the Union;***

Justification

In line with the development of renewable energy sources it is necessary to support the integration of renewable electricity production in internal transmission reinforcement projects if they contribute to cross-border transmission according to criteria defined in Annex IV.

Amendment 17

Proposal for a regulation
Article 4 – paragraph 2 – point a – introductory part

Text proposed by the Commission

Amendment

(a) concerning electricity transmission and storage projects falling under the categories set out in points 1(a) to (d) of Annex II, the project shall contribute significantly to at

(a) concerning electricity transmission and storage projects falling under the categories set out in points 1(a) to (d) of Annex II, the project shall contribute ***to sustainability***

least one of the following specific criteria:

and significantly to at least one of the following specific criteria:

Justification

Sustainability criteria should not be optional. Sustainable approach will help EU to reach low carbon economy targets while preventing environmental degradation, biodiversity loss and unsustainable use of resources.

Amendment 18

Proposal for a regulation

Article 4 – paragraph 2 – point a – indent 1

Text proposed by the Commission

– market integration, competition and system flexibility;

Amendment

– market integration, ***inter alia through lifting the isolation of certain regions in the European Union***; competition and system flexibility;

Amendment 19

Proposal for a regulation

Article 4 – paragraph 2 – point a – indent 2

Text proposed by the Commission

– ***sustainability, inter alia through*** transmission of renewable generation to major consumption centres and storage sites;

Amendment

– ***integration of renewable energy into the grid and*** transmission of renewable generation to major consumption centres and storage sites;

Justification

Sustainability criteria should not be optional. Sustainable approach will help EU to reach low carbon economy targets while preventing environmental degradation, biodiversity loss and unsustainable use of resources.

Amendment 20

Proposal for a regulation

Article 4 – paragraph 2 – point a – indent 3

Text proposed by the Commission

– interoperability and secure system

Amendment

– ***security of supply, inter alia through***

operation;

interoperability, and secure *and reliable* system operation, *in particular through strengthening of current transmission stability, increasing electricity blackout resilience, and secure integration of intermittent production*;

Justification

Specification of main goals that should be met by security of supply. More specific definition of the security of supply is at the halt for good understanding of the problem.

Amendment 21

Proposal for a regulation

Article 4 – paragraph 2 – point a – indent 3 a (new)

Text proposed by the Commission

Amendment

- high renewable energy production capacity and storage potential

Amendment 22

Proposal for a regulation

Article 4 – paragraph 2 – point b – introductory part

Text proposed by the Commission

Amendment

(b) concerning gas projects falling under the categories set out in point 2 of Annex II, the project shall contribute significantly to at least one of the following specific criteria:

(b) concerning gas projects falling under the categories set out in point 2 of Annex II, the project shall contribute *to sustainability and* significantly to at least one of the following specific criteria:

Justification

Sustainability criteria should not be optional. Sustainable approach will help EU to reach low carbon economy targets while preventing environmental degradation, biodiversity loss and unsustainable use of resources.

Amendment 23

Proposal for a regulation

Article 4 – paragraph 2 – point b – indent 1

Text proposed by the Commission

Amendment

– market integration, interoperability and system flexibility;

– market integration, ***inter alia through lifting the isolation of certain regions in the European Union***; interoperability and system flexibility;

Amendment 24

Proposal for a regulation

Article 4 – paragraph 2 – point b – indent 3

Text proposed by the Commission

Amendment

– competition, inter alia through diversification of supply sources, supplying counterparts ***and routes***;

– competition, inter alia through diversification of supply sources, supplying ***routes and*** counterparts;

Amendment 25

Proposal for a regulation

Article 4 – paragraph 2 – point b – indent 4

Text proposed by the Commission

Amendment

– ***sustainability***;

deleted

Justification

Sustainability criteria should not be optional. Sustainable approach will help EU to reach low carbon economy targets while preventing environmental degradation, biodiversity loss and unsustainable use of resources.

Amendment 26

Proposal for a regulation

Article 4 – paragraph 2 – point c – introductory part

Text proposed by the Commission

Amendment

(c) concerning electricity smart grid projects falling under the category set out in point 1(e) of Annex II, the project shall contribute significantly to the following specific functions:

(c) concerning electricity smart grid projects falling under the category set out in point 1(e) of Annex II, the project shall contribute ***to sustainability and*** significantly to the following specific

functions:

Amendment 27

Proposal for a regulation

Article 4 – paragraph 2 – point d – introductory part

Text proposed by the Commission

(d) concerning oil transport projects falling under the categories set out in point 3 of Annex II, the project shall contribute significantly to the following three specific criteria:

Amendment

(d) concerning oil transport projects falling under the categories set out in point 3 of Annex II, the project shall contribute **to sustainability and** significantly to the following three specific criteria:

Justification

Sustainability criteria should not be optional. Sustainable approach will help EU to reach low carbon economy targets while preventing environmental degradation, biodiversity loss and unsustainable use of resources.

