

Energy Community Workshop *on Regulation (EU) 2022/869 on guidelines for trans-European energy infrastructure*

Location: hybrid (Energy Community Secretariat, Am Hof 4, 1010 Vienna and Webex meeting)
Time: April 26th, 2023, 10:00 - 12:00 CET

The Energy Community Secretariat invites you to the workshop on Regulation (EU) 2022/869 on guidelines for trans-European energy infrastructure ('new TEN-E Regulation'), which will be proposed for adoption in the Energy Community at the Ministerial Council meeting in December 2023.

This workshop **aims to discuss the provisions of the revised TEN-E Regulation, differences with the 'old' TEN-E Regulation (EU) 347/2013, and to outline the process of adaptation and adoption in the Energy Community.** The adoption of the revised TEN-E Regulation will be followed by the new PECEI selection process, preferably in a one-year timeframe.

The event will be hybrid. Participants are invited to attend the workshop at the premises of the Energy Community Secretariat (Vienna, Am Hof 4, level 6, Room 603). Alternatively, a Webex link for online attendance will be provided to all registered participants.

The workshop will take place **on 26 April 2023, between 10:00 and 12:00 CET.**

1. INTRODUCTION (10:00 - 10:10)

Introductory remarks

Dirk Buschle, Energy Community Secretariat

Where are the Contracting Parties with the transposition and implementation of the 2013 TEN-E Regulation?

Davor Bajcs, Energy Community Secretariat

2. NEW TEN-E REGULATION AND ITS ADOPTION IN THE ENERGY COMMUNITY (10:10 - 11:10)

The revised TEN-E Regulation in the EU

Oana Langa, DG ENER

Differences between the new and the old TEN-E Regulation

Davor Bajcs, Adam Balogh, Energy Community Secretariat

Outline of the adaptation and adoption process in EnC

Davor Bajcs, Adam Balogh, Energy Community Secretariat, Oana Langa, DG ENER

3. DISCUSSION (11:10 - 12:00)

Q/A, discussion

All participants

Inclusion of the Regulation (EU) 2022/869 on guidelines for trans-European energy infrastructure (new TEN-E Regulation)

06 April 2023

1. Legislation concerned

Old: 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

Eur-Lex: <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32013R0347>

Incorporated and adapted version for the EnC:

https://www.energy-community.org/dam/jcr:767961e3-9ef5-4072-bd69-e670361b2815/REGULATION_347-2013.pdf

New: Regulation (EU) 2022/869 of the European Parliament and of the Council of 30 May 2022 on guidelines for trans-European energy infrastructure, amending Regulations (EC) No 715/2009, (EU) 2019/942 and (EU) 2019/943 and Directives 2009/73/EC and (EU) 2019/944, and repealing Regulation (EU) No 347/2013

Eur-Lex: <https://eur-lex.europa.eu/eli/reg/2022/869/oj>

2. Brief content and policy context

The Trans-European Networks for Energy (TEN-E), first adopted in 2013 through Regulation (EU) No 347/2013 (old TEN-E), focuses on linking the energy infrastructure of EU countries by setting out rules for the timely development and interoperability of trans-European energy networks. The Regulation helps to achieve the European Union energy policy objectives by:

- laying down rules for the identification and development of Projects of Common Interest (PCIs);
- requiring Member States to streamline permit granting procedures for PCIs;
- providing for regulatory assistance;
- establishing rules and guidelines for cross-border allocation of costs and risk-related incentives;
- establishing conditions for access to financing from the Connecting Europe Facility (CEF).

The Regulation identifies eleven priority corridors related to electricity, offshore grids, hydrogen and electrolyzers, and three priority thematic areas related to smart electricity grids deployment, cross-border carbon dioxide network and smart gas grids. The main rationale is to encourage and promote the cooperation of countries in priority corridors and priority thematic areas towards the development of more interconnected energy networks, as well as providing for funding options for new energy infrastructure.

Following the need to reflect developments in the priorities of European energy policy in different areas, the European Commission started to work on a revised TEN-E framework in 2020, which resulted in the publication on 3 June 2022 of Regulation (EU) 2022/869 (new TEN-E), repealing the old TEN-E Regulation.

The new TEN-E lays down guidelines for the timely development and interoperability of energy infrastructure priority corridors and areas that contribute to achieving climate change mitigation objectives. In this regard, the Regulation aims at reflecting expected changes in the energy system by acknowledging the European Green Deal and the "Communication on A Clean Planet for All", specifically referring to the EU's 2030 energy and climate targets and overall climate neutrality by 2050. The Regulation also aims at ensuring interconnections, energy

security, market and system integration and competition that benefits all Member States, as well as affordability of energy prices.

Additionally, the new TEN-E introduces amendments to:

- Regulation (EC) No 715/2009, which lays down rules for access to natural gas transmission networks, gas storage and liquefied natural gas (LNG) facilities;
- Regulation (EU) 2019/942, which established the EU Agency for the Cooperation of Energy Regulators (ACER);
- Directive 2009/73/EC - also known as the Gas Directive, which introduced common rules for the transmission, distribution, supply and storage of natural gas;
- Directive (EU) 2019/944, aimed at improving the framework governing the internal electricity market.

