

TEN-E Regulation review

ENTSO-E Proposals for amendments

Executive summary:

ENTSO-E welcomes the TEN-E review and the proposal by the European Commission, which aligns it with the Green Deal objectives. The proposal rightly emphasizes the need for a **long-term holistic vision** on energy infrastructure planning and for a framework that allows to integrate and coordinate various coupling solutions for different infrastructures through different network elements in an optimal manner and to support energy system integration. ENTSO-E welcomes the new provisions regarding **the inclusion of offshore hybrid projects**, the new task to elaborate **offshore development plans**, the enhanced provisions regarding energy system integration, including provisions for **energy system-wide cost-benefit analysis, support for innovation** technologies and smart solutions, and the recognition of the **importance of interconnections with third countries**.

However, some provisions in the revised TEN-E need to be further clarified, in particular:

- The governance of the TYNDP processes should build further upon years of good practices, expertise and knowledge-sharing developed through the implementation of Regulation (EU) 347/2013 with the cooperation between ENTSO-E and ENTSG, TSOs, governments, regulators, and stakeholders. Further clarification is required in this regard **to ensure the process remains feasible and fit for purpose, while adequately involving all relevant stakeholders in a transparent manner**.
- **The offshore and onshore grid planning processes need to be further aligned** and the nature of the offshore plans should be further clarified.
- **The CBCA process should be further simplified and the right conditions for financial support should be set** for PCIs and PMIs.
- **The criteria for projects to qualify as PMI should be reviewed** to ensure the projects essential to achieve EU long term goals are eligible in line with EU Green Deal Diplomacy objectives.
- The importance of the **contribution of the electricity interconnection target of at least 15% for 2030, provided that system benefits outweigh costs, to reaching the Energy Union goals** should be included in the Regulation, while acknowledging that many Member States require significantly stronger interconnections.
- The **energy system integration** provisions of the TEN-E could be further strengthened. The TEN-E should provide a framework that supports and incentivizes cooperation beyond electricity and gas sectors to other sectors that need to be decarbonized such as heat, transport, industry, in order to promote full energy system integration and to become a catalyst for decarbonising the European energy system.

In the annex to this document, ENTSO-E makes concrete wording suggestions on how the Regulation could be improved further. Those proposals are based on our frontline expertise and we remain at policy makers' disposal to discuss further in detail our practice and how it can evolve to ensure an ever-improving planning process of the development of the infrastructure necessary to the achievement of EU objectives.

Main ENTSO-E proposals to improve the TEN-E:

Detailed wording suggestions can be found in annex.

1. The roles and responsibilities of European bodies in the system planning processes for the TYNDP should be further clarified to ensure appropriate balance between efficient and timely delivery of the TYNDP and sufficient mechanisms for oversight and stakeholder engagement

Articles concerned: article 11 and article 12

The new EC proposal rightly builds on the knowledge, experience and improvements developed over the years in the TYNDP processes, while it also strengthens substantially the oversight of the European Commission and ACER and the inclusion of new actors in stakeholder consultations. **ENTSO-E supports the EC proposal to facilitate a holistic view on energy infrastructure planning and developing a framework to support further energy system integration** by counting on ENTSO-E, ENTSG and the TSOs' expertise and tools to build increasingly elaborate and comprehensive scenarios, identify no-regret options and investments and inform policy-makers on future choices for grid development to support EU decarbonisation objectives.

ENTSO-E proposes some simplifications and clarifications ensuring the full TYNDP process can be developed and delivered in time and with quality. ENTSO-E acknowledges the objectives of the proposed changes with regard to additional scrutiny. Nevertheless, the proposals add complexity to the process and may have a significant impact on the efficiency and implementation timelines for the scenario building processes and the TYNDP as well as reduce clarity on the lines of responsibility of each involved entity. These proposals need to be refined to ensure the full TYNDP process can be developed and delivered by ENTSO-E and ENTSG with quality, in a timely and efficient manner and in respect of the EU Green Deal objectives.

In addition, the process for the CBA methodology approval would benefit from further simplification and clarification of the timelines and processes for updating the methodology (article 11).

Furthermore, for the sake of certainty, it would be necessary to set clear deadlines for each of the main stages of this process.

2. A level-playing field should be ensured for all solutions including non-infrastructure ones

Articles concerned: recital 21, Article 13

The EC proposal requires the ENTSOs to implement the energy efficiency first principle and “consider with priority all relevant non-infrastructure related solutions to address the identified gaps” when assessing system needs. ENTSO-E fully agrees with the goal of building only the infrastructure that is necessary, but the current wording is problematic: it is not clear (or defined anywhere) what exactly constitute “non-infrastructure related solutions” and prioritising such solutions may not necessarily be more efficient than infrastructure related solutions.

ENTSO-E suggests that all solutions should be considered on equal footing, with a system wide view, allowing a real consideration of the most effective solutions.

The ENTSOs already develop system needs’ reports as part of the TYNDP process, whose purpose is not to describe solutions but to identify and express the system needs to meet European long-term targets. The identified needs can be subsequently addressed through multiple solutions in the subsequent step of the TYNDP process where project promoters can use the identified needs to propose and justify solutions through concrete projects, including non-infrastructure related ones. Prioritising “non-infrastructure related solutions” already in the stage for identification of infrastructure gaps appears to be contradictory to the nature and purpose of the gap report itself and to the key principles to ensure a level-playing field for all solutions, including non-infrastructure ones. **Ensuring a flexible and fit-for-purpose framework that allows the assessment of all types of solutions** that can meet the identified system needs in the most optimal manner should be the underlying objective.

3. Offshore and onshore grid planning processes and timelines between TYNDP and offshore development plans need to be further aligned to ensure a full energy system view

Articles concerned: article 7.5, article 14, article 15

ENTSO-E strongly welcomes the new provisions and tasks it has been given to develop integrated offshore development plans for each sea basin as a basis to providing a more coordinated comprehensive approach ensuring the sustainable development of integrated offshore grids in line with the offshore renewable potential of the individual sea basins, environmental protection etc. The overall approach to strengthen the role of offshore projects in TEN-E, in particular with regard to the specific needs of offshore hybrid projects, and proposals to streamline further the different offshore development processes including grid planning, permitting and financing, go in a positive direction.

ENTSO-E proposes to clarify the exact nature of the offshore development plans, which should aim at identifying the potential of offshore development and the needs for infrastructure, without going into a detailed project by project assessment. The project selection and assessment for offshore remains an integrated part of the TYNDP process. Coordinating long-term planning and development of offshore and onshore electricity grids is of crucial importance to ensure that the offshore energy can be brought to the customers in the load centres.

ENTSO-E proposes that the offshore plans should be updated every 4 years (i.e. every 2 TYNDP) in order to align with the TYNDP process frequency. Indeed, the proposed timelines and processes for the TYNDP development, to be delivered every 2 years, and for offshore development plans, to be delivered every 3 years, fall short of supporting efficiently the objectives of ensuring a consistent network planning approach for onshore and offshore and need to be adapted and synchronised. Ensuring compatibility, consistency and coherence as well as close links between the TYNDP and future offshore development plans is essential for the development and delivery of robust, consistent long-term plans that provide a full energy system view.

ENTSO-E proposes to clarify the goal of the cost sharing methodology described in Article 15, which should aim at analysing where benefits and costs could be allocated by sea basin and should not be a project by project assessment.

Article 15 also has a gap as it does not clarify who should develop the methodology. In line with general practice regarding the develop of relevant methodologies, we suggest it should be ENTSO-E's responsibility.

4. The TEN-E Regulation should create the right conditions to raise the necessary financial support and should support effective project realisation through fair and simple financing instruments and mechanisms – CBCA simplification is crucial

Articles concerned: article 16, article 18

In view of the upcoming need to invest in EU energy infrastructure necessary to reach the Union's 2030 and 2050 energy and climate policy targets, **PCIs should be supported by a fast track lane** to access support from financial instruments to be provided on the basis of the net benefits (positive CBA) of the respective projects. **A fair and efficient financing toolbox is indispensable to support investments** in solutions for the future.

ENTSO-E strongly recommends a fundamental redesigning of the Cross Border Cost Allocation (CBCA) mechanism: The TEN-E Regulation should set the right conditions for obtaining the necessary financial support and should facilitate effective project implementation through fair and simple financing instruments and mechanisms. Simplification of the CBCA is crucial. Given the experience gathered with the implementation of Regulation 347/2013, ENTSO-E strongly recommends a fundamental redesigning of the CBCA mechanism (including further alignment with ACER Recommendation 05/2015 on CBCA) within the revised TEN-E Regulation. Accordingly, **a negotiated voluntary solution should stay the default approach for project financing between respective countries of hosting project promoters.** Alternative ways of cost sharing could be envisaged if a project is not commercially viable for the hosting countries, but economically viable from a European perspective. In such cases, **European funding should become the preferred option. Assurance of the cost recovery via tariffs for the contributing non-hosting project promoters should also be provided.**

5. The TEN-E framework should promote PCIs to be delivered in a timely manner through faster permitting and comprehensive public engagement

Articles concerned: recital 35, article 8.3, article 9, article 10, and article 18

ENTSO-E makes a number of recommendations on how to support one of the main goal of PCIs, i.e. the timely implementation of projects: The TEN-E framework should help the timely delivery of PCIs through faster permitting and comprehensive public engagement by both fostering more streamlined and flexible permitting processes and ensuring effective public engagement at all levels (European, regional, national & local). A fast-track conformity should also be foreseen for PCI-labelled projects to ensure their benefits are realised in a timely manner. The EC proposal stipulates the creation of a one-stop shop per sea basin to simplify permitting process for offshore grids, which would also require more appropriate coordination between national competent authorities. Ensuring legal certainty in permitting for both project promoters and public authorities' involvement would be equally indispensable. However, it should be noted that some specific provisions in the EC proposal ('comprehensive decisions' in art. 2.2 in conjunction with art 8.3) may in some countries unintentionally result in delays in the permitting process and should be carefully assessed in that context. The definition of the 'comprehensive decision', which is required to be the last one for a project, is not clear and needs to be specified further. The measures included in the proposed Regulation should be further complemented and enhanced by other actions at European level with the objective to achieve a simplification and alignment of national regulations.

ENTSO-E proposes to further improve the certainty and stability of the PCI label. PCI projects which have reached sufficient maturity (under construction or in advanced permitting) and are demonstrating steady and concrete progress, as per their implementation plan, should be automatically re-confirmed in the future PCI lists until their commissioning without imposing re-application by project promoters. An improved stability of the PCI label for advanced, mature projects would reduce related administrative burdens and create a more stable and inviting framework for project promoters.

Articles concerned: recital 26 and article 4.5.(c)

6. Interconnections with third countries (PMIs) should be able to attract EU funding for projects contributing to EU energy and climate objectives

Articles concerned: recital 17, Recital 47, article 3.6, article 4.2, article 18.5

A successful energy transition can only happen with the involvement of the EU's immediate neighbouring countries (among others the Balkans, Switzerland, the Mediterranean region – including North Africa - and the North Sea bordering countries) as it will further improve and allow a higher RES integration, as well as provide flexibility and enhance security of supply, by enabling EU market integration and supporting affordability for consumers. In order to achieve short and long-

term EU climate and energy objectives, it is essential to strengthen links with neighbouring non-EU countries. ENTSO-E welcomes the inclusion of a new category of priority projects in the TEN-E proposal, so-called Projects of Mutual Interest (PMIs), to promote the development of projects promoted by the Union in cooperation with third countries, while demonstrating a contribution to the Union’s overall energy and climate objectives. However, the criteria for qualifying as PMI and the benefits of this status should be revised.

The requirement regarding at least two Member States will turn out to be problematic in a number of cases on the EU periphery that may want to develop interconnections with third countries and **should be reviewed**. Otherwise, many projects essential for achieving EU targets may not be eligible, and the PMI status would not meet its objective.

The TEN-E framework should ensure that projects, which prove to be beneficial from an EU perspective, are able to attract funding in the future and will not be subject to rules that could lead to the exclusion for grants for projects of European relevance. Limiting financing to works for PMIs only to the part of projects located on EU territory might create obstacles for the project feasibility, especially in case of third countries lacking adequate financial resources as well as in the case of offshore projects, where a large part of the project may be constructed in international waters (i.e. outside of EU territory).

ENTSO-E suggest to focus the prequalification criteria for PMIs to the compatibility with EU climate goals and achievement of the Paris agreement: The criteria of ‘regulatory approximation’ or convergence would be difficult to assess and achieve and should be replaced with such a “climate target” criteria.

7. The TEN-E should foster further interconnectedness across regions as interconnections are essential for Europe’s energy transition, contributing to enhancing security of energy supply and achieving a net-zero GHG economy

Articles concerned: recital 4bis (new), article 1.1, article 4.3.a, and Annex IV).

Interconnectors contribute to smart, sustainable and inclusive growth, and bring benefits to the entire Union in terms of competitiveness and economic, social and territorial cohesion. In this regard, the achievement of the electricity interconnection target of at least 15 % for 2030, set in the Governance Regulation, provided that system benefits outweigh costs, is key to fulfil the goals of the Energy Union and the Green Deal. Given the benefits of interconnected electricity networks in terms of facilitating the cost-effective integration of the growing share of renewable energy sources, which is also recognized by the Renewable Directive (Directive (EU) 2018/2001), further attention should be given to reaping the benefits of regions with high renewable potential (wind, solar, etc.). The electricity interconnection target has provided a crucial momentum to advance key cross-border projects, and the implementation of PCIs has led to increasing interconnection levels over the last years. The achievement of 2030 electricity interconnection targets of at least 15%, provided that system benefits outweigh costs, remains important to achieving EU 2050 climate neutrality objectives and if Europe is to reap the full potential of its renewable energy sources while ensuring security of supply and competitiveness.

8. Rules and indicators concerning criteria for Projects of Common Interest (PCIs)

Articles concerned: article 4; Annex IV. Point 1

ENTSO-E proposes to review further the 500MW criterion: With reference to the conditions needed to demonstrate the criterion of a significant cross-border impact, in order to not undermine the implementation of some specific key projects which do not meet the current eligibility criterion but still deliver high value to Europe and European energy consumers, the currently applied in the proposed Regulation (Annex IV point 1 (a)) threshold of 500MW of increased cross-border capacity may not be the most appropriate and relevant to identify PCIs located on the territory of one Member State. For the timely delivery of the EU objectives, the new requirement should take into account all different projects that need to be labelled as PCIs in the next decade and ensure a greater consistency of Regulations (e.g. Regulation EU 2019/943). Only in case of internal lines that do not cross two bidding zones, a specific threshold to highlight the cross-section impact between bidding zones should be foreseen (e. g. 100 – 200 MW). The methodology for calculating the requirements set and the results should be delivered by the project promoter through a specific study subject for approval by the relevant stakeholders – and notably, the concerned TSOs, ENTSO-E and the European Commission.

