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2009 - 2014

Committee on Regional Development

2011/0300(COD)

1.6.2012

OPINION

of the Committee on Regional Development

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: Wojciech Michał Olejniczak

SHORT JUSTIFICATION

Rapporteur welcomes Commission's proposal and appreciates its comprehensive character in providing regulation for Trans-European energy infrastructure projects, especially with reference to projects of common interest. Most notably, Rapporteur welcomes the measures aimed at streamlining and speeding up the process of permit granting and encourages its adoption whenever applicable also for the purpose of development of non cross-border energy infrastructure projects.

The report places emphasis on the regional dimension of energy infrastructure, bearing in mind especially their direct impact on citizens which is often not properly offset by project's anticipated positive outcomes in terms of energy security, sustainability, or efficiency of the infrastructure. Therefore, the role of regional authorities should be acknowledged at specific stages of permit granting procedure, so that those most concerned would have a chance to influence decision making process. Moreover, the process of relevant public consultations should be unified at the EU level.

Also, the proposal should strike a proper balance between the criteria of cost-efficiency, crucial from the point of view of private entrepreneurs who will ultimately finance, develop and manage the energy infrastructure, and prerequisites for provision of financial support from Connecting Europe Facility. In the latter case, appropriate amendments have been put forward in order to define the circumstances where public interest and customers' benefit justify additional funding without detriment to the principle of competitiveness.

Additionally, the Rapporteur proposes a wider treatment of gas infrastructure projects in a sense of inclusion of all their necessary elements into the eligibility list in order to achieve technical consistency and facilitate smooth operation of vital gas corridors throughout Europe.

In the opinion of the Rapporteur, procedural simplicity merged with stakeholders' inclusiveness should be general guiding principles of development of Trans-European energy infrastructure.

AMENDMENTS

The Committee on Regional Development 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 4 a (new)

Text proposed by the Commission

Amendment

(4a) Within its energy infrastructure priorities the Commission should allow for the special case of island energy

systems.

Amendment 2

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) Evaluation of the current TEN-E framework has clearly shown that this policy, while making a positive contribution to selected projects by giving them political visibility, lacks vision, focus, and flexibility to fill identified infrastructure gaps.

Amendment

(5) Evaluation of the current TEN-E framework has clearly shown that this policy, while making a positive contribution to selected projects by giving them political visibility, lacks vision, focus, and flexibility to fill identified infrastructure gaps ***and the Union is far from ready to meet future challenges in this field.***

Amendment 3

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 ***energy infrastructure, finalising works in progress*** 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 4

Proposal for a regulation

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) The present economic climate underscores the need to adopt an integrated approach to energy matters, taking into account their economic, environmental and social aspects. It is essential to pay heed to the beneficial and adverse side effects when carrying out the work required to ensure, in the medium and long term, that all Union's citizens will have access to safe, sustainable and affordable energy.

Amendment 5

Proposal for a regulation

Recital 7

Text proposed by the Commission

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 however are vital for ensuring a competitive and well functioning integrated market for promoting growth, employment and sustainable development.

(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 6

Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) The fact that the outermost regions depend greatly on imported fossil fuels imposes high additional costs on their growth and economic development. These regions have a role to play as natural laboratories for renewables and electricity and natural gas transmission, and this should be boosted by pursuing projects of common interest aimed at diversifying the regional energy base and enhancing sustainability and energy efficiency, thus helping to meet the targets laid down in the Europe 2020 strategy.

Amendment 7

Proposal for a regulation
Recital 13

Text proposed by the Commission

Amendment

(13) This Regulation lays down rules for the timely development and interoperability of trans-European energy networks in order to achieve the Treaty's energy policy objectives to ensure the functioning of the internal energy market and security of supply in the Union, to promote energy efficiency and energy saving and the development of new and renewable forms of energy, and to promote the interconnection of energy networks. By pursuing these objectives, this proposal contributes to smart, sustainable and inclusive growth and brings benefits to the entire Union in terms of competitiveness and economic, social and territorial cohesion.

(13) This Regulation lays down rules for the timely development and interoperability of trans-European energy networks in order to achieve the Treaty's energy policy objectives to ensure the functioning of the internal energy market and security of supply in the Union, **to reduce dependence on imports**, to promote energy efficiency and energy saving and the development of new and renewable forms of energy, and to promote the interconnection of energy networks. By pursuing these objectives, this proposal contributes to smart, sustainable and inclusive growth and brings benefits to the entire Union in terms of competitiveness and economic, social and territorial cohesion. ***In order to achieve these objectives, this Regulation promotes consultations with regional authorities engaged in the process to be arranged at the relevant stage of the permit granting***

procedure.

Amendment 8

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 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 ***and to establish the roll out of smart grid infrastructure.***

Amendment 9

Proposal for a regulation Recital 18

Text proposed by the Commission

(18) Projects of common interest should be implemented as quickly as possible and should be closely monitored and evaluated, while keeping the administrative burden for projects promoters to a minimum. The Commission should nominate European coordinators ***for*** projects facing particular difficulties.

Amendment

(18) Projects of common interest should be implemented as quickly as possible and should be closely monitored and evaluated, while keeping the administrative burden for projects promoters, ***particularly with regard to small and medium-sized enterprises,*** to a minimum. The Commission should nominate European coordinators ***to assist*** projects facing particular difficulties ***so as to prevent them being compromised.***

Amendment 10

Proposal for a regulation
Recital 20

Text proposed by the Commission

(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.

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. ***There is a need to identify, according to a hierarchy of importance and in the interest of cost-effectiveness, 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.***

Amendment 11

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) The establishment of a single competent authority at national level integrating or coordinating all permit granting procedures ("one-stop shop") should reduce complexity, increase efficiency and transparency and help enhance cooperation among Member States.

Amendment

(21) The establishment of a single competent authority at national level integrating or coordinating all permit granting procedures ("one-stop shop") should reduce complexity, increase efficiency and transparency and help enhance cooperation among Member States ***by organising joint working parties between these competent bodies.***

Amendment 12

Proposal for a regulation

Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) In addition, Member States are encouraged to apply the provisions of the permit granting procedures to projects of common interest to other energy infrastructure projects where relevant.

