



BirdLife Europe's answer to the open public consultation on the revision of Regulation (EU) 347/2013 on guidelines for trans-European energy infrastructure (TEN-E Regulation)

Date: **09/07/2020**

Link for access to the consultation:

<https://ec.europa.eu/eusurvey/runner/OPConsultationTEN-ERevision?surveylanguage=EN>

Introduction

EU rules on the Trans-European Networks for Energy – the TEN-E Regulation

The European Green Deal confirms the EU's ambition to be climate neutral by 2050 and outlines a wide range of measures in different policy areas which need to be revised or newly introduced in order to meet this objective. In the energy sector, one of the key aims is to ensure that our energy infrastructure is fit for the purpose of achieving climate neutrality. In this sense, the Green Deal highlights the importance of smart infrastructure in this transition and specifically identifies the need to review and update the EU regulatory framework for energy infrastructure, including the Regulation (EU) No 347/2013 on guidelines for trans-European energy infrastructure (the "TEN-E Regulation"), to ensure consistency with the 2050 climate neutrality objective. As part of the political agreement between the European Parliament and the Council on the Connecting Europe Facility for the period 2021-2027 – the part of the EU budget which funds cross-border infrastructure projects for energy, transport and digital services – it was already agreed that the Commission should evaluate the effectiveness and policy coherence of the TEN-E Regulation. This revision of the TEN-E Regulation will also address the new policy ambition of the European Green Deal inter alia by integrating a significant increase in renewable energy in the European energy system and by putting the energy efficiency first principle into practice. More information on the European Green Deal is available on the Europa website.

The TEN-E Regulation lays down rules for the timely development and interoperability of cross-border energy infrastructure [TEN-E] networks in order to achieve the EU's energy policy objectives. Its key objective is the timely implementation of the projects of common interest (known as "PCIs") which interconnect the energy markets across Europe. Interconnected energy markets allow for better integration of renewable energy sources, better security of supply and higher competition within markets that keeps prices in check. The TEN-E Regulation sets out criteria for establishing the PCIs necessary to implement

priority corridors and areas in the categories of electricity, gas, oil, smart grids, and carbon dioxide networks.

More information on the TEN-E network is available on the Europa website.

WHAT IS THIS QUESTIONNAIRE ABOUT?

This public consultation is part of a wider consultation strategy which feeds into the evaluation and impact assessment process. In line with EU rules on better regulation, the aim of the consultation is to gather the views of EU citizens and stakeholders on the TEN-E Regulation. This public consultation aims to collect input on what should be viewed as the priority corridors and priority thematic areas. In addition, the TEN-E Regulation was designed to help overcome some of the key barriers to the development of European wide energy infrastructure such as permit granting, at the same time ensuring better public consultations in this process. The key questions asked therefore concern the extent to which it has achieved these objectives. The result would help to set up the policy objectives of the Regulation and options on how to improve the current shortcomings.

This questionnaire is addressed to citizens and organisations (e.g. NGOs, local government, local communities, companies and industry associations) that have no specialist knowledge of the TEN-E Regulation.

If you have specialist knowledge of the TEN-E Regulation (e.g. as a professional for a national competent / regulatory authority, TSO, DSO, company project promoter, energy producer, NGO with specific knowledge on the subject) and you are aware of issues like the energy infrastructure priority corridors and thematic areas, criteria for selection of PCIs, regulatory regimes and incentives, you are invited to fill in the targeted survey - [available here](#) - which is taking place in parallel to this one. [NB. There is no problem for professionals to answer both questionnaires.]

INFORMATION ON THE QUESTIONNAIRE

This Online Public Consultation questionnaire is structured as follows:

- Introduction: This part will ask you to provide information about yourself.
- Part I: Relevance and EU added value (your view on Europe's energy infrastructure needs and objectives)
- Part II: Public participation and transparency (your view on how information on energy infrastructure projects should be shared by project promoters).

The questionnaire should take you no more than 15 – 20 minutes to complete.

Fields marked with * are mandatory.

Part I: Relevance and EU added value

In this section, we would like to ask you some questions regarding your perceptions on the current and emerging needs of trans-European energy infrastructure networks.

