

18 January, 2024

Mr Arthur Lorkowski
Director,
Energy Community Secretariat,

Cc.
Oana Langa,
Jolanta Navickaite,
Tomasz Bak
DG Energy, European Commission

Ádám Balogh,
Davor Bajcs
Energy Community Secretariat

Request for public consultation on new proposed PECIs

Dear Mr Lorkowski,

We appreciate the Energy Community's adoption of the new adapted TEN-E Regulation and are writing to ask for a formal public consultation on the new PECIs to be proposed in the first half of this year.

We understand from a webinar organised by the Secretariat on 21 November that no such consultation is currently planned. Although, as rightly stated at the webinar, the new TEN-E Regulation does not stipulate that the European Commission (or in this case the Secretariat) has to organise public consultations on the list of proposed projects, in the current round, the Commission [did so in any case](#). Moreover, parts of the Working Group meetings for the current PCI round were also open to the public, who could ask questions or make short statements.

Although the Secretariat's legal status and commitments are not identical to the Commission's, in order to achieve the Regulation's goals of early consultations, when potential concerns by the public can still be taken into account, we believe it would be highly beneficial for the Secretariat to organise public consultations on the submitted projects.

This is because the Contracting Parties will have until the end of 2024 to transpose the Regulation, which makes it unlikely that many consultations will take place before that. In addition, as was rightly pointed out in the webinar, the TEN-E Regulation itself links national-level public consultations to the permitting process, so some projects may already have been permitted without such consultations.

In such cases, national-level consultations that take place after the projects have been selected as PECIs, especially if the permitting process has already taken place as well, will be pro forma and not early or effective. This would run counter to the Regulation's goal of ensuring that any concerns can be raised at an early stage rather than inhibiting project implementation at a more advanced stage.

We appreciated that the Secretariat organised a public consultation on the last version of the PECE/PMI list to be adopted, even though it was also not an obligation under the existing TEN-E Regulation, as it helped to structure public input on the projects.

In the absence of a consultation organised by the Secretariat stakeholders can of course informally submit comments on projects to the Secretariat ad-hoc, but we believe it is in everyone's best interests to clearly define a timeline and process for a real consultation in order to ensure that comments are sent at a time when they can be of use in the decision-making process.

We are aware that the timeline is relatively short for the whole process, so we would suggest that the consultation takes place as soon as the projects have been submitted by the Contracting Parties. The responses could then serve as input for the PECE Groups in their decision-making processes. It would not have to be technically complex, just the list of nominated projects with a short description and a list of the TEN-E criteria, together with information on when and how to submit comments.

Kind regards,



Ms Pippa Gallop, CEE Bankwatch Network,

on behalf of the following groups

Aarhus Center in BiH

Bosnia and Herzegovina



Action for Social Justice

Montenegro



Belgrade Open School

Serbia



CEKOR

Serbia



Center for Environmental
Research and Information
Eko-svest, Skopje

North Macedonia



CEE Bankwatch Network

Regional



Climate Action Network (CAN)
Europe

Belgium



EcoZ

Kosovo



The Green Tank

Greece



INDEP

Kosovo



NGO Eco-team

Montenegro



Organic Agriculture Association

Albania



Renewables and Environmental
Regulatory Institute

Regional



RES Foundation

Serbia



Za Zemiata

Bulgaria