Justification

Member States should be encouraged to use the European best practices also for other projects in order to boost efficiency of the necessary infrastructure and prevent congestion and avoid introducing a two-tier system.

Amendment 13

Proposal for a regulation

Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) When the various trans-European networks are being planned, preference should be given to integrating transport, communication and energy networks in order to ensure that as little land as possible is taken up, whilst ensuring, where possible, that existing and/or disused routes are reused, in order to reduce to a minimum any social, economic, environmental and financial impact and the burden on the land.

Amendment 14

Proposal for a regulation

Recital 24

Text proposed by the Commission

Amendment

(24) Given the urgency to develop energy infrastructures, the simplification of permit

(24) Investment in trans-European energy infrastructure is particularly important in

granting procedures must be accompanied by a clear deadline for the decision to be taken by the respective competent authorities regarding the construction of the project. This time limit should stimulate a more efficient definition and handling of procedures, and should under no circumstances compromise on the high standards for the protection of the environment and public participation.

view of the development and job creation potential. Given, *therefore*, the urgency of *developing* energy infrastructures, the simplification of permit granting procedures must be accompanied by a clear deadline for the decision to be taken by the respective competent authorities regarding the construction of the project. This time limit should stimulate a more efficient definition and handling of procedures, and should under no circumstances compromise on the high standards for the protection of the environment and public participation.

Amendment 15

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 16

Proposal for a regulation

Article 2 – paragraph 1

Text proposed by the Commission

1. 'energy infrastructure' means any physical equipment designed to allow transmission and distribution of electricity or gas, transportation of oil or carbon dioxide, or storage of electricity or gas, which is located within the Union or linking the Union and one or more third countries;

Amendment

1. 'energy infrastructure' means any physical equipment designed to allow transmission and distribution of electricity or gas, transportation of oil or carbon dioxide, or storage of electricity or gas, *or reception, storage and regasification or decompression facilities for liquefied natural gas (LNG)*, which is located within the Union or linking the Union and one or more third countries;

Justification

Energy infrastructure for gas includes LNG terminals; for consistency with the categories in Annex II Article 1, the definition shall be adapted to take this into account.

Amendment 17

Proposal for a regulation

Article 2 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. 'energy system-wide cost benefit analysis' means an assessment carried out at an aggregated Union-wide level as a basis for selection of projects of common interest according to the objectives of the TYNDP as defined in Article 8 of Regulation (EC) 715/2009.

Justification

The regulation refers to various cost-benefit analysis (CBA), analysis and assessments. There is a need for clarification and a definition seems to be necessary. The CBA should be done at aggregate level and not project by project.

Gas infrastructure projects are based on firm commitments, i.e. from market parties as a result of market testing or from national regulatory authorities. For these projects, already based on firm commitments, a cost-benefit analysis for individual projects would to a large extent duplicate work.

Amendment 18

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

Amendment

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. ***deleted***

Justification

Moved to end of article in order to make the article match the actual timeline of decision

making

Amendment 19

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 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. ***Each Group will carry out its workload based on previously agreed terms of reference.***

Amendment 20

Proposal for a regulation Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. If before the entry into force of this regulation, already existing groups or other bodies, have been working on selecting projects of significant importance for the Union's energy systems, each Group referred to in paragraph 2 shall take due account of the work already carried out in these groups or bodies. Whenever already existing groups or other bodies have previously agreed on projects or lists of projects of significant importance for the Union, the information on these projects or lists shall be transferred to each Group referred to in paragraph 2 and will form the basis of the projects of common interest selection process.

The provisions of Article 2(5)(a) shall be without prejudice to the rights of any project promoter to submit to the members of the respective Group an application for

selection as project of common interest .

Amendment 21

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 Article 4. Each individual proposal for a project shall require the approval of the Member State(s), to the territory of which the project relates.

Amendment

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 Article 4. Each individual proposal for a project shall require the *provisional* approval of the Member State(s), to the territory of which the project relates *before its inclusion in the final proposed list submitted under paragraph 4.*

Amendment 22

Proposal for a regulation Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. When an individual proposal for a project does not receive the provisional approval of one of the Member States, the Member State in question shall give a written explanation of its objection to the Group. After allowing the project promoters to address the subject of the objection, the Group may include, by unanimity minus one, the project into the proposed list with a note of the objection.

Amendment 23

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 Article 4 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

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 **four** 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 Article 4 across the Groups, and the results of the analysis carried out by the ENTSOs for Electricity and Gas **under the ten-year network development plans**.

Amendment 24

Proposal for a regulation

Article 3 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. On the basis of the regional lists adopted by the Group, 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.

(See Amendment 1)

Justification

Move from Paragraph 1 for timeline reasons

Amendment 25

Proposal for a regulation

Article 3 – paragraph 7

Text proposed by the Commission

Amendment

7. Following the Commission decision **for adoption referred to in paragraph 1**, projects of common interest shall become an integral part of the relevant regional investment plans pursuant Article 12 of Regulations (EC) No 714/2009 and (EC) No 715/2009 and of the relevant national ten-year network development plans pursuant Article 22 of Directives 72/2009/EC and 73/2009/EC and other national infrastructure plans concerned, as appropriate. The projects shall be conferred the highest possible priority within each of these plans.

7. Following the Commission decision, projects of common interest shall become an integral part of the relevant regional investment plans pursuant Article 12 of Regulations (EC) No 714/2009 and (EC) No 715/2009 and of the relevant national ten-year network development plans pursuant Article 22 of Directives 72/2009/EC and 73/2009/EC and other national infrastructure plans concerned, as appropriate. The projects shall be conferred the highest possible priority within each of these plans.

