

# Targeted consultation on the revision of Regulation (EU) 347/2013 on guidelines for trans-European energy infrastructure (TEN-E Regulation)

Fields marked with \* are mandatory.

## Introduction

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### What is 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 [EC 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 survey about?

This survey is one of the elements of the wider stakeholder consultation strategy to inform about the revision of the TEN-E Regulation. The aim of this targeted survey is to collect information and gather views with respect to the implementation and functioning of the TEN-E Regulation from people with professional experience of how the current regulation works in practice. It also addresses forward looking questions as the evaluation is carried out in parallel with the impact assessment. Further background can be found in the Commission's [inception impact assessment](#).

### **Who should answer?**

Professionals working for organisations involved in the design, implementation or permitting processes of energy infrastructure projects (notably Project Promoters of PCIs, National Regulatory Authorities and National Competent Authorities) or organisations with a strong interest in energy infrastructure and the topic it relates to.

It will only take approximately 30-40 minutes to complete this survey. Please note the information on the use of your input and personal data on the next page.

Your experience with the provisions of the TEN-E regulation in practice are of great value to us, which is why we would like to encourage you to provide explanations and examples in the open text boxes below the questions.

### **How is the survey structured?**

The survey is structured in five main sections on (i) Effectiveness, (ii) Efficiency, (iii) Relevance, (iv) Coherence and (v) Value added by the EU Regulation.

The section on effectiveness is further broken down to collect your input on

- the permit granting process,
- public consultations,
- the PCI selection process,
- governance and the roles of different actors,
- cross-border cost allocation,
- and investment incentives.

### **How will this survey make a difference?**

The survey aims to gather evidence to assess how the current TEN-E Regulation has worked in practice – which aspects have worked well, and not so well, and why – identifying factors which have helped or hampered achieving the objectives foreseen, and provide useful input for the Commission in the preparation of its revision. Your feedback will therefore help influence the future development of the regulatory framework for projects of common interest in the field of energy infrastructure.

Thank you for taking the time to respond to this survey – we highly appreciate your feedback! Should you have any questions concerning this survey or the study, you can contact us at [TEN-E@ramboll.com](mailto:TEN-E@ramboll.com).

## Use of your input and personal data

Please refer to this document for the use of your personal data:

[TEN-E\\_personal\\_data.pdf](#)

## Section 0: About you

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**Please indicate your name:**

Eleni Diamantopoulou

**Please leave your email address:**

ediamantopoulou@clientearth.org

**\* Please select the country in which you are based:**

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czechia
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia

- Spain
- Sweden
- United Kingdom
- (other) Non-EU country

**\* Please select what type of organisation you represent:**

- National Regulatory Authority
- National Competent Authority (ministry or other governmental body)
- Transmission system operator
- Distribution system operator
- Energy producer
- Industry
- Telecom company
- Local or regional authority
- Civil society
- Research, academia
- Other (please specify):

**Please specify the name of the organisation you represent:**

ClientEarth

## Section 1: Effectiveness of the Regulation

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The TEN-E Regulation (hereafter: the Regulation) was designed to help overcome some of the key barriers to the development of European wide energy infrastructure. The key questions asked to assess the effectiveness of the Regulation therefore concern the extent to which it has achieved its objectives, and the factors that influenced this.

**To what extent do you agree with the following statements regarding the TEN-E Regulation's overall impact?**

	Completely agree	Agree	Neither agree nor disagree	Disagree	Completely disagree	Do not know
* Contributing to energy market integration throughout Europe	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Achieving an adequate security of supply level	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Contributing to competitiveness in the EU energy market	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Achieving the 2020 climate and energy targets	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer:

The TEN-E regulation has contributed significantly in promoting market integration and interconnectivity, but these areas could have been better promoted if more innovative solutions; less carbon-intensive projects; and more smart grid projects had been supported. Since 2013 TEN-E has promoted mostly electricity and gas interconnections. However, as stated clearly in the recitals of the regulation, the main its main objective is to promote sustainable development and to achieve the climate ambition of the EU through better integration of sustainable alternatives. This overarching objective of the regulation has been clearly missed.

