

REGULATION (EU) 2022/869 of 30 May 2022 on guidelines for trans-European energy infrastructure

Incorporated and adapted by Ministerial Council Decision 2023/02/MC-EnC of 14 December 2023 amending Annex I to the Energy Community Treaty to adapt to and adopt Regulation (EU) 2022/869 on guidelines for trans-European energy infrastructure and amended by Ministerial Council Decision 2023/03/MC-EnC of 14 December 2023 amending Article 2(2) of the Energy Community Treaty

*The adaptations made by Decisions 2023/02/MC-EnC and 2023/03/MC-EnC are highlighted in **bold and blue**.¹*

CHAPTER I GENERAL PROVISIONS

Article 1

Subject matter, objectives and scope

1. This Regulation lays down guidelines for the timely development and interoperability of **projects of Energy Community interest (PECI)** that contribute to ensuring climate change mitigation, in particular achieving the **Energy Community** 2030 targets for energy and climate and **the** climate neutrality objective by 2050 at the latest, and to ensuring interconnections, energy security, market and system integration and competition that benefits all **Contracting Parties**, as well as affordability of energy prices.

2. In particular, this Regulation:

- (a) provides for the identification of projects on the list of projects of **Energy Community** interest (**PECI**) established pursuant to Article 3 (**Energy Community** list);
- (b) facilitates the timely implementation of projects on the **Energy Community** list by streamlining, coordinating more closely and accelerating permit granting processes, and by enhancing transparency and public participation;
- (c) provides rules for the cross-border allocation of costs and risk-related incentives for projects on the **Energy Community** list;
- (d) **determines the conditions for eligibility of projects on the Energy Community list for Union technical and financial assistance from the Instrument of Pre-Accession Assistance (IPA), the Neighbourhood Development and International Cooperation Instrument (NDICI) and the Ukraine Facility.**

Article 2

Definitions

¹ The consolidated version does not renumber paragraphs from the Regulation (EU) 2022/869 on guidelines for trans-European energy infrastructure to allow for easier comparability.

For the purposes of this Regulation, in addition to the definitions in Regulations (EC) No 715/2009, **as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC and amended by Ministerial Council Decision 2022/01/MC-EnC**, (EU) 2018/1999, **as adapted and adopted by Ministerial Council Decision 2021/14/MC-EnC**, (EU) 2019/942 and (EU) 2019/943, **as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC**, and in Directives 2009/73/EC, (EU) 2018/2001, **as adapted and adopted by Ministerial Council Decision 2021/14/MC-EnC**, and (EU) 2019/944, **as adapted and adopted by Ministerial Council Decision 2021/13/MC-EnC**, the following definitions apply:

- (1) 'energy infrastructure' means any physical equipment or facility falling under the energy infrastructure categories which is located within the **Energy Community**;
- (2) 'energy infrastructure bottleneck' means limitation of physical flows in an energy system due to insufficient transmission capacity, which includes, inter alia, the absence of infrastructure;
- (3) 'comprehensive decision' means the decision or set of decisions taken by a **Contracting Party** authority or authorities not including courts or tribunals, that determines whether or not a project promoter is authorised to build the energy infrastructure to realise a project of **Energy Community** interest by having the possibility to start, or procure and start, the necessary construction works (ready-to-build phase) without prejudice to any decision taken in the context of an administrative appeal procedure;
- (4) 'project' means one or several lines, pipelines, facilities, equipment or installations falling under the energy infrastructure categories set out in Annex II;
- (5) 'project of **Energy Community** interest' means a project necessary to implement the energy infrastructure and which is on the **Energy Community** list;
- (6) <...>;
- (7) 'competing projects' means projects that fully or partially address the same identified infrastructure gap or regional infrastructure need;
- (8) 'project promoter' means one of the following:
 - (a) a transmission system operator (TSO), a distribution system operator (DSO) or another operator or investor developing a project on the **Energy Community** list;
 - (b) in the case of more than one such TSO, DSO, other operator or investor, or any group thereof, the entity with legal personality under the applicable national law which has been designated by contractual arrangement between them and which has the capacity to undertake legal obligations and assume financial liability on behalf of the parties to the contractual arrangement;
- (9) 'smart electricity grid' means an electricity network, including on islands that are not interconnected or not sufficiently connected to the **Energy Community energy networks**, that enables cost-efficient integration and active control of the behaviour and actions of all users connected to it, including generators, consumers and prosumers, in order to ensure an economically efficient and sustainable power system with low losses and a high level of integration of renewable sources, of security of supply and of safety, and in which the grid operator can digitally monitor the actions of the users connected to it, and information and communication technologies for communicating with related grid operators, generators, energy storage facilities, and consumers or prosumers, with a view to transmitting and distributing electricity in a sustainable, cost-efficient and secure way;
- (10) 'smart gas grid' means a gas network that makes use of innovative and digital solutions to integrate in

a cost-efficient manner a plurality of low-carbon and particularly renewable gas sources in accordance with consumers' needs and gas quality requirements in order to reduce the carbon footprint of the related gas consumption, enable an increased share of renewable and low-carbon gases, and create links with other energy carriers and sectors, including the related physical upgrades if they are indispensable to the functioning of the equipment and installations for integration of low-carbon and particularly renewable gases;

(11) 'authority concerned' means an authority that, under national law, is competent to issue various permits and authorisations related to the planning, design and construction of immovable assets, including energy infrastructure;

(12) 'national regulatory authority' means a national regulatory authority designated in accordance with Article 39(1) of Directive 2009/73/EC, **as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC**, or a regulatory authority at national level designated in accordance with Article 57 of Directive (EU) 2019/944, **as adapted and adopted by Ministerial Council Decision 2021/13/MC-EnC**;

(13) 'relevant national regulatory authority' means the national regulatory authority in the **Contacting Parties** hosting the projects and in **the Contacting Parties** to which the project provides a significant positive impact;

(14) 'works' means the purchase, supply and deployment of components, systems and services including software, the carrying out of development, repurposing and construction and installation activities relating to a project, the acceptance of installations and the launching of a project;

(15) 'studies' means activities needed to prepare project implementation, such as preparatory, feasibility, evaluation, testing and validation studies, including software, and any other technical support measure including prior action to define and develop a project and decide on its financing, such as reconnaissance of the sites concerned and preparation of the financial package;

(16) 'commissioning' means the process of bringing a project into operation once it has been constructed;

(17) 'dedicated hydrogen assets' means infrastructure ready to accommodate pure hydrogen without further adaptation works, including pipeline networks or storage facilities that are newly constructed, repurposed from natural gas assets, or both;

(18) 'repurposing' means the technical upgrading or modification of existing natural gas infrastructure in order to ensure that it is dedicated for the use of pure hydrogen;

(19) 'climate adaptation' means a process that ensures that resilience to the potential adverse impacts of climate change of energy infrastructure is achieved through a climate vulnerability and risk assessment, including through relevant adaptation measures.

CHAPTER II

PROJECTS OF ENERGY COMMUNITY INTEREST (PECI)

Article 3

Energy Community list of projects

(1) **This Regulation establishes two Groups as set out in** Section 1 of Annex III. The membership

of each Group shall be based on **the categories** as set out in Annex II. Decision-making powers in the Groups shall be restricted to **the Contracting Parties who shall, for those purposes, be referred to as the decision-making body of the Groups**.

(2) Each Group shall adopt its own rules of procedure, having regard to the provisions set out in Annex III.

(3) The decision-making body of each Group shall adopt a **preliminary** list of projects drawn up in accordance with the process set out in Section 2 of Annex III and their fulfilment of the criteria set out in Article 4.

Where a Group draws up its **preliminary** list:

(a) each individual proposal for a project shall require the approval of the **Contracting Parties** to whose territory the project relates; where a **Contracting Party** does not give its approval, it shall present its substantiated reasons for doing so to the Group concerned;

(b) it shall take into account the advice from the **Energy Community Secretariat** with the aim of having a manageable total number of projects on the **Energy Community** list.

(4) **The Ministerial Council is empowered to adopt the list of projects of Energy Community interest (PECI) by way of a Decision under Title II of the Energy Community Treaty.**

In exercising its power, the **Ministerial Council** shall ensure that the **list of projects of Energy Community interest** is established every two years, on the basis of the **preliminary** lists adopted by the decision-making bodies of the Groups established pursuant to Section 1, point (1), of Annex III, following the procedure set out in paragraph 3 of this Article.

The **Ministerial Council** shall adopt the **first list of projects of Energy Community interest** pursuant to this Regulation by **31 December 2024**.

<...>

(5) When establishing the **Energy Community** list by combining the **preliminary** lists referred to in paragraph 3, the **Ministerial Council** shall, taking due account of the deliberations of the Groups:

(a) ensure that only those projects that fulfil the criteria referred to in Article 4 are included;

(b) ensure cross-regional consistency, taking into account the opinion of the **Energy Community Regulatory Board** as referred to in Section 2, point (9), of Annex III;

(c) take into account the opinions of **Contracting Parties** as referred to in Section 2, point (10), of Annex III;

(d) aim to ensure a manageable total number of projects on the **Energy Community** list.