(See movement of Paragraph 1 to after Paragraph 6)

Amendment 26

Proposal for a regulation

Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) the project ***displays economic, social and environmental viability***; and

Amendment

(b) the ***potential benefits of the project assessed according to the respective specific criteria in paragraph 2 outweigh its costs***; and

Amendment 27

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

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

Amendment 28

Proposal for a regulation
Article 4 – paragraph 2 – point a – indent 3

Text proposed by the Commission

– interoperability and secure system operation;

Amendment

– ***security of supply, among others, through*** interoperability, and secure ***and reliable*** system operation;

Amendment 29

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

Text proposed by the Commission

Amendment

– ***connection of planned generation units to the grid, including renewable energy, allowing power evacuation;***

Justification

The EU is facing a great challenge in replacement of old non-efficient and non environmental friendly power units e.g. working on fossil fuels. New power plants will grow up across the EU, also in area where grid is undeveloped or needs to be renovated. The regulation should therefore create incentives for new power plant investments by promotion of necessary grid development to enable connection new power to the network.

Amendment 30

Proposal for a regulation
Article 4 – paragraph 2 – point b – indent 2

Text proposed by the Commission

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

Amendment

– security of supply ***through, among others,*** diversification of supply sources, supplying counterparts and routes;

Amendment 31

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 *through, among others,* diversification of supply sources, supplying counterparts and routes;

Amendment 32

Proposal for a regulation

Article 4 – paragraph 2 – point d – indent 1

Text proposed by the Commission

Amendment

– security of supply *reducing single* supply source or route dependency;

– security of supply, *among others, through diversification of* supply sources, *supplying counterparts and routes;*

Justification

It is unclear why the security of supply criteria is different in oil and gas sector;

Amendment 33

Proposal for a regulation

Article 4 – paragraph 4

Text proposed by the Commission

Amendment

4. *When ranking* projects contributing to the implementation of the same priority, due consideration shall *also* be given to the urgency of each proposed project in order to meet the energy policy targets of market integration and competition, sustainability and security of supply, the number of Member States affected by each project, and its complementarity with regard to other proposed projects. For projects falling under the category set out in point 1(e) of Annex II, due consideration shall also be given to the number of users affected by the project, the annual energy consumption and the share of generation from non dispatchable resources in the area covered by these users.

4. *Each Group shall rank* projects contributing to the implementation of the same priority *corridors or areas. Each Group shall determine in its terms of reference a method of ranking and the relative weight of the criteria set out in the second subparagraph and in paragraph 2; ranking may therefore lead to a general grouping of projects.*

In this context, and whilst ensuring equal opportunities for projects involving peripheral Member States, due consideration shall be given to:

(a) the urgency of each proposed project in order to meet the ***Union's*** energy policy targets of market integration and competition, sustainability and security of supply;

(b) the number of Member States affected by each project, and

(c) its complementarity with regard to other proposed projects.

For "***smart grids***" projects falling under the category set out in point 1(e) of Annex II, ***ranking shall be done for those projects that affect the same two Member States, and*** due consideration shall also be given to the number of users affected by the project, the annual energy consumption and the share of generation from non dispatchable resources in the area covered by these users.

Amendment 34

Proposal for a regulation Article 5 – paragraph 2

Text proposed by the Commission

2. The Agency and the Groups shall monitor the progress achieved in implementing the projects of common interest. The Groups may request additional information provided in accordance with paragraphs 3, 4 and 5, verify the provided information on site and convene meetings with the relevant parties. The Groups may also request the Agency to take measures to facilitate the implementation of projects of common interest.

Amendment

2. The Agency and the Groups shall monitor the progress achieved in implementing the projects of common interest. The Groups may request additional information provided in accordance with paragraphs 3, 4 and 5, verify the provided information on site and convene meetings with the relevant parties. The Groups may also request the Agency to take measures to facilitate the implementation of projects of common interest. ***These measures should be taken in close cooperation with relevant national regulatory authorities and transmission system operators.***

Amendment 35

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 Agency or, for projects falling under the categories set out in points 3 and 4 of Annex II, to the respective Group. ***The report shall be also submitted to the concerned competent authorities referred to in Article 9.*** This report shall detail:

Justification

This information should also go to the competent authorities as they are assigned the role of implementing the permitting of these projects, not the Groups or ACER.

Amendment 36

Proposal for a regulation

Article 5 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The Agency or respective Group may request that the report is produced or reviewed by an external independent expert before submission.

Amendment 37

Proposal for a regulation

Article 5 – paragraph 4

Text proposed by the Commission

Amendment

4. Within three months of the receipt of the

4. Within three months of the receipt of the

annual reports, the Agency shall submit to the Groups a consolidated report for the projects of common interest falling under the categories set out in points 1 and 2 of Annex II, evaluating the progress achieved and proposing, where appropriate, measures to overcome the delays and difficulties encountered. The evaluation shall also include, in accordance with the provisions of Article 6(8) and (9) of Regulation (EC) No 713/2009, the consistent implementation of the Union-wide network development plans with regard to the energy infrastructure priority corridors and areas set out in Annex I.

annual reports, the Agency shall submit to the Groups a consolidated report for the projects of common interest falling under the categories set out in points 1 and 2 of Annex II, evaluating the progress achieved and proposing, where appropriate, measures to overcome the delays and difficulties encountered. ***These measures may include sanctions for any unnecessary delays caused by project promoters.*** The evaluation shall also include, in accordance with the provisions of Article 6(8) and (9) of Regulation (EC) No 713/2009, the consistent implementation of the Union-wide network development plans with regard to the energy infrastructure priority corridors and areas set out in Annex I.

Justification

It should also be possible to sanction promoters for delays which they cause.

Amendment 38

Proposal for a regulation

Article 5 – paragraph 6 – introductory part

Text proposed by the Commission

6. If the commissioning of a project of common interest is delayed ***by more than two years*** compared to the implementation plan ***without sufficient justification***:

(See amendments to the indents; All Amendments to this Paragraph should be voted as a bloc)

Justification

Taken from the Council position. This amendment is needed to clarify the public tender if a project is delay. The original text does not set out how the Commission would implement this process. Moreover it is the competent authority, not the Commission, who have the knowledge and ability to find a new promoter.