**\* Which factors do you think have contributed to the achievement of the objectives? On the contrary, which factors have hindered the achievement of the objectives?**

As said above, electricity interconnections contribute to competitiveness and better integration of RES, but it is not the only means to that end. More innovative solutions, the deployment of smart grids and digitalisation could offer better results. The implementation of TEN-E did not leave much room for those options. The lack of incentives for TSOs and the lack of cooperation of TSOs and DSOs are only two of the reasons behind this failure (see EU Commission report "Do current regulatory frameworks in the EU support innovation and security of supply in electricity and gas infrastructure?") In addition, the TEN-E regulation is widely incoherent in itself; the Articles of the regulation are inconsistent with and slightly contribute to the overarching purpose of TEN-E for sustainable development and decarbonisation/achievement of EU climate ambitions clearly worded in its recital. The regulation seems to have exhausted the promotion of gas projects /fossil fuel projects; gas supply in the EU is now satisfactorily diversified and no new gas infrastructure is needed. Therefore, the promotion of 32 new gas projects through the 4th PCI list is outdated and incoherent with the enhanced climate ambition of the EU as recently increased through the Green Deal and the Paris Agreement. Finally, it must be reminded that the Regulation needs to be read in line with the Clean Energy Package. For example, Governance Regulation describes how the 5 dimensions of the energy Union should interact and should contribute to the achievement of EU's climate ambition.

**To what extent do you agree with the following statements concerning the financing of energy infrastructure projects?**

The Regulation helped to finance energy infrastructure projects by...

	Completely agree	Agree	Neither agree nor disagree	Disagree	Completely disagree	Do not know
* Making financing instruments available to finance PCIs.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Increasing financing capacities of TSOs (ability to raise debt at a reasonable cost, ability to attract new institutional investors).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

* Providing targeted EU financing under the Connecting Europe Facility.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please describe)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your answer:

The current instruments were not used to finance innovative solutions and to promote alternative solutions e. g. smart grids, flexibility. The current structure helped to waste money on fossil fuel infrastructure.

## Section 2: Permit granting processes

**Over time and since 2013, do you agree that the TEN-E Regulation has had a positive impact on shortening the duration of the permit granting procedure for PCIs?**

- Completely agree
- Agree
- Neither agree nor disagree
- Disagree
- Completely disagree
- Do not know

Please explain your answer:

**To what extent do you agree that the permit granting in ‘one-stop shops’ has...**

	Completely agree	Agree	Neither agree nor disagree	Disagree	Completely disagree	Do not know
* Reduced complexity of the permit granting process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Increased efficiency in time and costs of the permit granting process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Increased transparency of the permit granting process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Enhanced cooperation between Member States?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
*						

Would allow addressing challenges related to the permitting of infrastructure for offshore renewable energy projects?



Please present your views with regards to possible changes which will help improve the process:

Projects under TEN-E should have a cross-border impact. For this cross-border impact to be exacerbated, it is necessary that there is better cross border cooperation between Member States. The Clean Energy Package provides for such strong cooperation. For example, in the drafting of the NECPs MS to have to consult and cooperate with neighbouring MS. Also the Electricity Market Regulation or the new Electricity Directive envisage cooperation in various areas such as market design, security of supply, RCCs, etc. These provisions need to be properly implemented and reflected in the revised TEN-E. We believe that expedited procedures in permitting PCI projects have seriously compromised obligations under international Treaties such as the Espoo and Aarhus Convention; or carrying out proper EIAs rather than reducing in practice administrative and bureaucratic burdens.

**\* What has taken the most time in the permit granting process and how could it be improved?**

Please select the three processes which influence the duration of the permit granting process the most:

*at most 3 choice(s)*

- Identification of the scope of material and level of detail of information to be submitted by the project promoter
- Drawing a detailed schedule for the permit granting process in line with the guidelines set out in Annex VI. (2)
- Requests regarding missing information to be submitted by the project promoter
- Acknowledgement of notification
- Public consultation
- Acceptance of a submitted application
- Statutory permit granting procedure.

