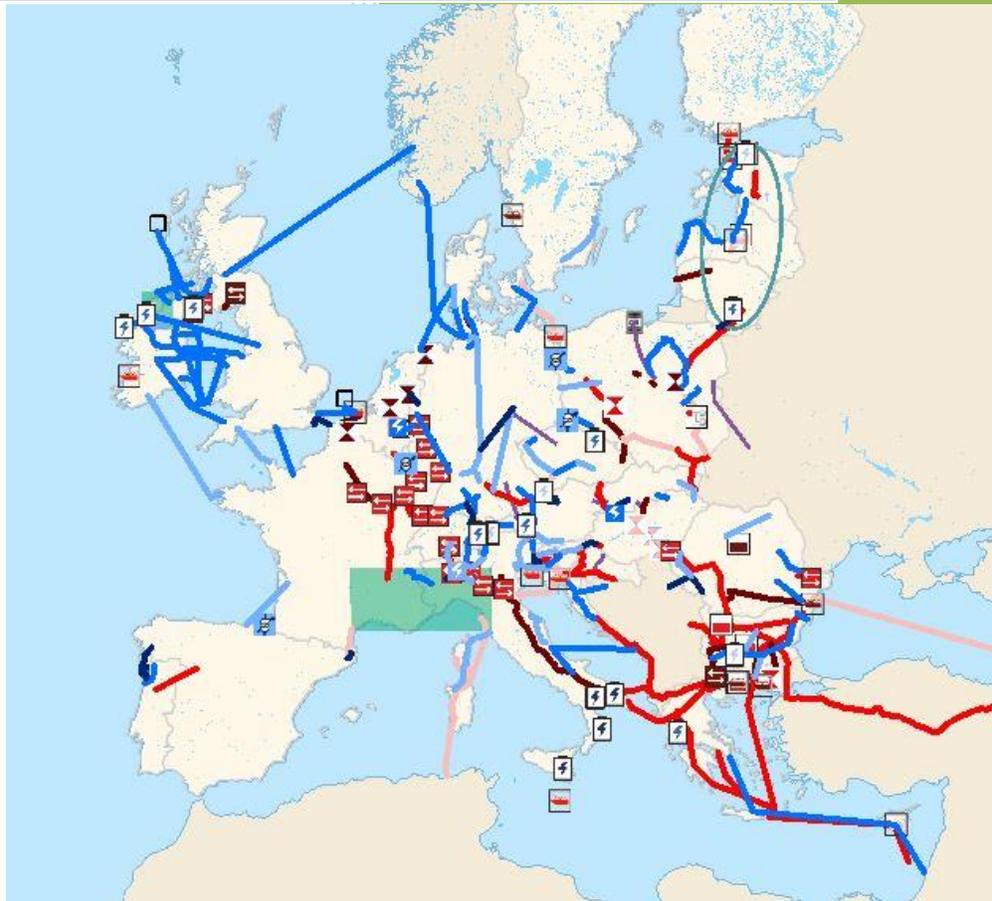




European Network
of Environmental Law Organizations

J&E

Projects of Common Interest



An extract from the publication of BirdLife Europe and the European Environmental Bureau
“CONNECTING ENERGY, PROTECTING NATURE –
A JOINT BIRDLIFE EUROPE AND EUROPEAN ENVIRONMENTAL BUREAU BRIEFING ON PROTECTING NATURE IN THE DELIVERY OF ENERGY INFRASTRUCTURE PROJECTS OF COMMON INTEREST”

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Croatian, Czech, Estonian, German, Hungarian, Polish, Romanian, Slovakian, Slovenian, Spanish translations

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1. THE NEED FOR PCIs

The European Commission estimated in 2010 that the EU needs to invest €200 billion in energy infrastructures by 2020. It warned, however, that half of the total investment needed was at risk of not being delivered due to obstacles related to lengthy and ineffective permit granting procedures and public acceptability, as well as difficulties with existing regulatory system and/or financial frameworks¹.

High costs and delays in power line development threaten to become major obstacles to the renewable energy investment needed to make energy supplies sustainable. Failure to develop new infrastructures could also become a threat to energy security and a major obstacle to opening up international trade and competition in energy markets. The conclusion was drawn that changes in regulatory and financial schemes would therefore need to be introduced in Member States to ensure that EU energy and climate targets are delivered on time.

The European Commission has identified “adequate, integrated and reliable energy networks” as crucial for achieving the main goals of EU energy policy². These goals are (i) ensuring security of supply, (ii) competitiveness and (iii) sustainability. To enable development of such energy networks, the regulation on guidelines for trans-European energy infrastructure (the TEN-E Regulation³) was adopted in 2013, setting out 12 priority corridors (e.g. North Seas Offshore Grid) and areas (e.g. Smart Grids). These cover electricity, gas, oil and carbon dioxide transport networks.