Annex: Amendment proposals

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Original EC Text	ENTSO-E Amendment proposal	Justification
Recitals		
	<p>4bis (new) The target agreed in the conclusions of the March 2002 Barcelona European Council for Member States to have a level of electricity interconnections equivalent to at least 10 % of their installed production capacity has not yet been achieved. In its conclusions of 23 and 24 October 2014, the European Council endorsed an electricity interconnection target of at least 15 %. The communication of the Commission of 23 November 2017 on strengthening Europe's energy networks assesses progress towards achieving the 10 % interconnection target and suggests ways in which to operationalise the 15 % interconnection target for 2030, provided that system benefits outweigh costs, while acknowledging that many Member States require significantly higher interconnection levels, in particular by taking into account the urgency indicators developed by the Interconnection expert group (ITEG).</p>	<p>Electricity interconnections are a core element of the TEN-E provided their contribution to the integration of the EU electricity market, ensuring security of supply and contribution to the integration of renewable energy in the system. This paragraph gives the necessary context and support to the provisions contained in the TEN-E Regulation, by indicating the institutional and political support given to the EU interconnection targets.</p> <p>For the above-mentioned reasons, the proposed paragraph should be included as a new recital 4 (bis) under the final TEN-E Regulation text.</p>
<p>Recital 17 The Union should facilitate infrastructure projects linking the Union's energy networks with third-country networks that are mutually</p>	<p>Recital 17 The Union should facilitate infrastructure projects linking the Union's energy networks with third-country networks that are mutually</p>	<p>Recital 17 In order to achieve short and long-term EU objectives, it is essential to strengthen links with neighboring non-EU countries. Sufficient</p>

<p>beneficial and necessary for the energy transition and the achievement of the climate targets, and which also meet the specific criteria of the relevant infrastructure categories pursuant to this Regulation, in particular with neighbouring countries and with countries with which the Union has established specific energy cooperation. Therefore, this Regulation should include in its scope projects of mutual interest where they are sustainable and able to demonstrate significant net socio-economic benefits for at least two Member States and at least one third country. Such projects would be eligible for inclusion in the Union list upon conditions of regulatory approximation with the Union and upon demonstrating a contribution to the Union’s overall energy and climate objectives in terms of security of supply and decarbonisation. Such regulatory alignment or convergence should be presumed for the European Economic Area or Energy Community Contracting Parties. In addition, the third country with which the Union cooperates in the development of projects of mutual interest should facilitate a similar timeline for accelerated implementation and other policy support measures, as stipulated in this Regulation. Therefore, in this Regulation, projects of mutual interest should be considered in the same manner as projects of common interest with all provisions relative to projects of common interest applying also to projects of mutual interest, unless otherwise specified.</p>	<p>beneficial and necessary for the energy transition and the achievement of the climate targets, and which also meet the specific criteria of the relevant infrastructure categories pursuant to this Regulation, in particular with neighbouring countries and with countries with which the Union has established specific energy cooperation. Therefore, this Regulation should include in its scope projects of mutual interest where they are sustainable, contribute to security of supply or to achieving climate targets of the EU, and able to demonstrate significant net socio-economic benefits for at least two one or more Member States and at least one third country. Such projects would be eligible for inclusion in the Union list upon conditions of regulatory approximation with the Union and upon demonstrating a contribution to the Union’s overall energy and climate objectives in terms of security of supply and decarbonisation. Such contribution regulatory alignment or convergence should be presumed for the European Economic Area or Energy Community Contracting Parties based on the presumption of regulatory alignment or convergence with the Union’s overall climate and energy objectives; as well as for the countries that have long-term targets in line with the Paris Agreement, including Switzerland, countries included in the partnership for the Southern Neighbourhood, and the North Sea Countries. In addition, the third country with which the Union cooperates in the development of projects of mutual interest should facilitate a similar timeline for accelerated implementation and other policy support measures, as stipulated in this Regulation and in line with the national regulation of the third country. Therefore, in this Regulation, projects of mutual interest should be considered in the same manner as projects of common interest with all provisions relative to projects of common interest applying also to projects of mutual interest, unless otherwise specified.</p>	<p>interconnection levels with relevant neighbours will be an essential contribution to achieving the EU climate targets and is also in some cases crucial for EU security of supply.</p> <p>The building of new infrastructure projects with third countries should indeed be subject to compliance with EU targets and the Paris agreement. However, the term ‘regulatory convergence’ is too vague and could limit the PMI status only to EEA countries, which is way too limited compared to the needs identified at pan-European level.</p> <p>The cooperation on PMIs should include countries in the Southern Neighborhood already operating based upon and aligned to EU requirements (Med-TSO members), as established by the priorities of the Green Deal (e.g. Strategy for Africa), the Council Conclusions on climate and energy diplomacy, as well as the upcoming partnership for the Southern Neighbourhood, countries members of the North Sea Cooperation, and other neighbours such as Switzerland and the Baltic countries, which are part of the interconnected system.</p> <p>Requiring significant net socio-economic benefits for at least two Member States would not be in line with the reality of the projects nor the complexity of designing offshore grid, and the introduction of e.g. flow-based capacity calculation. It would also discriminate certain regions or large Member States.</p> <p>For example, for some third countries there is no accelerated authorization process stipulated in the national regulation or a prioritization status in court rulings. This should not prevent projects from being eligible as PMI.</p>
<p>Recital 21 It is important to ensure that only infrastructure projects for which no reasonable alternative solutions exist may receive the status of project of common interest. For that purpose, the infrastructure gaps identification will follow the energy efficiency first principle and consider with priority all relevant non-infrastructure related solutions to address the identified gaps. In addition, during project implementation, project promoters should report on the compliance with environmental legislation and demonstrate that projects do no significant harm to the environment in accordance with Article 17 of Regulation (EC) 2020/852. For existing projects of common interest having reached sufficient maturity, this will be taken into account during project selection for subsequent Union list by the regional groups. [1] Regulation (EU) 2020/852 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088, OJ L 198, 22.6.2020, p. 13</p>	<p>Recital 21 It is important to ensure that only infrastructure projects for which no reasonable more efficient alternative solutions exist may receive the status of project of common interest. For that purpose, the infrastructure gaps identification will follow the energy efficiency first principle and consider with priority all relevant non-infrastructure related solutions alternatives for the optimization of the existing transmission system that could contribute to address the identified gaps. In addition, during project implementation, project promoters should report on the compliance with environmental legislation and demonstrate that projects do no significant harm to the environment in accordance with Article 17 of Regulation (EC) 2020/852[1]. For existing projects of common interest having reached sufficient maturity, this will be taken into account during project selection for subsequent Union list by the regional groups. [1] Regulation (EU) 2020/852 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088, OJ L 198, 22.6.2020, p. 13</p>	<p>Recital 21 Infrastructure and non-infrastructure solutions should be considered on an equal basis. Giving a priority to a solution compared to another is in contradiction with the Energy efficiency first criteria and the technology neutrality approach. Infrastructure Gaps should not identify “solutions” but only the needs of the system. How these needs are met is deliberately left open. What is important is to avoid building infrastructure that is not needed and therefore to make sure alternatives in optimizing the use of the existing system are considered. Some of those alternatives can hardly be called “non-infrastructure related.”</p>

<p>Recital 26</p> <p>A new Union list of project of common interest ('Union list') should be established every two years. Projects of common interest that are completed or that no longer fulfil the relevant criteria and requirements as set out in this Regulation should not appear on the next Union list. For that reason, existing projects of common interest that are to be included in the next Union list should be subject to the same selection process for the establishment of regional lists and for the establishment of the Union list applied to proposed projects. However the resulting administrative burden should be reduced as much as possible, for example by using to the extent possible information submitted previously, and by taking account of the annual reports of the project promoters. To that end, existing projects of common interest that have made significant progress should benefit from a streamlined inclusion process in the Union-wide ten-year network development plan.</p>	<p>Recital 26</p> <p>A new Union list of project of common interest ('Union list') should be established every two years. Projects of common interest that are completed or that no longer fulfil the relevant criteria and requirements as set out in this Regulation should not appear on the next Union list. For that reason, existing projects of common interest that are to be included in the next Union list should be subject to the same selection process for the establishment of regional lists and for the establishment of the Union list applied to proposed projects. However PCI projects which have reached sufficient maturity (under construction or in permitting) and are demonstrating steady and concrete progress, as per their implementation plan, should be automatically re-confirmed in the future PCI lists until their commissioning without imposing re-application by project promoters. The resulting Administrative burden should be reduced as much as possible, for example by using to the extent possible information submitted previously, and taking account of the annual reports of the project promoters. To that end, existing projects of common interest that have made significant progress should benefit from a streamlined inclusion process in the Union-wide ten-year network development plan.</p>	<p>Recital 26</p> <p>To further improve certainty and stability of the PCI label, PCI projects which have reached sufficient maturity (under construction or in advanced permitting) and are demonstrating steady and concrete progress, as per their implementation plan, should be automatically re-confirmed in the future PCI lists until their commissioning without imposing re-application by project promoters.</p> <p>An improved stability of the PCI label for advanced, mature projects would reduce related administrative burdens and create a more stable and inviting framework for project promoters.</p>
<p>Recital 35</p> <p>The correct and coordinated implementation of Directives 2011/92/EU^[1] and 2001/42/EC of the European Parliament and of the Council^[2] and where applicable, of the Convention on access to information, public participation in decision-making and access to justice in environmental matters, signed in Aarhus on 25 June 1998^[3] (the 'Aarhus Convention'), and of the Espoo Convention on environmental impact assessment in a transboundary context (the 'Espoo Convention') should ensure the harmonisation of the main principles for the assessment of environmental and climate effects, including in a cross-border context. The Commission has issued guidance to support Member States in defining adequate legislative and non-legislative measures to streamline the environmental assessment procedures for energy infrastructure and to ensure the coherent application of environmental assessment procedures required under Union law for projects of common interest^[4]. Member States should coordinate their assessments for projects of common interest, and provide for joint assessments, where possible. Member States should be encouraged to exchange best practice and administrative capacity-building in the permit granting processes.</p> <p>^[1] Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1).</p>		<p>Recital 35</p> <p>The Guidance Document "Streamlining environmental assessment procedures for energy infrastructure 'Projects of Common Interest' (PCIs)" should be updated by introducing further measures that ensure:</p> <p>a) Effective respect of the envisaged timeline through:</p> <ul style="list-style-type: none"> - empowerment of one-stop shop to ensure respect of timelines, - introduction of silent consent provision, i.e.: implicit approval in cases where the competent authorities involved in the permitting procedure do not raise issues within the given timelines, - promoting dialogue between the different parties involved in the authorisation process. <p>b) Actual streamlining of the procedures through:</p> <ul style="list-style-type: none"> - providing specific authorizations (such as permissions for access to areas where archaeological surveys are needed, in order to assess whether the identified site is suitable to host the project) already in the early stages of the pre-application procedure in order to allow evaluation of concrete feasible solutions already in the public consultation phase. Indeed, this would make it possible not to question any important part of the project in the permit granting procedure and avoid repetition of procedural steps, - applying simplified procedures in cases where the project promoter chooses technical solutions that are widely supported and preferred by the community/stakeholders (e.g. underground transmission cables instead of high-voltage overhead transmission lines).

<p>[2] Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ L 197, 21.7.2001, p. 30).</p> <p>[3] OJ L 124, 17.5.2005, p. 4.</p> <p>[4] Guidance Document "Streamlining environmental assessment procedures for energy infrastructure 'Projects of Common Interest' (PCIs)", https://ec.europa.eu/environment/eia/pdf/PCI_guidance.pdf.</p>		<p>c) Effective streamlining of the environmental assessments through:</p> <ul style="list-style-type: none"> - ensuring that the project promoter has access to the data and information required for the preparation of environmental reports. In this regard, it would be helpful if the Member State identified a body/entity which would be the contact point of the project promoter for obtaining all necessary data. If this entity certifies that some of the requested information is not available, the project promoter should be exempted from providing the data, - providing for simplified environmental assessment procedures for projects for the renewal and modernization/technological upgrade of pre-existing assets (for instance new kinds of conductors/cables), - supporting the introduction of the single approval of all authorizations needed within the context of the EIA, i.e.: landscape protection permits, hydrogeological risk authorizations as well as authorizations related to protected areas (Nature 2000 areas, National/Regional Parks). This would avoid subsequent approvals of many specific authorizations which make the permitting process much longer and could lead to hindering the project implementation.
<p>Recital 47 Grants for works related to projects of mutual interest should be available only for the investments located on the territory of the Union and only in case where at least two Member States contribute financially in a significant manner to the investment costs of the project in view of its benefits.</p>	<p>Recital 47 Grants for works related to projects of mutual interest should be available only for the investments located on the territory of the Union and only in case where at least two Member States, in case where at least one Member State contributes financially in a significant manner to the investment costs of the project in view of its benefits.</p>	<p>Recital 47 Alignment should be ensured between the TEN-E and the CEF Regulation 2018/0228(COD)¹, Article 5(d) on third countries associated to the Programme. In addition, the need to have “at least two Member States contribute financially in a significant manner to the investment costs of the project in view of its benefits” could imply a big delay of some key strategic projects which have high added-value but may also be financially risky.</p>
<p>Chapter I: General provisions</p>		
<p>Article 1: Subject matter</p>		
<p>1. This Regulation lays down guidelines for the timely development and interoperability of the priority corridors and areas of trans-European energy infrastructure set out in Annex I ('energy infrastructure priority corridors and areas') that contribute to the Union's 2030 climate and energy targets and the climate neutrality objective by 2050.</p>	<p>1.This Regulation lays down guidelines for the timely development and interoperability of the priority corridors and areas of trans-European energy infrastructure set out in Annex I ('energy infrastructure priority corridors and areas') that contribute to the Union's 2030 climate and energy targets as defined under article 2(11) of Regulation (EU) 2018/1999 on Governance of the Energy Union and Climate Action, and the climate neutrality objective by 2050.</p>	<p>It is important to recall which are those EU climate and energy targets for 2030, as defined under the referred Governance Regulation. According to article 2(11) of Regulation (EU) 2018/1999, 'the Union's 2030 targets for energy and climate' means the Union-wide binding target of at least 40 % domestic reduction in economy-wide greenhouse gas emissions as compared to 1990 to be achieved by 2030, the Union-level binding target of at least 32 % for the share of renewable energy consumed in the Union in 2030, the Union-level headline target of at least 32,5 % for improving energy efficiency in 2030, and the 15 % electricity interconnection target</p>

		for 2030 or any subsequent targets in this regard agreed by the European Council or by the European Parliament and by the Council for 2030.
Article 2: Definitions		
In addition to the definitions in Directives 2009/73/EC, (EU) 2018/2001 ¹ and (EU) 2019/944 of the European Parliament and of the Council and in Regulations (EC) No 715/2009, (EU) 2019/942, and (EU) 2019/943, the following definitions shall apply for the purposes of this Regulation:		A definition for 'sustainability' is missing, although this is a mandatory condition for eligibility of electricity interconnector and storage PCIs. It should be ensured that article 4 is clear regarding the sustainability condition.
CHAPTER II: PROJECTS OF COMMON INTEREST AND PROJECTS OF MUTUAL INTEREST		
Article 3: Union list of projects of common interest and projects of mutual interest		
<p>3.1. Regional groups shall be established ('Groups') as set out in Section 1 of Annex III. The membership of each Group shall be based on each priority corridor and area and their respective geographical coverage as set out in Annex I. Decision-making powers in the Groups shall be restricted to Member States and the Commission, who shall, for those purposes, be referred to as the decision-making body of the Groups.</p> <p>The Commission shall be empowered to adopt delegated acts in accordance with Article 20 supplementing this Regulation concerning the scope and composition of the priority corridors and areas.</p>	<p>3.1. Regional groups shall be established ('Groups') as set out in Section 1 of Annex III. The membership of each Group shall be based on each priority corridor and area and their respective geographical coverage as set out in Annex I. Decision-making powers in the Groups shall be restricted to Member States and the Commission, who shall, for those purposes, be referred to as the decision-making body of the Groups.</p> <p>The Commission shall be empowered to adopt delegated implementing acts in accordance with Article 20 supplementing this Regulation concerning the scope and composition of the priority corridors and areas.</p>	Empowering the Commission to amend or supplement the Regulation concerning the scope and composition of the priority corridors and areas with the adoption of a "Delegated act" would create some uncertainty and lack of visibility (also taking into account that pursuant to article 20, the Commission has 7 years to adopt delegated acts for that matter). Indeed, according to Article 290 TFUE, delegated acts can supplement or amend non-essential aspects of the primary legislation. The scope and composition of the priority corridors and areas seem to be essential elements of the law. Article 1 clearly states that the subject matter of this Regulation is the timely development and interoperability of the energy infrastructure priority corridors and areas.
3.6. Projects of common interest included on the Union list pursuant to paragraph 4 of this Article under the energy infrastructure categories set out in points (1)(a), (b), (c) and (e) of Annex II, shall become an integral part of the relevant regional investment plans under Article 34 of Regulation (EU) 2019/943 and Article 12 of Regulation (EC) No 715/2009 and of the relevant national 10-year network development plans under Article 51 of Directive (EU) 2019/944 and Article 22 of Directive	3.6. Projects of common interest included on the Union list pursuant to paragraph 4 of this Article under the energy infrastructure categories set out in points (1)(a), (b), (c) and (e) of Annex II, shall become an integral part of the relevant regional investment plans under Article 34 of Regulation (EU) 2019/943 and Article 12 of Regulation (EC) No 715/2009 and of the relevant national 10-year network development plans under Article 51 of Directive (EU) 2019/944 and Article 22 of Directive	PMIs should also be included in the Regional plans and the TYNDPs to ensure a comprehensive and coherent network planning.