How would you rate the importance of the following objectives for trans-European energy infrastructure networks:

	Important	Important to a large extent	Important to a small extent	Not important	I don't know
* A competitive and properly functioning integrated energy market			X		
* Increased resilience of energy infrastructure against technical failures, natural or man-made disasters, and the adverse effects of climate change and threats to its security		X			
* Consumer empowerment - making sure consumers' interests are considered in decisions related to energy infrastructure	X				
* Secure and diversified EU energy supplies, sources, and routes				X	
* Integration of renewable energy sources into the grid	X				
* Increase cross-border interconnections and deepen regional cooperation to transport energy from renewable sources where it is most needed		X			
* Giving priority to energy efficiency (putting the 'Energy efficiency first' principle in practice)	X				
* Achieving the EU's decarbonisation objectives for 2030 and 2050, including climate neutrality under the European Green Deal	X				
* Increased digitalisation of the energy infrastructure (e.g. Smart Grids)		X			
* Energy system integration and sector coupling (integration of the different energy sectors and beyond)		X			
beyond)					

Which of the following infrastructure categories do you consider relevant for the regulatory framework on trans-European energy networks:

	Relevant	Relevant to a large extent	Relevant to a small extent	Not relevant	I don't know
* Electricity infrastructure (transmission lines and storage)	X				
* Grids for offshore renewable energy	X				
* Smart electricity grids	X				
* Smart gas grids				X	
* Natural gas infrastructure (pipelines and storage)				X	
* Liquefied Natural Gas (LNG) terminals				X	
* Dedicated hydrogen (H2) networks			X		
* Infrastructure for the integration of renewable and carbon neutral gases			X		
* Power-to-gas installations			X		
* CO2 networks (for transporting CO2)		X			
* Geological storage of CO2				X	

In case you are aware of other emerging energy infrastructure categories, which you consider relevant for the regulatory framework on trans-European energy networks, please, describe them below:

NABU advocates for adding new flexibility options to back up the canon of TEN-E infrastructure, such as demand response and prosumers interaction.

Which features do you consider the most important for a project of common interest (PCI) as part of trans-European energy network?

	Important	Important to a large extent	Important to a small extent	Not important	I don't know
* Integration of renewable energy sources into the grid	X				
* Contribution to greenhouse gas emissions reduction	X				
* Security of supply		X			
* Market integration (e.g. to		X			

	Important	Important to a large extent	Important to a small extent	Not important	I don't know
improve infrastructure and increase system flexibility)					
* Increase competition in the market				X	
* Innovation			X		
* Contribution to increase the energy efficiency of the energy system	X				
* Environmentally sound implementation, i.e. compliance with the relevant regulations especially in the area of environmental impact assessment, water protection, nature conservation and air quality	X				
* Generation of direct benefits to the local communities		X			

To what extent do you agree with the following statement: The development of trans-European energy networks cannot be sufficiently achieved by the Member States alone and can therefore be better achieved through coordination at EU level?

- Fully agree
- Agree to a large extent
- Agree to a small extent
- Disagree
- I don't know

Do you agree that the revised TEN-E Regulation can make an important contribution to the economic recovery in Europe through a green transition in response to the COVID-19 crisis?

- Yes
- No
- Don't know

Part II: Public participation and transparency

Below we ask you questions regarding the participation of the public and local communities in the permit granting process for Projects of Common Interest (PCIs) and the transparency of the PCIs.

Despite the existence of established standards and procedures for the participation of the public in the environmental decision-making process, the TEN-E Regulation states that additional measures are needed to ensure the highest possible standards of transparency and public participation for all relevant issues in the permit granting process for projects of common interest. Enhancing public participation is among the key objectives of the Regulation. Under the current rules, the public consultation aims to inform relevant stakeholders (the appropriate national, regional and local authorities, landowners and citizens living in the vicinity of the project, the general public and their associations, organisations or groups) about the project at an early stage in order to help identify the most suitable location or trajectory and address all the relevant issues in the project application.

Are you aware of any Projects of Common Interest (PCI) in Europe?

- Yes, I am aware of one or several PCIs
Yes, I am aware that there are PCIs, but I do not know any details about them
No

Are you aware that there is a public participation process with regards to PCIs?

- Yes, I am aware of the procedure and its specifics
Yes, I am aware that there is a procedure, but I do not how it works in practice
No

Have you been involved in a public participation process with regards to any PCIs?

- | | Yes, once | Yes, several times | No, never | I don't know |
|--|-----------|-------------------------------------|-----------|--------------|
| * Have you visited the website of a PCI? | | <input checked="" type="checkbox"/> | | |
| * Have you seen the information leaflet of a PCI? | | <input checked="" type="checkbox"/> | | |
| * Have you participated in meetings dedicated to a PCI? | | <input checked="" type="checkbox"/> | | |
| * Have you provided feedback on a PCI during any consultation phase? | | <input checked="" type="checkbox"/> | | |

Do you consider the public participation process useful?

- X Yes
- To a large extent
- To a small extent
- No
- I don't know

If you have never participated in the public participation process of a PCI, please indicate why not.