(6) Projects of **Energy Community** interest (**PECI**) that fall under the energy infrastructure categories set out in point (1)(a), (b), (c), (d) and (f) of Annex II to this Regulation shall **be submitted with a view to become** an integral part of the relevant regional investment plans under Article 34 of Regulation (EU) 2019/943, **as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC**, and of the relevant national ten-year network development plans under Article 51 of Directive (EU) 2019/944, **as adapted and adopted by Ministerial Council Decision 2021/13/MC-EnC**, and other national infrastructure plans, as appropriate. Those projects of **Energy Community** interest shall be conferred the highest possible priority within each of those plans. This paragraph shall not apply to competing projects **and** projects that have not reached a sufficient degree of maturity to provide a project-specific cost-benefit analysis as referred to in Section 2, point (1)(d), of Annex III.

(7) Projects of **Energy Community** interest (**PECI**) that fall under the energy infrastructure categories

set out in point (1)(a), (b), (c), (d) and (f) of Annex II and that are competing projects or projects that have not reached a sufficient degree of maturity to provide a project-specific cost-benefit analysis as referred to in Section 2, point (1)(d), of Annex III may be included in the relevant regional investment plans, the national ten-year network development plans and other national infrastructure plans, as appropriate, as projects under consideration.

Article 4

Criteria for the assessment of projects by the Groups

(1) A project of **Energy Community** interest shall meet the following general criteria:

(a) the project **falls in** at least one of the energy infrastructure priority **interconnection** corridors and areas set out in Annex I;

(b) the potential overall benefits of the project, assessed in accordance with the relevant specific criteria in paragraph 3, outweigh its costs, including in the longer term;

(c) the project meets any of the following criteria:

(i) it involves at least two **Contracting Parties** by directly or indirectly, via interconnection with a third country, crossing the border of two or more **Contracting Parties**;

(ii) it is located on the territory of one **Contracting Party**, either inland or offshore, including islands, and has a significant cross-border impact as set out in point (1) of Annex IV.

(2) <...>

(3) The following specific criteria shall apply to projects of **Energy Community** interest (**PECI**) falling within specific energy infrastructure categories:

(a) for electricity transmission, distribution and storage projects falling under the energy infrastructure categories set out in point (1)(a), (b), (c), (d) and (f) of Annex II, the project contributes significantly to sustainability through the integration of renewable energy into the grid, the transmission or distribution of renewable generation to major consumption centres and storage sites, and to reducing energy curtailment, where applicable, and contributes to at least one of the following specific criteria:

(i) market integration, including through lifting the energy isolation of at least one **Contracting Party** and reducing energy infrastructure bottlenecks, competition, interoperability and system flexibility;

(ii) security of supply, including through interoperability, system flexibility, cybersecurity, appropriate connections and secure and reliable system operation;

(b) for smart electricity grid projects falling under the energy infrastructure category set out in point (1) (e) of Annex II, the project contributes significantly to sustainability through the integration of renewable energy into the grid, and contributes to at least two of the following specific criteria:

(i) security of supply, including through efficiency and interoperability of electricity transmission and distribution in day-to-day network operation, avoidance of congestion, and integration and involvement of network users;

(ii) market integration, including through efficient system operation and use of interconnectors;

(iii) network security, flexibility and quality of supply, including through higher uptake of innovation in

balancing, flexibility markets, cybersecurity, monitoring, system control and error correction;

(iv) smart sector integration, either in the energy system through linking various energy carriers and sectors, or in a wider way, favouring synergies and coordination between the energy, transport and telecommunication sectors;

(c) for carbon dioxide transport and storage projects falling under the energy infrastructure categories set out in point (5) of Annex II, the project contributes significantly to sustainability through the reduction of carbon dioxide emissions in the connected industrial installations and contributes to all of the following specific criteria:

(i) avoiding carbon dioxide emissions while maintaining security of supply;

(ii) increasing the resilience and security of transport and storage of carbon dioxide;

(iii) the efficient use of resources, by enabling the connection of multiple carbon dioxide sources and storage sites via common infrastructure and minimising environmental burden and risks;

(d) for hydrogen projects falling under the energy infrastructure categories set out in point (3) of Annex II, the project contributes significantly to sustainability, including by reducing greenhouse gas emissions, by enhancing the deployment of renewable or low carbon hydrogen, with an emphasis on hydrogen from renewable sources in particular in end-use applications, such as hard-to-abate sectors, in which more energy efficient solutions are not feasible, and supporting variable renewable power generation by offering flexibility, storage solutions, or both, and the project contributes significantly to at least one of the following specific criteria:

(i) market integration, including by connecting existing or emerging hydrogen networks of **Contracting Parties**, or otherwise contributing to the emergence of an **Energy Community**-wide network for the transport and storage of hydrogen, and ensuring interoperability of connected systems;

(ii) security of supply and flexibility, including through appropriate connections and facilitating secure and reliable system operation;

(iii) competition, including by allowing access to multiple supply sources and network users on a transparent and non-discriminatory basis;

(e) for electrolyzers falling under the energy infrastructure category set out in point (4) of Annex II, the project contributes significantly to all of the following specific criteria:

(i) sustainability, including by reducing greenhouse gas emissions and enhancing the deployment of renewable or low-carbon hydrogen in particular from renewable sources, as well as synthetic fuels of those origins;

(ii) security of supply, including by contributing to secure, efficient and reliable system operation, or by offering storage, flexibility solutions, or both, such as demand side response and balancing services;

(iii) enabling flexibility services such as demand response and storage by facilitating smart energy sector integration through the creation of links to other energy carriers and sectors;

(f) for smart gas grid projects falling under the energy infrastructure category set out in point (2) of Annex II, the project contributes significantly to sustainability by ensuring the integration of a plurality of low-carbon and particularly renewable gases, including where they are locally sourced, such as biomethane or renewable hydrogen, into the gas transmission, distribution or storage systems in order to reduce greenhouse gas emissions, and that project contributes significantly to at least one of the following specific criteria:

(i) network security and quality of supply by improving the efficiency and interoperability of gas transmission, distribution or storage systems in day-to-day network operation by, inter alia, addressing challenges arising from the injection of gases of various qualities;

(ii) market functioning and customer services;

(iii) facilitating smart energy sector integration through the creation of links to other energy carriers and sectors and enabling demand response.

(4) For projects falling under the energy infrastructure categories set out in Annex II, the criteria set out in paragraph 3 of this Article shall be assessed in accordance with the indicators set out in points (3) to (8) of Annex IV.

(5) In order to facilitate the assessment of all projects that could be eligible as projects of **Energy Community** interest (**PECI**) and that could be included in a **preliminary** list, each Group shall assess each project's **benefits** in a transparent and objective manner. Each Group shall determine its assessment method on the basis of the aggregated contribution to the criteria referred to in paragraph 3. That assessment shall lead to a ranking of projects for internal use of the Group. Neither the **preliminary** list nor the **Energy Community** list shall contain any ranking, nor shall the ranking be used for any subsequent purpose except as described in Section 2, point (16), of Annex III.

In assessing projects, in order to ensure a consistent assessment approach among the Groups, each Group shall give due consideration to:

(a) the urgency and the contribution of each proposed project in order to meet the **Energy Community** 2030 targets for energy and climate and **the** 2050 climate neutrality objective, market integration, competition, sustainability, and security of supply;

(b) the complementarity of each proposed project with other proposed projects, including competing or potentially competing projects;

(c) <...>

(d) for proposed projects that are, at the time of the assessment, projects on the **Energy Community** list, the progress of their implementation and their compliance with the reporting and transparency obligations.

As regards smart electricity grid and smart gas grid projects falling under the energy infrastructure categories set out in point (1) (e) and point (2) of Annex II, ranking shall be carried out for those projects that affect the same two **Contracting Parties**, and due consideration shall also be given to the number of users affected by the project, the annual energy consumption and the share of generation from non-dispatchable resources in the area covered by those users.

Article 5

Implementation and monitoring of projects on the **Energy Community list**

(1) Project promoters shall draw up an implementation plan for projects on the **Energy Community** list, including a timetable for each of the following:

(a) feasibility and design studies including, as regards, climate adaptation and compliance with environmental legislation and with the doing 'no significant harm' principle;

(b) approval by the national regulatory authority or by any other authority concerned;

(c) construction and commissioning;

(d) the permit granting process referred to in Article 10(6), point (b).

(2) TSOs, DSOs and other operators shall cooperate with each other in order to facilitate the development of projects on the **Energy Community** list in their area.

(3) **The Energy Community Regulatory Board, assisted by the Energy Community Secretariat**, and the Groups concerned shall monitor the progress achieved in implementing the projects on the **Energy Community** list and, where necessary, make recommendations to facilitate their implementation. The Groups may request additional information in accordance with paragraphs 4, 5 and 6, convene meetings with the relevant parties and invite the **Energy Community Secretariat** to verify the information provided on site.

(4) By 31 December of each year following the year of the inclusion of a project on the **Energy Community** list, project promoters shall submit an annual report, for each project falling under the energy infrastructure categories set out in Annex II, to the national competent authority referred to in Article 8(1).