¹ Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources, OJ L 328, 21.12.2018, p. 82

<p>2009/73/EC and other national infrastructure plans concerned, as appropriate. Those projects shall be conferred the highest possible priority within each of those plans. This paragraph shall not apply to projects of mutual interest.</p>	<p>2009/73/EC and other national infrastructure plans concerned, as appropriate. Those projects shall be conferred the highest possible priority within each of those plans. This paragraph shall not apply to projects of mutual interest.</p>	
<p>Article 4: Criteria for projects of common interest and projects of mutual interest</p>		
<p>4.1. Projects of common interest shall meet the following general criteria:</p> <ul style="list-style-type: none"> (a) the project is necessary for at least one of the energy infrastructure priority corridors and areas; (b) the potential overall benefits of the project, assessed according to the respective specific criteria in paragraph 3, outweigh its costs, including in the longer term; (c) the project meets any of the following criteria: <ul style="list-style-type: none"> (i) involves at least two Member States by directly crossing the border of two or more Member States; (ii) is located on the territory of one Member State and has a significant cross-border impact as set out in point (1) of Annex IV. 	<p>4.1. Projects of common interest shall meet the following general criteria:</p> <ul style="list-style-type: none"> (a) the project is necessary for at least one of the energy infrastructure priority corridors and areas; (b) the potential overall benefits of the project, assessed according to the respective specific criteria in paragraph 3, outweigh its costs, including in the longer term; (c) the project meets any of the following criteria: <ul style="list-style-type: none"> (i) involves at least two Member States by directly crossing the border of two or more Member States; (ii) is located on the territory of one Member State and has a significant cross-border impact as set out in point (1) of Annex IV. (iii) for offshore connections, it involves at least one Member State and it has been included or directly addresses a need of at least 500MW transmission capacity identified in the integrated offshore network development plans developed and published by the ENTSO for Electricity in accordance with the procedure set out in Article 14. 	<p>The ENTSO-E offshore plan identifies the needs for infrastructure as per the agreement of Member States and therefore its cross-border impact is demonstrated. This avoids having an approach that leaves important offshore radial connections out of scope.</p>
<p>4.2. Projects of mutual interest shall meet the following general criteria:</p> <ul style="list-style-type: none"> (a) the project contributes significantly to the decarbonisation objectives of the Union and those of the third country and to sustainability, including through the integration of renewable energy into the grid and the transmission of renewable generation to major consumption centres and storage sites, and; (b) the potential overall benefits of the project, assessed in accordance with the respective specific criteria in paragraph 3, outweigh its costs, including in the longer term; (c) the project is located on the territory of at least one Member State and on the territory of at least one third country and has a significant cross-border impact as set out in point (2) of Annex IV; (d) for the part located on Union territory, the project is in line with Directives 2009/73/EC and (EU) 2019/944 where it falls within the infrastructure categories described in points (1) and (3) of Annex II; (e) the third country or countries involved have a high level of regulatory alignment or convergence to support the overall policy objectives of the Union, in particular to ensure: <ul style="list-style-type: none"> i) a well-functioning internal energy market; ii) security of energy supplies based on cooperation and solidarity; 	<p>4. 2. Projects of mutual interest shall meet the following general criteria:</p> <ul style="list-style-type: none"> (a) the project contributes significantly to the decarbonisation objectives of the Union and those of the third country and to sustainability, including through the integration of renewable or decarbonized energy into the grid and the transmission of renewable generation to major consumption centres and storage sites, and; [...] (c) the project is at least partly located on the territory of at least one Member State and on the territory of at least one third country and has a significant cross-border impact as set out in point (2) of Annex IV; (e) the third country or countries involved have a high level of regulatory alignment on their contribution to climate neutrality or convergence-in support the overall policy objectives of the Union, in particular to ensure: (f) the third country or countries involved support the priority status of the project, as set out in Article 7, and or commit to comply with a similar timeline of the project implementation of the EU MS involved for 	<p>In order to achieve short and long-term EU objectives, it is essential to strengthen links with neighbouring non-EU countries (including countries in the Southern Neighbourhood, as established by the priorities of the Green Deal, e.g. Strategy for Africa) and, therefore, to confirm their eligibility in the new TEN-E Regulation. It is worth to clarify that “project of mutual interest” should be meant a new definition</p> <p>Projects, in particular offshore projects on the continental shelf and interconnectors crossing the sea are outside of the territories of the Member State. The geographical criteria is therefore not a pertinent one. It should be sufficient that a member state and/or the Union has the benefits.</p> <p>As mentioned before, for some third countries there is no accelerated authorization process stipulated in the national regulation or a prioritization status in court rulings. This should not prevent projects from being eligible as PMI.</p>

<p>iii) an energy system, including production, transmission and distribution, on a trajectory towards decarbonisation in line with the Paris Agreement and the Union’s climate objectives; and, in particular, avoiding carbon leakage;</p> <p>(f) the third country or countries involved support the priority status of the project, as set out in Article 7, and commit to comply with a similar timeline for accelerated implementation and other policy and regulatory support measures as applicable to projects of common interest in the Union.</p>	<p>accelerated implementation and other policy and regulatory support measures as applicable to projects of common interest in the Union.</p>	
<p>4.3. The following specific criteria shall apply to projects of common interest falling within specific energy infrastructure categories:</p> <p>(a) for electricity transmission and storage projects falling under the energy infrastructure categories set out in points (1)(a), (b), (c) and (e) of Annex II, the project is to contribute significantly to sustainability through the integration of renewable energy into the grid and the transmission of renewable generation to major consumption centres and storage sites, and at least one of the following specific criteria:</p> <p>(i) market integration, including through lifting the isolation of at least one Member State and reducing energy infrastructure bottlenecks; competition and system flexibility;</p> <p>(ii) security of supply, including through interoperability, system flexibility, cybersecurity, appropriate connections and secure and reliable system operation.</p> <p>(b) for smart electricity grid projects falling under the energy infrastructure category set out in point (1)(d) of Annex II, the project is to contribute significantly to sustainability through the integration of renewable energy into the grid, and at least two of the following specific criteria:</p> <p>(i) security of supply, including through efficiency and interoperability of electricity transmission and distribution in day-to-day network operation, avoidance of congestion, and integration and involvement of network users;</p> <p>(ii) market integration, including through efficient system operation and use of interconnectors;</p> <p>(iii) network security, flexibility and quality of supply, including through higher uptake of innovation in balancing, cybersecurity, monitoring, system control and error correction.</p> <p>[....]</p>	<p>4.3. The following specific criteria shall apply to projects of common interest falling within specific energy infrastructure categories,;</p> <p>(a) for electricity transmission and storage projects falling under the energy infrastructure categories set out in points (1)(a), (b), (c) and (e) of Annex II, the project is to contribute significantly to sustainability through the integration of renewable or decarbonized energy into the grid and the transmission of renewable generation to major consumption centres and storage sites, and at least one of the following specific criteria:</p> <p>(i) market integration, including through lifting the isolation of at least one Member State and reducing energy infrastructure bottlenecks (e.g. its contribution to reaching the minimum 15% interconnection target); competition and system flexibility;</p>	<p>It is of paramount importance that the TEN-E Regulation keeps incentivising and supporting electricity transmission network development as the very backbone for a successful energy transition in Europe. In this regard, the fulfilment of the electricity interconnection target of at least 15 % for 2030 that was set in the Governance Regulation, provided that system benefits outweigh costs, is an important contributor to reaching the Energy Union goals.</p>
<p>4.4. For projects falling under the energy infrastructure categories set out in points (1) to (4) of Annex II, the contribution to the criteria listed in paragraph 3 of this Article shall be assessed in accordance with the indicators set out in points (3) to (7) of Annex IV.</p>		<p>The organisation of the PCI process into Regions and separate corridors for electricity, offshore, hydrogen etc. should be reconsidered in light of the European Commission’s ambition to enhance energy system integration. Therefore, risks of duplication of work should be avoided and increased coordination between corridors and Regional Groups should be promoted.</p>

<p>4.5. In order to facilitate the assessment of all projects that could be eligible as projects of common interest and that could be included in a regional list, each Group shall assess each project’s contribution to the implementation of the same priority corridor or area in a transparent and objective manner. Each Group shall determine its assessment method on the basis of the aggregated contribution to the criteria referred to in paragraph 3. That assessment shall lead to a ranking of projects for internal use of the Group. Neither the regional list nor the Union list shall contain any ranking, nor shall the ranking be used for any subsequent purpose except as described in point (14) of Section 2 of Annex III.</p> <p>In assessing projects, each Group shall give due consideration to:</p> <ul style="list-style-type: none"> (a) the urgency of each proposed project in order to meet the Union energy policy targets of decarbonisation, market integration, competition, sustainability and security of supply; (b) complementarity with regard to other proposed projects; (c) for proposed projects that are, at the time, projects of common interest, the progress of the project implementation and its compliance with the reporting and transparency obligations. <p>As regards smart electricity grids and smart gas grids projects falling under the energy infrastructure category set out in points (1)(d) and point (2) of Annex II, ranking shall be carried out 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 those users.</p>	<p>4.5. In order to facilitate the assessment of all projects that could be eligible as projects of common interest and that could be included in a regional list, each Group shall assess each project’s contribution to the implementation of the same priority corridor or area in a transparent and objective manner. Without prejudice to the required consistency between the different Groups, namely as regards to the application of the criteria and the analysis of costs and benefits in the regions, as described in point (7) of Section 1 and in point (12) of Section 2 of Annex III, each Group shall determine its assessment method on the basis of the aggregated contribution to the criteria referred to in paragraph 3. That assessment shall lead to a ranking of projects for internal use of the Group. Neither the regional list nor the Union list shall contain any ranking, nor shall the ranking be used for any subsequent purpose except as described in point (14) of Section 2 of Annex III.</p> <p>In assessing projects, each Group shall give due consideration to:</p> <ul style="list-style-type: none"> (a) the urgency of each proposed project in order to meet the Union energy policy targets of decarbonisation, market integration, competition, sustainability and security of supply; (b) complementarity with regard to other proposed projects; (c) for proposed projects that are, at the time, projects of common interest, the progress of the project implementation and its compliance with the reporting and transparency obligations. The PCI projects, that either have reached sufficient maturity (under permitting or construction) or are already benefiting from the PCI label, should be automatically re-confirmed in the future PCI lists until their commissioning without imposing re-application by the project promoters under the condition that they are demonstrating steady and concrete progress, as per their implementation plan. 	<p>In point (7) of Section 1 of Annex III, the Commission, the Agency and the Groups are called upon to strive for consistency between the different Groups. Furthermore, ACER is assigned by point (12) of Section 2 of Annex III to assess the draft regional lists and to provide an opinion on the draft regional lists, in particular on the consistent application of the criteria and the cost-benefit analysis across regions. Therefore, it seems beneficial to clarify in the proper Article that consistency between Groups is a basic requirement of the process.</p> <p>An improved stability of the PCI label for advanced, mature projects would reduce related administrative burdens and create a more stable and inviting framework for project promoters in the long term. PCI projects which have reached sufficient maturity (under construction or in permitting) and are demonstrating steady and concrete progress, as per their implementation plan, should be automatically re-confirmed in the future PCI lists until their commissioning without imposing a requirement for re-application by project promoters.</p>
<p>CHAPTER III: PERMIT GRANTING AND PUBLIC PARTICIPATION</p>		
<p>Article 7: ‘Priority status’ of projects of common interest</p>		
<p>7.3. Without prejudice to obligations resulting from Union law, where such status exists in national law, projects of common interest shall be granted the status of the highest national significance possible and be appropriately treated in the permit granting processes — and if national law so provides, in spatial planning — including those relating to environmental assessments, in the manner such treatment is provided for in national law applicable to the corresponding type of energy infrastructure.</p>		<p>Priority status doesn’t exist in all Member States. We consider it could be worth considering including an option for creating a PCI priority status in all MS.</p>
<p>7.5. Member States shall assess, taking due account of the existing guidance issued by the Commission on streamlining the environmental assessment procedures for projects of common interest, which</p>	<p>7.5. Member States shall assess, taking due account of the existing guidance issued by the Commission on streamlining the environmental assessment procedures for projects of common interest, which legislative</p>	

<p>legislative and non-legislative measures are necessary to streamline the environmental assessment procedures and to ensure their coherent application and shall inform the Commission of the result.</p>	<p>and non-legislative measures are necessary to streamline the environmental assessment procedures and to ensure their coherent application and shall inform the Commission of the result. For offshore development, this should be done in a coordinated manner.</p>	
<p>Article 8: Organisation of the permit granting process</p>		
<p>8.3. Without prejudice to relevant requirements under international and Union law, the competent authority shall facilitate the issuing of the comprehensive decision. The comprehensive decision shall be the final proof that the project of common interest has achieved ready-to-build status and there shall be no other requirements for any additional permits or authorisations in that respect. The comprehensive decision shall be issued within the time limit referred to in Article 10(1) and (2) and in accordance with one of the following schemes:</p> <p>(a) integrated scheme the comprehensive decision shall be issued by the competent authority and shall be the sole legally binding decision resulting from the statutory permit granting procedure. Where other authorities are concerned by the project, they may, in accordance with national law, give their opinion as input to the procedure, which shall be taken into account by the competent authority;</p> <p>(b) coordinated scheme the comprehensive decision comprises multiple individual legally binding decisions issued by several authorities concerned, which shall be coordinated by the competent authority. The competent authority may establish a working group where all concerned authorities are represented in order to draw up a permit granting schedule in accordance with Article 10(4)(b), and to monitor and coordinate its implementation. The competent authority shall, in consultation with the other authorities concerned, where applicable in accordance with national law, and without prejudice to time limits set in accordance with Article 10, establish on a case-by-case basis a reasonable time limit within which the individual decisions shall be issued. The competent authority may take an individual decision on behalf of another national authority concerned, where the decision by that authority is not delivered within the time limit and where the delay cannot be adequately justified; or, where provided under national law, and to the extent that this is compatible with Union law, the competent authority may consider that another national authority concerned has either given its approval or refusal for the project where the decision by that authority is not delivered within the time limit. Where provided under national law, the competent authority may disregard an individual decision of another national authority concerned if it considers that the decision is not sufficiently substantiated with regard to the underlying evidence presented by the national authority concerned; in doing so, the competent authority shall ensure that the relevant requirements under international and Union law are respected and shall duly justify its decision;</p>	<p>8.3. Without prejudice to relevant requirements under national, international and Union law, the competent authority shall facilitate the issuing of the comprehensive decision, by promoting dialogue between the different parties involved in the authorisation process. The comprehensive decision shall be the final a proof that the project of common interest has achieved ready-to-build status and there shall be no other requirements for any additional permits or authorisations in that respect, except for possible authorisations required in the project implementation phase.</p> <p>The comprehensive decision shall be issued within the time limit referred to in Article 10(1) and (2) and in accordance with one of the following schemes:</p> <p>(a) integrated scheme</p> <p>(b) coordinated scheme</p> <p>(c) collaborative scheme</p> <p>Where an authority concerned does not expect to deliver an individual decision within the set time limit, that authority shall inform the competent authority without delay duly justifying the delay. Subsequently, the competent authority shall set another time limit within which that individual decision shall be issued, in compliance with the overall time limits set out in Article 10.</p>	<p>In some countries, certain aspects of the implementation planning are only clarified after the permit granting decision has been issued. For example, under both Belgian and German law, the permits can grant the right to start construction works of a project, even though some aspects of the project construction phase are to be still defined at a later stage. This includes, for example, mitigation measures in the construction phase, which are better designed once more relevant information is available in the course of the construction works, providing benefit to the concerned communities as well. In addition, a lot of the permits for the construction phase may be granted by the local/regional communities.</p> <p>Furthermore, additional work such as pumping out groundwater can sometimes be required for the construction of pylons. The corresponding permits are only obtained when it is clear that this is necessary for the construction and when corresponding parameters (in this case the groundwater level) have been sufficiently clarified. Waiting with the permit at this point has a number of advantages: there is an advantage in terms of time, as construction can already start; planning becomes more targeted, as the parameters mentioned can be determined more precisely the closer the additional permit and the actual construction align.</p> <p>Risks of delays in the project preparation, suboptimal solutions and/or legal risks if rework proves to be necessary should be avoided.</p>

<p>(c) collaborative scheme the comprehensive decision shall be coordinated by the competent authority. The competent authority shall, in consultation with the other authorities concerned, where applicable in accordance with national law, and without prejudice to time limits set in accordance with Article 10, establish on a case-by-case basis a reasonable time limit within which the individual decisions shall be issued. It shall monitor compliance with the time limits by the authorities concerned.</p> <p>The competence of the authorities concerned could either be incorporated into the competence of the national competent authority designated in line with Article 8(1) or they would maintain, to a certain extent, their independent competence in line with the respective permitting scheme chosen by the Member State in line with this paragraph to facilitate the issuing of the comprehensive decision and cooperate with the national competent authority accordingly.</p> <p>Where an authority concerned does not expect to deliver an individual decision within the set time limit, that authority shall inform the competent authority without delay duly justifying the delay. Subsequently, the competent authority shall set another time limit within which that individual decision shall be issued, in compliance with the overall time limits set out in Article 10.</p> <p>Acknowledging the national specificities in planning and permit granting processes, Member States may choose among the three schemes referred to in points (a), (b) and (c) of the first subparagraph to facilitate and coordinate their procedures and shall opt to implement the most effective scheme. Where a Member State chooses the collaborative scheme, it shall inform the Commission of its reasons therefor.</p>	<p>Where an authority concerned does not expect to deliver an individual decision within the set time limit, that authority shall inform the competent authority without delay duly justifying the delay. Subsequently, the competent authority shall set another time limit within which that individual decision shall be issued, in compliance with the overall time limits set out in Article 10.</p> <p>The competent authority shall be empowered to ensure compliance with the time limits by issuing milestone plans. If the competent authority has not taken a decision on an application for approval within the established time limit, the approval shall be deemed to have been granted.</p>	<p>This proposal is to ensure effective respect of the envisaged timelines.</p>
<p>8.6. By [31 July 2022] and for each specific Regional Group per priority offshore grid corridor, as defined in Annex I, national competent authorities in Member States belonging to the respective Group, shall jointly create unique points of contact, ‘offshore one-stop shops’, for project promoters, which shall be responsible for facilitating and coordinating the permit granting process for offshore grids for renewable energy projects of common interest, taking into account also the need for coordination between the permitting process for the energy infrastructure and the one for the generation assets. The offshore one-stop shops shall act as a repository of existing sea basin studies and plans, aiming at facilitating the permitting process of individual projects of common interest and coordinate the issuance of the comprehensive decisions for such projects by the relevant national competent authorities. Each Regional Group per priority offshore grid corridor, with the assistance of the national competent authorities in the Members States belonging to the Group, shall set-up the offshore one-stop shops depending on regional specificities and geography and determine their location, resource allocation and specific rules for their functioning.</p>	<p>8.6. By [31 July 2022] and for each specific Regional Group per priority offshore grid corridor, as defined in Annex I, national competent authorities in Member States belonging to the respective Group, shall jointly create unique points of contact, ‘offshore one-stop shops’, for project promoters, which shall be responsible for facilitating and coordinating the permit granting process for offshore grids for renewable energy projects of common interest, taking into account also the need for coordination between the permitting process for the energy infrastructure and the one for the generation assets. The offshore one-stop shops shall act as a repository of existing sea basin studies and plans, aiming at facilitating the permitting process of individual projects of common interest and coordinate the issuance of the comprehensive decisions for such projects by the relevant national competent authorities. Each Regional Group per priority offshore grid corridor, with the assistance of the national competent authorities in the Members States belonging to the Group, shall set-up the offshore points of contact one-stop shops depending on regional specificities and geography and determine their location, resource allocation and specific rules for their functioning.</p>	<p>The use of plural for “unique points of contact” is misleading and should be amended. The objective is to have 1 point of contact per sea basin, but as the article refers to several sea basins, it might be misinterpreted as one Point of contact per country.</p> <p>Also, the term “one-stop shop” is misleading, due to the fact that for onshore projects one-stop-shops were introduced, which are responsible for permit granting and thus the competent authority for permits. This proposal in Art. 8 (6) addresses only the “coordination” and “facilitation” and should therefore not be named “one-stop shop”.</p> <p>Rules for the functioning should be part of this regulation to ensure that their purpose and way of working is transparent and coherent.</p>