Amendment 39

Amendment

6. If the ***construction and*** 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***:

Proposal for a regulation
Article 5 – paragraph 6 – point a

Text proposed by the Commission

(a) The project promoter of that project shall accept investments by one or several other operators or investors to implement the project. The system operator, in whose area the investment is located, shall provide the implementing operator(s) or investor(s) with all information needed to realise the investment, shall connect new assets to the transmission network and shall generally make its best efforts to facilitate the implementation of the investment and the secure, reliable and efficient operation and maintenance of the project of common interest.

Amendment

(a) insofar as measures referred to in Article 22(7)(a), (b) or (c) of Directives 2009/72/EC and 2009/73/EC are applicable according to respective national laws, national regulatory authorities shall ensure that the investment is carried out.

(See amendment to introduction the paragraph; All Amendments to this Paragraph should be voted as a bloc)

Amendment 40

Proposal for a regulation
Article 5 – paragraph 6 – point b

Text proposed by the Commission

(b) the Commission may launch a call for proposals open to any project promoter to build the project according to an agreed timeline.

Amendment

(b) If the measures of national regulatory authorities according to point (a) of paragraph 6 are not sufficient to ensure that the investment is carried out, or are not applicable, the project promoter of that project shall choose a third party to finance or construct the project. The project promoter shall do so before the delay compared to the date of commissioning in the implementation plan exceeds two years.

(See amendment to introduction the paragraph; All Amendments to this Paragraph should be voted as a bloc)

Amendment 41

Proposal for a regulation
Article 5 – paragraph 6 – point b a (new)

Text proposed by the Commission

Amendment

(ba) If a third party is not chosen according to point (b), the national regulatory authority or the Member State shall, within two months, designate a third party to finance or construct the project which the project promoter shall accept.

(See amendment to introduction the paragraph All Amendments to this Paragraph should be voted as a bloc)

Amendment 42

Proposal for a regulation
Article 5 – paragraph 6 – point b b (new)

Text proposed by the Commission

Amendment

(bb) If the delay compared to the date of commissioning in the implementation plan exceeds two years and two months, the concerned competent authority referred to in Article 9, may launch a call for proposals open to any project promoter to build the project according to an agreed timeline. Priority shall be given to the project promoters and investors from the Member States of the Regional Group where the respective project is being developed. National regulatory authorities may adopt, subject to the Commission approval and if necessary, additional incentives to those adopted under Article 14 as part of the call for proposals.

(See amendment to introduction the paragraph All Amendments to this Paragraph should be voted as a bloc)

Amendment 43

Proposal for a regulation
Article 5 – paragraph 6 – point b c (new)

Text proposed by the Commission

Amendment

(bc) When points (ba) or (bb) are applied, the system operator, in whose area the investment is located, shall provide the implementing operator(s) or investor(s) or third party with all information needed to achieve the investment, shall connect new assets to the transmission network and shall generally make its best efforts to facilitate the implementation of the investment and the secure, reliable and efficient operation and maintenance of the project of common interest;

(See amendment to introduction the paragraph All Amendments to this Paragraph should be voted as a bloc)

Amendment 44

Proposal for a regulation
Article 5 – paragraph 7 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

A project of common interest may be removed from the Union-wide list of projects of common interest according to the procedure set in the second sentence of Article 3 (1) if:

A project of common interest may be removed from the Union-wide list of projects of common interest according to the procedure set in the second sentence of Article 3 (6a) if:

(See Amendment [n+X], moving the first paragraph of article 3)

Amendment 45

Proposal for a regulation
Article 5 – paragraph 7 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) The energy system-wide cost-benefit analysis carried out by the ENTSOs in accordance with point 6 of Annex III does not yield a positive result for the project;

deleted

Amendment 46

Proposal for a regulation

Article 5 – paragraph 7 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) The project is no longer included in the ten-year network development plan; ***deleted***

Justification

Being listed in the ten-year network development plan should not be a condition for a project to be of common interest. The base for selection of PCIs should be whether the projects fulfil all relevant criteria of this regulation and show sufficient socio-economic benefits in an EU-wide perspective, not whether they are a part of ENTSO-Es plan.

Amendment 47

Proposal for a regulation

Article 5 – paragraph 7 – subparagraph 2

Text proposed by the Commission

Amendment

Projects, which are withdrawn from the Union-wide list, lose all rights and obligations arising from this Regulation for projects of common interest. This article shall be without prejudice to any Union financing paid to the project prior to the withdrawal decision.

Projects, which are withdrawn from the Union-wide list, lose all rights and obligations arising from this Regulation for projects of common interest. This article shall be without prejudice to any Union financing paid to the project prior to the withdrawal decision ***unless the decision was based on wilful deception under point (c) of the first subparagraph.***

Amendment 48

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

Amendment

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

1. When a project of common interest encounters significant implementation difficulties, the Commission may designate, ***in agreement with the Member***

to one year renewable twice.

States concerned, a European coordinator for a period of up to one year renewable twice.

Amendment 49

Proposal for a regulation

Article 6 – paragraph 2 – point a

Text proposed by the Commission

(a) promote the project(s), for which he or she has been designated European coordinator and the cross-border dialogue between the project promoters and all concerned stakeholders;

Amendment

(a) promote the project(s), for which he or she has been designated European coordinator and the cross-border dialogue between the project promoters and all concerned stakeholders, ***which specifically include regional, local or autonomous authorities***;

Amendment 50

Proposal for a regulation

Article 6 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) advise project promoters on the financial package for the project;

Amendment 51

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

2. The adoption of the Union-wide list of projects of common interest shall establish the public interest and necessity of these projects within the Member States concerned and shall be acknowledged as such by all parties concerned.

Amendment

2. The adoption of the Union-wide list of projects of common interest shall establish the public interest and necessity of these projects within the Member States concerned and shall be acknowledged as such by all parties concerned, ***which specifically include regional and local authorities representing citizens affected by the measures.***

Amendment 52

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 53

Proposal for a regulation

Article 9 – paragraph 4

Text proposed by the Commission

4. Member States shall endeavour to ensure that appeals challenging the substantive or procedural legality of a comprehensive decision are handled in the most efficient way possible.