2. PCI SELECTION

Identification of PCIs represents the core element for implementation of these priority corridors and areas. PCIs are projects that benefit more than one EU Member State, and must meet certain other criteria laid down in the TEN-E Regulation⁴, such as contributing to energy security. The process of selecting PCIs takes the following steps:

1. Project promoters submit proposals to Regional Groups composed of representatives of Member States, national regulatory authorities, transmission system operators (TSOs), the Commission, the EU Agency for Co-operation of Energy Regulators (ACER) and the European Networks of Transmission System Operators (ENTSOs) for Electricity and Gas.

2. Regional groups assess the eligibility of the proposals according to criteria set out in the Regulation, such as contribution to energy security, market integration and sustainability, as well as benefiting more than one EU Member State⁵. For the second and subsequent lists of PCIs, proposals must already be in the ten-year network development plans (TYNDP) for electricity and gas, prepared by the ENTSO for Electricity and ENTSO for Gas respectively⁶. The Groups assess and rank the projects. If the number of proposed projects exceeds a manageable number, the Commission can remove the lowest ranking proposals.

3. In preparing their lists, the Regional Groups are required by the TEN-E Regulation to consult organisations representing various stakeholders, including environmental groups.

4. The decision making body of each Regional Group (decision making powers in the Groups are restricted to Member States and the Commission) adopts the regional lists of proposed PCIs (draft regional lists).

5. ACER provides an opinion on the draft regional lists, in particular on the consistent application of the criteria and the cost-benefit analysis across regions.

6. The European Commission adopts the final EU list of PCIs, through the delegated act procedure.

3. BENEFITS OF PCI STATUS

Projects awarded the energy infrastructure PCI label⁷ are given preferential treatment in permit granting, and the highest available status in spatial planning, in the host Member States. This includes a 3.5-year time limit for permitting and a “one-stop-shop” administrative arrangement with a single competent authority facilitating and co-ordinating the permit granting process. Gaining PCI status establishes the necessity of the project from an energy policy perspective in the permit granting procedure. PCIs are also considered in the public interest from an energy policy perspective.

PCI status enables Member States to provide public subsidies under EU competition law, including through EU Structural Funds⁸. PCIs can also be eligible for EU co-financing⁹ under the Connecting Europe Facility (CEF). These funds are intended for various studies supporting the development of projects, and development works where there are positive externalities and no commercial viability. Under CEF €5.85 billion will be available for the period 2014–2020.

The TEN-E Regulation also introduced a requirement for Member States to assess potential measures to streamline environmental assessment procedures for PCIs. Streamlining is to be achieved “without prejudice” to nature protection legislation¹⁰. In line with provisions of the Aarhus Convention¹¹, as well as the Aarhus Regulation¹² and other relevant Union law, and in recognition of the public acceptability challenges faced in the sector, the Regulation also creates additional requirements for PCIs in terms of transparency and public participation¹³.

For further information please visit the website of J&E and search for our publications on PCIs¹⁴.

REFERENCES

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3
Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009.

4
Article 4 of the TEN-E Regulation.

5
Article 4 and Annex IV of the TEN-E Regulation.

6
The development of non-binding EU-wide ten-year network development plans for electricity and gas is required by Article 8 of Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003 and of Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005 respectively.

7
Article 7 of the TEN-E Regulation.

8
European Commission (2012) Connecting Europe Facility. Investing in Europe's Growth 2014 – 2020 , http://ec.europa.eu/bepa/pdf/cef_brochure.pdf.

9
Article 14 of the TEN-E Regulation.

10
Recital 34, Article 8(3) and 10(6) of the TEN-E Regulation.

11
1998 UNECE Convention on Access to Information, Public Participation in Decision making and Access to Justice in Environmental Matters (Aarhus Convention).

12
Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies.

13
See for example recital 30, Articles 4(4), 9 and 18, and Annex III.1(5) and Annex VI

14
<http://www.justiceandenvironment.org/publications/>

This paper is an extract on the subject of Projects of Common Interest taken from the publication “CONNECTING ENERGY, PROTECTING NATURE A JOINT BIRDLIFE EUROPE AND EUROPEAN ENVIRONMENTAL BUREAU BRIEFING ON PROTECTING NATURE IN THE DELIVERY OF ENERGY INFRASTRUCTURE PROJECTS OF COMMON INTEREST” of BirdLife Europe and the European Environmental Bureau. The authors and institutions responsible for the original document are not responsible for the translated content nor for any of the related material. In order to access the full paper, please go to the following [link](#).

Connecting energy, protecting nature

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