Amendment 28

Proposal for a regulation

Article 4 – paragraph 2 – point e – introductory part

Text proposed by the Commission

(e) concerning carbon dioxide transport projects falling under the categories set out in point 4 of Annex II, the project shall contribute significantly to the following three specific criteria:

Amendment

(e) concerning carbon dioxide transport projects falling under the categories set out in point 4 of Annex II, the project shall contribute **to sustainability and** significantly to the following three specific criteria:

Justification

Sustainability criteria should not be optional. Sustainable approach will help EU to reach low carbon economy targets while preventing environmental degradation, biodiversity loss and unsustainable use of resources.

Amendment 29

Proposal for a regulation

Article 5 – paragraph 3 – introductory part

Text proposed by the Commission

3. By the 31 March of each year following the year of selection as project of common interest pursuant to Article 4, project promoters shall submit an annual report, for each project falling under the categories set out in points 1 and 2 of Annex II, to the Agency or, for projects falling under the categories set out in points 3 and 4 of Annex II, to the respective Group. This report shall detail:

Amendment

3. By the 31 March of each year following the year of selection as project of common interest pursuant to Article 4, project promoters shall submit an annual report, for each project falling under the categories set out in points 1 and 2 of Annex II, to the ***Commission and the*** Agency or, for projects falling under the categories set out in points 3 and 4 of Annex II, to the respective Group. This report shall detail:

Justification

For the purpose of transparency the Commission should be informed about the input of the consolidated report made by the Agency according to paragraph 4.

Amendment 30

**Proposal for a regulation
Article 6 – paragraph 1**

Text proposed by the Commission

1. When a project of common interest encounters significant implementation difficulties, the Commission may designate a European coordinator for a period of up to one year renewable twice.

Amendment

1. When a project of common interest encounters significant implementation difficulties, the Commission, ***in agreement with the Member States concerned***, may designate a European coordinator for a period of up to one year renewable twice.

Amendment 31

**Proposal for a regulation
Article 6 – paragraph 3**

Text proposed by the Commission

3. The European coordinator shall be chosen on the basis of his or her experience with regard to the specific tasks assigned to him or her for the concerned project(s).

Amendment

3. The European coordinator shall be chosen on the basis of his or her experience with regard to the specific tasks assigned to him or her for the concerned project(s), ***in agreement with the Member States concerned***.

Amendment 32

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. 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.

Amendment

1. 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, where and in the manner such treatment is provided for in national legislation applicable to the corresponding type of energy infrastructure.

Amendment 33

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The Commission shall, within three months of the entry into force of this Regulation, issue guidance to support Member States in defining adequate measures and to ensure the coherent application of environmental assessment procedures required under EU legislation for projects of common interest.

Amendment

The Commission shall, within three months of the entry into force of this Regulation, issue guidance to support Member States in defining ***and implementing*** adequate measures and to ensure the coherent application of environmental assessment procedures required under EU legislation for projects of common interest, ***and shall monitor its application.***

Amendment 34

Proposal for a regulation

Article 9 – paragraph 2 – point b

Text proposed by the Commission

(b) coordinated scheme: The comprehensive decision may encompass multiple individual legally binding

Amendment

(b) coordinated scheme: The comprehensive decision may encompass multiple individual legally binding

decisions issued by the Competent Authority and other authorities concerned. The competent authority shall establish, on a case-by-case basis, a reasonable time limit within which the individual decisions must be issued. The competent authority may take an individual decision on behalf of another national authority concerned, if the decision by that authority is not delivered within the time limit and if the delay cannot be adequately justified. The competent authority may overrule an individual decision of another national authority, if it considers that the decision is not sufficiently substantiated with regard to the underlying evidence presented by the authority concerned. The competent authority shall ensure that the relevant requirements under international and Union legislation are respected and must duly justify its decision.