Amendment

4. Member States shall endeavour to ensure that appeals challenging the substantive or procedural legality of a comprehensive decision are handled in the most efficient way possible ***and are given priority in the administrative or judicial systems.***

Amendment 54

Proposal for a regulation

Article 10 – paragraph 3

Text proposed by the Commission

3. The project promoter shall, within three months of the start of the permit granting process pursuant to paragraph 1(a) of Article 11, elaborate and submit a concept for public participation to the competent authority. The competent authority shall

Amendment

3. The project promoter shall, within three months of the start of the permit granting process pursuant to paragraph 1(a) of Article 11, elaborate and submit a concept for public participation to the competent authority. The competent authority shall

request modifications or approve the concept for public participation within one month. The concept shall at least include the information specified in point 3 of Annex VI.

request modifications or approve the concept for public participation within one month. The concept shall at least include the information specified in point 3 of Annex VI. ***The project promoter shall inform any significant changes of an approved concept to competent authority which may request modifications.***

Amendment 55

Proposal for a regulation

Article 10 – paragraph 7 – subparagraph 2

Text proposed by the Commission

Project promoters shall, in addition, publish relevant information by other appropriate information means, to which the public has open access.

Amendment

Project promoters shall, in addition, publish relevant information by other appropriate information means, to which the public has open access. ***This shall include, subject to the legislation of the Member State concerned, publication in the largest, in terms of distribution, newspapers in the regions and towns on the project's possible routes, according to point 4 (a) of Annex VI.***

Amendment 56

Proposal for a regulation

Article 11 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission

(b) the authorities, stakeholders, and the public likely to be concerned;

Amendment

(b) the ***relevant national and regional*** authorities, stakeholders, and the public likely to be concerned;

Amendment 57

Proposal for a regulation

Article 11 – paragraph 4

Text proposed by the Commission

4. The project promoter shall ensure the

Amendment

4. The project promoter shall ensure the

completeness and adequate quality of the application file and seek the competent authority's opinion on this as early as possible during the pre-application procedure. The project promoter shall cooperate with the competent authority to meet deadlines and comply with the detailed schedule as defined in paragraph 3.

completeness and adequate quality of the application file and seek the competent authority's opinion on this as early as possible during the pre-application procedure. The project promoter shall **fully** cooperate with the competent authority to meet deadlines and comply with the detailed schedule as defined in paragraph 3.

Amendment 58

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

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.

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 **and shall include, in particular, the consultation of relevant regional authorities, other infrastructure operators and the respective organisations representing them.**

Amendment 59

Proposal for a regulation Article 13 – paragraph 4 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

After the adoption of the first ten-year network development plans based on the methodology pursuant to Article 12(7), point (a) shall include an updated version of the ENTSO cost-benefit analysis results

based on any developments since its publication. The promoter(s) may also include their remarks to the ENTSO cost-benefit analysis results or additional data not covered by the ENTSO analysis.

Amendment 60

Proposal for a regulation Article 14 – paragraph 1

Text proposed by the Commission

1. Where a project promoter incurs higher risks for the development, construction, operation or maintenance of a project of common interest falling under the categories set out in points 1 and 2 of Annex II, except for hydro-pumped electricity storage projects, compared to the risks normally incurred by a comparable infrastructure project, and where such risks are not covered under an exemption pursuant to Article 36 of Directive 2009/73/EC or Article 17 of Regulation (EC) No 714/2009, national regulatory authorities shall ensure that appropriate incentives are granted to that project when applying Article 37(8) of Directive 2009/72/EC, Article 41(8) of Directive 2009/73/EC, Article 14 of Regulation (EC) No 714/2009, and Article 13 of Regulation (EC) No 715/2009.

Amendment

1. Where a project promoter incurs higher risks for the development, construction, operation or maintenance of a project of common interest falling under the categories set out in points 1 and 2 of Annex II, except for hydro-pumped electricity storage projects, compared to the risks normally incurred by a comparable infrastructure project, and where such risks are not covered under an exemption pursuant to Article 36 of Directive 2009/73/EC or Article 17 of Regulation (EC) No 714/2009, **and taking into account anticipated future costs for energy consumers**, national regulatory authorities shall ensure that appropriate incentives are granted to that project when applying Article 37(8) of Directive 2009/72/EC, Article 41(8) of Directive 2009/73/EC, Article 14 of Regulation (EC) No 714/2009, and Article 13 of Regulation (EC) No 715/2009.

Amendment 61

Proposal for a regulation Article 14 – paragraph 3 – introductory part

Text proposed by the Commission

3. The incentive granted by the decision shall take account of the specific nature of the risk incurred and cover:

Amendment

3. The incentive granted by the decision shall take account of the specific nature of the risk incurred and cover, **among others**:

Amendment 62

Proposal for a regulation

Article 14 – paragraph 3 – point d

Text proposed by the Commission

(d) any other measure deemed necessary and appropriate.

Amendment

(d) any other measure deemed necessary and appropriate, ***including mitigation of the risk of higher operational costs of implemented energy infrastructure projects.***

Justification

In order to facilitate the investment process for private entrepreneurs engaged in development of energy infrastructure projects, the list of available incentives should not be limited to those specified in Article 14.3 and should cover also the risk of anticipated higher operational costs after the infrastructural projects are implemented.

Amendment 63

Proposal for a regulation

Article 14 – paragraph 5

Text proposed by the Commission

5. By 31 July 2013, each national regulatory authority shall publish its methodology and the criteria used to evaluate investments in electricity and gas transmission projects and the higher risks incurred by them.

Amendment

5. By 31 July 2013, each national regulatory authority, ***which made a decision on providing additional incentives,*** shall publish its methodology and the criteria used to evaluate investments in electricity and gas transmission projects and the higher risks incurred by them.

Amendment 64

Proposal for a regulation

Article 15 – paragraph 1

Text proposed by the Commission

1. Projects of common interest ***falling under the categories set out in points 1, 2***

Amendment

1. Projects of common interest are eligible for Union financial support in the form of

and 4 of Annex II are eligible for Union financial support in the form of grants for studies and financial instruments in accordance with the provisions of [Regulation of the European Parliament and the Council establishing the Connecting Europe Facility].

grants for studies and financial instruments in accordance with the provisions of [Regulation of the European Parliament and the Council establishing the Connecting Europe Facility].