Article 9: Transparency and public participation		
<p>9.1. By [1 May 2023], the Member State or competent authority shall, where applicable in collaboration with other authorities concerned, publish an updated manual of procedures for the permit granting process applicable to projects of common interest to include at least the information specified in point (1) of Annex VI. The manual shall not be legally binding, but it may refer to or quote relevant legal provisions. The national competent authorities shall coordinate and find synergies with neighbouring countries in developing their manual of procedures.</p>		<p>ENTSO-E supports this requirement for national competent authorities to coordinate and find synergies with neighbouring countries in developing their manual of procedures.</p>
<p>9.3. The project promoter shall, within an indicative period of three months following the start of the permit granting process pursuant to Article 10(1)(a), draw up and submit a concept for public participation to the competent authority, following the process outlined in the manual referred to in paragraph 1 and in line with the guidelines set out in Annex VI. The competent authority shall request modifications or approve the concept for public participation within three months of receipt. In so doing, the competent authority shall take into consideration any form of public participation and consultation that took place before the start of the permit granting process, to the extent that such public participation and consultation has fulfilled the requirements of this Article. Where the project promoter intends to make significant changes to an approved concept, it shall inform the competent authority thereof. In that case the competent authority may request modifications.</p>	<p>9.3. The project promoter shall, within an indicative period of three months following the start of the permit granting process pursuant to Article 10(1)(a), draw up and submit a concept for public participation to the competent authority for acknowledgement, following the process outlined in the manual referred to in paragraph 1 and in line with the guidelines set out in Annex VI. The competent authority shall request modifications or approve the concept for public participation within three months of receipt. In so doing, the competent authority shall take into consideration any form of public participation and consultation that took place before the start of the permit granting process, to the extent that such public participation and consultation has fulfilled the requirements of this Article. Where the project promoter intends to make significant changes to an approved concept, it shall inform the competent authority thereof. In that case the competent authority may request modifications.</p>	<p>The proposal would be adding more red tape to an already very complex and burdensome process. As a one-stop-shop there is little chance the authority knows the local requirements sufficiently well to make an adequate judgement. The consequence could be additional delays in an already lengthy permit granting process.</p> <p>The COVID-19 pandemic has required substantial changes in all the TSOs' public engagement concepts. Any potential obligations to have those approved with the OSS would have required significant resources on both sides and would have doubtlessly added to delays.</p>
<p>9.4. Where it is not already required under national law at the same or higher standards, at least one public consultation shall be carried out by the project promoter, or, where required by national law, by the competent authority, before submission of the final and complete application file to the competent authority pursuant to Article 10(1)(a). That public consultation shall be without prejudice to any public consultation to be carried out after submission of the request for development consent pursuant to Article 6(2) of Directive 2011/92/EU. The public consultation shall inform the stakeholders referred to in point (3)(a) of Annex VI about the project at an early stage and shall help to identify the most suitable location or trajectory, also in view of adequate climate adaptation considerations for the project, and the relevant issues to be addressed in the application file.</p> <p>The public consultation shall comply with the minimum requirements set out in point (5) of Annex VI. The project promoter shall publish on the website referred to in paragraph 7 of this Article a report explaining how the opinions expressed in the public consultations were taken into account by showing the amendments made in the location, trajectory and design of the project or by justifying why such opinions have not been taken into account.</p>	<p>9.4. Where it is not already required under national law at the same or higher standards, at least one public consultation shall be carried out by the project promoter, or, where required by national law, by the competent authority, before submission of the final and complete application file to the competent authority pursuant to Article 10(1)(a). That public consultation shall be without prejudice to any public consultation to be carried out after submission of the request for development consent pursuant to Article 6(2) of Directive 2011/92/EU. Where it is not already required at an earlier stage, the public consultation shall inform the stakeholders referred to in point (3)(a) of Annex VI about the project at an early stage and shall help to identify the most suitable location or trajectory, also in view of adequate climate adaptation considerations for the project, and the relevant issues to be addressed in the application file.</p> <p>The public consultation shall comply with the minimum requirements be guided by the criteria set out in point (5) of Annex VI. The project promoter shall publish on the website referred to in paragraph 7 of this Article a summary report explaining how the opinions expressed in the formal public consultations were taken into account by showing the</p>	<p>In some Member States, consultations on alternative trajectories take place before the actual permit granting process. Conducting such consultations a second time would be counter-productive.</p> <p>A one-size-fits-all approach with regards to consultations is inadequate and makes the process inefficient because local requirements differ and their complexity requires flexibility on the side of project promoters. Best practices and guidance can be helpful but the decision on which communication means should be applied on site must be left to the on-site analysis.</p> <p>Prescriptive approaches on things like the length of leaflets can be counter-productive.</p> <p>In addition, consultations often comprise hundreds if not thousands of informal exchanges. It is impossible to consider the entirety of such exchanges in a report. A summary report should be reasonable.</p> <p>There are cases of projects that have been PCIs for several years. It may be impossible to retrieve the history of unrecorded – especially informal consultations – that have taken place prior to the coming into force of this regulation.</p>

<p>The project promoter shall prepare a report summarising the results of activities related to the participation of the public prior to the submission of the application file, including those activities that took place before the start of the permit granting process.</p> <p>The project promoter shall submit the reports referred to in first and second subparagraphs together with the application file to the competent authority. The comprehensive decision shall take due account of the results of these reports.</p>	<p>amendments made in the location, trajectory and design of the project or by justifying why such opinions have not been taken into account.</p> <p>The project promoter shall prepare a report summarising the results of activities related to the participation of the public prior to the submission of the application file, including those activities that took place before the start of the permit granting process if records prior to the coming into force of this regulation exist.</p> <p>The project promoter shall submit the reports referred to in first and second subparagraphs together with the application file to the competent authority. The comprehensive decision shall take due account of the results of these reports.</p>	
<p>Article 10: Duration and implementation of the permit granting process</p>		
<p>10.1. The permit granting process shall consist of two procedures:</p> <p>(a) the pre-application procedure, covering the period between the start of the permit granting process and the acceptance of the submitted application file by the competent authority, shall take place within an indicative period of two years.</p> <p>The pre-application procedure shall include the preparation of any environmental reports by the project promoters, as necessary, including the climate adaptation documentation.</p> <p>For the purpose of establishing the start of the permit granting process, the project promoters shall notify the project to the competent authority of the Member States concerned in written form, and shall include a reasonably detailed outline of the project. No later than three months following the receipt of the notification, the competent authority shall acknowledge or, if it considers the project is not mature enough to enter the permit granting process, reject the notification in written form, including on behalf of other authorities concerned. In the event of a rejection, the competent authority shall justify its decision, including on behalf of other authorities concerned. The date of signature of the acknowledgement of the notification by the competent authority shall mark the start of the permit granting process. Where two or more Member States are concerned, the date of the acceptance of the last notification by the competent authority concerned shall mark the start of the permit granting process.</p> <p>The competent authorities shall ensure that permit granting is accelerated in line with this Chapter for each category of projects of common interest. To that end, the competent authorities shall adapt their requirements for the start of the permit granting process and for the acceptance of the submitted application file, to make them fit for projects which, that due to their nature, or smaller scale, may require less authorisations and approvals for reaching the ready-to-build phase, and, therefore, might not require the benefit of the pre-application</p>	<p>10.1. The permit granting process shall consist of two procedures:</p> <p>(a) the pre-application procedure, covering the period between the start of the permit granting process and the acceptance of the submitted application file by the competent authority, shall take place within an indicative period of two years.</p> <p>The pre-application procedure shall include the preparation of any environmental reports by the project promoters, as necessary, including the climate adaptation documentation.</p> <p>For the purpose of establishing the start of the permit granting process, the project promoters shall notify the project to the competent authority of the Member States concerned in written form, and shall include a reasonably detailed outline of the project. No later than three months following the receipt of the notification, the competent authority shall acknowledge or, if it considers the project is not mature enough to enter the permit granting process, reject the notification in written form, including on behalf of other authorities concerned. In the event of a rejection, the competent authority shall justify its decision, including on behalf of other authorities concerned. The date of signature of the acknowledgement of the notification by the competent authority shall mark the start of the permit granting process. Where two or more Member States are concerned, the date of the acceptance of the last notification by the competent authority concerned shall mark the start of the permit granting process.</p> <p>The competent authorities shall ensure that permit granting is accelerated in line with this Chapter for each category of projects of common interest. To that end, the competent authorities shall adapt their requirements for the start of the permit granting process and for the acceptance of the submitted application file, to make them fit for projects which, that due to their nature, or smaller scale, may require less authorisations and approvals for reaching the ready-to-build phase, and, therefore, might not require the benefit of the pre-application procedure. Such smaller scale projects may include gas and electricity</p>	<p>Current analysis indicates that this would add another report to be developed in the permitting process with hardly any tangible benefit. For example, current EU norms for overhead lines address climate related risks such as extreme weather events already; as TSOs, we are obliged to fulfil these norms in all of our projects. Developing an additional report is therefore not necessary and would only lead to a further report to be developed with no benefit, but additional legal risk.</p> <p>The objective of this proposal is to help streamline processes.</p>

<p>procedure. Such smaller scale projects may include gas and electricity smart grids and electrolyzers.</p> <p>(b) the statutory permit granting procedure, covering the period from the date of acceptance of the submitted application file until the taking of the comprehensive decision, shall not exceed one year and six months. Member States may set an earlier time-limit, where considered appropriate.</p>	<p>smart grids and electrolyzers. Furthermore, a simplified environmental assessment procedure may be required for the renewal projects and modernisation/technological upgrade of pre-existing assets (for instance new kinds of conductors/cables).</p> <p>(b) the statutory permit granting procedure, covering the period from the date of acceptance of the submitted application file until the taking of the comprehensive decision, shall not exceed one year and six months. Member States may set an earlier time-limit, where considered appropriate.</p>	
<p>10.3. Any valid studies conducted and permits or authorisations issued for a given project of common interest, before entering the permit granting process in line with this Article, shall be taken into consideration by the competent authorities in the permit granting process and no longer required.</p>	<p>10.3. Any valid studies conducted and permits or authorisations issued for a given project of common interest, before entering the permit granting process in line with this Article, shall be taken into consideration by the competent authorities in the permit granting process and no longer required.</p> <p>Where possible, specific pre-authorisations (such as permissions for access to areas where archaeological surveys are needed, in order to assess whether the identified site is suitable to host the project) in the early stages of the pre-application procedure should be provided in order to allow evaluation of concrete feasible solutions already in the public consultation phase.</p>	<p>This amendment makes it possible to avoid risks of putting into question any important parts of a project in the permit granting procedure and to avoid the repetition of procedural steps.</p>
<p>10.6. The project promoter shall ensure that the application file is complete and adequate and seek the competent authority's opinion on that matter as early as possible during the pre-application procedure. The project promoter shall cooperate fully with the competent authority to meet deadlines and comply with the joint schedule referred to in paragraph 5(b).</p>	<p>10.6. The project promoter shall ensure that the application file is complete and adequate and seek the competent authority's opinion on that matter as early as possible during the pre-application procedure. The project promoter shall cooperate fully with the competent authority to meet deadlines and comply with the joint schedule referred to in paragraph 5(b).</p> <p>At the same time, the project promoter should be enabled to have access to the data and information required for the preparation of the necessary reports especially environmental ones. In this regard, the Member State or the competent authority shall identify a body/entity functioning as the contact point of the project promoter for obtaining all necessary data. If this entity certifies that some of the requested information is not available, the project promoter should be exempted from providing the data.</p>	<p>Proposal suggested in order to streamline the procedures.</p>
<p>CHAPTER IV: CROSS-SECTORAL INFRASTRUCTURE PLANNING</p>		
<p>Article 11: Energy system wide cost-benefit analysis</p>		

<p>11.1. By [16 November 2022], the European Network of Transmission System Operators (ENTSO) for Electricity and the ENTSO for Gas shall publish and submit to Member States, the Commission and the Agency their respective methodologies, including the network and market modelling, for a harmonised energy system-wide cost-benefit analysis at Union level for projects of common interest falling under the categories set out in points (1)(a), (b), (c) and (e) and point (3) of Annex II. Those methodologies shall be applied for the preparation of each subsequent Union-wide ten-year network development plans developed by the ENTSO for Electricity or the ENTSO for Gas pursuant to Article 8 of Regulation (EC) No 715/2009 and Article 30 of Regulation (EU) 2019/943. Those methodologies shall be drawn up in line with the principles laid down in Annex V and be consistent with the rules and indicators set out in Annex IV.</p> <p>Prior to submitting their respective methodologies, the ENTSO for Electricity and the ENTSO for Gas shall conduct an extensive consultation process involving at least the organisations representing all relevant stakeholders, including the entity of distribution system operators in the Union ('EU DSO entity'), all relevant hydrogen stakeholders and, where it is deemed appropriate the national regulatory authorities and other national authorities.</p>	<p>11.1. By [16 November 2022 2023], the European Network of Transmission System Operators (ENTSO) for Electricity and the ENTSO for Gas shall publish and submit to Member States, the Commission and the Agency their respective methodologies, including the network and market modelling [...]</p>	<p>A realistic timeline is necessary for developing and delivering a new CBA methodology.</p>
<p>11.2. Within three months of the receipt of the methodologies together with the input received in the consultation process and a report on how it was taken into account, the Agency shall provide an opinion to the ENTSO for Electricity, the ENTSO for Gas, the Member States, and the Commission and publish it on the Agency's website.</p>		
<p>11.3. The ENTSO for Electricity and the ENTSO for Gas, shall update the methodologies taking due account of the Agency's opinion, as referred to in paragraph 2, and submit them to the Commission for its opinion.</p>	<p>Delete article 11.3. 3. The ENTSO for Electricity and the ENTSO for Gas, shall update the methodologies taking due account of the Agency's opinion, as referred to in paragraph 2, and submit them to the Commission for its opinion.</p>	<p>The changes to the approval process of the Cost-Benefit Analysis (CBA) methodology make it excessively complicated, whereas the main objective should have been a general simplification of the procedure. Indeed, the proposed process is not well suited to the agility required for the Ten-Year Network Development Plan (TYNDP), the PCI processes and consequently also for the definition of national development plans.</p>
<p>11.4. Within three months of the day of receipt of the updated methodologies, the Commission shall submit its opinion to the ENTSO for Electricity and the ENTSO for Gas.</p>	<p>11.4. Within three months of the day of receipt of the updated methodologies of the opinion of the Agency, the Commission shall submit its opinion to the ENTSO for Electricity and the ENTSO for Gas.</p>	
<p>11.5. No later than three months of the day of receipt of the Commission's opinion, as referred to in paragraph 4, the ENTSO for Electricity and the ENTSO for Gas shall adapt their respective methodologies taking due account of the Commission's opinion, and submit them to the Commission for approval.</p>	<p>11. 5. No later than three months of the day of receipt of the Commission's opinion, as referred to in paragraph 4, the ENTSO for Electricity and the ENTSO for Gas shall adapt their respective methodologies taking due account of the Commission's opinion and the Agency's opinion, and submit them to the Commission for approval. The Commission shall approve within two months from the day of the ENTSO for Electricity and ENTSO for Gas submissions.</p>	<p>This provision may cause uncertainties and delays in the whole process as it lacks clarity in the definition of what is meant by incremental nature and does not provide clear indications as to when the Commission should provide its final assessment.</p>

