

# Recommendations for Improving the PCI Designation Process and the Adjacent Public Consultation

## PCI

## Recommendations

*Justice and Environment 2015*

a Udolní 33, 602 00, Brno, CZ  
t/f 36 1 3228462 / 36 1 4130300  
fb /justiceandenvironment

e [info@justiceandenvironment.org](mailto:info@justiceandenvironment.org)  
w [www.justiceandenvironment.org](http://www.justiceandenvironment.org)  
tw JustEnviNet

# **Recommendations for Improving the PCI Designation Process and the Adjacent Public Consultation**

## **Recommendations**

### **Introduction**

**Justice & Environment (J&E)** is a European Network of Environmental Law Organisations, working in Europe and consisting of organisations from different countries dealing with environmental law solely or as one of their activities. J&E aims for better legislation and implementation of environmental law on the national and European Union stage to protect the environment, people and nature. J&E does this by enhancing the enforcement of EU legislation through the use of European law and exchange of information on the national, cross-border and wider European level.

### **PCI Designation Process 2015**

Justice & Environment supports the concept of Projects of Common Interest (PCI) in order to contribute to Energy Transition and security of supply in Europe. This EU mechanism should allow that highly critical and needed energy infrastructures and storages can profit from faster permitting procedures. The projects are streamlined and benefit from improved regulatory conditions and European as well as national financial support.

Climate change action and specifically the substantial increase of renewable energy to be deployed in Europe makes it indispensable to considerably accelerate the expansion of the European power grid. Full grid integration shall further ensure security of supply within Europe. At the same time it is to be ensured, that power lines or energy storages are only constructed at suitable places and corresponding to the actual need. For this purpose strategic energy planning – defining necessity and best available techniques - and accompanying Strategic Environmental Assessments (SEA) can help to both accelerate grid deployment and mitigate negative environmental impacts.

For the PCI designation process 2015 the European Commission consulted with Justice & Environment and other interested NGO groups on the stakeholder involvement. Back then Justice & Environment pointed out that important steps for effective stakeholder participation are to:

- Promote public participation on transboundary level and ensure effective participation of non-EU stakeholders
- Elaborate public participation procedures together with the Member States and other relevant stakeholders
- Keep the process transparent and inform stakeholders on meetings and projects early in the process when all options are open
- Set up a participation infrastructure and procedure and consult the public in a gradual approach.<sup>1</sup>

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<sup>1</sup>J&E PCI Process Recommendations 2014:  
[http://www.justiceandenvironment.org/files/file/2014/JaE\\_Bankwatch\\_PCI%20Process%20Recommendations%202014.pdf](http://www.justiceandenvironment.org/files/file/2014/JaE_Bankwatch_PCI%20Process%20Recommendations%202014.pdf)

Several of our recommendations on transparency and public participation were taken up by the European Commission and put into practice. The informal participation at an early stage was a meaningful effort in order to give stakeholders a chance to connect to the PCI process. What went well?

The PCI Designation process 2014/15 improved both in inclusiveness and transparency. Aspects which contributed to this achievement are:

- Active communication with NGO stakeholders by European Commission
- Creation of an NGO stakeholder list
- Timeline for PCI designation process presented early in the process (at bi annual joint meetings)
- Decision making schedule
- Constant information sharing on Transparency Platform and via CIRCABC
- Grid Infrastructure Communication Toolkit<sup>2</sup>
- The Workshop on public consultation results where project promoters, member states, non-governmental stakeholders discuss controversial candidate projects under the auspices of European Commission and external observers from EP

What were the challenges and room for improvement?

a) *Regional Group Meetings*

The Regional Groups have the possibility and the obligation to organise hearings or consultations, where relevant.<sup>3</sup> Some of the Regional Group meetings were partly open to stakeholders – divided into a public session and “in camera” or closed session. Aim of the public session was to discuss different projects put forward by the TSOs/promoters. In practice the public session did tackle only very general issues and information – such as procedural issues, graphs and statistics and guest lectures (e.g. DG ENVIRONMENT, ENTSOs). If at all - specific projects were then discussed at closed sessions.