Amendment 65

Proposal for a regulation

Article 15 – paragraph 2 – introductory part

Text proposed by the Commission

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:

Amendment

2. Projects of common interest falling under the categories set out in points 1(a) to (d), 2 and 3 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 point (b) of Article 5 or if they fulfil the following criteria:

Justification

There is no logic to exclude oil pipelines from financial support

Amendment 66

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 security of supply, solidarity, innovation, **environmental and social benefits**; and

Justification

The first two criteria for projects of common interest listed in Article 15.2 are already complex enough to enable a just and sensible selection. Therefore, reception of a cross-border cost allocation decision should not constitute an obligatory criterium.

Amendment 67

Proposal for a regulation

Article 15 – paragraph 2 – point b

Text proposed by the Commission

(b) the project is commercially not viable according to the business plan and other assessments carried out, notably by possible investors or creditors. The decision on incentives and its justification referred to in paragraph 3 of Article 14 shall be taken into account when assessing the project's commercial viability; **and**

Amendment

(b) the project is commercially not viable according to the business plan and other assessments carried out, notably by possible investors or creditors. The decision on incentives and its justification referred to in paragraph 3 of Article 14 shall be taken into account when assessing the project's commercial viability;

Justification

The first two criteria for projects of common interest listed in Article 15.2 are already complex enough to enable a just and sensible selection. Therefore, reception of a cross-border cost allocation decision should not constitute an obligatory criterium.

Amendment 68

Proposal for a regulation

Article 15 – paragraph 2 – point c

Text proposed by the Commission

(c) the project has received a cross-border cost allocation decision pursuant to Article 13 or, for projects having received an exemption pursuant to Article 36 of Directive 2009/73/EC or Article 17 of Regulation (EC) No 714/2009, an opinion from the competent national regulatory authorities and the Agency on the commercial viability of the project.

Amendment

(c) **optionally**, the project has received a cross-border cost allocation decision pursuant to Article 13 or, for projects having received an exemption pursuant to Article 36 of Directive 2009/73/EC or Article 17 of Regulation (EC) No 714/2009, an opinion from the competent national regulatory authorities and the Agency on the commercial viability of the project.

Justification

The first two criteria for projects of common interest listed in Article 15.2 are already complex enough to enable a just and sensible selection. Therefore, reception of a cross-border cost allocation decision should not constitute an obligatory criterium.

Amendment 69

Proposal for a regulation Article 15 – paragraph 3

Text proposed by the Commission

3. Projects of common interest falling under the categories set out in points 1(e) and 4 of Annex II 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 the concerned project promoters can clearly demonstrate the significant positive externalities generated by the projects and their lack of commercial viability.

Amendment

3. Projects of common interest falling under the categories set out in points 1(e) and 4 of Annex II 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 the concerned project promoters can clearly demonstrate the significant positive externalities generated by the projects and their lack of commercial viability ***or elevated operational risk.***

Amendment 70

Proposal for a regulation Article 16 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) the way in which the regional authorities are involved in the implementation of projects, with particular emphasis on their active participation in the stages at which investments are made in the regions concerned.

Amendment 71

Proposal for a regulation Article 17 – point c a (new)

Text proposed by the Commission

Amendment

(ca) links to project websites established by project promoters.

Amendment 72

Proposal for a regulation Article 17 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the funds allocated and disbursed by the Union for each project of common interest;

Amendment 73

Proposal for a regulation Article 17 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) the way in which the regional authorities are involved in the implementation of projects, with particular emphasis on their active participation in the stages at which investments are made in the regions concerned;

Amendment 74

Proposal for a regulation Article 17 – paragraph 1 – point c c (new)

Text proposed by the Commission

Amendment

(cc) developments regarding the investments already made and possible obstacles to projects of common interest

which may prevent their normal implementation within the time limits agreed with the competent authorities.

Amendment 75

Proposal for a regulation

Annex 1 – part 1 – point 3 – introductory part

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 **and with third countries** to complete the internal market and integrate generation from renewable energy sources.

Amendment 76

Proposal for a regulation

Annex I – part 2 – point 5

Text proposed by the Commission

(5) *North-South gas interconnections in Western Europe ("NSI West Gas")*: **interconnection capacities** for North-South gas flows in Western Europe to further diversify routes of supply and increase short-term gas deliverability.

Member States concerned: Belgium, France, Germany, Ireland, Italy, Luxembourg, Malta, the Netherlands, Portugal, Spain, the United Kingdom;

Amendment

(5) *North-South gas interconnections in Western Europe ("NSI West Gas")*: **gas infrastructure** for North-South gas flows in Western Europe to further diversify routes of supply and increase short-term gas deliverability.

Member States concerned: Belgium, France, Germany, Ireland, Italy, Luxembourg, Malta, the Netherlands, Portugal, Spain, the United Kingdom;

Justification

The definition of some gas corridors has to be reformulated in order to include all kind of infrastructure (underground storages and LNG terminals being also addressed by this regulation) and sound neutral. More generally, it is fundamental that investments which might be needed for cross-border capacity enhancements, such as system flexibility increase, are not excluded.

Amendment 77

Proposal for a regulation Annex I – part 2 – point 6

Text proposed by the Commission

(6) *North-South gas interconnections in Central Eastern and South Eastern Europe ("NSI East Gas")*: regional gas **connections** between the Baltic Sea region, the Adriatic and Aegean Seas and the Black Sea, notably to enhance diversification and security of gas supply;

Member States concerned: Austria, Bulgaria, Cyprus, Czech Republic, Germany, Greece, Hungary, Italy, Poland, Romania, Slovakia, Slovenia;

Amendment

(6) *North-South gas interconnections in Central Eastern and South Eastern Europe ("NSI East Gas")*: regional gas **infrastructure** between the Baltic Sea region, the Adriatic and Aegean Seas and the Black Sea, notably to enhance diversification and security of gas supply;

Member States concerned: Austria, Bulgaria, Cyprus, Czech Republic, Germany, Greece, Hungary, Italy, Poland, Romania, Slovakia, Slovenia;

Justification

The definition of some gas corridors has to be reformulated in order to include all kind of infrastructure (underground storages and LNG terminals being also addressed by this regulation) and sound neutral. More generally, it is fundamental that investments which might be needed for cross-border capacity enhancements, such as system flexibility increase, are not excluded.