<p>11.6. Where the changes to the methodologies are considered to be of incremental nature, not affecting the definition of benefits, costs and other relevant cost-benefit parameters, as defined in the latest Energy system wide cost-benefit analysis methodology approved by the Commission, the ENTSO for Electricity and the ENTSO for Gas shall adapt their respective methodologies taking due account of the Agency's opinion, as set out in paragraph 2, and submit them for the Agency's approval.</p>	<p>Delete article 11.6. 6. Where the changes to the methodologies are considered to be of incremental nature, not affecting the definition of benefits, costs and other relevant cost-benefit parameters, as defined in the latest Energy system wide cost-benefit analysis methodology approved by the Commission, the ENTSO for Electricity and the ENTSO for Gas shall adapt their respective methodologies taking due account of the Agency's opinion, as set out in paragraph 2, and submit them for the Agency's approval.</p>	<p>This provision may cause uncertainties and delays in the whole process as it does not provide clear indications as to when ACER should provide its final assessment.</p>
<p>11.7. In parallel, the ENTSO for Electricity and the ENTSO for Gas shall submit to the Commission a document justifying the reasons behind the proposed updates and why those updates are considered of incremental nature. Where the Commission deems that those updates are not of incremental nature, it shall, by written request, ask the ENTSO for Electricity and the ENTSO for Gas to submit to it the methodologies. In such case the process described in paragraphs 2 to 5 applies.</p>		
<p>11.8. Within two weeks of the approval by the Agency or the Commission in accordance with paragraphs 5 and 6, the ENTSO for Electricity and the ENTSO for Gas shall publish their respective methodologies on their websites. They shall publish the corresponding input data and other relevant network, load flow and market data in a sufficiently accurate form in accordance with national law and relevant confidentiality agreements.</p>	<p>11.8. Within two weeks of the approval by the Agency or the Commission in accordance with paragraphs 5 and 6, the ENTSO for Electricity and the ENTSO for Gas shall publish their respective methodologies on their websites. They shall publish the corresponding input data and other relevant network, load flow and market data in a sufficiently accurate form in accordance with other Union law, national law and relevant confidentiality agreements.</p> <p>The Commission and the Agency shall ensure access to the required commercial data from third parties when applicable.</p>	<p>ENTSO-E takes note that the input / output data for the CBA methodology and for the development of the joint scenarios should be published in a sufficiently accurate form, taking due account of the national law and relevant confidentiality agreements.</p>
<p>11.9. The methodologies shall be updated and improved regularly following the procedure described in paragraphs 1 to 6. The Agency, on its own initiative or upon a duly reasoned request by national regulatory authorities or stakeholders, and after formally consulting the organisations representing all relevant stakeholders and the Commission, may request such updates and improvements with due justification and timescales. The Agency shall publish the requests by national regulatory authorities or stakeholders and all relevant non-commercially sensitive documents leading to a request from the Agency for an update or improvement.</p>		
<p>11.10. Every three years, the Agency shall establish and make publicly available a set of indicators and corresponding reference values for the comparison of unit investment costs for comparable projects of the infrastructure categories included in points (1) and (3) of Annex II. Those reference values may be used by the ENTSO for Electricity and the ENTSO for Gas for the cost-benefit analyses carried out for subsequent</p>	<p>11.10. Every three four years, the Agency shall establish and make publicly available a set of indicators and corresponding reference values for the comparison of unit investment costs for comparable projects of the infrastructure categories included in points (1) and (3) of Annex II. Those reference values may be used by the ENTSO for Electricity and the ENTSO for Gas for the cost-benefit analyses carried out for subsequent</p>	<p>This modification of the timeline is proposed to ensure consistency with the TYNDP (see proposal in Art. 14).</p>

<p>Union-wide ten-year network development plans. The first of such indicators shall be published by [1 November 2022].</p>	<p>Union-wide ten-year network development plans. The first of such indicators shall be published by [1 November 2022].</p>	
<p>11.11. By [31 December 2023], the ENTSO for Electricity and the ENTSO for Gas shall jointly submit to the Commission and the Agency a consistent and interlinked energy market and network model including electricity, gas and hydrogen transmission infrastructure as well as storage, LNG and electrolysers, covering the energy infrastructure priority corridors and the areas drawn up in line with the principles laid down in Annex V.</p>	<p>11.11. By [31 December 2023 2024], the ENTSO for Electricity and the ENTSO for Gas shall jointly submit to the Commission and the Agency a consistent and interlinked energy market and network model including electricity, gas and hydrogen transmission infrastructure as well as storage, LNG and electrolysers, covering the energy infrastructure priority corridors and the areas drawn up in line with the principles laid down in Annex V.</p>	
<p>11.12. The consistent and interlinked model referred to in paragraph 11 shall cover at least the respective sectors' interlinkages at all stages of infrastructure planning, specifically scenarios, infrastructure gaps identification in particular with respect to cross-border capacities, and projects assessment.</p>	<p>11.12. The consistent and interlinked model referred to in paragraph 11 shall cover at least the respective sectors' interlinkages at all stages of infrastructure planning, specifically scenarios and the infrastructure gaps identification therein in particular with respect to cross-border capacities within the scenarios, and projects assessment. The ENTSO-E for Electricity shall include in the interlinked model a roadmap for the future inclusion of other sectors relevant to the sound development of the electricity system.</p>	<p>ENTSO-E plans to develop the consideration of other sectors in addition to gas (e.g. heating/cooling, transport, etc) in line with its multisectorial planning support approach.</p>
<p>11.13. After approval of the consistent and interlinked model referred to in paragraph 11 by the Commission in accordance with the procedure set out in paragraphs 1 to 6, it shall be included in the methodologies referred to in paragraph 1.</p>		
<p>Article 12: Scenarios for the ten-Year Network Development Plans</p>		
<p>12.1. By [31 July 2022], the Agency, after having conducted an extensive consultation process involving the Commission and at least the organisations representing all relevant stakeholders, including the ENTSO for Electricity, the ENTSO for Gas, Union DSO entity, and relevant hydrogen sector stakeholders, shall publish the framework guidelines for the joint scenarios to be developed by ENTSO for Electricity and ENTSO for Gas. Those guidelines shall be regularly updated as found necessary. The guidelines shall include the energy efficiency first principle and ensure that the underlying ENTSO for Electricity and ENTSO for Gas scenarios are fully in line with the latest medium and long-term European Union decarbonisation targets and the latest available Commission scenarios.</p>	<p>12.1. By [31 July 2022], the Agency, after having conducted an extensive consultation process involving the Commission and at least the organisations representing all relevant stakeholders, including the ENTSO for Electricity, the ENTSO for Gas, Union DSO entity, and relevant hydrogen sector stakeholders, shall publish the framework guidelines for the joint scenarios to be developed by ENTSO for Electricity and ENTSO for Gas. Those guidelines shall be regularly updated as found necessary, and apply for the Ten-Year Network Development Plan to be published at least two years after the update. Their update shall not be part of the two-year regular TYNDP cycle. The guidelines shall include the energy efficiency first principle, and ensure that the underlying ENTSO for Electricity and ENTSO for Gas scenarios are fully in line with the latest medium and long-term European Union decarbonisation targets, the National Energy and Climate Plans and the latest available Commission scenarios. The guidelines shall ensure the conditions for the timely delivery of the scenarios in line with the inputs of the ENTSO for Electricity and the ENTSO for Gas during the consultation. The guidelines shall ensure a sufficient participation of stakeholders as referred to in paragraph 3 of the present Article, in particular with regard to their obligations in terms of transparency and data delivery. The guidelines shall allow for</p>	<p>Clear deadlines should be set for each of the main stages with the aim of providing stability and certainty for the whole TYNDP definition process. In addition, clarity must be brought to the contents of the framework guidelines. These should aim at ensuring alignment of the scenarios with the Green Deal goals, the EU medium and long-term targets and the EC scenarios, as well as the NECPs. This will help ensure better alignment of pan-European decarbonisation objectives, national climate and energy trajectories and the investments which will be undertaken by MS to support those objectives.</p>

	the implementation among a sufficient choice of alternative scenario building best practices.	
12.2. The ENTSO for Electricity and ENTSO for Gas shall follow the Agency's framework guidelines when developing the joint scenarios to be used for the Union-wide ten-year network development plans.	12.2. The ENTSO for Electricity and ENTSO for Gas shall follow the latest Agency's framework guidelines available at the time of the start of their work when developing the joint scenarios to be used for the Union-wide ten-year network development plans.	This precision will clarify the fact that the update of the FWGL is not part of the 2-year cycle of the TYNDP.
12.3. The ENTSO for Electricity and ENTSO for Gas shall invite the organisations representing all relevant stakeholders, including the Union DSO entity and all relevant hydrogen stakeholders, to participate in the scenarios development process.		No changes proposed: ENTSO-E welcomes this provision which is in line with its multi-sectorial planning support approach. The TEN-E should provide a framework that supports and incentivizes cooperation beyond electricity and gas sectors to other sectors that need to be decarbonized such as heat, transport, industry, in order to promote full energy system integration and to become a catalyst for decarbonising the European energy system.
12.4. The ENTSO for Electricity and the ENTSO for Gas shall publish and submit the draft joint scenarios report to the Agency and the Commission for their opinion.	12.4. Every 2 years , the ENTSO for Electricity and the ENTSO for Gas shall publish and submit the draft joint scenarios report to the Agency and the Commission for their opinion.	Clear deadlines should be set for each of the main stages with the aim of providing stability and certainty for the whole TYNDP definition process.
12.5. Within three months from the receipt of the draft joint scenarios report together with the input received in the consultation process and a report on how it was taken into account, the Agency shall submit its opinion to the ENTSO for Electricity, ENTSO for gas and the Commission.	12.5. Within three one month from the receipt of the draft joint scenarios report together with the input received in the consultation process and a report on how it was taken into account, the Agency shall submit its reasoned opinion on the conformity of the scenarios to the Framework Guidelines to the ENTSO for Electricity, ENTSO for gas and the Commission.	It should be specified that the ACER opinion should be in regard to the alignment of the scenarios with the ACER framework guidelines. That approach would mirror the approach already successfully applied in the Network Code development process.
12.6. The Commission, giving due consideration to the Agency opinion defined under paragraph 5, shall submit its opinion to the ENTSO for Electricity and the ENTSO for Gas.	12.6. Within one month from the receipt of ACER's Opinion , the Commission, giving due consideration to the Agency opinion defined under paragraph 5, shall submit its reasoned opinion to the ENTSO for Electricity and the ENTSO for Gas.	Clear deadlines should be set for each of the main stages with the aim of providing stability and certainty for the whole TYNDP definition process. This would also benefit the national development plans' processes.
12.7. The ENTSO for Electricity and the ENTSO for Gas shall adapt their joint scenarios report, taking due account of the Agency's opinion, in line with the Commission's opinion and submit the updated report to the Commission for its approval.	12.7. Within four months from the receipt of EC Opinion , The ENTSO for Electricity and the ENTSO for Gas shall adapt their joint scenarios report, taking due account of the Agency's opinion, in line with the Commission's opinion and submit the updated report to the Commission for its approval, as well as justifications on how the Agency's and the Commission's Opinions have been taken into account.	Clear deadlines should be set for each of the main stages with the aim of providing stability and certainty for the whole TYNDP definition process.
	(new) 12.7bis. Within two months from the receipt of the updated report, the Commission shall approve the scenarios. In case the approval is not granted within the given timeframe, the Commission shall detail how the scenarios do not comply with the medium and long term objectives of the EU as defined in the Climate law and request ACER to update its Framework Guidelines ahead of the next TYNDP. This will be with no prejudice to the timeline for the Ten-Year Network Development Plans to which the scenarios apply.	For the sake of clarity and to ensure certainty over the whole TYNDP process, it is important to clarify on which basis the EC could not approve the scenarios, and to define what happens to the process in case the EC rejects the scenarios. ENTSO-E's proposal is that EC then request ACER to update the Framework Guidelines, so they ensure compatibility of the scenarios with the EU long term objectives.

<p>12.8. Within two weeks of the approval of the joint scenarios report by the Commission in accordance with paragraph 7, the ENTSO for Electricity and the ENTSO for Gas shall publish their joint scenarios report on their websites. They shall publish the corresponding input and output data in a sufficiently accurate form, taking due account of the national law and relevant confidentiality agreements.</p>	<p>12.8. Within two weeks of the approval of the joint scenarios report by the Commission in accordance with paragraph 7bis, the ENTSO for Electricity and the ENTSO for Gas shall publish their joint scenarios report on their websites. They shall publish the corresponding input and output data in a sufficiently accurate form, taking due account of the national law and relevant confidentiality agreements.</p>	<p>This proposal is to ensure consistency with the previous paragraph.</p>
<p>Article 13: Infrastructure Gaps Identification</p>		
<p>13.1. Every two years the ENTSO for Electricity and the ENTSO for Gas shall publish and submit to the Commission and the Agency the infrastructure gaps reports developed within the framework of the Union-wide ten-year network development plans. When assessing the infrastructure gaps the ENTSO for Electricity and the ENTSO for Gas shall implement the energy efficiency first principle and consider with priority all relevant non-infrastructure related solutions to address the identified gaps. Prior to submitting their respective reports, the ENTSO for Electricity and the ENTSO for Gas shall conduct an extensive consultation process involving all relevant stakeholders, including the Union DSO entity, all relevant hydrogen stakeholders and all the Member States representatives part of the priority corridors defined in Annex I.</p>	<p>13.1. Every two years, the ENTSO for Electricity and the ENTSO for Gas shall publish and submit to the Commission and the Agency the infrastructure gaps reports developed within the framework of the Union-wide ten-year network development plans. When assessing the infrastructure gaps the ENTSO for Electricity and the ENTSO for Gas shall implement the energy efficiency first principle and consider with priority all relevant non-infrastructure-related solutions alternatives for the optimization of the existing transmission system that could contribute to address the identified gaps. Prior to submitting their respective reports, the ENTSO for Electricity and the ENTSO for Gas shall conduct an extensive consultation process involving all relevant stakeholders, including ACER, the Union DSO entity, all relevant hydrogen stakeholders and all the Member States representatives part of the priority corridors defined in Annex I.</p>	<p>Given the additional steps and uncertainties in the scenarios' development and their approval process, the next steps of the process should be linked to the previous ones. Infrastructure and non-infrastructure solutions should be considered on an equal basis. Giving a priority to a solution compared to another is in contradiction with the Energy efficiency first criteria and the technology neutrality approach. Infrastructure Gaps should not identify "solutions" but only the needs of the system. How these needs are met is deliberately left open. What is important is to avoid building infrastructure that is not needed and therefore to make sure alternatives in optimizing the use of the existing system are considered. Some of those alternatives can hardly be called "non-infrastructure related."</p>
<p>13.2. The ENTSO for Electricity and the ENTSO for Gas shall submit their respective draft infrastructure gaps report to the Agency and the Commission for their opinion.</p>	<p>Delete article 13.2.</p>	<p>Opinion is delivered together with TYNDP and/or scenarios. Deleting the paragraphs 13.2, 13.3, 13.4, and 13.5 as also proposed by ACER in their paper on the TEN-E is acceptable. To simplify the process, ACER can be included already in the consultation process described in paragraph 1.</p>
<p>13.3. Within three months following receipt of the infrastructure gaps report together with the input received in the consultation process and a report on how it was taken into account, the Agency shall submit its opinion to the ENTSO for Electricity or ENTSO for Gas and the Commission.</p>	<p>Delete article 13.3.</p>	<p>Opinion is delivered together with TYNDP and/or scenarios.</p>
<p>13.4. The Commission, considering the Agency's opinion referred to in paragraph 3, shall draft and submit its opinion to the ENTSO for Electricity or the ENTSO for Gas.</p>	<p>Delete article 13.4.</p>	<p>Opinion is delivered together with TYNDP and/or scenarios.</p>
<p>13.5. The ENTSO for Electricity and the ENTSO for Gas shall adapt their infrastructure gaps reports taking due account of the Agency's opinion and in line with the Commission's opinion before the publication of the final infrastructure gaps reports.</p>	<p>Delete article 13.5.</p>	<p>Opinion is delivered together with TYNDP and/or scenarios.</p>

CHAPTER V: OFFSHORE GRIDS FOR RENEWABLE INTEGRATION		
Article 14: Offshore grid planning		
14.1. By [31 July 2022], Member States, with the support of the Commission, within their specific priority offshore grid corridors, set out in point (2) of Annex I, taking into account the specificities and development in each region, shall jointly define and agree to cooperate on the amount of offshore renewable generation to be deployed within each sea basin by 2050, with intermediate steps in 2030 and 2040, in view of their national energy and climate plans, the offshore renewable potential of each sea basin, environmental protection, climate adaptation and other uses of the sea, as well as the Union's decarbonisation targets. That agreement shall be made in writing as regards each sea basin linked to the territory of the Union.		
14.2. By [31 July 2023] the ENTSO for Electricity, with the involvement of the relevant TSOs, the national regulatory authorities and of the Commission and in line with the agreement referred to in paragraph 1, shall develop and publish integrated offshore network development plans starting from the 2050 objectives, with intermediate steps for 2030 and 2040, for each sea-basin, in line with the priority offshore grid corridors referred to in Annex I, taking into account environmental protection and other uses of the sea. Those integrated offshore network development plans shall thereafter be updated every three years.	14.2. By [31 July 2023] the ENTSO for Electricity, with the involvement of the relevant TSOs, the national regulatory authorities and of the Commission and in line with the agreement referred to in paragraph 1, shall develop and publish strategic integrated offshore network development plans starting from the 2050 objectives, with intermediate steps for 2030 and 2040, for each sea-basin, in line with the priority offshore grid corridors referred to in Annex I, taking into account environmental protection and other uses of the sea. Those strategic integrated offshore network development plans shall provide a high-level outlook on offshore generation capacities potential and resulting needs and constraints for interlinkages in an offshore grid and thereafter be updated every three four years.	The proposed amendment aims at clarifying the role of the Offshore plans: those should aim at identifying the potential of offshore development and the needs for infrastructure, without going into a detailed project by project assessment. The project selection and assessment for offshore remains an integrated part of the TYNDP process. The offshore plans should be updated every 4 years (i.e. every 2 TYNDP) in order to align with the TYNDP process frequency.
14.3. The integrated offshore network development plans shall be compatible with the latest Union-wide ten-Year Network Development Plans in order to ensure coherent development of onshore and offshore grid planning.	14.3. The strategic integrated offshore network development plans shall be used as an input for the compatible with the latest Union-wide ten-Year Network Development Plans in order to ensure coherent development of onshore and offshore grid planning.	
14.4. The ENTSO for Electricity shall submit the draft integrated network development offshore plans to the Commission for its opinion.	14.4. The ENTSO for Electricity shall submit the draft strategic integrated network development offshore plans to the Commission for its opinion.	
14.5. The ENTSO for Electricity shall adapt the integrated offshore network development plans taking due account of the Commission opinion before the publication of the final reports and submit them to the relevant priority offshore grid corridors, set out in Annex I.	14.5. The ENTSO for Electricity shall adapt the strategic network development plans taking due account of the Commission opinion before the publication of the final reports and submit them to the relevant priority offshore grid corridors, set out in Annex I.	