That report shall include details of:

(a) the progress achieved in the development, construction and commissioning of the project, in particular with regard to the permit granting process and the consultation procedure, as well as compliance with environmental legislation, with the principle that the project does 'no significant harm' to the environment, and climate adaptation measures taken;

(b) where relevant, delays compared to the implementation plan, the reasons for such delays and other difficulties encountered;

(c) where relevant, a revised plan aiming to overcome the delays.

(5) By 28 of February of each year following the year in which the project promoter has to submit the report referred to in paragraph 4 of this Article, the competent authorities referred to in Article 8(1) shall submit to the **Regulatory Board, assisted by the Energy Community Secretariat**, and to the relevant Group the report referred to in paragraph 4 of this Article supplemented with information on the progress and, where relevant, on delays in the implementation of projects on the **Energy Community** list located on their respective territory with regard to the permit granting processes, and on the reasons for such delays. The contribution of the competent authorities to the report shall be clearly marked as such and drafted without modifying the text introduced by the project promoters.

(6) By 30 April of each year in which a new **Energy Community** list should be adopted, the **Energy Community Regulatory Board, assisted by the Energy Community Secretariat**, shall submit to the Groups a consolidated report for the projects on the **Energy Community** list that are subject to the competence of national regulatory authorities, evaluating the progress achieved and expected changes in project costs, and, where appropriate, make recommendations on how to overcome the delays and difficulties encountered.

<...>

In duly justified cases, the **Energy Community Secretariat** may request additional information necessary for carrying out its tasks set out in this paragraph.

(7) Where the commissioning of a project on the **Energy Community** list is delayed when compared to

the implementation plan, other than for overriding reasons beyond the control of the project promoter, the following measures shall apply:

(a) in so far as measures referred to in Article 22(7), point (a), (b) or (c) of Directive 2009/73/EC, **as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC**, and Article 51(7), point (a), (b) or (c) of Directive (EU) 2019/944, **as adapted and adopted by Ministerial Council Decision 2021/13/MC-EnC**, are applicable in accordance with respective national law, national regulatory authorities shall ensure that the investment is carried out;

(b) if the measures of national regulatory authorities pursuant to point (a) are not applicable, the project promoter shall, within 24 months of the date of commissioning set out in the implementation plan, choose a third party to finance or construct all or part of the project;

(c) if a third party is not chosen in accordance with point (b), the **Contracting Party** or, when the **Contracting Party** has so provided, the national regulatory authority may, within two months of the expiry of the period referred to in point (b), designate a third party to finance or construct the project which the project promoter shall accept;

(d) where the delay compared to the date of commissioning in the implementation plan exceeds 26 months, the **Energy Community Secretariat**, subject to the agreement and with the full cooperation of the **Contracting Party** concerned, may launch a call for proposals open to any third party capable of becoming a project promoter to build the project in accordance with an agreed timetable;

(e) where measure referred to in point (c) or (d) are applied, the system operator in whose area the investment is located shall provide the implementing operators or investors or third party with all the information needed to realise the investment, shall connect new assets to the transmission network or, where applicable, the distribution network and shall generally make its best efforts to facilitate the implementation of the investment and the secure, reliable and efficient operation and maintenance of the project on the **Energy Community** list.

(8) A project on the **Energy Community** list may be removed from the **Energy Community** list in accordance with the procedure set out in Article 3(4) if its inclusion in that list was based on incorrect information which was a determining factor for that inclusion, or the project does not comply with **Energy Community** law.

(9) Projects which are no longer on the **Energy Community** list shall lose all rights and obligations linked to the status of project of **Energy Community** interest provided for in this Regulation.

However, a project which is no longer on the **Energy Community** list but for which an application file has been accepted for examination by the competent authority shall maintain the rights and obligations laid down in Chapter III, except where the project has been removed from the **Energy Community** list for the reasons set out in paragraph 8 of this Article.

(10) <...>

Article 6

PECI Coordinators

(1) Where a project of **Energy Community** interest encounters significant implementation difficulties, the

Energy Community Secretariat may propose, and Permanent High Level Group may designate, in agreement with the Contracting Parties concerned, a **PECI** coordinator for a period of up to one year, renewable twice.

(2) The **PECI** coordinator shall:

(a) promote the projects, for which he or she has been designated as a **PECI** coordinator and the cross-border dialogue between the project promoters and all stakeholders concerned;

(b) assist all parties as necessary in consulting the stakeholders concerned, discussing alternative routing, where appropriate, and obtaining necessary permits for the projects;

(c) where appropriate, advise project promoters on the financing of the project;

(d) ensure that appropriate support and strategic direction by the **Contracting Parties** concerned are provided for the preparation and implementation of the projects;

(e) submit every year, and, where appropriate, upon completion of their mandate, a report to the **Energy Community Secretariat** on the progress of the projects and on any difficulties and obstacles which are likely to significantly delay the commissioning date of the projects.

The Energy Community Secretariat shall transmit the report of the **PECI** coordinator referred to in point (e) to the **Ministerial Council** and the Groups concerned.

(3) The **PECI** coordinator shall be chosen following an open, non-discriminatory and transparent process and on the basis of a candidate's experience with regard to the specific tasks assigned to him or her for the projects concerned.

(4) The decision designating the **PECI** coordinator shall specify the terms of reference, detailing the duration of the mandate, the specific tasks and corresponding deadlines, and the methodology to be followed. The coordination effort shall be proportionate to the complexity and estimated costs of the projects.

(5) The **Contracting Parties** concerned shall fully cooperate with the **PECI** coordinator in the execution of the tasks referred to in paragraphs 2 and 4.

CHAPTER III

PERMIT GRANTING AND PUBLIC PARTICIPATION

Article 7

Priority status for projects on the Energy Community list

(1) The adoption of the **Energy Community** list shall establish, for the purposes of any decisions issued in the permit granting process, the necessity of projects on the **Energy Community** list from an energy policy and climate perspective, without prejudice to the exact location, routing or technology of the project.

This paragraph shall not apply to competing projects or to projects that have not reached a sufficient degree of maturity to provide a project specific cost-benefit analysis as referred to in Section 2, point (1) (d), of Annex III.

(2) For the purpose of ensuring efficient administrative processing of the application files related to projects on the **Energy Community** list, project promoters and all authorities concerned shall ensure that those

files are treated in the most rapid way possible in accordance with **Energy Community** and national law.

(3) Without prejudice to obligations provided for in **Energy Community** law, projects on the **Energy Community** list shall be granted the status of the highest national significance possible, where such a status exists in national law, and be appropriately treated in the permit granting processes and, if national law so provides, in spatial planning, including those processes relating to environmental assessments, in the manner such treatment is provided for in national law applicable to the corresponding type of energy infrastructure.

(4) All dispute resolution procedures, litigation, appeals and judicial remedies related to projects on the **Energy Community** list in front of any national courts, tribunals, panels, including mediation or arbitration, where they exist in national law, shall be treated as urgent, if and to the extent to which national law provides for such urgency procedures.

(5) **Contracting Parties** shall assess, taking due account of the existing guidance issued by the Commission under **Article 7(5) of Regulation (EU) 2022/869**, which legislative and non-legislative measures are necessary to streamline the environmental assessment procedures and to ensure their coherent application and shall inform the **Energy Community Secretariat** of the result of that assessment.

(6) By 24 March 2025, **Contracting Parties** shall take the non-legislative measures that they have identified under paragraph 5.

(7) By 24 June 2025, **Contracting Parties** shall take the legislative measures that they have identified under paragraph 5. Those legislative measures shall be without prejudice to obligations provided for in **Energy Community** law.

(8) With regard to the environmental impacts addressed in Article 6(4) of Directive 92/43/EEC and Article 4(7) of Directive 2000/60/EC², **once adapted to and adopted in the Energy Community**, provided that all the conditions set out in those Directives are fulfilled, projects on the **Energy Community** list shall be considered as being of public interest from an energy policy perspective, and may be considered as having an overriding public interest.

<...>

This paragraph shall not apply to competing projects or to projects that have not reached a sufficient degree of maturity to provide a project specific cost-benefit analysis as referred to in Section 2, point (1) (d), of Annex III.

Article 8

Organisation of the permit granting process

(1) By 23 June 2025, each **Contracting Party** shall update, where necessary, the designation of one national competent authority which shall be responsible for facilitating and coordinating the permit granting process for projects on the **Energy Community** list.

(2) The responsibilities of the national competent authority referred to in paragraph 1 or the tasks related to it may be delegated to, or carried out by, another authority, per project on the **Energy Community** list or per particular category of projects on the **Energy Community** list, provided that:

² Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, *Official Journal of the European Union* L 327, 22 December 2000, p.1-73.

(a) the national competent authority notifies the **Energy Community Secretariat** of that delegation and the information therein is published by either the national competent authority or the project promoter on the website referred to in Article 9(7);

(b) only one authority is responsible per project on the **Energy Community** list, and it is the sole point of contact for the project promoter in the process leading to the comprehensive decision for a given project on the **Energy Community** list, and coordinates the submission of all relevant documents and information.

The national competent authority may retain the responsibility to establish time limits, without prejudice to the time limits set in Article 10(1) and (2).