decisions issued by the Competent Authority and other authorities concerned. The competent authority shall establish, on a case-by-case basis, a reasonable time limit within which the individual decisions must be issued. The competent authority may take an individual decision on behalf of another national authority concerned, if the decision by that authority is not delivered within the time limit and if the delay cannot be adequately justified. The competent authority may overrule an individual decision of another national authority, if it considers that the decision is not sufficiently substantiated with regard to the underlying evidence presented by the authority concerned. The competent authority shall ensure that the relevant requirements under international and Union legislation are respected and must duly justify its decision ***and make the decision and the justification, including the relevant evidence, available to the public.***

Amendment 35

Proposal for a regulation

Article 9 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) collaborative scheme: the comprehensive decision may encompass multiple individual legally binding decisions issued by the competent authority and other authorities concerned. The competent authority shall, in consultation with the other authorities concerned establish, on a case-by-case basis, a reasonable time limit within which the individual decisions can be issued, as well as the resulting total permitting time limit. The competent authority shall monitor the compliance of the time limits by the authorities concerned. If the decision by the authority involved is expected not to be delivered

within the time limit, that authority shall inform the competent authority forthwith and include a justification for the delay.

Amendment 36

Proposal for a regulation Article 10 – paragraph 6

Text proposed by the Commission

6. For projects likely to have significant adverse cross-border impacts in one or more neighbouring Member States, where Article 7 of Directive 85/337/EEC **and** the Espoo Convention are applicable, the relevant information shall be made available to the competent authority of the neighbouring Member State(s). The competent authority of the neighbouring Member State(s) shall indicate whether it wishes to participate in the relevant public consultation procedures.

Amendment

6. For projects likely to have significant adverse cross-border impacts in one or more neighbouring Member States, where Article 7 of Directive **2001/42/EC, Article 7 of Directive** 85/337/EEC, **or** the Espoo Convention are applicable, the relevant information shall be made available to the competent authority of the neighbouring Member State(s). The competent authority of the neighbouring Member State(s) shall indicate whether it wishes to participate in the relevant public consultation procedures.

Amendment 37

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

Text proposed by the Commission

Amendment

7a. Member States shall establish mechanisms for compensation of municipalities affected by the projects of common interest as well as by other national projects in the field of energy infrastructure.

Justification

This simple instrument is capable to significantly shorten the length of the permitting procedures without touching the subsidiarity principle of the EU and powers of the local municipalities, since it will indirectly affect the spatial planning phase which is predominantly responsible for the delays in permitting procedures. The financial compensation is a powerful tool that will motivate the local municipality (communities) not to object placing the infrastructure in the national, regional and local land use planning documentation.

Amendment 38

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.

Amendment 39

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

Amendment

1. Within ***one month*** of the entry into force of this Regulation, the ENTSO for Electricity and the ENTSO for Gas shall submit to the Agency and the Commission their respective methodology, including on network and market modelling, for a harmonised energy system-wide cost-benefit analysis at Union-wide level for projects of common interest falling under the categories set out in points 1(a) to (d) and 2 of Annex II. The methodology shall be elaborated in line with the principles laid down in Annex V.

1. Within ***six months*** of the entry into force of this Regulation, the ENTSO for Electricity and the ENTSO for Gas shall submit to the Agency and the Commission their respective methodology, including on network and market modelling, for a harmonised energy system-wide cost-benefit analysis at Union-wide level for projects of common interest falling under the categories set out in points 1(a) to (d) and 2 of Annex II. The methodology shall be elaborated in line with the principles laid down in Annex V ***and be consistent with the rules and indicators set out in Annex IV. The ENTSOs shall conduct an extensive consultation process involving at least organisations representing all relevant stakeholders - and, if deemed appropriate, stakeholders directly - national regulatory authorities and other national authorities***

Justification

The elaboration of such methodology will not only take more time than one month due to the internal decision making processes of ENTSOG and ENTSO-E (see ENTSOG and ENTSO-E statutes) but all costs incurred by the TSOs before the coming into force of this Regulation would not be eligible for reimbursement through tariff setting by NRAs. Moreover, if an extensive consultation process shall be conducted one month is not sufficient.

Amendment 40

Proposal for a regulation Article 12 – paragraph 6

Text proposed by the Commission

6. The methodology shall be updated and improved **regularly** by following the procedure laid down in paragraphs 1 to 5. ***The Agency, after formally consulting the organisations representing all relevant stakeholders and the Commission, may request such updates and improvements with due justification and timescales.***

Amendment

6. The methodology shall be updated and improved **every two years** by following the procedure laid down in paragraphs 1 to 5.

Justification

This has to be a clear and pre-defined process, also in terms of timeline, i.e. may not be based on a random request.