Please explain your answer and, if applicable, identify possible improvements:

As said above, bureaucratic barriers that relate to how permitting authorities operate in each MS is the main reason behind delays.

## Section 3: Public consultation

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**To what extent do you agree with the following statements about the role of at least one public consultation introduced for PCIs?**

The additional public consultation introduced for PCIs has...

	Completely agree	Agree	Neither agree nor disagree	Disagree	Completely disagree	Do not know
* Increased/improved public participation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Increased awareness of PCI projects	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Increased trust among participants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Increased public acceptance of PCI projects	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Led to improvements in the design of the projects	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Please explain your answers, possibly comparing to other non-PCI projects:

Despite the references in TEN-E to the Aarhus Convention, the PCI procedures do not uphold the environmental democracy principles and rights. Environmental democracy consists of 3 pillars: access to information; public participation; and access to justice. For public participation to be effective, appropriate and adequate access to information is necessary. This is clearly missing from the current procedures, which remain quite opaque. A famous example is the STEP/MidCat pipeline. In general, access to information related to energy systems remains limited, despite clear transparency requirements being found in EU energy laws. In addition, although energy system information is environmental information, it is not treated as such. Therefore, the first step to align TEN-E regulation procedures with environmental democracy rights is to guarantee transparency and proper and adequate access to information including where necessary making available documents in different language. Once this is guaranteed, public participation can be more efficient provided that it is available when all the options are open (zero option). Moreover, the comments of the public must be taken duly into account in a "traceable and transparent way" (see ACCC/C/2013/96 <https://www.unece.org/environmental-policy/conventions/public-participation/aarhus-convention/tfwg/envppcc/ envppcccom/acccc201396-european-union.html>). Finally, the public should have access to remedies against breaches of its rights as well as the decision making process. All these three pillars, must apply both in EU and national decision making level and in the various levels of developing the PCI list or projects. This practically means that public participation by virtue of the EIA/SEA/nature directives applies to only one part of the PCI permitting/approval procedure, not necessarily when all options are open and therefore is not sufficient to guarantee efficient, timely and appropriate public participation.

**\* To what extent would you agree that the input from the public consultation introduced by the TEN-E Regulation is/was used to guide the further development of projects?**

- Completely agree
- Agree
- Neither agree nor disagree
- Disagree
- Completely disagree
- Do not know

Please explain your answers, possibly comparing to other non-PCI projects:

Please see analysis above as well as Trinomics impact assessment.

**\* To what extent do you agree that the requirement for at least one public consultation is enough for increasing transparency and participation in the design and planning of the projects?**

- Completely agree
- Agree
- Neither agree nor disagree
- Disagree
- Completely disagree

Do not know

\* Please explain your answers, possibly comparing to other non-PCI projects:

Please see analysis above in first question.

## Section 4: PCI selection process

**To what extent do you agree with the following statements concerning the PCI selection process?**

	Completely agree	Agree	Neither agree nor disagree	Disagree	Completely disagree	Do not know
* PCIs selected are the most relevant projects to the fulfilment of the TEN-E objectives.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Cost-benefit assessments for the selection of PCIs are using an appropriate methodology.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Please explain your answers:

As explained in the beginning of this consultation, there is incoherence between the recitals and the provisions of the TEN-E regulation. Whereas the recitals sketch the overarching purpose of the TEN as the contribution to sustainable growth, integration of alternatives to fossil fuels and to the achievement of EU's climate ambition, the 4th PCI lists include projects that are either incompatible with or insufficient (in quantity and quality like smart grids) to implement the objective. ACER has in many occasions stated that the methodologies used to select PCIs are not consistent with the TEN- E regulation, not taking under consideration sustainability criteria and not transparent (see opinions 18/2019 and 19/2019 on the 4th PCI list). ACER recently (together with CEER) made recommendations on the improvement of the CBA methodologies, while in the recent report of the European Commission "Do current regulatory frameworks in the EU support innovation and security of supply in electricity and gas infrastructure?" it is reminded that the need to carry out social CBAs that will capture externalities such as public acceptance and social benefits. In addition, CBAs should capture externalities such as health costs and cost to ensure environmental protection.