Amendment 78

Proposal for a regulation Annex I – part 2 – point 7

Text proposed by the Commission

(7) *Southern Gas Corridor ("SGC")*: **transmission of** gas from the Caspian Basin, Central Asia, the Middle East and the Eastern Mediterranean Basin to the Union **to enhance diversification of gas supply**.

Member States concerned: Austria, Bulgaria, Czech Republic, Cyprus, France, Germany, Hungary, Greece, Italy, Poland, Romania, Slovakia, Slovenia;

Amendment

(7) *Southern Gas Corridor ("SGC")*: gas **infrastructure to enhance diversification of gas supply** from the Caspian Basin, Central Asia, the Middle East and the Eastern Mediterranean Basin to the Union;

Member States concerned: Austria, Bulgaria, Czech Republic, Cyprus, France, Germany, Hungary, Greece, Italy, Poland, Romania, Slovakia, Slovenia;

Justification

The definition of some gas corridors has to be reformulated in order to include all kind of infrastructure (underground storages and LNG terminals being also addressed by this regulation) and sound neutral. More generally, it is fundamental that investments which might be needed for cross-border capacity enhancements, such as system flexibility increase, are not excluded.

Amendment 79

Proposal for a regulation Annex 1 – part 3 – point 9

Text proposed by the Commission

(1) Oil supply **connections** in Central Eastern Europe ('OSC'): interoperability of the oil pipeline network in Central Eastern Europe to increase security of supply and reduce environmental risks.

Amendment

(1) Oil supply **diversification corridors** in **the** Central Eastern Europe ("OSC"): interoperability of the oil pipeline network in Central Eastern Europe to increase security of supply and reduce environmental risks.

Amendment 80

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

Text proposed by the Commission

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.

Amendment

For electricity projects falling under the categories set out in point 1 of Annex II, each Group shall be composed of representatives of the competent authorities of the Member States, national regulatory authorities, **relevant local, regional and autonomous authorities from all the Member States concerned**, 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.

Amendment 81

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

(1) 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, ***relevant local, regional or autonomous authorities from all the Member States concerned***, 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, ***all the infrastructure operators concerned and the respective organisations representing them*** 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.

Justification

The proposed regulation should acknowledge the role that LNG terminals and underground storages play in providing flexibility for internal energy market. Accordingly, storage and LNG operators should have an official status as stakeholders in the PCI selection process and in the Cost Benefit Analysis; therefore these infrastructure operators and organisations representing them (GIE) should have an official status as stakeholder in the composition of the Groups as it is representing storage and LNG operators which are additionally projects promoters.

Amendment 82

Proposal for a regulation

Annex III – part 1 – point 1 - paragraph 3

Text proposed by the Commission

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,

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.

relevant local, regional or autonomous authorities from all the Member States concerned, project promoters concerned by each of the relevant priorities designated in Annex 1 and the Commission.

Amendment 83

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

Text proposed by the Commission

Amendment

Project promoters and the Agency, while enjoying the other rights as members of a Group, shall not hold voting rights and may only attend the final adoption of a proposed list for submission according to Article 3(4) as observers.

Amendment 84

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

Text proposed by the Commission

Amendment

(1) Each project promoter shall submit an application for selection as project of common interest to the members of the respective Group, including an assessment of its project(s) with regard to the contribution to implementing the priorities set out in Annex I, the fulfilment of the relevant criteria defined in Article 6, and any other relevant information for the evaluation of the project.

(1) Each project promoter shall submit an application for selection as project of common interest to the members of the respective Group, including an assessment of its project(s) with regard to the contribution to implementing the priorities set out in Annex I, the fulfilment of the relevant criteria defined in Article 4, and any other relevant information for the evaluation of the project.

Justification

Error in the text

Amendment 85

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

Text proposed by the Commission

Amendment

(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. **deleted**

Justification

Being listed in the ten-year network development plan should not be a condition for a project to be of common interest. The base for selection of PCIs should be whether the projects fulfil all relevant criteria of this regulation and show sufficient socio-economic benefits in an EU-wide perspective, not whether they are a part of ENTSO-Es plan.

Amendment 86

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

Text proposed by the Commission

Amendment

(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.

(4) For all Union-wide lists of projects of common interest adopted after 1 August 2013, proposed gas transmission reception, **regasification or decompression facilities for liquefied natural gas (LNG)** 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.

Justification

For consistency LNG terminals should be included as they are also mentioned in point 2 of Annex II.

Amendment 87

Proposal for a regulation Annex IV – point 2 – paragraph 1 – point c

Text proposed by the Commission

(c) Interoperability and secure system operation shall be measured in line with the analysis made in the latest available ten-year network development plan in electricity, notably by assessing the impact of the project on the loss of load expectation for the area of analysis as defined in point 10 of Annex V in terms of generation and transmission adequacy for a set of characteristic load periods, taking into account expected changes in ***climate-related*** extreme weather events and their impact on infrastructure resilience.

Amendment

(c) Interoperability and secure system operation shall be measured in line with the analysis made in the latest available ten-year network development plan in electricity, notably by assessing the impact of the project on the loss of load expectation for the area of analysis as defined in point 10 of Annex V in terms of generation and transmission adequacy for a set of characteristic load periods, taking into account expected changes in extreme weather events and their impact on infrastructure resilience.

Amendment 88

**Proposal for a regulation
Annex IV – point 3 – point d**

Text proposed by the Commission

(d) Sustainability shall be measured as the contribution of a project to reduce emissions, to support the back-up of renewable electricity generation or power-to-gas and biogas transportation, taking into account expected changes in ***climatic conditions***.