Amendment 41

Proposal for a regulation Article 13 – paragraph 7

Text proposed by the Commission

7. A copy of all decisions, together with all the relevant information with respect to each decision, shall be notified, without delay, by the Agency to the Commission. That information may be submitted in aggregate form. The Commission shall preserve the confidentiality of commercially sensitive information.

Amendment

7. A copy of all decisions **issued according to paragraph 6**, together with all the relevant information with respect to each decision, shall be notified, without delay, by the Agency to the Commission. That information may be submitted in aggregate form. The Commission shall preserve the confidentiality of commercially sensitive information.

Justification

Clarification as to which decisions are meant.

Amendment 42

Proposal for a regulation

Article 15 – paragraph 2 – point a

Text proposed by the Commission

(a) the project specific cost-benefit analysis pursuant to paragraph 4(a) of Article 13 provides evidence concerning the existence of significant positive externalities, such as security of supply, solidarity or innovation; and

Amendment

(a) the project specific cost-benefit analysis pursuant to paragraph 4(a) of Article 13 provides evidence concerning the existence of significant positive externalities, such as ***environmental and social benefits***, security of supply, solidarity or innovation; and

Amendment 43

Proposal for a regulation

Article 17 – point -a (new)

Text proposed by the Commission

Amendment

(-a) information about the current list of priority projects, overview over the stages of the decision making process as well as dates and agendas for the meetings of the regional groups, along with sub-subsequent publication of minutes and any decisions taken.

Amendment 44

Proposal for a regulation

Article 17 – point a

Text proposed by the Commission

(a) general, regularly updated information, including geographic information, for each project of common interest;

Amendment

(a) general, regularly updated information, including ***necessary*** geographic information, for each project of common interest;

Amendment 45

Proposal for a regulation

Annex I – part 1 – point 3 – paragraph 1

Text proposed by the Commission

(3) North-South electricity interconnections in Central Eastern and South Eastern Europe (‘NSI East Electricity’): interconnections and internal lines in North-South and East-West directions to complete the internal market and integrate generation from renewable energy sources.

Amendment

(3) North-South electricity interconnections in Central Eastern and South Eastern Europe (‘NSI East Electricity’): interconnections and internal lines in North-South and East-West directions to complete the internal market and integrate generation from renewable energy sources; ***Interconnection of isolated Island Electrical Systems to the mainland in order to bring the benefits of the integrated electricity market, increase the renewable energy sources (RES) penetration and make possible transferring of RES energy to the mainland.***

Amendment 46

Proposal for a regulation

Annex I – part 4 – point 11 – paragraph 1

Text proposed by the Commission

(11) Electricity highways: first electricity highways by 2020, in view of building an electricity highways system across the Union;

Amendment

(11) Electricity highways: first electricity highways by 2020, in view of building an electricity highways system across the Union, ***especially connecting regions which have high renewable energy production capacity and storage potential;***

Amendment 47

Proposal for a regulation

Annex III – part 1 – point 1 – paragraph 1

Text proposed by the Commission

(1) For electricity projects falling under the categories set out in point 1 of Annex II, each Group shall be composed of

Amendment

(1) For electricity projects falling under the categories set out in point 1 of Annex II, each Group shall be composed of

representatives of the Member States, national regulatory authorities, transmission system operators following their obligation to cooperate on a regional level in accordance with Article 6 of Directive 2009/72/EC and Article 12 of Regulation (EC) No 714/2009 **and** project promoters concerned by each of the relevant priorities designated in Annex I, as well as the Commission, the Agency and the ENTSO for Electricity.

representatives of the **competent authorities of the** Member States, national regulatory authorities, transmission system operators following their obligation to cooperate on a regional level in accordance with Article 6 of Directive 2009/72/EC and Article 12 of Regulation (EC) No 714/2009, project promoters **and other relevant stakeholders, including producers, distribution system operators, suppliers and environmental organisations and organisations representing consumers**, concerned by each of the relevant priorities designated in Annex I, as well as the Commission, the Agency and the ENTSO for Electricity.

Amendment 48

Proposal for a regulation Annex III – part 1 – point 1 – paragraph 2

Text proposed by the Commission

For gas projects falling under the categories set out in point 2 of Annex II, each Group shall be composed of representatives of the Member States, national regulatory authorities, transmission system operators following their obligation to cooperate on a regional level in accordance with Article 7 of Directive 2009/73/EC and Article 12 of Regulation (EC) No 715/2009 and project promoters concerned by each of the relevant priorities designated in Annex 1, as well as the Commission, the Agency and the ENTSO for Gas.