(3) Without prejudice to relevant requirements under **Energy Community** and international law and, to the extent it does not contradict them, national law, the national competent authority shall facilitate the issuing of the comprehensive decision. The comprehensive decision shall be issued within the time limits set in Article 10(1) and (2) and in accordance with one of the following schemes:

(a) integrated scheme: the comprehensive decision shall be issued by the national competent authority and shall be the sole legally binding decision arising from the statutory permit granting procedure. Where other authorities are concerned by the project, they may, in accordance with national law, give their opinion as input to the procedure, which shall be taken into account by the national competent authority;

(b) coordinated scheme: the comprehensive decision comprises multiple individual legally binding decisions issued by several authorities concerned, which shall be coordinated by the national competent authority. The national competent authority may establish a working group where all concerned authorities are represented in order to draw up a detailed schedule for the permit granting process in accordance with Article 10(6), point (b), and to monitor and coordinate its implementation. The national competent authority shall, after consulting the other authorities concerned, where applicable in accordance with national law, and without prejudice to time limits set in Article 10(1) and (2), establish on a case-by-case basis a reasonable time limit within which the individual decisions shall be issued. The national competent authority may take an individual decision on behalf of another national authority concerned, where the decision by that authority is not delivered within the time limit and where the delay cannot be adequately justified; or, where provided under national law, and to the extent that this is compatible with **Energy Community** law, the national competent authority may consider that another national authority concerned has either given its approval or refusal for the project where the decision by that authority is not delivered within the time limit. Where provided under national law, the national competent authority may disregard an individual decision of another national authority concerned if it considers that the decision is not sufficiently substantiated with regard to the underlying evidence presented by the national authority concerned; in doing so, the national competent authority shall ensure that the relevant requirements under **Energy Community** and international law are respected and shall provide reasons for its decision;

(c) collaborative scheme: the comprehensive decision shall be coordinated by the national competent authority. The national competent authority shall, after consulting the other authorities concerned, where applicable in accordance with national law, and without prejudice to time limits set in Article 10(1) and (2), establish on a case-by-case basis a reasonable time limit within which the individual decisions shall be issued. It shall monitor compliance with the time limits by the authorities concerned.

Contracting Parties shall implement the schemes in a manner which, according to national law, contributes to the most efficient and timely issuing of the comprehensive decision.

The competence of the authorities concerned can either be incorporated into the competence of the

national competent authority designated in accordance with paragraph 1 or the authorities concerned can maintain, to a certain extent, their independent competence in line with the respective permitting scheme chosen by the **Contracting Party** in accordance with this paragraph to facilitate the issuing of the comprehensive decision and cooperate with the national competent authority accordingly.

Where an authority concerned does not expect to deliver an individual decision within the set time limit, that authority shall immediately inform the national competent authority, providing reasons for the delay. Subsequently, the national competent authority shall set another time limit within which that individual decision shall be issued, in compliance with the overall time limits set in Article 10(1) and (2).

Contracting Parties shall choose among the three schemes referred to in points (a), (b) and (c) of the first subparagraph to facilitate and coordinate their procedures and shall implement the scheme which is most effective for them in light of national specificities in their planning and permit granting processes. Where a **Contracting Party** chooses the collaborative scheme, it shall inform the **Energy Community Secretariat** of its reasons.

(4) **Contracting Parties** may apply the schemes set out in paragraph 3 to onshore and offshore projects on the **Energy Community** list.

(5) Where a project on the **Energy Community** list requires decisions to be taken in two or more **Contracting Parties**, the relevant national competent authorities **are encouraged to** take all necessary steps for efficient and effective cooperation and communication among themselves, including the steps referred to in Article 10(6). **Contracting Parties are encouraged** to provide joint procedures, particularly with regard to the assessment of environmental impacts.

(6) The relevant national competent authorities of the **Contracting Parties** involved in a project on the **Energy Community** list belonging to one of the priority offshore grid corridors set out in Section 2 of Annex I shall jointly designate among themselves a unique point of contact for project promoters per project, which shall be responsible for facilitating the exchange of information between the national competent authorities on the permit granting process of the project, with the aim of facilitating that process as well as the issuance of decisions by the relevant national competent authorities. The unique points of contact may act as a repository aggregating the existing documents pertaining to the projects.

Article 9

Transparency and public participation

(1) By 24 October 2025, the **Contracting Party** or national competent authority shall, where applicable, in collaboration with other authorities concerned, publish an updated manual of procedures for the permit granting process applicable to projects on the **Energy Community** list to include at least the information specified in point (1) of Annex VI. The manual shall not be legally binding, but it shall refer to or quote relevant legal provisions. The national competent authorities shall, where relevant, cooperate and find synergies with the authorities of neighbouring countries with a view to exchanging good practices and facilitating the permit granting process, in particular for the development of the manual of procedures.

(2) Without prejudice to environmental law and any requirements under the Aarhus Convention, the Espoo Convention and relevant **Energy Community** law, all parties involved in the permit granting process shall follow the principles for public participation set out in point (3) of Annex VI.

(3) The project promoter shall, within an indicative period of three months following the start of the permit granting process pursuant to Article 10(3), draw up and submit a concept for public participation to the national competent authority, following the process outlined in the manual referred to in paragraph 1 of this Article and in line with the guidelines set out in Annex VI. The national competent authority shall request modifications or approve the concept for public participation within three months of receipt of the concept, taking into consideration any form of public participation and consultation that took place before the start of the permit granting process, to the extent that such public participation and consultation has fulfilled the requirements of this Article.

Where the project promoter intends to make significant changes to an approved concept for public participation, it shall inform the national competent authority thereof. In that case the national competent authority may request modifications.

(4) Where it is not already required under national law at the same or higher standards, the project promoter or, where required by national law, the national competent authority shall carry out at least one public consultation, before the project promoter submits the final and complete application file to the national competent authority pursuant to Article 10(7). That public consultation shall be without prejudice to any public consultation to be carried out after submission of the request for development consent pursuant to Article 6(2) of Directive 2011/92/EU, **as adapted and adopted by Ministerial Council Decision 2016/12/MC-EnC**. The public consultation shall inform the stakeholders referred to in point (3)(a) of Annex VI about the project at an early stage and shall help to identify the most suitable location, trajectory or technology, including, where relevant, in view of adequate climate adaptation considerations for the project, all impacts relevant under Union and national law, and the relevant issues to be addressed in the application file. The public consultation shall comply with the minimum requirements set out in point (5) of Annex VI. Without prejudice to the procedural and transparency rules in **Contracting Parties**, the project promoter shall publish on the website referred to in paragraph 7 of this Article a report explaining how the opinions expressed in the public consultations were taken into account by showing the amendments made in the location, trajectory and design of the project, or by providing reasons why such opinions have not been taken into account.

The project promoter shall prepare a report summarising the results of activities related to the participation of the public prior to the submission of the application file, including those activities that took place before the start of the permit granting process.

The project promoter shall submit the reports referred to in the first and second subparagraphs together with the application file to the national competent authority. The comprehensive decision shall take due account of the results of these reports.

(5) For cross-border projects involving two or more **Contracting Parties**, the public consultations carried out pursuant to paragraph 4 in each of the **Contracting Parties** concerned shall take place within a period of no more than two months from the date on which the first public consultation started.

(6) For projects likely to have a significant transboundary impact in one or more neighbouring **Contracting Parties**, to which Article 7 of Directive 2011/92/EU, **as adapted and adopted by Ministerial Council Decision 2016/12/MC-EnC**, and the Espoo Convention are applicable, the relevant information shall be made available to the national competent authorities of the neighbouring **Contracting Parties** concerned. The national competent authorities of the neighbouring **Contracting Parties** concerned shall indicate, in the notification process where appropriate, whether they, or any other authority concerned, wishes to

participate in the relevant public consultation procedures.

(7) The project promoter shall establish and regularly update a dedicated project website with relevant information about the project of **Energy Community** interest, which shall be linked to the **Energy Community** website and the transparency platform referred to in Article 23 and which shall meet the requirements specified in point (6) of Annex VI. Commercially sensitive information shall be kept confidential. Project promoters shall also publish relevant information by other appropriate information means open to the public.

Article 10

Duration and implementation of the permit granting process

(1) The permit granting process shall consist of two procedures:

(a) the pre-application procedure, covering the period between the start of the permit granting process and the acceptance of the submitted application file by the national competent authority, which shall take place within an indicative period of 24 months; and

(b) the statutory permit granting procedure, covering the period from the date of acceptance of the submitted application file until the taking of the comprehensive decision, which shall not exceed 18 months.

With regard to point (b) of the first subparagraph, where appropriate, **Contracting Parties** may provide for a statutory permit granting procedure that is shorter than 18 months.

(2) The national competent authority shall ensure that the combined duration of the two procedures referred to in paragraph 1 does not exceed a period of 42 months.

However, where the national competent authority considers that one or both of the procedures will not be completed within the time limits set in paragraph 1, it may extend one or both of those time limits before their expiry and on a case-by-case basis. The national competent authority shall not extend the combined duration of the two procedures for more than nine months other than in exceptional circumstances.

Where the national competent authority extends the time limits, it shall inform the Group concerned and present it with the measures taken, or to be taken, for the conclusion of the permit granting process, with the least possible delay. The Group may request that the national competent authority reports regularly on progress achieved in that regard and reasons for any delays.