**Justice & Environment recommends to**

- Elaborate clear goals for the public session of regional group meetings and try to incorporate stakeholders in order to reach the goals of such meetings. Stakeholders could even play a more active part in the meeting via providing insights into specific projects or related plans and strategies etc. Given the resources and time constraints non-profit organizations are subjected to, it is efficient if they know what they are dealing with when taking the time and resources to visit a meeting.
- Content-wise Regional Groups should systematically and transparently engage local stakeholders to discussions about the need of projects as well as about the projects’ potential environmental impacts. The regional groups should seek for and make use of relevant stakeholders’ knowledge about avoiding harmful impacts.

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<sup>2</sup> <https://webgate.ec.europa.eu/multisite/gridcommunicationstoolkit/en>

<sup>3</sup> Cp. Annex III/1./5 TEN-E Regulation.

## *b) Public Consultation*

A public online consultation was launched on the candidate projects proposed as PCIs early in the process and prior to the dedicated meetings to be held with stakeholders. The information on projects available for the consultation was the information derived from the Cost Benefit Analysis (CBAs) accompanying the Ten-Year-Network-Development-Plans (TYNDPs).

### **Justice & Environment recommends to:**

- Present information on sustainability, cost-benefit, security of supply, market integration, environmental and social impacts of PCI candidate projects in a comprehensible format prior to the consultation. This will equally foster acceptance: If stakeholders cannot grasp the rationale of a decision taken – the need for this decision will be questioned over and over again by the affected stakeholders. This conclusion we derive from our own experiences in national planning and permitting procedures of energy projects in general.
- In order to ensure consistency with the TYNDPs the environmental and social costs of projects should be discussed in the run of the PCI designation process.
- React on the Public Consultation and show why comments were or were not taken into account, and how they were taken into account. Consultations are an opportunity for the public to give input during the decision-making process. If the European Commission or the Regional Groups don't deal with these inputs and don't feedback on how exactly they have been treated or taken into account frustration levels among stakeholders will rise and goal to achieve high social acceptance would be undermined.

## *c) Information sharing and Transparency Platform*

Not only it is reasonable that updated information on the progress of the Regional Groups work is made publicly available on a regular basis – it is also legally prescribed.<sup>4</sup> Although at the beginning of the decision-making process information on meetings and discussions was shared regularly this changed radically towards the end of the current PCI designation process. Final conclusions and decisions taken by the Regional Groups were not disclosed – neither actively shared nor upon request.

In addition to the volume and regularity of active information sharing, the comprehensibility of the information provided by stakeholders is a key to better quality public participation and more public acceptance. J&E has found that many stakeholders are still either not aware of the meaning of PCI designation process, lack understanding of opportunities to participate and/or find a lot of the information too technical and difficult to process.

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<sup>4</sup> Annex III Section 1 para 6 TEN-E Regulation.

## Justice & Environment recommends to:

- Continue and increase efforts by the European Commission to raising the awareness of different stakeholders of the rationale and meaning of the PCI designation process as well as participation opportunities.
- Continuously share information on the projects proposed, meetings of regional groups and other stages of the designation process as well as decisions made in all stages of the process, until its very end.
- Make key data on the designation process as well as information of proposed projects (sustainability, cost-benefit, security of supply, market integration, environmental and social impacts) available in the interactive PCI map at the European Commission Website<sup>5</sup> in a comprehensible format at all times.

Urge respective ministries of Member States to take an active role in information-sharing in addition to the efforts undertaken by the European Commission. This could at a minimum level include adding designated pages to their web sites with above mentioned information on the designation process and projects that concern a given Member State.<sup>6</sup>

### Contact information:

**name:** Birgit Schmidhuber  
**organization:** J&E  
**address:** Neustiftgasse 36/3a, 1070 Wien, Austria  
**tel/fax:** +43 (0)1/5249377, +43 (0)1/5249377-20  
**e-mail:** [info@justiceandenvironment.org](mailto:info@justiceandenvironment.org)  
**web:** [www.justiceandenvironment.org](http://www.justiceandenvironment.org)

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<sup>5</sup> [http://ec.europa.eu/energy/infrastructure/transparency\\_platform/map-viewer/m/pciviewer.html](http://ec.europa.eu/energy/infrastructure/transparency_platform/map-viewer/m/pciviewer.html)

<sup>6</sup> See in this respect also J&E PCI Process Recommendations 2014:  
[http://www.justiceandenvironment.org/files/file/2014/JaE\\_Bankwatch\\_PCI%20Process%20Recommendations%202014.pdf](http://www.justiceandenvironment.org/files/file/2014/JaE_Bankwatch_PCI%20Process%20Recommendations%202014.pdf)