<p>14.6. For the purpose of ensuring the timely development of the offshore grids for renewable energy, should the ENTSO for Electricity not develop, in time, the integrated offshore network development plans, referred to in paragraph 2, the Commission shall, on the basis of expert advice, draw-up an integrated offshore network development plan per sea-basin for each priority offshore grid corridor set out in Annex I.</p>	<p>Delete article 14.6.</p>	<p>In order to ensure consistent network planning, offshore development plans should be developed by the same entity developing the TYNDP. Onshore and offshore grids will be operated as one big network. Scattered planning should therefore be avoided.</p>
<p>Article 15: Offshore grids for renewable energy cross-border cost sharing</p>		
<p>15.1. The Commission shall develop, by means of implementing acts, principles for a specific cost-benefit and cost-sharing methodology for the deployment of the integrated offshore network development plan referred to in Article 14(2) in accordance with the agreement referred to in Article 14(1) as part of the guidelines referred to in Article 16(10). Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 21(2).</p>	<p>15.1. The Commission shall may develop, by means of implementing acts, principles for a specific cost-benefit and cost-sharing methodology for the deployment of the integrated offshore network development plan referred to in Article 14(2) in accordance with the agreement referred to in Article 14(1) as part of the guidelines referred to in Article 16(10). Those principles shall be compatible with the provisions outlined in Article 16(1). Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 21(2).</p> <p>1 bis. Within 12 months from the publication of the principles referred to in paragraph 1, the ENTSO for Electricity, with the involvement of the relevant TSOs, the national regulatory authorities and of the Commission, shall present the results of the application of the develop a cost-benefit and cost-sharing methodology for the deployment of the integrated offshore network development plan. The methodology should aim at analysing where benefits and costs could be allocated by sea basin, and should not be a project by project assessment.</p>	<p>Those amendment proposals aim at clarifying the goal of this cost sharing methodology.</p> <p>The current text has a gap as it does not clarify who should develop the methodology that should be used as per paragraph 2. In line with general practice regarding the develop of relevant methodologies, we suggest it should be ENTSO-E’s responsibility. The methodology should aim at analysing where benefits and costs could be allocated by sea basin and should not be a project by project assessment.</p> <p>Justification for the proposed change of “shall” by “may” in paragraph 1: the purpose of an IA as confirmed by Art. 291 TFEU and the case law, is a narrow one - to ensure uniform application. To be clear, implementation constitutes the application to a specific situation of rules already set out in the [primary] Regulation. Unlike delegated acts, an IA cannot amend or supplement the primary legislation. IA can only be issued when European legislation stipulates further measures are called for to ensure uniform implementation of said legislation by the MSs. Thus, no additional, complementary or adjoining rules can be set. See Case C-270/12 ESMA (77): “implementing powers as enabling the promulgation of the normative content of the act that is being implemented, in a more detailed manner, in order to facilitate its application.” It is not very clear how the “principles for a specific cost-benefit and cost sharing methodology for the deployment of the integrated network development plan” would in this case ensure uniform application (taking into account that there are not any rules already set out in the Regulation). Taking into account the above, it is suggested to make these IA optional, as opposed to mandatory.</p>
<p>15.2. Within 12 months from the publication of the principles referred to in paragraph 1, the ENTSO for Electricity, with the involvement of the relevant TSOs, the national regulatory authorities and of the Commission, shall present the results of the application of the cost-benefit and cost-sharing methodology to the priority offshore grid corridors.</p>	<p>15.2. Within 12 months from the publication of the methodology principles referred to in paragraph 1bis, the ENTSO for Electricity, with the involvement of the relevant TSOs, the national regulatory authorities and of the Commission, shall present the results of the application of the cost-benefit and cost-sharing methodology to the priority offshore grid corridors. The results of the strategic integrated offshore network development plans and the application of the cost-</p>	<p>Clarification of who is responsible for developing the methodology. This amendment proposal fills the gap between EC developing the principles and this paragraph about presenting the result of the Offshore CBCA.</p>

	<p>benefit and cost-sharing methodology to the priority offshore grid corridors are to be used as a non-binding guidance by the European Commission and the Member States and as an input to be considered in the TYNDP process.</p>	
<p>15.3. Within six months from the presentation of the results as referred to in paragraph 2, the relevant Member States, shall update their written agreement referred to in Article 14(1) with the updated joint definition of the amount of the offshore renewable generation to be deployed within each sea basin in 2050, with intermediate steps in 2030 and 2040, and the relevant agreement to cooperate for the achievement of such amounts.</p>	<p>15.3. Within six months from the presentation of the results as referred to in paragraph 2, the relevant Member States, shall update their written agreement referred to in Article 14(1) taking into consideration the results as referred to in paragraph 2 with the updated joint definition of the amount of the offshore renewable generation to be deployed within each sea basin in 2050, with intermediate steps in 2030 and 2040, and the relevant agreement to cooperate for the achievement of such amounts.</p>	
<p>15.4. Within six months from the updated written agreements referred to in paragraph 3, for each sea basin, the ENTSO for Electricity shall update the integrated offshore network development plans by following the procedure set out in Article 14(2) to (5). The procedure described in Article 14(6) shall apply.</p>	<p>15.4. Within six months from the updated written agreements referred to in paragraph 3 and in line with the ongoing TYNDP process at that time, for each sea basin When the ENTSO for Electricity shall update the strategic integrated offshore network development plans following the procedure set out in Article 14(2) to (5), it shall be in line with the updated written agreement. The procedure described in Article 14(6) shall apply.</p>	<p>The strategic Offshore plans are already being revised on a regular basis and adding additional triggers for revision should be avoided.</p>
<p>CHAPTER VI: REGULATORY FRAMEWORK</p>		
<p>Article 16: Enabling investments with cross-border impacts</p>		
<p>16.1. The efficiently incurred investment costs, which excludes maintenance costs, related to a project of common interest falling under the categories set out in points (1)(a), (b), (c) and (e) of Annex II and projects of common interest falling under the category set out in point (3) of Annex II, where they fall under the competency of national regulatory authorities, shall be borne by the relevant TSO or the project promoters of the transmission infrastructure of the Member States which the project provides a net positive impact, and, to the extent not covered by congestion rents or other charges, be paid for by network users through tariffs for network access in that or those Member States.</p>	<p>16.1. The efficiently incurred investment costs, which excludes maintenance costs, related to a project of common interest falling under the categories set out in points (1)(a), (b), (c) and (e) of Annex II and projects of common interest falling under the category set out in point (3) of Annex II, where they fall under the competency of national regulatory authorities, shall be borne by the relevant TSO or the project promoters of the transmission infrastructure of the Member States which the project provides a net positive impact, and, to the extent not covered by congestion rents, public funding or other charges, be paid for by network users through tariffs for network access in that or those Member States. National regulatory authorities shall ensure that TSOs in that or those member states are able to fully and immediately recover the costs incurred according to point 1).</p>	<p>Recovery options should not be restricted to tariffs. "Direct" access to CEF funding or other public funding should also be possible.</p> <p>Financing of projects by non-hosting countries being extremely difficult to explain and to accept politically, where there is no agreement, the preferred option to fill the gap in financing should be EU Funding.</p>

	<p>1bis (new). Among others, costs detailed into the financial gap analysis provided by the project promoter shall be eligible for recovery via Connecting Europe Facility (CEF), in particular those exceeding hosting countries' benefits.</p>	
	<p>1ter (new). Cross border cost allocation involving non-hosting countries should be applied only if the net benefit of at least one of the hosting countries is negative in all TYNDP scenarios.</p> <p>(a) If, according to all TYNDP scenarios, more than 50 % of the benefits are allocated to the hosting countries, the scope of any cross-border cost allocation decision should be limited to the hosting countries.</p> <p>(b) A non-hosting country should exhibit in all TYNDP scenarios a positive net benefit if considered for a cross border cost allocation. A relative significance threshold, taking inter alia the non-hosting country's gross domestic product, population and annual electricity demand into account, shall be applied.</p> <p>2ter (new). The timing and the amounts of any payments made by TSOs from non-hosting countries shall be determined taking the actual progress of the respective project into account.</p>	<p>It is essential to avoid potentially huge up-front lump sum payments which could potentially pose a liquidity risk for the non-hosting TSOs in case of non-immediate recovery. It also avoids extreme impacts on the tariffs in case of immediate coverage.</p>
<p>16.3. For a project of common interest to which paragraph 1 applies, the project promoters shall keep all relevant national regulatory authorities regularly informed, at least once per year, and until the project is commissioned, of the progress of that project and the identification of costs and impacts associated with it.</p> <p>As soon as such a project of common interest has reached sufficient maturity, and is estimated to be ready to start the construction phase within the next 36 months, the project promoters, after having consulted the TSOs from the Member States which receive a significant net positive impact from it, shall submit an investment request. That investment request shall include a request for a cross-border cost allocation and shall be submitted to all the relevant national regulatory authorities concerned, accompanied by the following:</p> <p>(a) up-to-date project-specific cost-benefit analysis consistent with the methodology drawn up pursuant to Article 11 and taking into account benefits beyond the borders of the Member States on the territory of which the project is located by using the same scenario as used in the selection process for the elaboration of the Union list where the project of common interest is listed;</p>	<p>16.3. For a project of common interest to which paragraph 1 applies, the project promoters shall keep all relevant national regulatory authorities regularly informed, at least once per year, and until the project is commissioned, of the progress of that project and the identification of costs and impacts associated with it.</p> <p>As soon as such a project of common interest has reached sufficient maturity, and is estimated to be ready to start the construction phase within the next 36 [36-60] months, the project promoters, after having consulted the TSOs from the Member States which receive a significant net positive impact from it, shall submit an investment request. That investment request shall include a request for a cross-border cost allocation and shall be submitted to all the relevant national regulatory authorities concerned, accompanied by the following:</p> <p>(a) up-to-date project-specific cost-benefit analysis consistent with the methodology drawn up pursuant to Article 11 and taking into account benefits beyond the borders of the Member States on the territory of which the project is located by using the same TYNDP scenarios as used in the selection process for the elaboration of the Union list where the project of common interest is listed; National regulatory authorities may use additional scenarios in line with those of the TYNDP in order to conduct sensitivity analysis and test the robustness of project promoters' assessments;</p>	<p>ENTSO-E considers it necessary that the CBCA is allowed to take into account the different scenarios from the TYNDP.</p> <p>A negotiated voluntary solution should remain the default approach: if there is already a formal agreement between Member States of hosting countries on cost allocation, the CBCA cost allocation principle does not need to apply.</p> <p>Involvement of non-hosting countries is to be further clarified. In case of a CBCA application, the selection criteria to determine involved countries needs to be fair and the number of involved countries limited to a minimum. A non-hosting country should exhibit in all TYNDP scenarios a positive net benefit if considered for a CBCA. The currently applied absolute significance threshold of 10 % (determined by the ACER recommendation 05/2015) needs to be transformed into a relative significance threshold related to the "size" of the country using e. g. criteria like gross domestic product, annual demand or population. Through this, the details of the methodology based on the absolute size of a country would be more robust, and a fair determination of influenced countries would be ensured.</p> <p>Last, the timeframe in which a project promoter can ask for a CBCA (36 months before the start of the work) is too short and should be extended</p>

<p>(b) a business plan evaluating the financial viability of the project, including the chosen financing solution, and, for a project of common interest falling under the category referred to in point (3) of Annex II, the results of market testing;</p> <p>(c) where the project promoters agree, a substantiated proposal for a cross-border cost allocation.</p> <p>Where a project is promoted by several project promoters, they shall submit their investment request jointly.</p> <p>The national regulatory authorities shall, upon receipt, transmit to the Agency, without delay, a copy of each investment request, for information purposes.</p> <p>The national regulatory authorities and the Agency shall preserve the confidentiality of commercially sensitive information.</p>	<p>(b) a business plan evaluating the financial viability of the project, including the chosen financing solution, and, for a project of common interest falling under the category referred to in point (3) of Annex II, the results of market testing;</p> <p>(c) where the project promoters agree, Member States of hosting countries have not reached an agreement for project cost allocation, a substantiated proposal for a cross-border cost allocation limited to hosting countries, or involving non-hosting countries only in the cases under paragraph [1ter – new], could be presented by the project promoters.</p> <p>Where a project is promoted by several project promoters, they shall submit their investment request jointly.</p> <p>The national regulatory authorities shall, upon receipt, transmit to the Agency, without delay, a copy of each investment request, for information purposes.</p> <p>The national regulatory authorities and the Agency shall preserve the confidentiality of commercially sensitive information.</p>	<p>to a more reasonable timeframe (e.g. experience with some large projects shows that this could take up even to 60 months).</p>
<p>16.4. Within six months of the date on which the last investment request is received by the relevant national regulatory authorities, those national regulatory authorities shall, after consulting the project promoters concerned, take joint coordinated decisions on the allocation of investment costs to be borne by each system operator for the project, as well as their inclusion in tariffs. The national regulatory authorities shall include all the efficiently incurred investment costs in tariffs in line with the allocation of investment costs to be borne by each system operator for the project. The national regulatory authorities shall thereafter assess, where appropriate, whether any affordability issues might arise due to the inclusion of the investment costs in tariffs. In allocating the costs, the national regulatory authorities shall take into account actual or estimated:</p> <ul style="list-style-type: none"> – (a) congestion rents or other charges, – (b) revenues stemming from the inter-transmission system operator compensation mechanism established under Article 49 of Regulation (EU) 2019/943. <p>The allocation of costs across borders shall take into account, the economic, social and environmental costs and benefits of the projects in the Member States concerned and the need to ensure a stable financing framework for the development of projects of common interest while minimising the need for financial support.</p> <p>In allocating costs across borders, the relevant national regulatory authorities, in consultation with the TSOs concerned, shall seek a mutual agreement based on, but not limited to, the information specified in paragraphs 3(a) and (b). Their assessment shall be based on the same scenario as used in the selection process for the elaboration of the Union list where the project of common interests is listed.</p> <p>Where a project of common interest mitigates negative externalities, such as loop flows, and that project of common interest is implemented</p>	<p>16.4. Within six months of the date on which the last investment request is received by the relevant national regulatory authorities, those national regulatory authorities shall, after consulting the project promoters and TSOs concerned, take joint coordinated decisions on the allocation of investment costs to be borne by each system operator for the project as well as their inclusion in tariffs. The national regulatory authorities shall immediately and fully include all the efficiently incurred investment costs to the extent those have not been covered via CEF- or other public funding in tariffs in line with the allocation of investment costs to be borne by each system operator for the project and ensure that no financing risk is incurred by any party involved in the co-financing of such project. In particular, for non-hosting countries the sums paid to hosting countries shall be immediately and fully included in tariffs or covered via CEF- or other public funding. The national regulatory authorities shall thereafter assess, where appropriate, whether any affordability issues might arise due to the inclusion of the investment costs in tariffs.</p>	<p>It is important to provide all insurance of the cost recovery via tariffs for the contributing non-hosting project promoters. The preferred option remains to have non-hosting costs covered by EU funding.</p> <p>Financial risk on TSOs should be limited. It should be possible for TSOs to use both instruments if necessary.</p>