(3) For the purpose of establishing the start of the permit granting process, the project promoters shall notify the project to the national competent authority of each **Contracting Party** concerned in written form and shall include a reasonably detailed outline of the project.

Within three months of receipt of the notification, the national competent authority shall acknowledge or, if it considers the project not to be mature enough to enter the permit granting process, reject the notification, in writing, including on behalf of other authorities concerned. In the event of a rejection, the national competent authority shall provide reasons for its decision, including on behalf of other authorities concerned. The date of signature of the acknowledgement of the notification by the national competent authority shall mark the start of the permit granting process. Where two or more **Contracting Parties** are concerned, the date of the acceptance of the last notification by the national competent authority concerned shall mark the start of the permit granting process.

The national competent authorities shall ensure that the permit granting process is accelerated in line with this Chapter for each category of projects of **Energy Community** interest. To that end, the national competent authorities shall adapt their requirements for the start of the permit granting process and for the acceptance of the submitted application file, to make them fit for projects that due to their nature, dimension or lack of requirement for environmental assessment under national law, may require less authorisations and approvals for reaching the ready-to-build phase. **Contracting Parties** may decide that the pre-application procedure referred to in paragraphs 1 and 6 of this Article is not required for the projects referred to in this subparagraph.

(4) The national competent authorities shall take into consideration in the permit granting process any valid studies conducted and permits or authorisations issued for a given project on the **Energy Community** list before the project entered the permit granting process in accordance with this Article, and shall not require duplicate studies and permits or authorisations.

(5) In **Contracting Parties** where the determination of a route or location undertaken solely for the specific purpose of a planned project, including the planning of specific corridors for grid infrastructures, cannot be included in the process leading to the comprehensive decision, the corresponding decision shall be taken within a separate period of six months, starting on the date of submission of the final and complete application documents by the promoter.

In the circumstances described in the first subparagraph of this paragraph, the extension referred to in paragraph 2, second subparagraph, shall be reduced to six months, other than in exceptional circumstances, including for the procedure referred to in this paragraph.

(6) The pre-application procedure shall comprise the following steps:

(a) as soon as possible and no later than 6 months of the notification pursuant to first subparagraph of paragraph 3, the national competent authority shall determine, on the basis of the checklist referred to in point (1)(e) of Annex VI, and in close cooperation with the other authorities concerned, and where appropriate on the basis of a proposal by the project promoter, the scope of the reports and documents and the level of detail of information to be submitted by the project promoter, as part of the application file, to apply for the comprehensive decision;

(b) the national competent authority shall draw up, in close cooperation with the project promoter and other authorities concerned and taking into account the results of the activities carried out under point (a) of this paragraph, a detailed schedule for the permit granting process in line with the guidelines set out in point (2) of Annex VI;

(c) upon receipt of the draft application file, the national competent authority shall, where necessary, on its own behalf or on behalf of other authorities concerned, request the project promoter to submit missing information relating to the requested elements referred to in point (a).

The pre-application procedure shall include the preparation of any environmental reports by the project promoters, as necessary, including the climate adaptation documentation.

Within three months of submission of the missing information referred to in point (c) of the first subparagraph, the competent authority shall accept for examination the application in written form or on digital platforms, starting the statutory permit granting procedure referred to in paragraph 1, point (b). Requests for additional information may be made, but only where they are justified by new circumstances.

(7) The project promoter shall ensure that the application file is complete and adequate and seek the na-

tional competent authority's opinion on that matter as early as possible during the permit granting process. The project promoter shall cooperate fully with the national competent authority in order to comply with the time limits set in this Regulation.

(8) **Contracting Parties** shall endeavour to ensure that any amendments to the national law do not lead to prolonging any permit granting process started before the entry into force of those amendments. With a view of maintaining an accelerated permit granting process for projects on the **Energy Community** list, national competent authorities shall adequately adapt the schedule established in line with paragraph 6, point (b), of this Article to ensure, to the extent possible, that the time limits for the permit granting process set in this Article are not exceeded.

(9) The time limits set in this Article shall be without prejudice to obligations arising from **Energy Community** and international law, and without prejudice to administrative appeal procedures and judicial remedies before a court or tribunal.

The time limits set in this Article for any of the permit granting procedures shall be without prejudice to any shorter time limits set by **Contracting Parties**.

CHAPTER IV CROSS-SECTORAL INFRASTRUCTURE PLANNING

Article 11

Energy system wide cost-benefit analysis

(1) **The single sector draft methodologies published by the European Network of Transmission System Operators ('ENTSO') for Electricity and the ENTSO for Gas respectively under Article 11 of Regulation (EU) No 2022/869 shall be applied to projects** falling under the energy infrastructure categories set out in point (1)(a), (b), (d) and (f) and point (3) of Annex II.

(2) <...>

(3) <...>

(4) <...>

(5) <...>

(6) <...>

(7) <...>

(8) For projects falling under the energy infrastructure categories set out in point (1)(c) and (e) and in points (2), (4) and (5) of Annex II, the methodologies for a harmonised energy system-wide cost-benefit analysis **developed by the Commission pursuant to Regulation (EU) 869/2022 shall be applied at Energy Community** level.

(9) Every three years, the **Energy Community Regulatory Board** shall establish and publish a set of indicators and corresponding reference values for the comparison of unit investment costs for comparable projects of the energy infrastructure categories included in Annex II. Project promoters shall provide the requested data to the national regulatory authorities and to the **Energy Community Regulatory Board**.

The **Energy Community Regulatory Board** shall publish the first indicators for the infrastructure categories set out in points (1), (2) and (3) of Annex II by **24 April 2025**, to the extent that data is available to calculate robust indicators and reference values. Those reference values may be used by the **project promoters** for the **project-specific** cost-benefit analyses.

The set of indicators and corresponding reference values for the comparison of unit investment costs, referred to in first subparagraph shall be consistent with those established under Article 11 (9) of Regulation (EU) No 2022/869.

(10) <...>

(11) <...>

(12) <...>

(13) <...>

(14) When adopting the preliminary list of Projects of Energy Community Interest, the decision-making body of the Groups approves, by means of its conclusions, the application, at the Energy Community level, of the methodologies developed by the ENTSO for Electricity and the ENTSO for Gas for projects falling under the energy infrastructure categories set out in point (1)(a), (b), (d) and (f) and point (3) of Annex II, and by the Commission for projects falling under the energy infrastructure categories set out in point (1)(c) and (e) and in points (2), (4) and (5) of Annex II.

Article 12

Scenarios for the ten-year network development plan

(1) The joint scenarios report prepared by the ENTSO for Electricity and ENTSO for Gas according to Article 12 of Regulation (EU) 2022/869 shall be considered for the assessment of projects for the Energy Community list, falling under the categories set out in points (1)(a), (b), (d) and (f) and point (3) of Annex II.

<...>

(2) <...>

(3) <...>

(4) <...>

(5) <...>

(6) <...>

(7) <...>

Article 13

Infrastructure Gaps Identifications

<...>

CHAPTER V

OFFSHORE GRIDS FOR RENEWABLE INTEGRATION

Article 14

Offshore grid planning

(1) By 24 January 2025, Contracting Parties, with the support of the Energy Community Secretariat, shall conclude a non-binding agreement to cooperate on goals for offshore renewable generation to be deployed by 2050 within each sea basin set out in section 2, points (2) and (3) of Annex I, with intermediate steps in 2030 and 2040, in line with their national energy and climate plans, and the offshore renewable potential of the relevant sea basin.

That non-binding agreement shall be made in writing as regards the relevant sea basin linked to the territory of the Contracting Parties, and shall be without prejudice to the right of Contracting Parties to develop projects on their territorial sea and exclusive economic zone. The Energy Community Secretariat shall provide guidance for the work in the Groups.

(2) Contracting Parties pursuing the development of offshore renewable grid projects in their respective sea basins may approach, as appropriate, the relevant Member States of the European Union in those sea basins, to propose concluding non-binding Memoranda of Understanding to cooperate on goals for offshore renewable generation. Contracting Parties may cooperate with ENTSO for Electricity with the purpose of being involved in the offshore grid planning process within the relevant sea basins pursuant to Article 14 of Regulation (EU) 2022/869’.

<...>

(3) <...>

(4) <...>

(5) <...>

Article 15

Offshore grids for renewable energy cross-border cost sharing

<...>

CHAPTER VI

REGULATORY FRAMEWORK

Article 16

Enabling Investments with a cross-border impact

(1) The efficiently incurred investment costs, which exclude maintenance costs, related to a project of

Energy Community interest falling under the energy infrastructure categories set out in point (1)(a), (b), (c), (d) and (f) of Annex II, and projects of Energy Community interest falling under the energy infrastructure category set out in point (3) of Annex II, where they fall under the competence of national regulatory authorities in each **Contracting Party** concerned, shall be borne by the relevant TSO or the project promoters of the transmission infrastructure of the **Contracting Parties** to which the project provides a net positive impact, and, to the extent not covered by congestion rents or other charges, be paid for by network users through tariffs for network access in that or those **Contracting Parties**.