**To what extent do you agree that the role of the different actors listed below is adequate in the selection procedure?**

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	The role is adequate	The role should be weakened	The role should be strengthened	Do not know
* European Network of Transmission Systems Operators for Electricity and Gas (ENTSO-E /ENTSO-G)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Agency for the Cooperation of Energy Regulators (ACER)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* European Commission	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Regional Groups	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* National Regulatory Authorities (NRA)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* National Competent Authorities (NCA)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Transmission systems operators (TSO)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Distribution system operators (DSO)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Other stakeholders (NGOs, energy industry, telecom companies, trade associations, finance community, etc.)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Please explain your answers and, if applicable, elaborate on how the role of actors should change.

The most powerful actors in the process of selecting PCIs are ENTSO-E, ENTSO-G and the TSOs. However, TSOs have vested interests in the development of the infrastructure and therefore, a conflict of interest emerges. This conflict of interest is clearly recognised in the Commission's report "Do current regulatory frameworks in the EU support innovation and security of supply in electricity and gas infrastructure?", where it is explicitly mentioned that TSOs do not want have incentives to invest in smart and digital solutions. Therefore, the key decision making power on the PCI projects should be shifted to independent actors. Ideally an independent body should be entrusted with the process of the PCI selection. Moreover the role of regional groups and DSO needs also to be strengthened in line with the latest provisions of the Clean Energy Package. As some of the solutions that will contribute to the achievement of the decarbonisation targets and to the energy union are in distribution level, DSO's role needs to be strengthened or the very least the regulation must introduce a proper coordination and cooperation between DSOs and TSOs.

### To what extent do you agree with the following statements concerning the gas and electricity EU-wide Ten-Year Network Development Plans (TYNDPs)?

	Completely agree	Agree	Neither agree nor disagree	Disagree	Completely disagree	Do not know
* The current framework is fit for purpose.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

* The electricity and gas market and network models are sufficiently interlinked (e.g. scenarios and cost-benefit assessment).	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The current framework does sufficiently match the need for system integration, i.e. the consideration of sectors other than gas and electricity.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The TYNDPs do reflect enough coordination with distribution level networks.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* The relevant actors are involved in the TYNDP processes and their respective roles are adequate.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The TYNDPs do reflect sufficiently energy efficiency aspects.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Please explain your answers:

As a first step we need to implement the changes introduced by the Clean Energy Package with regards to the TYNDP. Then TYNDP should be seen together with the NECPs and the European Resource Adequacy Assessment. The investments envisaged in the TYNDP should comply with the energy efficiency first principle. The recently released system integration strategy recognises the central role that this principle plays in system integration. However, current TYNDP (as well as NECPs) have largely failed to include investments that reflect this principle (e.g. smart grids, flexibility, demand response). This requires better coordination and cooperation of TSOs and DSOs.

**To what extent do you agree with the following statements on the selection criteria for projects of common interest?**

	Completely agree	Agree	Neither agree nor disagree	Disagree	Completely disagree	Do not know
* The general selection criteria are appropriate.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* The specific selection criteria for electricity transmission projects are appropriate.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

* The specific selection criteria for gas projects are appropriate.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* The specific selection criteria for electricity smart grid projects are appropriate.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* The specific selection criteria for carbon dioxide transport projects are appropriate.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

If you disagree, please specify changes you consider necessary:

One of the major incoherencies between the recitals and the articles of the Regulation, is that sustainability criteria are not mandatory and general criteria in the selection process. If the purpose of the Regulation is sustainable growth and achievement of the EU's climate ambition, the latter been strengthened after the Green Deal, then sustainability criteria must be made mandatory and general criteria. ACER and CEER concur with this approach in the recent opinion (June 2020) on the revision of the TEN-E regulation. If the selection criteria where appropriate, more smart grid, digitalisation, energy efficiency, renewables projects would have been selected, while gas and other fossil fuel projects would be much harder to qualify as PCI projects. The latter after the Paris Agreement should not qualify as PCI projects or be limited to what is necessary for security of supply.