- I was not aware of the notion of PCIs
- I was not aware of the opportunity to take part in the public consultation process
- I was not interested in this topic
- The level of technicalities in the published information (e.g. on the project website, leaflet) was too complicated for me to provide meaningful feedback
- I did not think that my feedback would be considered
- Other reasons

How would you assess the usefulness of the following communication channels for providing and exchanging information on PCIs:

	Very useful	Useful to a large extent	Useful to a small extent	Not useful	I don't know
* Project website (with information such as a detailed implementation schedule, a link to the manual of public participation procedures, a non-technical and regularly updated summary, public consultation planning, contact details)	X				
* Information leaflet (up to 15 pages, giving, in a clear and concise manner, an overview of the purpose and preliminary timetable of the project, the national grid development plan, alternative routes considered, expected impacts, including of cross-border nature, and possible mitigation measures)			X		
* Meetings to discuss the project of common interest		X			
* Providing information in writing (from the project promoter to the public and vice versa)			X		

Do you have any suggestions for other useful communication tools that could be created at local, national, and/or European level?

Communication tools at all levels must be further aligned with the Aarhus Convention and Regulation that sets out minimum requirements for openness and public participation in environmental decision-making. Full public participation in the PCI selection process should be ensured, with information made available to each project to indicate sites, species and other receptors that could be put at risks. Cumulative impacts must be taken into account. All environmental baseline, monitoring data and reports that are collected for a PCI must be freely publicly available. Communication tools relating to energy infrastructure should highlight the broader environmental sustainability challenges involved in the energy transition and ways to overcome them.

In line with the requirements of the TEN-E Regulation, the Commission established an infrastructure transparency platform easily accessible to the general public, including via the internet, with the purpose of providing information on current PCIs in an open, transparent and interactive way.

Are you familiar with the PCI interactive map on the Transparency Platform?

- Yes
- Yes, to a large extent
- Yes, to a small extent
- No

How would you assess the PCI interactive map on the Transparency Platform, which includes the geographic information, implementation plan, amount of EU financial support and the benefits that each project brings at national and local level?

	Fully	To a large extent	To a small extent	Not at all I don't know
* Comprehensive		X		
* Up-to-date				X
* Provided in a simple language		X		
* Easy to navigate			X	

Please explain your answer(s) to the above question on the PCI interactive map

The PCI interactive map is a helpful tool and overall comprehensive. However it is last updated in December 2019, thus the map does not display projects from the 4th PCI-list. It furthermore does not provide links to the actual projects, but only to EC implementation plans and PCI fiches by the European Commission. There is information missing concerning the concrete status of the project and environmental baseline and monitoring

data for each project. The map should include information correlating with at least some criteria of an SEA, for instance geo data on Natura 2000 sites .Also the compatibility of the map with all technical devices is not secured.

Have you observed any improvement in the transparency of the planning and building process of any PCIs in comparison to other energy infrastructure projects?

Yes

To a small extent

No

I don't know

Please share any other recommendations that would contribute to an enhanced/strengthened participation of the public in TEN-E energy infrastructure planning and building.

The Ten-E regulation requires PCI project promoters or competent authorities to carry out at least one additional public consultation before entering the formal permit granting procedure. The consultation often comes too late and lacks content and detail regarding environmental and social impact and mitigation measures. Transparency is required – information on candidate PCIs should be comprehensive and include maps showing locations and routes. Projects promoters must have an obligation to inform potentially affected citizens. European and national institutions must provide the information and several opportunities for interest parties to have their say. When a project is controversial, Regional Groups must have dedicated meetings with concerned stakeholders. Before finalizing PCI-lists, a written consultation should be mandatory and decisive. Third party projects can become PCIs without first being scrutinised at the national level. Member States environmental authorities and stakeholders must have an earlier opportunity to comment on a binding infrastructure plan.

Documents upload and final comments

If you have further comments, please feel free to upload a concise document. The maximum file size is 1 MB.

The uploaded document will be published alongside your response to the questionnaire which is the essential input to this public consultation. The document is optional and serves as additional background reading to better understand your position.

Please upload your file

The maximum file size is 1 MB

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

If you wish to add further information — within the scope of this questionnaire — please feel free to do so here

In order to enhance public acceptance and create beneficial procedures for PCIs, the planning of grids and energy systems needs to be consistent with the Paris Agreement, the EU's Climate Neutrality goal and the biodiversity goals set out in the Biodiversity Strategy for 2030. Using cross-border spatial planning and zoning to plan the EU energy system and nature sensitive infrastructure can create environmentally sound systems and can be beneficial (e.g. ecological lining corridors). An early Strategic Environmental and Climate Impact Assessment during the elaboration of the Ten-Year Network Development Plan can measure environmental impacts at the earliest stage and allows for increased long-term planning security for Industry.

750 character(s) maximum