(2) The provisions of this Article shall apply to a project of **Energy Community** interest falling under the energy infrastructure categories set out in point (1)(a), (b), (c), (d), (f) and point (3) of Annex II, where at least one project promoter requests the relevant national authorities their application for the costs of the project.

Projects falling under the energy infrastructure category set out in point (1)(e) and point (2) of Annex II may benefit from the provisions of this Article where at least one project promoter requests its application from the relevant national authorities.

Where a project has several project promoters, the relevant national regulatory authorities shall without delay request all project promoters to submit the investment request jointly in accordance with paragraph 4.

(3) For a project of **Energy Community** interest to which paragraph 1 applies, the project promoters shall keep all relevant national regulatory authorities regularly informed, at least once per year, and until the project is commissioned, of the progress of that project and the identification of costs and the impact associated with it.

(4) As soon as such a project of **Energy Community** interest has reached sufficient maturity, and is estimated to be ready to start the construction phase within the next 36 months, the project promoters, after having consulted the TSOs from the **Contracting Parties** which receive a significant net positive impact from it, shall submit an investment request. That investment request shall include a request for a cross-border cost allocation and shall be submitted to all the relevant national regulatory authorities concerned, accompanied by all of the following:

(a) up-to-date project-specific cost-benefit analysis consistent with the methodology drawn up pursuant to Article 11 and taking into account benefits beyond the borders of the **Contracting Parties** on the territory of which the project is located by considering at least the joint scenarios established for network development planning referred to in Article 12. Where additional scenarios are used, those shall be consistent with the **Energy Community's 2030 targets for energy and climate and the 2050 climate neutrality objective** and be subject to the same level of consultation and scrutiny as the process provided for in Article 12. **The Energy Community Regulatory Board assisted by the Energy Community Secretariat** shall be responsible for assessing any additional scenarios and ensuring their compliance with this paragraph;

(b) a business plan evaluating the financial viability of the project, including the chosen financing solution, and, for a project of **Energy Community** interest falling under the energy infrastructure category referred to in point (3) of Annex II, the results of market testing;

(c) where the project promoters agree, a substantiated proposal for a cross-border cost allocation.

Where a project is promoted by several project promoters, they shall submit their investment request jointly.

The relevant national regulatory authorities shall, upon receipt, transmit to the **Energy Community Regulatory Board and the Energy Community Secretariat**, without delay, a copy of each investment

request, for information purposes.

The relevant national regulatory authorities and the **Energy Community Regulatory Board and the Energy Community Secretariat** shall preserve the confidentiality of commercially sensitive information.

(5) Within six months of the date on which the investment request is received by the last of the relevant national regulatory authorities, those authorities shall, after consulting the project promoters concerned, take joint coordinated decisions on the allocation of efficiently incurred investment costs to be borne by each system operator for the project, as well as their inclusion in tariffs, or on the rejection of the investment request, in whole or in part, if the common analysis of the relevant national regulatory authorities concludes that the project or a part of it fails to provide a significant net benefit in any of the **Contracting Parties** of the relevant national regulatory authorities. The relevant national regulatory authorities shall include the relevant efficiently incurred investment costs in tariffs, as defined in the recommendation referred to in paragraph 11, in line with the allocation of investment costs to be borne by each system operator for the project. For projects in the territories of their respective **Contracting Party**, the relevant national regulatory authorities, shall thereafter assess, where appropriate, whether any affordability issues might arise due to the inclusion of the investment costs in tariffs.

In allocating the costs, the relevant national regulatory authorities shall take into account actual or estimated:

- (a) congestion rents or other charges;
- (b) revenues stemming from the inter-transmission system operator compensation mechanism established under Article 49 of Regulation (EU) 2019/943, **as adapted to and adopted in the Energy Community by Ministerial Council Decision 2022/03/MC-EnC.**

The allocation of costs across borders shall take into account, the economic, social and environmental costs and benefits of the projects in the **Contracting Parties** concerned and the need to ensure a stable financing framework for the development of projects of Energy Community interest while minimising the need for financial support.

In allocating costs across borders, the relevant national regulatory authorities, after consulting the TSOs concerned, shall seek a mutual agreement based on, but not limited to, the information specified in paragraphs 4, first subparagraph, points (a) and (b), of this Article. Their assessment shall consider all the relevant scenarios referred to in Article 12 and other scenarios for network development planning, allowing a robust analysis of the contribution of the project of **Energy Community** interest to the **Energy Community** energy policy of decarbonisation, market integration, competition, sustainability and security of supply. Where additional scenarios are used, they shall be consistent with the **Energy Community's 2030 targets for energy and climate and the 2050 climate neutrality objective <...>**.

Where a project of **Energy Community** interest mitigates negative externalities, such as loop flows, and that project of **Energy Community** interest is implemented in the **Contracting Party** at the origin of the negative externality, such mitigation shall not be regarded as a cross-border benefit and shall therefore not constitute a basis for allocating costs to the TSO of the Contracting Parties affected by those negative externalities.

(6) The relevant national regulatory authorities shall, on the basis of the cross-border cost allocation referred to in paragraph 5 of this Article, take into account actual costs incurred by a TSO or other project promoter as a result of the investments when fixing or approving tariffs in accordance with Article 41(1), point (a), of Directive 2009/73/EC, **as adapted to and adopted in the Energy Community by Ministerial Council**

Decision 2011/02/MC-EnC and Article 59(1), point (a), of Directive (EU) 2019/944, **as adapted to and adopted in the Energy Community by Ministerial Council Decision 2021/13/MC-EnC**, insofar as those costs correspond to those of an efficient and structurally comparable operator.

The relevant national regulatory authorities shall notify the cost allocation decision to the **Energy Community Regulatory Board and the Energy Community Secretariat**, without delay, together with all the relevant information with respect to that decision. In particular, the cost allocation decision shall set out detailed reasons for the allocation of costs among the **Contracting Parties concerned**, including the following:

- (a) an evaluation of the identified impact on each of the concerned **Contracting Parties**, including those concerning network tariffs;
- (b) an evaluation of the business plan referred to in paragraph 4, first subparagraph, point (b);
- (c) regional or **Energy Community**-wide positive externalities, such as security of supply, system flexibility, solidarity or innovation, which the project would generate;
- (d) the result of the consultation of the project promoters concerned.

The cost allocation decision shall be published.

(7) Where the relevant national regulatory authorities have not reached an agreement on the investment request within six months of the date on which the request was received by the last of the relevant national regulatory authorities, they shall inform the **Energy Community Regulatory Board and the Energy Community Secretariat** without delay.

In that case, or upon a joint request from the relevant national regulatory authorities, the decision on the investment request including cross-border cost allocation referred to in paragraph 5 shall be taken by the **Energy Community Regulatory Board** within three months of the date of referral to the **Energy Community Regulatory Board**.

Before taking such a decision, the **Energy Community Regulatory Board** shall consult the **Energy Community Secretariat**, the relevant national regulatory authorities and the project promoters. The three-month period referred to in the second subparagraph may be extended by an additional period of two months where further information is sought by **the Energy Community Regulatory Board**. That additional period shall begin on the day following receipt of the complete information.

The assessment of the **Energy Community Regulatory Board** shall consider all relevant scenarios established under Article 12 and other scenarios for network development planning, allowing a robust analysis of the contribution of the project of **Energy Community interest** to the **Energy Community** energy policy targets of decarbonisation, market integration, competition, sustainability and security of supply. Where additional scenarios are used, they shall be consistent with the **Energy Community's 2030 targets for energy and climate and the 2050 climate neutrality** objective and be subject to the same level of consultation and scrutiny as the process provided for in Article 12.

The Energy Community Regulatory Board, in its decision on the investment request including cross-border cost allocation, shall leave the determination of the way the investment costs are included in the tariffs in line with the cross-border cost allocation prescribed, to the relevant national authorities at the time of the implementation of that decision in accordance with national law.

The decision on the investment request including cross-border cost allocation shall be published. **The procedure referred to in this paragraph shall be applicable to projects having cross-border**

impacts between Contracting Parties.

(8) A copy of all cost allocation decisions, together with all the relevant information with respect to each decision, shall be notified, without delay, by the **Energy Community Regulatory Board** to the **Energy Community Secretariat**. That information may be submitted in aggregate form. **The Energy Community Secretariat** shall preserve the confidentiality of commercially sensitive information.

(9) Cost allocation decisions shall not affect the right of TSOs to apply and of national regulatory authorities to approve charges for access to networks in accordance with Article 13 of Regulation (EC) No 715/2009, **as adapted to and adopted in the Energy Community by Ministerial Council Decision 2011/02/MC-EnC**, Article 18(1) and Article 18(3) to (6) of Regulation (EU) 2019/943, **as adapted to and adopted in the Energy Community by Ministerial Council Decision 2022/03/MC-EnC**, Article 32 of Directive 2009/73/EC, **as adapted to and adopted in the Energy Community by Ministerial Council Decision 2011/02/MC-EnC**, and Article 6 of Directive (EU) 2019/944, **as adapted to and adopted in the Energy Community by Ministerial Council Decision 2021/13/MC-EnC**.

