

## DECISION OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

### **D/2024/07/MC-EnC on the establishment of the list of projects of Energy Community interest ('Energy Community list')**

THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY,

Having regard to the Treaty establishing the Energy Community, and in particular Articles 2, 9, 10, 11, 79 and 81 thereof,

Having regard to the Decision of the Ministerial Council of the Energy Community No. 2023/02/MC-EnC amending Annex I to the Energy Community Treaty to adapt to and adopt in the Energy Community Regulation (EU) 2022/869 of the European Parliament and of the Council on guidelines for trans-European energy infrastructure, Decision of the Ministerial Council of the Energy Community No. 2023/03/MC-EnC amending Article 2(2) of the Energy Community Treaty, and in particular to Article 3(4) of Regulation (EU) 2022/869, as adapted and adopted in the Energy Community.

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 14 December 2023, the Ministerial Council of the Energy Community adopted, under Title II of the Treaty establishing the Energy Community ('the Treaty'), a Decision<sup>1</sup> to adapt to and adopt in the Energy Community Regulation (EU) 2022/869 of the European Parliament and of the Council on guidelines for trans-European energy infrastructure ('adapted Regulation (EU) 2022/869').
- (2) Pursuant to Article 3(4) of the adapted Regulation (EU) 2022/869, the Ministerial Council is empowered to adopt every two years a list of projects of Energy Community interest ('Energy Community list') by way of a Decision under Title II of the Treaty. Pursuant to Article 79 of the Treaty measures under Title II are to be proposed by the European Commission.
- (3) Energy infrastructure projects proposed for the inclusion in the Energy Community list have been assessed by the Electricity Group established pursuant to Article 3(1) of adapted Regulation (EU) 2022/869 and meet the criteria laid down in that Regulation.
- (4) The final preliminary list of projects was adopted by the Electricity Group pursuant to Article 3(3) of adapted Regulation (EU) 2022/869, following a positive opinion of the Energy Community Regulatory Board ('ECRB') on the consistent application of the assessment criteria and the cost/benefit analysis. The proposed list was discussed in the 73<sup>rd</sup> meeting of the Energy Community Permanent High Level Group on 7 October 2024. Building on the opinion of the ECRB and the experience gained in this first process under the adapted Regulation (EU) 2022/869, the next rounds of Energy Community list selection should demonstrate an improved transparency of the methodologies used and their application when assessing the proposed projects.

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<sup>1</sup> Decision 2023/02/MC-EnC

- (5) The proposed energy infrastructure projects, preliminarily considered as potentially eligible by the Electricity Group, were the subject of public consultations from 19 April 2024 to 1 May 2024. Organisations representing relevant stakeholders, including electricity producers, suppliers, transmission and distribution system operators, and environmental organisations, were invited to comment on the list of projects which were considered as potentially eligible to be included in the Energy Community list of projects.
- (6) The inclusion of projects in the Energy Community list is without prejudice to the outcome of the relevant environmental assessment and permitting procedure at national level, whose positive outcome is required to implement a project. Pursuant to Article 5(8) of the adapted Regulation (EU) 2022/869, a project that does not comply with Energy Community law may be removed from the Energy Community list. The implementation of projects, including their compliance with the Energy Community legislation, should be monitored in accordance with Article 5 of the adapted Regulation (EU) 2022/869.

HAS ADOPTED THIS DECISION:

*Article 1*

The Energy Community list of projects is adopted as set out in the Annexes to this Decision.

*Article 2*

1. This Decision shall enter into force on the day of its adoption.
2. The Decision is addressed to the Contracting Parties of the Energy Community.