### To what extent do you agree that projects of mutual interest with third countries should be included in the revised TEN-E framework?

	Completely agree	Agree	Neither agree nor disagree	Disagree	Completely disagree	Do not know
* Projects of mutual interest, i. e. projects with third country that benefit only one Member State, should remain outside the TEN-E framework.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Projects of mutual interest should be included in the TEN-E framework...	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* ...subject to specific eligibility and selection criteria,	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* ...subject to a specific selection process	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

\* ...subject to specific conditions for regulatory measures and access to financial assistance would apply.



Please specify your answer:

We must make sure that if projects of mutual interest are included in the PCI list, they should comply with strict eligibility criteria including mandatory sustainability criteria.

## Section 5 Governance and the roles of different actors

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**To what extent do you agree with the following statements concerning the effectiveness of the PCI monitoring and implementation planning procedures?**

	Completely agree	Agree	Neither agree nor disagree	Disagree	Completely disagree	Do not know
* Current reporting and monitoring procedures on the PCI progress [popup box: i.e. Activity Status Reports, ACER monitoring reports, Transparency Platform etc.] are sufficient to ensure transparency on PCI development.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* PCIs implementation plans and the regular updates ensure timely project implementation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer:

We believe that an independent expert body is necessary to improve governance, transparency and independence in the TEN-E processes. As already explained, the processes are currently dominated by ENTSO-E and ENTSO-G, whose members have vested interest in the infrastructure, therefore a conflict of interest arises. For more on the independent expert body we refer to E3G briefing paper of March 2020 ([https://www.e3g.org/wp-content/uploads/31\\_3\\_20\\_TEN-E-Briefing.pdf](https://www.e3g.org/wp-content/uploads/31_3_20_TEN-E-Briefing.pdf)). The revision of the regulation should also examine how to bring more transparency in information and data related to energy infrastructure. The Clean Energy Package includes general transparency requirements, however it is necessary to develop more detailed provisions on how these requirements must be complied with. Energy system infrastructure information should be treated as environmental information, thus, applying the Aarhus Convention provisions.

## Section 6: Cross-border cost allocation

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**\* To what extent would you agree that CBCA decision processes and outcomes enable effective investment decisions?**

- Completely agree
- Agree
- Neither agree nor disagree
- Disagree
- Completely disagree
- Do not know

\* Please explain your answer, possibly comparing with other means of taking CBCA decisions:

N/A

## Section 7: Investment incentives

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*According to Article 13 of the TEN-E Regulation, incentives can be provided for PCIs which are exposed to higher risks than normally incurred by a similar infrastructure project, and for which a net positive impact is confirmed by the CBA.*

**\* To what extent would you agree that investment incentives enable effective investments in PCIs?**

- Completely agree
- Agree
- Neither agree nor disagree
- Disagree
- Completely disagree
- Do not know

Please explain your answer:

N/A

Please specify your answer:

N/A

## Section 8: Efficiency of the Regulation

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The evaluation of the efficiency of the Regulation considers the extent to which the resources used to implement the Regulation and achieve its objectives are used as efficiently as possible (with lowest possible resources /costs). In the case of the TEN-E Regulation, this mainly relates to the costs and benefits for NRAs and project promoters with regards to the implementation of the Regulation.

### \* To what extent do you agree that the benefits of the provisions in the TEN-E Regulation outweigh the costs?

- Completely agree
- Agree
- Neither agree nor disagree
- Disagree
- Completely disagree
- Do not know

Please explain your answer:

The provisions of the TEN-E regulation would outweigh costs if they were coherent with the recitals of the regulation and the objectives of sustainable growth and achievement of EU's climate ambition. The way the regulation applies currently entails a risk of investing in assets that soon would become stranded (like the gas projects in the 4th PCI list, see relevant Artelys report (<https://www.artelys.com/wp-content/uploads/2020/01/Artelys-GasSecurityOfSupply-UpdatedAnalysis.pdf>)). This risk needs to be addressed and remedied.