Amendment

For gas projects falling under the categories set out in point 2 of Annex II, each Group shall be composed of representatives of the **competent authorities of the** Member States, national regulatory authorities, transmission system operators following their obligation to cooperate on a regional level in accordance with Article 7 of Directive 2009/73/EC and Article 12 of Regulation (EC) No 715/2009 and project promoters concerned by each of the relevant priorities designated in Annex 1, as well as the Commission, the Agency and the ENTSO for Gas.

Amendment 49

Proposal for a regulation Annex III – part 1 – point 1 – paragraph 3

Text proposed by the Commission

For oil and carbon dioxide transport

Amendment

For oil and carbon dioxide transport

projects falling under the categories referred to in Annex II(3) and (4), each Group shall be composed of the representatives of the Member States, project promoters concerned by each of the relevant priorities designated in Annex 1 and the Commission.

projects falling under the categories referred to in Annex II(3) and (4), each Group shall be composed of the representatives of the **competent authorities of the** Member States, project promoters concerned by each of the relevant priorities designated in Annex 1 and the Commission.

Amendment 50

Proposal for a regulation Annex III – part 1 – point 4

Text proposed by the Commission

(4) Each Group shall consult the organisations representing relevant stakeholders, including producers, distribution system operators, suppliers, consumers, and, **for the tasks set out in paragraph 2 of**, organisations for environmental protection. The Group **may** organise hearings or consultations, where relevant for the accomplishments of its tasks.

Amendment

(4) Each Group shall consult the organisations representing relevant stakeholders, including producers, distribution system operators, suppliers, consumers, and organisations for environmental protection. The Group **shall** organise hearings or consultations, where relevant for the accomplishments of its tasks. **The group shall inform the public regularly and comprehensively about the state and result of its deliberations and organise a hearing or consultation before submission of its proposed list as referred to in Article 3(4).**

Amendment 51

Proposal for a regulation Annex III – part 2 – point 3

Text proposed by the Commission

(3) **Proposed** electricity transmission and storage projects falling under the categories set out in point 1(a) to (d) of Annex II shall be part of the latest available ten-year network development plan for electricity, developed by the ENTSO for Electricity pursuant Article 8 of Regulation (EC) 714/2009.

Amendment

(3) **For all projects of common interest included in the Union-wide list after 1 August 2013**, electricity transmission and storage projects falling under the categories set out in point 1(a) to (d) of Annex II shall be part of the latest available ten-year network development plan for electricity, developed by the ENTSO for Electricity pursuant Article 8 of Regulation (EC)

Amendment 52

Proposal for a regulation Annex III – part 2 – point 4

Text proposed by the Commission

(4) For all ***Union-wide lists of*** projects of common interest ***adopted*** after 1 August 2013, ***proposed*** gas transmission and storage projects falling under the categories set out in point 2 of Annex II shall be part of the latest available ten-year network development plan for gas, developed by the ENTSO for Gas pursuant Article 8 of Regulation (EC) 715/2009.

Amendment

(4) For all projects of common interest ***included in the Union-wide list*** after 1 August 2013, gas transmission and storage projects falling under the categories set out in point 2 of Annex II shall be part of the latest available ten-year network development plan for gas, developed by the ENTSO for Gas pursuant Article 8 of Regulation (EC) 715/2009.

Amendment 53

Proposal for a regulation Annex IV – point 1 – point b

Text proposed by the Commission

(b) for electricity storage, the project provides storage capacity allowing a net annual electricity generation of at least ***500 Gigawatt-hours***;

Amendment

(b) for electricity storage, the project provides storage capacity allowing a net annual electricity generation of at least ***250MW capacity and 250 Gigawatt-hours/year***;

Amendment 54

Proposal for a regulation Annex V – point 1 – point a

Text proposed by the Commission

(a) In electricity: scenarios for demand, generation capacities by fuel type (biomass, geothermal, hydro, gas, nuclear, oil, solid fuels, wind, solar photovoltaic, concentrated solar, other renewable technologies) and their geographical location, fuel prices (including biomass,