<p>in the Member State at the origin of the negative externality, such mitigation shall not be regarded as a cross-border benefit and shall therefore not constitute a basis for allocating costs to the TSO of the Member States affected by those negative externalities.</p>		
<p>16.6. Where the relevant national regulatory authorities have not reached an agreement on the investment request within six months of the date on which the request was received by the last of the relevant national regulatory authorities, they shall inform the Agency without delay.</p> <p>In that case or upon a request from at least one of the relevant national regulatory authorities, the decision on the investment request including cross-border cost allocation referred to in paragraph 3 as well as the necessity for the inclusion of the cost of the investments, in its totality, as allocated across borders in the tariffs shall be taken by the Agency within three months of the date of referral to the Agency.</p> <p>Before taking such a decision, the Agency shall consult the relevant national regulatory authorities and the project promoters. The three-month period referred to in the second subparagraph may be extended by an additional period of two months where further information is sought by the Agency. That additional period shall begin on the day following receipt of the complete information.</p> <p>The assessment of the Agency shall be based on the same scenario as used in the selection process for the elaboration of the Union list where the project of common interest is listed.</p> <p>The Agency shall leave the way investment costs are included in the tariffs in line with the cross-border cost allocation prescribed for the determination of the relevant national authorities at the moment of the implementation of the decision in accordance with national law.</p> <p>The decision on the investment request including cross-border cost allocation shall be published. Articles 25(3), 28 and 29 of Regulation (EU) 2019/942 shall apply.</p>	<p>16.6. Where the relevant national regulatory authorities have not reached an agreement on the investment request within six months of the date on which the request was received by the last of the relevant national regulatory authorities, they shall inform the Agency without delay.</p> <p>[....]</p> <p>Before taking such a decision, the Agency shall consult the relevant national regulatory authorities and TSOs, and the project promoters. The three-month period referred to in the second subparagraph may be extended by an additional period of two months where further information is sought by the Agency. That additional period shall begin on the day following receipt of the complete information.</p>	<p>In cases where the project promoters are not TSOs, it remains important that TSOs are fully involved in the process.</p>
<p>16.10. By [31 December 2022], the Commission shall adopt implementing acts containing binding guidelines to ensure uniform conditions for the implementation of this Article and the offshore grids for renewable energy cross-border cost sharing as referred to in Article 15(1). The guidelines shall also address the special situation of offshore grids for renewable energy projects of common interest by including principles on how their cross-border cost allocation shall be coordinated with the financing, market and political arrangements of offshore generation sites connected to them. In adopting or amending the guidelines, the Commission shall consult ACER, the ENTSO for Electricity, the ENTSO for Gas, and, where relevant, other stakeholders. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 21(2).</p>	<p>Proposal to delete article 16.10 or amend to ensure consistency with article 15.1.</p>	<p>There is inconsistency between this paragraph and Article 15 as the cost-sharing mechanism is already described in Art.15.1. There is no clear need for binding guidelines. The CBCA mechanism should work for all projects, be it offshore or onshore.</p> <p>We suggest deletion of this provision or else the paragraph should be amended to ensure consistency with Art. 15.</p>
<p>Article 17: Incentives</p>		

<p>17.1. Where a project promoter incurs higher risks for the development, construction, operation or maintenance of a project of common interest falling under the competency of national regulatory authorities, when compared to the risks normally incurred by a comparable infrastructure project, Member States and national regulatory authorities shall ensure that appropriate incentives are granted to that project in accordance with Article 58(f) of Directive (EU) 2019/944, Article 41(8) of Directive 2009/73/EC, Article 18(1) and (3) to (6) of Regulation (EU) 2019/943, and Article 13 of Regulation (EC) No 715/2009.</p> <p>The first subparagraph shall not apply where the project of common interest has received an exemption:</p> <ul style="list-style-type: none"> (a) from Articles 32, 33, and 34 and Article 41(6), (8) and (10) of Directive 2009/73/EC pursuant to Article 36 of that Directive; (b) from Article 19(2) and (3) of Regulation (EU) 2019/943 or an exemption from Articles 6, 59(7) and 60(1) of Directive (EU) 2019/944 pursuant to Article 63 of Regulation (EU) 2019/943 ; (c) pursuant to Article 36 of Directive 2009/73/EC ; (d) pursuant to Article 17 of Regulation (EC) No 714/2009. 	<p>17.1. Where a project promoter incurs higher risks for the development, construction, operation or maintenance of a project of common interest falling under the competency of national regulatory authorities, when compared to the risks normally incurred by a comparable infrastructure project, Member States and national regulatory authorities shall ensure that appropriate positive incentives are granted to that project in accordance with Article 58(f) of Directive (EU) 2019/944, Article 41(8) of Directive 2009/73/EC, Article 18(1) and (3) to (6) of Regulation (EU) 2019/943, and Article 13 of Regulation (EC) No 715/2009.</p>	<p>Allowing for "appropriate" incentives to cover higher risks is to be supported. In order to stress that these incentives are to be solely bonuses/higher remuneration, a rewording could be considered (insert "positive").</p>
<p>CHAPTER VII: FINANCING</p>		
<p>Article 18: Eligibility of projects for Union financial assistance under Regulation (EU)... [on a Connecting Europe Facility as proposed by COM(2018)438]</p>		
<p>18.1. Projects of common interest falling under the categories set out in Annex II are eligible for Union financial assistance in the form of grants for studies and financial instruments.</p>		
<p>18.2. Projects of common interest falling under the categories set out in points (1)(a), (b), (c) and (e) of Annex II and point (3) of Annex II, except for hydro-pumped electricity storage projects, are also eligible for Union financial assistance in the form of grants for works where they fulfil all of the following criteria:</p> <ul style="list-style-type: none"> (a) the project specific cost-benefit analysis pursuant to Article 16(3)(a) provides evidence concerning the existence of significant positive externalities, such as security of supply, system flexibility, solidarity or innovation; (b) the project has received a cross-border cost allocation decision pursuant to Article 16 or, as regards projects of common interest falling under the category set out in point (3) of Annex II, where they do not fall under the competency of national regulatory authorities, and therefore they do not receive a cross-border cost allocation decision, the project aims at providing services across borders, bring technological innovation and ensure the safety of cross-border grid operation; (c) the project is not commercially viable according to the business plan and other assessments carried out, in particular by 	<p>18.2. Projects of common interest falling under the categories set out in points (1)(a), (b), (c) and (e) of Annex II and point (3) of Annex II, except for hydro-pumped electricity storage projects, are also eligible for Union financial assistance in the form of grants for works where they fulfil all of the following criteria:</p> <ul style="list-style-type: none"> (a) the project specific cost-benefit analysis pursuant to Article 16(3)(a) provides evidence concerning the existence of significant positive externalities, such as security of supply, system flexibility, solidarity or innovation; (b) the project has received a cross-border cost allocation decision pursuant to Article 16, or, as regards projects of common interest falling under the category set out in point (3) of Annex II, where they do not fall under the competency of national regulatory authorities, and therefore they do not receive a cross-border cost allocation decision, the project aims at providing services across borders, bring technological innovation and ensure the safety of cross-border grid operation. The criterion under letter b) does not apply to projects of common interest falling under the categories set out in 	<p>In the view of the upcoming need to invest in EU energy infrastructure necessary to reach the Union's 2030 and 2050 energy and climate policy targets, PCIs should be supported by a fast track lane to access support from financial instruments to be provided on the basis of the net benefits (positive CBA) of the project.</p>

<p>potential investors or creditors or the national regulatory authority. The decision on incentives and its justification referred to in Article 17(2) shall be taken into account when assessing the project's commercial viability.</p>	<p>points (1)(a) of Annex II in cases where Member States of hosting countries have reached an agreement for project cost allocation.</p> <p>(c) the project is not commercially viable according to the business plan and other assessments carried out, in particular by potential investors or creditors or the national regulatory authority. The decision on incentives and its justification referred to in Article 17(2) shall be taken into account when assessing the project's commercial viability.</p>	
<p>18.5. Projects of mutual interest shall be assimilated with projects of common interest and be eligible for Union financial assistance. Only the investments located on the territory of the Union which are part of the project of mutual interest, shall be eligible for Union financial assistance in the form of grants for works where they fulfil the criteria set out in paragraph 2, and where the cross-border cost allocation decision referred to in paragraph 2(b) allocates costs across borders for at least two Member States in a significant proportion in each Member State.</p>	<p>18.5. Projects of mutual interest shall be assimilated with projects of common interest and be eligible for Union financial assistance. Only the investments located on the territory of the Union which are part of The projects of mutual interest, shall be eligible for Union financial assistance in the form of grants for works where they fulfil the criteria set out in paragraph 2, and where the cross-border cost allocation decision referred to in paragraph 2(b) allocates costs across borders for one or more at least two Member States in a significant proportion in each Member State.</p>	<p>If the project has been found of mutual interest, i.e. contributing to EU objectives, its realization should be a priority.</p> <p>The support to PMIs from the CEF has to be on a project basis, not based on geographical considerations, as this does not reflect the reality of projects. For example, a big part of some PMIs could be in international waters (i.e. outside the territory of the EU).</p> <p>The conditioning of CEF financial support to a CBCA decision allocating costs to at least 2 EU members would de facto exclude most of the potential PMIs, including many projects that are deemed necessary for peripheral countries to contribute to EU targets. A supportive and aligned regulatory framework of TEN-E and CEF [in particular Article 5(d), 11(4) and Part IV(4) of the CEF Regulation 2018/0228(COD)] on grant allocation to third countries will ultimately ensure investments in yet highly risk-oriented investments and contribute to more optimal and robust future offshore infrastructure, especially in the North Sea.</p>
<p>ANNEX I: ENERGY INFRASTRUCTURE PRIORITY CORRIDORS AND AREAS</p>		
<p>Annex I: 2. Priority Offshore Grid Corridors</p>		
<p>(4) Northern Seas offshore grid ('NSOG'): integrated offshore electricity grid development and the related interconnectors in the North Sea, the Irish Sea, the English Channel and neighbouring waters to transport electricity from renewable offshore energy sources to centres of consumption and storage and to increase cross-border electricity exchange.</p> <p>Member States concerned: Belgium, Denmark, France, Germany, Ireland, Luxemburg, the Netherlands and Sweden;</p>	<p>(4) Northern Seas offshore grid ('NSOG'): integrated offshore electricity grid development and the related interconnectors in the North Sea, the Irish Sea, the English Channel, the Celtic Sea and neighbouring waters</p>	<p>For the sake of clarity, an explicit mentioning of the Celtic Sea shall be made in the NSOG corridor (though it may be covered as 'neighbouring waters').</p>
<p>ANNEX II: ENERGY INFRASTRUCTURE CATEGORIES</p>		
<p>The energy infrastructure categories to be developed in order to implement the energy infrastructure priorities listed in Annex I are the following: (1) concerning electricity:</p>	<p>The energy infrastructure categories to be developed in order to implement the energy infrastructure priorities listed in Annex I are the following: (1) concerning electricity:</p>	

<p>(a) high-voltage overhead transmission lines, if they have been designed for a voltage of 220 kV or more, and underground and submarine transmission cables, if they have been designed for a voltage of 150 kV or more;</p> <p>(b) electricity storage facilities used for storing electricity on a permanent or temporary basis in above-ground or underground infrastructure or geological sites, provided they are directly connected to high-voltage transmission lines designed for a voltage of 110 kV or more;</p> <p>(c) any equipment or installation essential for the systems referred to in points (a) and (b) to operate safely, securely and efficiently, including protection, monitoring and control systems at all voltage levels and substations;</p> <p>(d) systems and components integrating ICT, through operational digital platforms, control systems and sensor technologies both at transmission and medium voltage distribution level, aiming at a more efficient and intelligent electricity transmission and distribution network, increased capacity to integrate new forms of generation, storage and consumption and facilitating new business models and market structures;</p> <p>(e) any equipment or installation falling under category referred to in point (a) having dual functionality: interconnection and transmission of offshore renewable electricity from the offshore generation sites to two or more countries, as well as any offshore adjacent equipment or installation essential to operate safely, securely and efficiently, including protection, monitoring and control systems, and necessary substations if they also ensure technology interoperability inter alia interface compatibility between different technologies, ('offshore grids for renewable energy').</p>	<p>(a) high-voltage overhead transmission lines, if they have been designed for a voltage of 220 kV or more, and underground and submarine transmission cables, if they have been designed for a voltage of 150 kV or more;</p> <p>(b) electricity storage facilities used for storing electricity on a permanent or temporary basis in above-ground or underground infrastructure or geological sites, provided they are directly connected to high-voltage transmission lines designed for a voltage of 110 kV or more;</p> <p>(c) any equipment or installation essential for the systems referred to in points (a) and (b) to operate safely, securely and efficiently, including protection, monitoring and control systems at all voltage levels and substations;</p> <p>(d)[.....]</p> <p>(e) any equipment or installation falling under category referred to in point (a) having dual functionality: interconnection and/or transmission of offshore renewable electricity from the offshore generation sites to two one or more countries, as well as any offshore adjacent equipment or installation essential to operate safely, securely and efficiently, including protection, monitoring and control systems, and necessary substations if they also ensure technology interoperability inter alia interface compatibility between different technologies, ('offshore grids for renewable energy').</p>	<p>This proposal is to ensure that all offshore developments should be subject to the same treatment, recognizing their role as potential stepping stones to the offshore grid.</p>
<p>Annex III: REGIONAL LISTS OF PROJECTS OF COMMON INTEREST</p>		
<p>Annex III: 1. Rules for Groups</p>		
<p>(2) depending on the number of candidate projects for the Union list, regional infrastructure gaps and market developments, the Groups and the decision-making bodies of the Groups may split, merge or meet in different configurations, as necessary, to discuss matters common to all Groups or pertaining solely to particular regions. Such matters may include issues relevant to cross-regional consistency or the number of proposed projects included on the draft regional lists at risk of becoming unmanageable.</p>	<p>(2) depending on the number of candidate projects for the Union list, regional infrastructure gaps and market developments, the Groups and the decision-making bodies of the Groups may split, merge or meet in different configurations, as necessary, to discuss matters common to all Groups or pertaining solely to particular regions. Such matters may include issues relevant to cross-regional consistency or the number of proposed projects included on the draft regional lists at risk of becoming unmanageable. To ensure a consistent development of the network, within their respective regional group, TSOs shall have the opportunity to coordinate with competent NRAs and competent MS the opinion on projects not promoted by them but developed in their country.</p>	<p>To ensure a consistent development of the network, it is important that, within their respective regional group, TSOs have the opportunity to coordinate with competent NRAs and competent MSs the opinion on projects not promoted by them but developed in their country.</p>