(10) This Article shall not apply to projects of **Energy Community** interest which have received an exemption from:

(a) Articles 32, 33 and 34 and Article 41(6), (8) and (10) of Directive 2009/73/EC, **as adapted to and adopted in the Energy Community by Ministerial Council Decision 2011/02/MC-EnC**, pursuant to Article 36 of that Directive;

(b) Article 19(2) and (3) of Regulation (EU) 2019/943, **as adapted to and adopted in the Energy Community by Ministerial Council Decision 2022/03/MC-EnC**, or Article 6, Article 59(7) and Article 60(1) of Directive (EU) 2019/944, **as adapted to and adopted in the Energy Community by Ministerial Council Decision 2021/13/MC-EnC**, pursuant to Article 63 of Regulation (EU) 2019/943, **as adapted to and adopted in the Energy Community by Ministerial Council Decision 2022/03/MC-EnC**;

(c) unbundling or third party access rules, pursuant to Article 17 of Regulation (EC) No 714/2009 of the European Parliament and of the Council, **as adapted to and adopted in the Energy Community by Ministerial Council Decision 2011/02/MC-EnC**, or to Article 64 of Regulation (EU) 2019/943, **as adapted to and adopted in the Energy Community by Ministerial Council Decision 2022/03/MC-EnC**, and Article 66 of Directive (EU) 2019/944, **as adapted to and adopted in the Energy Community by Ministerial Council Decision 2021/13/MC-EnC**.

(11) By 24 June 2024, **the Energy Community Regulatory Board** shall adopt a recommendation for identifying good practices for the treatment of investment requests for projects of **Energy Community** interest. That recommendation shall be regularly updated as necessary <...>. In adopting or amending the recommendation, the **Energy Community Regulatory Board** shall carry out an extensive consultation process, involving all relevant stakeholders.

Article 17

Regulatory incentives

(1) Where a project promoter incurs higher risks for the development, construction, operation or maintenance of a project of **Energy Community** interest falling under the competence of national regulatory authorities, when compared to the risks normally incurred by a comparable infrastructure project, **Con-**

tracting Parties and national regulatory authorities may grant appropriate incentives to that project in accordance with Article 13 of Regulation (EC) No 715/2009, **as adapted to and adopted in the Energy Community by Ministerial Council Decision 2011/02/MC-EnC and amended by Ministerial Council Decision 2022/01/MC-EnC**, Article 18(1) and Article 18(3) to (6) of Regulation (EU) 2019/943, **as adapted to and adopted in the Energy Community by Ministerial Council Decision 2022/03/MC-EnC**, Article 41(8) of Directive 2009/73/EC, **as adapted to and adopted in the Energy Community by Ministerial Council Decision 2011/02/MC-EnC**, and Article 58, point (f), of Directive (EU) 2019/944, **as adapted to and adopted in the Energy Community by Ministerial Council Decision 2021/13/MC-EnC**.

The first subparagraph shall not apply where the project of **Energy Community** interest has received an exemption:

(a) from Articles 32, 33, and 34 and from Article 41(6), (8) and (10) of Directive 2009/73/EC, **as adapted to and adopted in the Energy Community by Ministerial Council Decision 2011/02/MC-EnC**, pursuant to Article 36 of that Directive;

(b) from Article 19(2) and (3) of Regulation (EU) 2019/943, **as adapted to and adopted in the Energy Community by Ministerial Council Decision 2022/03/MC-EnC**, or from Article 6, Article 59(7) and Article 60(1) of Directive (EU) 2019/944, **as adapted to and adopted in the Energy Community by the Ministerial Council Decision 2021/13/MC-EnC**, pursuant to Article 63 of Regulation (EU) 2019/943, **as adapted to and adopted in the Energy Community by Ministerial Council Decision 2022/03/MC-EnC**;

(c) pursuant to Article 36 of Directive 2009/73/EC, **as adapted to and adopted in the Energy Community by Ministerial Council Decision 2011/02/MC-EnC**;

(d) pursuant to Article 17 of Regulation (EC) No 714/2009, **as adapted to and adopted in the Energy Community by Ministerial Council Decision 2011/02/MC-EnC**.

(2) In the case of a decision to grant the incentives referred to in paragraph 1 of this Article, national regulatory authorities shall consider the results of the cost-benefit analysis consistent with the methodology drawn up pursuant to Article 11 and in particular the regional or **Energy Community**-wide positive externalities generated by the project. The national regulatory authorities shall further analyse the specific risks incurred by the project promoters, the risk mitigation measures taken and the reasons for the risk profile in view of the net positive impact provided by the project, when compared to a lower-risk alternative. Eligible risks shall in particular include risks related to new transmission technologies, both onshore and offshore, risks related to under-recovery of costs and development risks.

(3) The decision to grant the incentives shall take into account the specific nature of the risk incurred and may grant incentives covering, inter alia, one or more of the following measures:

(a) the rules for anticipatory investment;

(b) the rules for recognition of efficiently incurred costs before commissioning of the project;

(c) the rules for providing additional return on the capital invested for the project;

(d) any other measure deemed necessary and appropriate.

(4) By 24 January 2024, each national regulatory authority shall submit to the **Energy Community Regulatory Board** its methodology and the criteria used to evaluate investments in energy infrastructure projects and the higher risks incurred by those projects, updated in view of latest legislative, policy,

technological and market developments. Such methodology and criteria shall also expressly address the specific risks incurred by offshore grids for renewable energy referred to in point (1)(f) of Annex II and by projects, which, while having low capital expenditure, incur significant operating expenditure.

(5) By 24 June 2024, taking due account of the information received pursuant to paragraph 4 of this Article **and pursuant to the recommendations issued by ACER, the Energy Community Regulatory Board** shall facilitate the sharing of good practices and recommendations regarding both of the following:

(a) the incentives referred to in paragraph 1 on the basis of a benchmarking of best practice by national regulatory authorities;

(b) a common methodology to evaluate the incurred higher risks of investments in energy infrastructure projects.

(6) By 24 September 2024, each national regulatory authority shall publish its methodology and the criteria used to evaluate investments in energy infrastructure projects and the higher risks incurred by them.

(7) Where the measures referred to in paragraphs 5 and 6 are not sufficient to ensure the timely implementation of projects of **Energy Community interest, the guidelines on incentives issued by the Commission under Article 17(7) of Regulation (EU) 2022/869 shall be applied.**

CHAPTER VII FINANCING

Article 18

Eligibility of projects for Union financial assistance <...>

(1) Projects of **Energy Community** interest falling under the energy infrastructure categories set out in <...> and Annex II shall be eligible for Union **technical and** financial assistance **for project preparation and implementation from the Instrument for Pre-Accession Assistance (IPA) and the Neighbourhood Development and International Cooperation Instrument (NDICI), including the Western Balkan Investment Framework (WBIF), the Neighbourhood Investment Platform (NIP), the European Fund for Sustainable Development (EFSD) and the European Fund for Sustainable Development + (EFSD+); and the Ukraine Facility.**

(2) Projects of **Energy Community** interest falling under the energy infrastructure categories set out in <...> **Annex II shall be eligible for Union financial assistance in the form of grants, guarantees or other financial instruments from the Instrument for Pre-Accession Assistance (IPA) and the Neighbourhood Development and International Cooperation Instrument (NDICI), including the Western Balkan Investment Framework (WBIF), the Neighbourhood Investment Platform (NIP), the European Fund for Sustainable Development (EFSD) and the European Fund for Sustainable Development + (EFSD+); and the Ukraine Facility** where they fulfil all of the following criteria:

(a) the project specific cost-benefit analysis drawn up pursuant to Article 16(4), point (a), provides evidence concerning the existence of significant positive externalities, such as security of supply, system flexibility, solidarity or innovation;

(b) the project has received a cross-border cost allocation decision pursuant to Article 16 or, as regards

projects of Energy Community interest falling under the energy infrastructure category set out in point (3) of Annex II, where they do not fall under the competence of national regulatory authorities and therefore they do not receive a cross-border cost allocation decision, the project aims to provide services across borders, brings technological innovation and ensures the safety of cross-border grid operation;

(c) the project cannot be financed by the market or through the regulatory framework in accordance with the business plan and other assessments, in particular those carried out by potential investors, creditors or the national regulatory authority, taking into account any decision on incentives and reasons referred to in Article 17(2) when assessing the project's need for Union financial assistance.

(3) Projects of **Energy Community** interest carried out in accordance with the procedure referred to in Article 5(7), point (d), shall also be eligible for Union financial assistance in the form of grants for works where they fulfil the criteria set out in paragraph 2 of this Article.

(4) <...>

(5) <...>

Article 19

Guidance for the award criteria of Union financial assistance

The specific criteria set out in Article 4(3) of this Regulation and the parameters set out in Article 4(5) of this Regulation shall **be taken into account when determining the award criteria for Union technical and financial assistance from the instrument for Pre-Accession Assistance (IPA), the Neighbourhood Development and International Cooperation Instrument (NDICI) and the Ukraine Facility**.