Amendment

(a) In electricity: scenarios for demand ***(both in the Member States and in neighbouring third countries)***, generation capacities by fuel type (biomass, geothermal, hydro, gas, nuclear, oil, solid fuels, wind, solar photovoltaic, concentrated solar, other renewable

coal, gas and oil), carbon dioxide prices, the composition of the transmission and, if relevant, the distribution network, and its evolution, taking into account all new significant generation (including capacity equipped for capturing carbon dioxide), storage and transmission projects for which a final investment decision has been taken and that are due to be commissioned by the end of year n+5;

technologies) and their geographical location, fuel prices (including biomass, coal, gas and oil), carbon dioxide prices, the composition of the transmission and, if relevant, the distribution network, and its evolution, taking into account all new significant generation (including capacity equipped for capturing carbon dioxide), storage *potential* and *storage and* transmission projects for which a final investment decision has been taken and that are due to be commissioned by the end of year n+5;

Amendment 55

Proposal for a regulation Annex V – point 1 – point b

Text proposed by the Commission

(b) In gas: scenarios for demand, imports, fuel prices (including coal, gas and oil), carbon dioxide *prices*, the composition of the transmission network and its evolution, taking into account all new projects for which a final investment decision has been taken and that are due to be commissioned by the end of year n+5;

Amendment

(b) In gas: scenarios for demand, imports, fuel prices (including coal, gas and oil), *prices of* carbon dioxide, the composition of the transmission network and its evolution, taking into account all new projects for which a final investment decision has been taken and that are due to be commissioned by the end of year n+5;

Justification

Clarification of the text.

Amendment 56

Proposal for a regulation Annex V – point 5

Text proposed by the Commission

(5) The cost-benefit analysis shall at least take into account the following costs: capital expenditure, operational and maintenance expenditure over the technical lifecycle of the project and decommissioning and waste management

Amendment

(5) The cost-benefit analysis, *based on costs over the technical lifecycle of the project*, shall at least take into account the following costs: capital expenditure, operational and maintenance expenditure *and the environmental costs of the*

costs, where relevant. The methodology shall give guidance on discount rates to be used for the calculations.

construction, operation and decommissioning ***of energy infrastructure projects*** and waste management costs, where relevant. The methodology shall give guidance on discount rates to be used for the calculations.

Amendment 57

Proposal for a regulation Annex V – point 7 – point b

Text proposed by the Commission

(b) System resilience, including disaster and climate resilience, and system security, notably for European critical infrastructures as defined in Directive 2008/114/EC;

Amendment

(b) System resilience, including ***security of supply***, disaster and climate resilience, and system security, notably for European critical infrastructures as defined in Directive 2008/114/EC;

Justification

Security of supply is one of the most important issues in this context.

PROCEDURE

Title	Trans-European energy infrastructure, and repeal of Decision No 1364/2006/EC
References	COM(2011)0658 – C7-0371/2011 – 2011/0300(COD)
Committee responsible Date announced in plenary	ITRE 15.11.2011
Committee(s) asked for opinion(s) Date announced in plenary	ENVI 15.11.2011
Rapporteur(s) Date appointed	Pavel Poc 20.12.2011
Discussed in committee	20.3.2012
Date adopted	8.5.2012
Result of final vote	+ : 51 - : 3 0 : 5
Members present for the final vote	Kriton Arsenis, Sophie Auconie, Pilar Ayuso, Paolo Bartolozzi, Lajos Bokros, Martin Callanan, Nessa Childers, Chris Davies, Esther de Lange, Anne Delvaux, Bas Eickhout, Edite Estrela, Karl-Heinz Florenz, Elisabetta Gardini, Matthias Groote, Françoise Grossetête, Cristina Gutiérrez-Cortines, Satu Hassi, Jolanta Emilia Hibner, Karin Kadenbach, Christa Kläß, Eija-Riitta Korhola, Holger Kraemer, Jo Leinen, Corinne Lepage, Peter Liese, Kartika Tamara Liotard, Zofija Mazej Kukovič, Linda McAvan, Radvilė Morkūnaitė-Mikulėnienė, Antonyia Parvanova, Andres Perello Rodriguez, Mario Pirillo, Pavel Poc, Frédérique Ries, Anna Rosbach, Oreste Rossi, Dagmar Roth-Behrendt, Horst Schnellhardt, Richard Seeber, Bogusław Sonik, Anja Weisgerber, Åsa Westlund, Glenis Willmott, Sabine Wils, Marina Yannakoudakis
Substitute(s) present for the final vote	Nikos Chrysogelos, João Ferreira, Filip Kaczmarek, Toine Manders, Judith A. Merkies, James Nicholson, Justas Vincas Paleckis, Alojz Peterle, Michèle Rivasi, Christel Schaldemose, Marita Ulvskog, Vladimir Urutchev, Andrea Zannoni