### Can you identify any opportunities to simplify the legislation or reduce unnecessary costs without undermining the intended objectives of the Regulation?

### \* To what extent do you agree that the current reporting and monitoring procedures on the PCI progress can be simplified and still fulfill their purpose?

- Completely agree
- Agree

- Neither agree nor disagree
- Disagree
- Completely disagree
- Do not know

Please explain your answer:

Monitoring and reporting procedures must be at least more transparent with regards to information and data on the projects.

## Section 9: Relevance of the Regulation

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The evaluation of the relevance of the TEN-E Regulation assesses the extent to which the TEN-E Regulation and its objectives appropriately respond to the changes in energy infrastructure needs and in the policy context (such as the climate neutrality objective under the European Green Deal).

**To what extent do you agree that the following issues are currently well addressed by the Regulation?**

	Completely agree	Agree	Neither agree nor disagree	Disagree	Completely disagree	Do not know
* Integration of renewable energy sources into the electricity network	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Integration of renewable energy sources into the gas network	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Support of electrification of transport through appropriate grid infrastructure	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Smart sector integration	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Energy transition for fossil fuel regions	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Climate change mitigation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Climate resilience of energy infrastructure	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Improving energy efficiency of the energy system	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If you ticked 'Completely disagree' or 'Disagree': How do you think the Regulation should change to better address these issues?

The Regulation should focus on the decarbonisation of the energy system not of the gas system. The use of alternative gases or hydrogen must be limited to what is necessary for the transition and where better alternatives do not exist.

**To what extent would you agree that the TEN-E Regulation has been relevant in supporting the development of the following infrastructure categories?**

	Completely agree	Agree	Neither agree nor disagree	Disagree	Completely disagree	Do not know
* High-voltage overhead transmission lines	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Electricity storage facilities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Safety and efficiency installations for electricity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Smart grids	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Transmission pipelines for natural gas and biogas	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Underground gas storage facilities	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* reception, storage and regasification or decompression of liquefied natural gas (LNG) or compressed	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* natural gas (CNG)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Safety and efficiency installations for gas	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Pipelines for crude oil	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Oil pumping and storage facilities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Safety and efficiency installations for oil	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Dedicated carbon dioxide pipelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
*						

Facilities for liquefaction of carbon dioxide and buffer storage	<input type="radio"/>	<input checked="" type="radio"/>				
* Safety and efficiency installations for carbon dioxide	<input type="radio"/>	<input checked="" type="radio"/>				

**\* Which of the challenges would you say are most important to address in the field of energy infrastructure today, compared to the situation in 2013? Please select up to 3 most important challenges.**

*at most 3 choice(s)*

- Permit-granting procedures
- Environmental due diligence in the preparation, permitting and implementation of project
- Public opposition to projects
- Commercial viability of projects
- Security of supply
- Energy financing capacity of TSOs
- Greenhouse gas emission reductions / climate neutrality
- Competitiveness of the EU energy market
- Market fragmentation / market integration
- Digitalisation
- Energy system integration
- Regulatory cross-border challenges
- Energy infrastructure investments
- Cross-border/regional cooperation
- Other (please specify)
- Energy efficiency first principle
- Integration of renewable energy sources

**\* Which of the challenges would you say are least important to address in the field of energy infrastructure today, compared to the situation in 2013? Please select up to 3 least important challenges.**

*at most 3 choice(s)*

- Digitalisation
- Energy efficiency first principle
- Market fragmentation / market integration
- Competitiveness of the EU energy market
- Public opposition to projects
- Environmental due diligence in the preparation, permitting and implementation of project
- Greenhouse gas emission reductions / climate neutrality
- Integration of renewable energy sources
- Energy system integration
- Security of supply

