Permit granting rules for energy infrastructure under Regulation (347/2013) on guidelines for trans-European energy infrastructure (origin, requirements and first experience)
Energy and trans-European networks policy

- Foundations laid down in the Treaty on the Functioning of the EU
  - Trans-European networks – Title XVI – Articles 170 - 172
  - Environment – Title XX – Article 191 - 193
  - Energy – Title XXI – Article 194

- Several European Energy Strategies developed in the EU
  - 2020 Energy and Climate Strategy
  - 2030 Framework for Climate and Energy
  - Energy Union Strategy
  - European Energy Security Strategy
  - Liquid Natural Gas (LNG) and Storage Strategy

- Well-interconnected energy network is a cornerstone of the European strategies and the EU Energy policy.
UE legal framework for developing trans-European energy networks

- **Secondary legislation** providing framework for developing trans-European energy infrastructure
  - 1996 (first law) → 2013 (current law) → 2017 (review)

- Regulation (EU) No 347/2013 on trans-European energy networks (**TEN-E Regulation**) – custom made law to facilitate the development in good time of key energy projects in the EU known as **Projects of Common Interest** (PCI)
  - Framework for identifying PCIs.
  - Set of measures which are to facilitate development of PCIs.

- TEN-E Regulation aims at **complementing and improving national processes** for developing energy infrastructure in the UE.
New Energy Infrastructure Package

- Regulation 347/201 Trans-European Energy Networks Guidelines - **TEN-E**
  - Accelerated permit granting & enhanced public particip.
  - Improved regulatory treatment
  - Improved project (PCI) identification
  - Financial support

- Regulation 1391/2013 1st Union List of **PCIs**
- Regulation 1391/2015 2nd Union List of PCIs

- Regulation 1361/2013 Connecting Europe Facility - **CEF**
  - Union's (co)financial support

Financial support

Improved regulatory treatment

Improved project (PCI) identification

Accelerated permit granting & enhanced public particip.
Permit granting process

Key provisions of the TEN-E Regulation:

- Chapter III, i.e. Articles 7 – 10
- Annex VI
- Article 2
- Article 19

TEN-E Regulation is directly applicable. There is no need for the adoption of a national law implementing the Regulation.
Permit granting process

Institutional & formal requirements introduced by the TEN-E Regulation

- Establishment of the National Competent Authority (one-stop-shop) by 16 November 2013;
- Publication of the manual of procedures for PCIs by 16 May 2014;
- Allocation of the status of the highest national significance possible to PCIs;
- Ensuring the most rapid treatment legally possible to PCIs;
- Obligation to assess which measures to streamline the environmental assessment procedures for PCIs are possible; if yes, to adopt the relevant non-legislative (25 June 2014) and legislative (25 September 2015) measures in this respect.
Permit granting process

Procedural requirements introduced by the TEN-E Regulation

- Defines the workflow for the permit granting process:
  - 2 procedures, i.e. **pre-application** and **statutory**;
  - Introduces the time limit of **3.5 years**, including 2 years for the pre-application procedure and 1.5 year for the statutory procedure;
  - Defines the **regimes for the adoption of the comprehensive decision**, including: integrated, coordinated and collaborative;
  - Defines **actions to be taken by project promoters**, including an early public consultation carried out according to the concept for public consultation accepted by the CA;
  - Defines **actions to be taken by the National Competent Authorities**, including a detailed schedule for the permit granting process.
The pre-application procedure - 2 years

The statutory procedure - 1.5 year

Tasks of a project promoter

Tasks of the competent authority
Thank you for your attention
For info or further questions on this seminar and the activities of the JASPERS Networking Platform, please contact:

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