The old TEN-E Regulation 347/2013 has been incorporated and adapted into the acquis of the Energy Community. As the new TEN-E Regulation has replaced the old in the EU, adaptation in the Energy Community is necessary. See chapter 4 for details.

3. Potential contribution to the achievement of Treaty goals

In the EU context, the necessity for investment in energy infrastructure was a key reason for proposing the Regulation on the Guidelines for trans-European energy infrastructure. The new TEN-E Regulation provides a strategic framework for the long-term energy infrastructure vision of the EU, carries on the concept of the projects of common interest in the EU and introduces projects of mutual interest between EU and third countries.

The same or similar needs for energy infrastructure development exist in the Energy Community Contracting Parties, striving to transform their energy systems and achieve targets related to decarbonisation and climate goals.

It is expected that adoption of the new TEN-E Regulation in the Energy Community acquis would contribute to a faster and prompter development of related energy infrastructure, to the support of more extensive integration of renewables, to the enablement of decarbonisation efforts, to the transformation of energy systems and to the development of electricity and gas markets. This would directly create a more stable investment climate and attract investments in gas networks, power generation and transmission and distribution networks, objectives which are **directly in line with the Treaty provisions** to:

- (a) create a stable regulatory and market framework capable of **attracting investment in gas networks, power generation, and transmission and distribution networks**, so that all Parties have access to the stable and continuous energy supply that is essential for economic development and social stability,
- (b) create a single regulatory space for trade in Network Energy that is necessary to match the geographic extent of the concerned product markets,
- (c) enhance the security of supply of the single regulatory space by providing a **stable investment climate** in which connections to Caspian, North African and Middle East gas reserves can be developed, and indigenous sources of energy such as natural gas, coal and hydropower can be exploited,
- (d) improve the environmental situation in relation to Network Energy and related energy efficiency, foster the use of renewable energy, and set out the conditions for energy trade in the single regulatory space,
- (e) develop Network Energy market competition on a broader geographic scale and exploit economies of scale.

Additionally, the introduction of new technologies like energy storage, smart grids, hydrogen and electrolysers would also be accelerated.

4. Link to existing Energy Community acquis and/or initiatives

Regulation (EU) 347/2013 of 17 April 2013 on guidelines for trans-European energy infrastructure was incorporated and adapted in the Energy Community by the Ministerial Council Decision 2015/09/MC-EnC of 16 October 2015. Based on the old TEN-E Regulation, three processes of the Projects of Energy Community Interest (PECI) and Projects of Mutual Interest (PMI) were conducted in 2016, 2018 and 2020, resulting in three decisions and three recommendations of the Ministerial Council on the establishment of the lists of projects of Energy Community interest ('Energy Community list') and on the establishment of the list of Projects of Mutual Interest between Contracting Parties and Member States of the European Union.

By decision of the Ministerial Council No 2021/11/MC-EnC, amending decision No 2015/09/MC-EnC on the implementation of Regulation (EU) No 347/2013, the adoption of the Energy Community list of energy infrastructural projects every two years has been suspended, pending the adoption by the European Union of a new TEN-E Regulation and its subsequent incorporation and adoption in the Energy Community acquis communautaire. Until the establishment of a new list of Projects of Energy Community interest, the lists annexed to Decision No 202/04/MC-EnC and Recommendation 2020/01/MC-EnC remain valid. In order to continue with the energy infrastructural development in the Energy Community Contracting Parties in line with the new EU TEN-E Regulation, its adoption and incorporation in the Energy Community acquis is necessary.

5. Potential timeframe

The European Commission informed at the Permanent High Level Group meeting on 22 March that the new TEN-E Regulation will be proposed for adoption in the Energy Community. To this end, the Commission and the Energy Community Secretariat have started the process of adaptation of the new TEN-E Regulation to the Energy Community framework. The first draft proposal of the new TEN-E Regulation, adapted for the Energy Community Contracting Parties, is planned to be prepared by mid-May 2023. It will be shared and discussed with the Energy Community Contracting Parties during Q2 2023. If the Contracting Parties express their support to the draft proposal, the European Commission will formally submit its proposal to the Energy Community Ministerial Council 2 months prior to its December meeting, during which the new TEN-E Regulation is expected to be adopted at the Energy Community level.

Immediately after the adoption of the new TEN-E Regulation and its incorporation in the Energy Community legislative framework, the new process for PEGI projects will start, preferably in January 2024, expected to be finished by summer 2024, resulting in the new energy infrastructural projects of Energy Community interest, approved at the Ministerial Council meeting at the end of 2024.

The purpose of the TEN-E Regulation in the Energy Community is to streamline the permitting procedure and facilitate investments in the energy infrastructure in order to achieve the Energy Community's energy and environment policy objectives. Therefore, projects included in the Energy Community list may benefit from streamlined permitting procedures, regulatory incentives, cross-border cost allocation procedures and funding under the EU's Instrument for Pre-Accession Assistance (IPA) and the Neighbourhood Investment Facility (NIF).