- Commercial viability of projects
- Cross-border/regional cooperation
- Energy financing capacity of TSOs
- Other (please specify)
- Permit-granting procedures
- Regulatory cross-border challenges
- Energy infrastructure investments

**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	Do not know
* Integration of renewable energy sources into the grid	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Contribution to greenhouse gas emissions reduction / fully consistent with climate neutrality 2050	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Security of supply	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Market integration (e.g. to reduce infrastructural deficits and increase system flexibility)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Increase competition on the market	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Innovation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Environmental due diligence in the preparation, permitting and implementation of project	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Generation of direct benefits to the local communities	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**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	Do not know
Electricity infrastructure (transmission lines and storage)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Grids for offshore renewable energy	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Smart electricity grids	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Smart gas grids	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Natural gas infrastructure (pipelines and storage)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Liquefied Natural Gas (LNG) terminals	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Dedicated hydrogen (H2) networks	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Infrastructure for the integration of renewable and carbon neutral gases	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Power-to-gas installations	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
CO2 networks (for transporting CO2)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Geological storage of CO2	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

The TEN-E Regulation presents nine Priority corridors: North Seas offshore grid (NSOG), North-south electricity interconnections in western Europe (NSI West Electricity), North-south electricity interconnections in central eastern and south eastern Europe (NSI East Electricity), Baltic Energy Market Interconnection Plan in electricity (BEMIP Electricity), North-south gas interconnections in Western Europe (NSI West Gas), North-south gas interconnections in central eastern and south eastern Europe (NSI East Gas), Southern Gas Corridor (SGC), Baltic Energy Market Interconnection Plan in gas (BEMIP Gas), Oil supply connections in central eastern Europe (OSC).

The TEN-E Regulation also presents three Priority thematic areas: Smart grids deployment, Electricity highways, and Cross-border carbon dioxide network.

For more information, see: [https://ec.europa.eu/energy/topics/infrastructure/trans-european-networks-energy\\_en?redir=1](https://ec.europa.eu/energy/topics/infrastructure/trans-european-networks-energy_en?redir=1)

### To what extent do you agree with the following statements concerning priority corridors and thematic areas?

	Completely agree	Agree	Neither agree nor disagree	Disagree	Completely disagree	Do not know
* Priority Corridors reflect the current infrastructure needs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Priority Corridors are fit for purpose for future challenges to the energy infrastructure	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*						

Priority Thematic Areas reflect the current infrastructure needs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Priority Thematic Areas are fit for purpose for future challenges to the energy infrastructure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer:

The thematic areas need to be updated and include distribution level-energy efficiency first principle solutions (flexibility, demand response, storage, RES, etc). The gas corridors need to be removed.

## Section 10: Coherence of the Regulation

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Coherence is about the extent to which the objectives and the implementation of the activities related to the Regulation are non-contradictory (internal coherence), and do not contradict other activities with similar objectives (external coherence). Questions relate to whether there are any internal inconsistencies in the Regulation itself, as well as the degree to which it is coherent with other (EU) initiatives with similar objectives and its situation in the wider EU energy policy field.

**\* Can you identify any overlaps, inconsistencies within the TEN-E Regulation (including in its measures and objectives)?**

- Yes, there are overlaps, inconsistencies or incoherencies
- No, the Regulation is coherent overall
- Do not know

**\* Please specify your answer, if possible, mentioning specific overlaps or inconsistent /incoherent measures of the Regulation:**

We figure out at least the following inconsistencies overlaps (see answer below):  
 Inconsistency of the Articles of the regulation with the objective of sustainable development and achievement of EU climate ambition enshrined in the recitals of the Regulation. Sustainability had not been included as a mandatory criterion.  
 Inconsistencies of the Articles with the Aarhus and Espoo Conventions and EIA/SEA/Nature directives.