Amendment

(d) Sustainability shall be measured as the contribution of a project to reduce emissions, to support the back-up of renewable electricity generation or power-to-gas and biogas transportation, taking into account expected changes in ***extreme weather events***.

Amendment 89

**Proposal for a regulation
Annex V – point 2**

Text proposed by the Commission

(2) The data set shall reflect Union and national legislations in force at the date of analysis. The data sets used for electricity and gas respectively shall be compatible, notably with regard to assumptions on prices and volumes in each market. The data set shall be elaborated after formally consulting Member States and the

Amendment

(2) The data set shall reflect Union and national legislations in force at the date of analysis. The data sets used for electricity and gas respectively shall be compatible, notably with regard to assumptions on prices and volumes in each market. The data set shall be elaborated after formally consulting Member States and the

organisations representing all relevant stakeholders. The Commission and the Agency shall ensure access to the required commercial data from third parties when applicable.

organisations representing all relevant stakeholders ***including academia and environmental organisations, and shall be made available to the public.*** The Commission and the Agency shall ensure access to the required commercial data from third parties when applicable.

Amendment 90

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

Amendment

(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 costs, ***as well as other environmental externalities***. The methodology shall give guidance on discount rates to be used for the calculations.

Amendment 91

Proposal for a regulation Annex V – point 6 – introductory part

Text proposed by the Commission

(6) For electricity transmission and storage, the cost-benefit analysis shall at least take into account the impacts on the indicators defined in Annex ***III***. In line with the methods applied for the elaboration of the latest available ten-year network development plan in electricity, it shall in addition notably take into account the impacts of the project on the following:

Amendment

(6) For electricity transmission and storage, the cost-benefit analysis shall at least take into account the impacts on the indicators defined in Annex ***IV***. In line with the methods applied for the elaboration of the latest available ten-year network development plan in electricity, it shall in addition notably take into account the impacts of the project on the following:

Justification

Error in the text

Amendment 92

Proposal for a regulation Annex VI – point 2 – point a

Text proposed by the Commission

(a) The stakeholders affected by a project of common interest, including relevant authorities, landowners and citizens living in the vicinity of the project, the general public and their associations, organisations or groups, shall be extensively informed and consulted at an early stage and in an open and transparent manner. Where relevant, the competent authority shall actively support the activities undertaken by the project promoter.

Amendment

(a) The stakeholders affected by a project of common interest, including relevant ***national, regional and local*** authorities, landowners and citizens living in the vicinity of the project, the general public and their associations, organisations or groups, shall be extensively informed and consulted at an early stage and in an open and transparent manner. Where relevant, the competent authority shall actively support the activities undertaken by the project promoter.

Amendment 93

Proposal for a regulation Annex VI – point 2 – point a

Text proposed by the Commission

(a) The stakeholders affected by a project of common interest, including relevant authorities, landowners and citizens living in the vicinity of the project, the general public and their associations, organisations or groups, shall be extensively informed and consulted at an early stage and in an open and transparent manner. Where relevant, the competent authority shall actively support the activities undertaken by the project promoter.

Amendment

(a) The stakeholders affected by a project of common interest, including relevant authorities, landowners and citizens living in the vicinity of the project, the general public and their associations, organisations or groups, shall be extensively informed and consulted at an early stage – ***no later than the start of the permit granting procedure*** – and in an open and transparent manner. Where relevant, the competent authority shall actively support the activities undertaken by the project promoter.

Amendment 94

Proposal for a regulation Annex VI – point 2 – point a

Text proposed by the Commission

(a) The stakeholders affected by a project of common interest, including relevant authorities, landowners and citizens living in the vicinity of the project, the general public and their associations, organisations or groups, shall be extensively informed and consulted at an early stage and in an open and transparent manner. Where relevant, the competent authority shall actively support the activities undertaken by the project promoter.

Amendment

(a) The stakeholders affected by a project of common interest, including relevant ***local, regional and national*** authorities, landowners and citizens living in the vicinity of the project, the general public and their associations, organisations or groups, shall be extensively informed and consulted at an early stage and in an open and transparent manner. Where relevant, the competent authority shall actively support the activities undertaken by the project promoter.

Amendment 95

**Proposal for a regulation
Annex VI – point 3 – point b**

Text proposed by the Commission

(b) the measures envisaged;

Amendment

(b) the measures envisaged, ***including proposed general locations and dates of dedicated meetings***;

Amendment 96

**Proposal for a regulation
Annex VI – point 4 a (new)**

Text proposed by the Commission

Amendment

(4a) The dedicated meetings referred in point (4 c) of this Annex shall take place in a location and at a time allowing the greatest number of stakeholders to take part. The competent authority may require project promoters to facilitate the attendance by stakeholders who would otherwise be unable to attend for financial or other reasons.

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 |
| Opinion by Date announced in plenary | REGI 15.11.2011 |
| Rapporteur Date appointed | Wojciech Michał Olejniczak 23.11.2011 |
| Discussed in committee | 26.4.2012 |
| Date adopted | 29.5.2012 |
| Result of final vote | +: 38 –: 0 0: 1 |
| Members present for the final vote | François Alfonsi, Luís Paulo Alves, Jean-Paul Basset, Alain Cadec, Nikos Chrysogelos, Tamás Deutsch, Rosa Estaràs Ferragut, Danuta Maria Hübner, Vincenzo Iovine, María Irigoyen Pérez, Seán Kelly, Mojca Kleva, Constanze Angela Krehl, Petru Constantin Luhan, Ramona Nicole Mănescu, Vladimír Maňka, Riikka Manner, Iosif Matula, Erminia Mazzoni, Ana Miranda, Jan Olbrycht, Wojciech Michał Olejniczak, Markus Pieper, Tomasz Piotr Poręba, Monika Smolková, Ewald Stadler, Georgios Stavrakakis, Nuno Teixeira, Lambert van Nistelrooij, Oldřich Vlasák, Kerstin Westphal, Hermann Winkler, Joachim Zeller, Elżbieta Katarzyna Łukacijewska |
| Substitute(s) present for the final vote | Ivars Godmanis, Lena Kolarska-Bobińska, Ivari Padar, László Surján, Giommaria Uggias |