For the Ministerial Council:

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Presidency



## ANNEX 1

### EXPLANATORY MEMORANDUM

#### 1. Introduction

On 14 December 2023 the Ministerial Council of the Energy Community adopted a Decision on the adaptation to and adoption in the Energy Community of Regulation (EU) 2022/869 of the European Parliament and of the Council on guidelines for trans-European energy infrastructure ('adapted Regulation (EU) 2022/869')<sup>2</sup>. The purpose of this measure was to create a legal framework for prioritising key energy infrastructure projects among Contracting Parties. On the same date, the Ministerial Council also adopted a Decision amending Article 2(2) of the Energy Community Treaty<sup>3</sup>, extending the scope of "Network Energy" to include also the hydrogen and carbon dioxide sectors.

The adapted Regulation (EU) 2022/869 sets a comprehensive framework for the identification of projects on the list of projects of Energy Community interest ('PECI') through the adoption of a decision by the Ministerial Council under Title II of the Energy Community. It facilitates timely implementation of PECIs and provides rules for the cross-border allocation of costs and risk-related incentives for PECIs. The final transposition deadline for the main provisions of the Regulation and the deadline for the establishment of the first list of PECI is 31 December 2024. The list shall be updated every two years.

As required by the adapted Regulation (EU) 2022/869, two Groups were created in order to prepare the PECI list (Electricity Group and Gases Group). Projects that have been submitted by project promoters were the subject of a public consultation launched by the Energy Community Secretariat on 19 April 2024. In the course of 2024, projects were assessed as regards their compliance with the relevant criteria. A cost-benefit analysis of each potentially eligible project was performed, resulting in a ranking of the projects based on specific scores related to the level of fulfilment of the criteria. Based on a consensus, a draft preliminary list of PECIs was proposed by the Electricity Group at the beginning of July 2024. Since only electricity-related projects (overhead power transmission lines and one energy storage project) were considered potentially eligible, the Gases Group did not propose the inclusion of any project in the list. Following the positive opinion of the Energy Community Regulatory Board received on 27 August 2024, the final preliminary list of PECIs was adopted by the Electricity Group on 6 September 2024, and is the basis for the decision of the Ministerial Council, proposed to be taken on 12 December 2024.

The Annex with the list of projects is attached to the draft Decision of the Ministerial Council, following the decision-making process as described above.

#### 2. Legal basis of the proposal

Under Article 79 of the Treaty of the Energy Community the Ministerial Council, the Permanent High Level Group or the Regulatory Board shall take Measures under Title II on a proposal from the European Commission. The European Commission may alter or withdraw its proposal at any time during the procedure leading to adoption of the Measures.

Under Article 3(4) of adapted Regulation (EU) 2022/869, the Ministerial Council shall adopt the list of projects of Energy Community interest by way of a Decision under Title II of the Treaty.

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<sup>2</sup> Decision 2023/02/MC-EnC

<sup>3</sup> Decision 2023/03/MC-EnC

The Secretariat submits the proposed Energy Community list of projects in the Annex upon the initiative of the Electricity Group and in agreement with the services of the European Commission. If and to the extent the Secretariat is being made aware of any concerns regarding a Project of Energy Community interest's compliance with Energy Community law, it may propose to the Ministerial Council to remove the project from the list in accordance with Article 5(8) of Regulation (EU) 2022/869, as adapted and adopted in the Energy Community.

**ANNEX 2****LIST OF PECI IN ELECTRICITY****High and extra-high voltage overhead transmission lines**

<b>Code</b>	<b>Project's name</b>
E01	Increasing the capacity of existing 220 kV interconnection between Bosnia and Herzegovina and Montenegro, 220 kV OHL Trebinje – Perućica
E08	330 kV OHL Balti (MD) - Dnestrovsk HPP-2 (UA)
E07	Closing the 400 kV Albanian internal ring
E04	Trans Balkan Corridor: Double OHL 400 kV Bajina Basta (RS) – Višegrad (BA)/Pljevlja (ME) (BA and ME sections)
E06	Reconfiguration of 400 kV grid and new 400 kV interconnection Albania-Kosovo* <sup>4</sup>

**Energy storage facilities**

<b>Code</b>	<b>Project's name</b>
E13	DTEK STORAGE 225 MW

<sup>4</sup> Kosovo\* - This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.