**Please state your opinion on the following statements regarding the consistency between the TEN-E Regulation and other policies/ initiatives at EU, international, and national level:**

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	Inconsistencies, or conflicts with the Regulation	Consistent with the regulation	Do not know
* The Clean Energy Package / the Energy Union	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The European Green Deal / Long Term Strategy for Decarbonisation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Trans-European transport networks (TEN-T)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* EU environmental acquis (habitats, water, etc.)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* EU Digital Strategy	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* EU Industrial Strategy	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Paris Agreement	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* UN Sustainable Development Goals	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Commission communication on a stronger and renewed strategic partnership with the EU's outermost regions (COM(2017)623 final)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* EU neighborhood policy	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

**\* Please specify your answer, if possible, mentioning specific measures of the Regulation:**

The Regulation must be aligned with the CEP (TYNDP, NECPs, ERAA, RCCs, active consumers, energy communities and other areas, on which we are happy to follow up in more detail). It should also be in line with the climate law, the new ambitious decarbonisation targets and contribute to sustainable development. The Regulation must secure that environmental, health and climate requirements are properly complied with and are not compromised for the sake of expedited permitting procedures. The regulation must be checked for its consistency with some recently released strategies such as system integration strategy, biodiversity strategy, hydrogen strategy.

## Section 11: EU added value of the Regulation

EU added value concerns the extent to which changes can reasonably be argued to be a result of the EU intervention, over and above what could reasonably have been expected from national actions. Thus, it considers whether and to the extent to which it is justified in terms of the results it brought about compared to what could have been achieved by Member States themselves; and the extent to which the issues addressed by the TEN-E Regulation still require EU intervention (or, in other words, what the consequence of stopping the EU intervention would be).

**\* What do you think has been the EU added value of the TEN-E Regulation, compared to what could have been achieved if legislation on energy infrastructure networks only**

## existed at national or regional level?

- Regional cooperation
- Cooperation gains
- Improved regulatory certainty
- Increased transparency
- Increased acceptance of energy infrastructure projects
- Enhanced compliance with environmental requirements
- Greater speed and/or effectiveness of delivery of projects
- Certain projects could not have been implemented otherwise
- Access to financing (e.g. Connecting Europe Facility)
- Other, please specify

Please specify your answer:

## Would the same results have been achieved legislating at national and/or regional level?

	Completely agree	Agree	Neither agree nor disagree	Disagree	Completely disagree	Do not know
* The TEN-E Regulation has achieved more results than what could have been achieved legislating at national and/or regional level.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The issues addressed by the TEN-E Regulation continue to require action at EU level.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer:

The main reasons for those achievements is securing financing for PCI list projects. However, as many times MS are more reluctant to proceed with regional cooperation and consult their energy plans with other MS, the TEN-E regulation should contribute to enhancing this cross-border cooperation. For example, the Governance Regulation in Article 12 prescribes an explicit obligation of cross-border consultation /cooperation when drafting the NECPs, an obligation which was broadly neglected. The TEN-E could potentially contribute to strengthening and practically implementing this requirement.

## Section 12: Final questions

**Would you be willing to take part in a follow-up interview to provide further feedback for the evaluation?**

- Yes
- No

Please note that while we will do our best to contact everyone who wishes to participate in the interviews, we retain discretion on selection in order to achieve proportional representation.

**\* Do you agree with the use of your email address to reach out for follow-up interviews?**

- Yes
- No

**If you did not do so in the beginning, could you please include your email for us to contact you to schedule a follow-up interview:**

ediamantopoulou@clientearth.org

**Do you have any comments, remarks or information regarding this survey that you would like to share?**

**Please share any relevant documents and data that would be useful for the purposes of our evaluation.**

We kindly ask if you could please reflect all inputs, including those that are in your position papers, in the responses to the survey questions.

The maximum file size is 1 MB

Thank you very much for taking the time to answer this survey. Once you click “submit” below, your answers will be saved and sent. You will still be able to make changes if you reopen the survey link invitation sent to your email address.

Your answers will be treated fully confidentially and not be shared with anyone else.

If you have any questions about this survey, please contact [TEN-E@ramboll.com](mailto:TEN-E@ramboll.com).

## **Contact**

ener-b1-projects@ec.europa.eu