<p>(7) the Commission, the Agency and the Groups shall strive for consistency between the different Groups. For that purpose, the Commission and the Agency shall ensure, when relevant, the exchange of information on all work representing an interregional interest between the Groups concerned.</p>	<p>(7) the Commission, the Agency and the Groups shall strive for ensure consistency between the different Groups, namely as regards to the application of the criteria and the analysis of costs and benefits in the regions. For that purpose, the Commission and the Agency shall ensure, when relevant, the exchange of information on all work representing an interregional interest between the Groups concerned.</p>	<p>ACER is granted the task in point (12) of Section 2 to assess the draft regional lists and to provide an opinion on the draft regional lists, in particular on the consistent application of the criteria and the cost-benefit analysis across regions. Therefore, it is of utmost relevance that Regional Groups proceed to assign the projects to the corresponding draft list in a coordinated manner.</p>
<p>ANNEX IV: RULES AND INDICATORS CONCERNING CRITERIA FOR PCIs AND FOR PMIs</p>		
<p>(1) a project with significant cross-border impact is a project on the territory of a Member State, which fulfils the following conditions:</p> <p>(a) for electricity transmission, the project increases the grid transfer capacity, or the capacity available for commercial flows, at the border of that Member State with one or several other Member States, having the effect of increasing the cross-border grid transfer capacity at the border of that Member State with one or several other Member States, by at least 500 Megawatt compared to the situation without commissioning of the project;</p> <p>(b) for electricity storage, the project provides at least 225 MW installed capacity and has a storage capacity that allows a net annual electricity generation of 250 Gigawatt-hours/year;</p> <p>(c) for smart electricity grids, the project is designed for equipment and installations at high-voltage and medium-voltage level. It involves transmission system operators, transmission and distribution system operators or distribution system operators from at least two Member States. Distribution system operators can be involved only with the support of the transmission system operators, of at least two Member States, that are closely associated to the project and ensure interoperability. A project covers at least 50000 users, generators, consumers or prosumers of electricity, in a consumption area of at least 300 Gigawatt-hours/year, of which at least 20 % originate from variable renewable resources;</p> <p>(d) for hydrogen transmission, the project enables the transmission of hydrogen across the borders of the Member States concerned, or increases existing cross-border hydrogen transport capacity at a border between two Member States by at least 10 % compared to the situation prior to the commissioning of the project, and the project sufficiently demonstrates that it is an essential part of a planned cross-border hydrogen network and provides sufficient proof of existing plans and cooperation with neighbouring countries and network operators;</p> <p>(e) for hydrogen storage or hydrogen reception facilities referred to in point (3) of Annex II, the project aims at supplying directly or indirectly at least two Member States;</p>	<p>(1) a project with significant cross-border impact is a project on the territory of a Member State, which fulfils the following conditions:</p> <p>(a bis) (new) The project is a transmission line designed for an operating voltage above 220 kV and underground and submarine transmission cables designed for operating voltage above 150 kV that crosses Bidding Zones or a relevant cross-section of the transmission corridor.</p> <p>(a) for electricity transmission, the project increases the grid transfer capacity, or the capacity available for commercial flows, at the border of that Member State with one or several other Member States, having the effect of increasing the cross-border grid transfer capacity at the border of that Member State with one or several other Member States or at any relevant cross-section of the same transmission corridor, by at least 100 500 Megawatt compared to the situation without commissioning of the project. The methodology for calculating such requirements should be delivered by the project promoter through a specific study subjected for approval by the relevant stakeholders – and notably, the concerned TSOs, ENTSO-E and the EC.</p> <p>(b) for electricity storage, the project provides at least 225 MW installed capacity and has a storage capacity that allows a net annual electricity generation of 250 Gigawatt-hours/year;</p> <p>(c) for smart electricity grids, the project is designed for equipment and installations at high-voltage and medium-voltage level. It involves transmission system operators, transmission and distribution system operators or distribution system operators from at least two Member States. Distribution system operators can be involved only with the support of the transmission system operators, of at least two Member States, that are closely associated to the project and ensure interoperability. A project covers at least 50000 users, generators, consumers or prosumers of electricity, in a consumption area of at least 300 Gigawatt-hours/year, of which at least 20 % originate from variable renewable resources;</p> <p>(d) for hydrogen transmission, the project enables the transmission of hydrogen across the borders of the Member States concerned, or increases existing cross-border hydrogen transport capacity at a border</p>	<p>All transmission lines designed for an operating voltage above 220 kV and underground and submarine transmission cables designed for operating voltage above 150 kV) that interconnect Member States and Member States to third-countries, or cross Bidding Zone/critical sections should be eligible under TEN-E without imposing a specific threshold. Only in case of internal lines that do not cross two bidding zones, a specific threshold to highlight the cross-section impact between bidding zones should be foreseen (e.g. 100 – 200 MW). The methodology for calculating the requirements set should be delivered by the project promoter through a specific study subject for approval by the relevant stakeholders – and notably, the concerned TSOs, ENTSO-E and the European Commission.</p>

<p>(f) for electrolysers, the project provides at least 100 MW installed capacity and the brings benefits directly or indirectly to at least two Member States;</p> <p>(g) for smart gas grids, a project involves transmission system operators, transmission and distribution system operators or distribution system operators from at least two Member States. Distribution system operators can be involved only with the support of the transmission system operators, of at least two Member States, that are closely associated to the project and ensure interoperability.</p>	<p>between two Member States by at least 10 % compared to the situation prior to the commissioning of the project, and the project sufficiently demonstrates that it is an essential part of a planned cross-border hydrogen network and provides sufficient proof of existing plans and cooperation with neighbouring countries and network operators;</p> <p>(e) for hydrogen storage or hydrogen reception facilities referred to in point (3) of Annex II, the project aims at supplying directly or indirectly at least two Member States;</p> <p>(f) for electrolysers, the project provides at least 100 MW installed capacity and the brings benefits directly or indirectly to at least two Member States;</p> <p>(g) for smart gas grids, a project involves transmission system operators, transmission and distribution system operators or distribution system operators from at least two Member States. Distribution system operators can be involved only with the support of the transmission system operators, of at least two Member States, that are closely associated to the project and ensure interoperability.</p>	
<p>(2) A project of mutual interest with significant cross-border impact is a project which fulfils the following conditions:</p> <p>(h) for projects of mutual interest in the category set out in point (1)(a) and (e) of Annex II, the project increases the grid transfer capacity, or the capacity available for commercial flows, at the border of that Member State with one or more third countries and brings significant benefits, under the specific criteria listed in in Article 4(3), to at least two Member States. The calculation of the benefits for the Member States shall be performed and published by the ENTSO for Electricity in the frame of Union-wide ten-year network development plan;</p> <p>(i) for projects of mutual interest in the category set out in point (3) of Annex II, the hydrogen project enables the transmission of hydrogen across at the border of a Member State with one or more third countries and proves bringing significant benefits, under the specific criteria listed in in Article 4(3), to at least two Member States. The calculation of the benefits for the Member States shall be performed and published by the ENTSO for Gas in the frame of Union-wide ten-year network development plan;</p> <p>(j) for projects of mutual interest in the category set out in point (5) of Annex II, the project can be used to transport anthropogenic carbon dioxide by at least two Member States and a third country.</p>	<p>(2) A project of mutual interest with significant cross-border impact is a project which fulfils the following conditions:</p> <p>(h) for projects of mutual interest in the category set out in point (1)(a) and (e) of Annex II, the project increases the grid transfer capacity, or the capacity available for commercial flows, at the border of that Member State with one or more third countries and brings significant benefits, under the specific criteria listed in in Article 4(3) to one or more, at least two Member States. The calculation of the benefits for the Member States shall be performed and published by the ENTSO for Electricity in the frame of Union-wide ten-year network development plan;</p> <p>(i) for projects of mutual interest in the category set out in point (3) of Annex II, the hydrogen project enables the transmission of hydrogen across at the border of a Member State with one or more third countries and proves bringing significant benefits, under the specific criteria listed in in Article 4(3), to at least two Member States. The calculation of the benefits for the Member States shall be performed and published by the ENTSO for Gas in the frame of Union-wide ten-year network development plan;</p> <p>(j) for projects of mutual interest in the category set out in point (5) of Annex II, the project can be used to transport anthropogenic carbon dioxide by at least two Member States and a third country.</p>	
<p>(3) Concerning projects falling under the categories set out in points (1)(a), (b), (c) and (e) of Annex II, the criteria listed in Article 4 shall be evaluated as follows:</p> <p>(a) market integration, competition and system flexibility measured in line with the analysis made in the latest available Union-wide ten-year network development plan in electricity, in particular by:</p>	<p>(3) Concerning projects falling under the categories set out in points (1)(a), (b), (c) and (e) of Annex II, the criteria listed in Article 4 shall be evaluated as follows:</p> <p>(a) market integration, competition and system flexibility measured in line with the analysis made in the latest available Union-wide ten-year network development plan in electricity, in particular by:</p>	

<p>(i) calculating, for cross-border projects, the impact on the grid transfer capability in both power flow directions, measured in terms of amount of power (in megawatt), and their contribution to reaching the minimum 15% interconnection target, for projects with significant cross-border impact, the impact on grid transfer capability at borders between relevant Member States, between relevant Member States and third countries or within relevant Member States and on demand-supply balancing and network operations in relevant Member States;</p> <p>(ii) assessing the impact, for the area of analysis as defined in Annex V, in terms of energy system-wide generation and transmission costs and evolution and convergence of market prices provided by a project under different planning scenarios, notably taking into account the variations induced on the merit order;</p> <p>(b) transmission of renewable energy generation to major consumption centres and storage sites measured in line with the analysis made in the latest available Union-wide ten-year network development plan in electricity, in particular by:</p> <p>(i) for electricity transmission, estimating the amount of generation capacity from renewable energy sources (by technology, in megawatts), which is connected and transmitted due to the project, compared to the amount of planned total generation capacity from those types of renewable energy sources in the Member State concerned in 2030 according to the National Energy and Climate Plans submitted by Member States in accordance with Regulation (EU) 2018/1999 of the European Parliament and of the Council^[1];</p> <p>(ii) or electricity storage, comparing new capacity provided by the project with total existing capacity for the same storage technology in the area of analysis as defined in Annex V;</p> <p>(c) security of supply, interoperability and secure system operation measured in line with the analysis made in the latest available Union-wide 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 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. Where applicable, the impact of the project on independent and reliable control of system operation and services shall be measured.</p> <p>^[1] Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council, OJ L 328, 21.12.2018, p. 1</p>	<p>(i) calculating, for cross-border projects, the impact on the grid transfer capability in both power flow directions, measured in terms of amount of power (in megawatt), and their contribution to reaching the minimum 15% interconnection target, for projects with significant cross-border impact, the impact on grid transfer capability at borders between relevant Member States, between relevant Member States and third countries or within relevant Member States and on demand-supply balancing and network operations in relevant Member States;</p> <p>(ii) assessing the impact, for the area of analysis as defined in Annex V, in terms of energy system-wide generation and transmission costs and evolution and convergence of market prices provided by a project under different planning scenarios, notably taking into account the variations induced on the merit order;</p> <p>(b) transmission of renewable or decarbonized energy generation to major consumption centres and storage sites measured in line with the analysis made in the latest available Union-wide ten-year network development plan in electricity, in particular by:</p> <p>(i) for electricity transmission, estimating the amount of generation capacity from renewable or decarbonized energy sources (by technology, in megawatts), which is connected and transmitted due to the project, compared to the amount of planned total generation capacity from those types of renewable or decarbonized energy sources in the Member State concerned in 2030 according to the National Energy and Climate Plans submitted by Member States in accordance with Regulation (EU) 2018/1999 of the European Parliament and of the Council^[1];</p> <p>(ii) or electricity storage, comparing new capacity provided by the project with total existing capacity for the same storage technology in the area of analysis as defined in Annex V;(iii) (new) assessing the technological (mature technologies, floating offshore wind, ocean energy technologies, floating photovoltaic installations, etc.) and geographic potential offered by European Union's seas for offshore renewable energies.</p> <p>(c) security of supply, interoperability and secure system operation [....]</p>	<p>This proposal is to highlight that the TYNDP itself is agnostic to the various technologies and CO2 emissions are the main driver - transmission of carbon free energy should also be in the scope of the regulation as the building of infrastructure is greatly impacted by CCS, nuclear, etc. and that should not be overlooked.</p> <p>This proposal is to ensure that all offshore developments should be subject to the same treatment, recognizing their role as potential stepping stones to the offshore grid and promoting the equitable development of all offshore sea basins.</p>
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<p>ANNEX VI: GUIDELINES FOR TRANSPARENCY AND PUBLIC PARTICIPATION</p>		
<p>(1) the manual of procedures referred to in Article 9(1) shall at least contain:</p> <ul style="list-style-type: none"> (a) specifications of the relevant pieces of legislation upon which decisions and opinions are based for the different types of relevant projects of common interest, including environmental law; (b) the list of relevant decisions and opinions to be obtained; (c) the names and contact details of the Competent Authority, other authorities and major stakeholders concerned; (d) the work flow, outlining each stage in the process, including an indicative time frame and a concise overview of the decision-making process for the different types of relevant projects of common interest; (e) information about the scope, structure and level of detail of documents to be submitted with the application for decisions, including a checklist; (f) the stages and means for the general public to participate in the process; (g) modalities in which the competent authority, other authorities concerned and the project promoter shall demonstrate that the opinions expressed in the public consultation were taken into account, for example by showing what amendments were done in the location and design of the project or by justifying why such opinions have not been taken into account; (h) as much as possible, translations of its content in all languages of the neighbouring Member States to be realized in coordination with the respective neighbouring Member States; 	<p>(1) the manual of procedures referred to in Article 9(1) shall at least contain:</p> <ul style="list-style-type: none"> (a) specifications of the relevant pieces of legislation upon which decisions and opinions are based for the different types of relevant projects of common interest, including environmental law; (b) the list of relevant decisions and opinions to be obtained; (c) the names and contact details of the Competent Authority, other authorities and major stakeholders concerned; (d) the work flow, outlining each stage in the process, including an indicative time frame and a concise overview of the decision-making process for the different types of relevant projects of common interest; <p>[.....]</p> <p>(h) as much as possible, translations of its content in all languages of the neighbouring hosting Member States to be realized in coordination with the respective neighbouring Member States;</p>	<p>To keep things simple enough, it makes only sense to translate into the languages of the hosting countries.</p>
<p>(2) the detailed schedule referred to in Article 10(5)(b) shall at least specify the following:</p> <ul style="list-style-type: none"> (a) the decisions and opinions to be obtained; (b) the authorities, stakeholders, and the public likely to be concerned; (c) the individual stages of the procedure and their duration; (d) major milestones to be accomplished and their deadlines in view of the comprehensive decision to be taken; (e) the resources planned by the authorities and possible additional resource needs; 		
<p>(3) without any prejudice to the requirements for public consultations under environmental law, to increase public participation in the permit granting process and ensure in advance information and dialogue with the public, the following principles shall be applied:</p> <ul style="list-style-type: none"> (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, when potential concerns by the public 	<p>(3) without any prejudice to the requirements for public consultations under environmental law, to increase public participation in the permit granting process and ensure in advance information and dialogue with the public, the following principles shall be applied:</p> <p>[.....]</p>	

<p>can still be taken into account and in an open and transparent manner. Where relevant, the competent authority shall actively support the activities undertaken by the project promoter;</p> <p>(b) competent authorities shall ensure that public consultation procedures for projects of common interest are grouped together where possible including public consultations already required under national law. Each public consultation shall cover all subject matters relevant to the particular stage of the procedure, and one subject matter relevant to the particular stage of the procedure shall not be addressed in more than one public consultation; however, one public consultation may take place in more than one geographical location. The subject matters addressed by a public consultation shall be clearly indicated in the notification of the public consultation;</p> <p>(c) comments and objections shall be admissible from the beginning of the public consultation until the expiry of the deadline only;</p>	<p>(b) competent authorities shall ensure that public consultation procedures for projects of common interest are grouped together where possible and reasonable including public consultations already required under national law. Each public consultation shall cover all subject matters relevant to the particular stage of the procedure, and one subject matter relevant to the particular stage of the procedure shall not be addressed in more than one public consultation; however, one public consultation may take place in more than one geographical location. The subject matters addressed by a public consultation shall be clearly indicated in the notification of the public consultation;</p>	<p>The Regulation should allow for flexibility, in cases where grouping procedures could be counterproductive.</p>
<p>(4) the concept for public participation shall at least include information about:</p> <p>(a) the stakeholders concerned and addressed;</p> <p>(b) the measures envisaged, including proposed general locations and dates of dedicated meetings;</p> <p>(c) the timeline;</p> <p>(d) the human resources allocated to the respective tasks;</p>		
<p>(5) in the context of the public consultation to be carried out before submission of the application file, the relevant parties shall at least:</p> <p>(a) publish an information leaflet of no more than 15 pages, giving, in a clear and concise manner, an overview of the description, purpose and preliminary timetable of the development steps of the project, the national grid development plan, alternative routes considered, types and characteristics of the potential impacts, including of cross-border or transboundary nature, and possible mitigation measures, which shall be published prior to the start of the consultation; The information leaflet shall furthermore list the web addresses of the website of the project of common interest referred to in Article 9(7), the transparency platform referred to in Article 23 and of the manual of procedures referred to in point (1);</p> <p>(b) publish the information on the consultation on the website of the project of common interest referred to in Article 9(7), on the bulletin boards of the offices of local administrations, and, at least, in two local media outlets;</p> <p>(c) invite in written form relevant affected stakeholders, associations, organisations and groups to dedicated meetings, during which concerns shall be discussed;</p>	<p>(5) in the context of the public consultation to be carried out before submission of the application file, the relevant parties shall at least take the following as guidance:</p>	<p>The points under (5) are far too prescriptive and will not necessarily be practicable for all projects. Local specificities need to be considered as well to ensure efficient implementation.</p>
<p>(6) the project website referred to in Article 9(7) shall at least publish the following information:</p> <p>(a) the date when the project website was updated last;</p>	<p>(6) the project website referred to in Article 9(7) shall at least aim to publish the following information:</p>	<p>This might not always be possible or reasonable to implement.</p>

<p>(b) translations of its content in all languages of the Member States concerned by the project or on which the project has a significant cross-border impact in accordance with point (1) of Annex IV;</p> <p>(c) the information leaflet referred to in point (5) updated with the latest data on the project;</p> <p>(d) a non-technical and regularly updated summary reflecting the current status of the project, including geographic information, and clearly indicating, in case of updates, changes to previous versions;</p> <p>(e) the implementation plan as set out in Article 5(1) updated with the latest data on the project;</p> <p>(f) the funds allocated and disbursed by the Union for the project;</p> <p>(g) the project and public consultation planning, clearly indicating dates and locations for public consultations and hearings and the envisaged subject matters relevant for those hearings;</p> <p>(h) contact details in view of obtaining additional information or documents;</p> <p>(i) contact details in view of conveying comments and objections during public consultations.</p>		
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