CHAPTER VIII FINAL PROVISIONS

Article 20

Exercise of the delegation

<...>

Article 21

Reporting and evaluation

By 30 June 2029, the **Energy Community Secretariat** shall publish a report on the implementation of projects on the **Energy Community** list, and submit it to the **Ministerial Council**. That report shall provide an evaluation of:

(a) the progress achieved in the planning, development, construction and commissioning of projects on the **Energy Community** list, and, where relevant, delays in implementation and other difficulties encountered;

(b) the funds engaged and disbursed by the Union for projects on the **Energy Community** list, compared

to the total value of funded projects on the **Energy Community** list;

(c) the progress achieved in terms of integration of renewable energy sources, including offshore renewable energy sources, and reduced greenhouse gas emissions through the planning, development, construction and commissioning of projects on the **Energy Community** list;

(d) for the electricity and renewable or low-carbon gases including hydrogen sectors, the evolution of the interconnection level between **Contracting Parties**, the corresponding evolution of energy prices, as well as the number of network system failure events, their causes and related economic cost;

(e) the permit granting process and public participation, in particular:

(i) the average and maximum total duration of the permit granting process for projects on the **Energy Community** list, including the duration of each step of the pre-application procedure, compared to the timing foreseen by the initial major milestones referred to in Article 10(6);

(ii) the level of opposition faced by projects on the **Energy Community** list, in particular the number of written objections during the public consultation process and the number of legal recourse actions;

(iii) best and innovative practices with regard to stakeholder involvement;

(iv) best and innovative practices with regard to mitigation of environmental impacts, including climate adaptation, during permit granting processes and project implementation;

(v) the effectiveness of the schemes provided for in Article 8(3) regarding compliance with the time limits set in Article 10(1) and (2);

(f) regulatory treatment, in particular:

(i) the number of projects of **Energy Community** interest (**PECI**) having been granted a cross-border cost allocation decision pursuant to Article 16;

(ii) the number and type of projects of **Energy Community** interest (**PECI**) which received specific incentives pursuant to Article 17;

(g) the effectiveness of this Regulation in contributing to the **Energy Community**'s 2030 targets for energy and climate and the achievement of climate neutrality by 2050 at the latest.

Article 22

Review

<...>

Article 23

Information and publicity

The **Energy Community Secretariat** shall establish and maintain a transparency platform easily accessible to the general public through the internet. The platform shall be regularly updated with information from the reports referred to in Article 5(4) and the website referred to in Article 9(7). The platform shall contain the following information:

(a) general, updated information, including geographic information, for each project on the **Energy**

Community list;

- (b) the implementation plan as set out in Article 5(1) for each project on the **Energy Community** list, presented in a manner that allows the assessment of the progress in implementation at any time;
- (c) the main expected benefits and contribution to the objectives referred to in Article 1(1) and the costs of the projects except for any commercially sensitive information;
- (d) the **Energy Community** list;
- (e) the funds allocated and disbursed by the Union for each project on the **Energy Community** list;
- (f) the links to the national manual of procedures referred to in Article 9;
- (g) existing sea basin studies and plans for **priority offshore grid corridors**, without infringing any intellectual property rights.

Article 24

Derogation for interconnections for Cyprus and Malta

<...>

Article 25

Amendment to Regulation (EC) No 715/2009

<...>

Article 26

Amendment to Regulation (EC) 2019/942

<...>

Article 27

Amendment to Regulation (EC) 2019/943

<...>

Article 28

Amendment to Directive 2009/73/EC

<...>

Article 29

Amendment to Directive 2019/944

<...>

Article 30**Transitional provisions**

Chapter III shall not apply to projects of **Energy Community** interest (**PECI**) that have entered in the permit granting process and for which a project promoter has submitted an application file before **16 October 2016**.

Article 31**Transitional period**

(1) During a transitional period ending on 31 December 2029, dedicated hydrogen assets converted from natural gas assets falling under the energy infrastructure category set out in point (3) of Annex II may be used for transport or storage of a predefined blend of hydrogen with natural gas or biomethane.

(2) During the transitional period referred to in paragraph 1, the project promoters shall closely cooperate on project design and implementation in order to ensure interoperability of neighbouring networks.

(3) The project promoter shall provide sufficient evidence, including through commercial contracts, how, by the end of the transitional period, the assets referred to in paragraph 1 of this Article will cease to be natural gas assets and become dedicated hydrogen assets, as set out in point (3) of Annex II, and how the increased use of hydrogen will be enabled during the transitional period. Such evidence shall include an assessment of the supply and demand for renewable or low- carbon hydrogen as well as a calculation of the greenhouse gas emissions reduction enabled by the project. In the context of the monitoring of progress achieved in implementing the projects of **Energy Community** interest, the **Energy Community Regulatory board** shall verify the timely transition of the project to a dedicated hydrogen asset as set out in point (3) of Annex II.

(4) Eligibility of projects referred to in paragraph 1 of this Article for Union financial assistance under Article 18 shall end on 31 December 2027.

Article 32**Repeal**

1. **Ministerial Council Decision 2015/09/MC-EnC, adapting and adopting Regulation (EU) No 347/2013 is repealed. References to Regulation (EU) No 347/2013 shall be construed as references to this Regulation.**

2. <...>

3. <...>

Article 33**Entry into force**

<...>

ANNEX I

ENERGY INFRASTRUCTURE PRIORITY **INTERCONNECTIONS, CORRIDORS AND AREAS**

(as referred to in Article 1(1))

This Regulation shall apply to the following energy infrastructure priority **interconnections**, corridors **in the Energy Community** and areas:

1. PRIORITY ELECTRICITY CORRIDORS

Electricity interconnections in the Energy Community:

interconnections between **Contracting Parties**, in particular to integrate electricity from renewable energy sources, reinforce internal grid infrastructures to foster market integration in the region, and to ensure the necessary onshore prolongations of offshore grids for renewable energy and the domestic grid reinforcements necessary to ensure an adequate and reliable transmission grid and to supply electricity generated offshore to landlocked **Contracting Parties**.

<...>

2. PRIORITY OFFSHORE GRID CORRIDORS

Mediterranean offshore grids:

offshore electricity grid development, integrated offshore electricity, as well as, where appropriate, hydrogen grid development and the related interconnectors in the Mediterranean Sea to transport electricity or, where appropriate, hydrogen from renewable offshore energy sources to centres of consumption and storage or to increase cross-border renewable energy exchange.

Contracting Parties concerned: **Albania, Montenegro and Bosnia and Herzegovina**.

Black Sea offshore grids:

offshore electricity grid development, integrated offshore electricity grid development and the related interconnectors in the **Black Sea** waters to transport electricity from renewable offshore energy sources to centres of consumption and storage and to increase cross-border electricity exchange.

Contracting Parties concerned: **Ukraine and Georgia**.

3. PRIORITY HYDROGEN **INTERCONNECTIONS** AND ELECTROLYSERS **IN THE ENERGY COMMUNITY**

Hydrogen interconnections in the Energy Community:

hydrogen infrastructure and the repurposing of gas infrastructure, enabling the emergence of an integrated hydrogen backbone, directly or indirectly (via interconnection with a third country), connecting the countries of the region and addressing their specific infrastructure needs for hydrogen supporting the emergence of an **Energy Community**-wide network for hydrogen transport, and, in addition, as regards islands and island systems, decreasing energy isolation, supporting innovative and other solutions involving at least

two **Contracting Parties** with a significant positive impact on the **Energy Community** 2030 targets for energy and climate and **the** 2050 climate neutrality objective, and contributing significantly to the sustainability of the island energy system and that of the **Energy Community**.

Electrolysers:

supporting the deployment of power-to-gas applications aiming to enable greenhouse gas reductions and contributing to secure, efficient and reliable system operation and smart energy system integration and, in addition, as regards islands and island systems, supporting innovative and other solutions involving at least two **Contracting Parties** with a significant positive impact on the **Energy Community** 2030 targets for energy and climate and **the** 2050 climate neutrality objective, and contributing significantly to the sustainability of the island energy system and that of the **Energy Community**.

Contracting Parties concerned: **all**.

<...>

4. PRIORITY THEMATIC AREAS

Smart electricity grids deployment:

adopting smart grid technologies across the **Energy Community** to efficiently integrate the behaviour and actions of all users connected to the electricity network, in particular the generation of large amounts of electricity from renewable or distributed energy sources and demand response by consumers, energy storage, electric vehicles and other flexibility sources and, in addition, as regards islands and island systems, decreasing energy isolation, supporting innovative and other solutions involving at least two **Contracting Parties** with a significant positive impact on the **Energy Community** 2030 targets for energy and climate and **the** 2050 climate neutrality objective, and contributing significantly to the sustainability of the **Energy Community energy system**.

Contracting Parties concerned: **all**.

Cross-border carbon dioxide network:

development of infrastructure for transport and storage of carbon dioxide between **the Contracting Parties** of carbon dioxide capture and storage captured from industrial installations for the purpose of permanent geological storage as well as carbon dioxide utilisation for synthetic fuel gases leading to the permanent neutralization of carbon dioxide.

Contracting Parties concerned: **all**.

Smart gas grids:

adoption of smart gas grid technologies across the **Energy Community** to efficiently integrate a plurality of low- carbon and particularly renewable gas sources into the gas network, support the uptake of innovative and digital solutions for network management and facilitating smart energy sector integration and demand response, including the related physical upgrades if indispensable to the functioning of the equipment and installations for integration of low-carbon and particularly renewable gases.

Contracting Parties concerned: **all**.

ANNEX II

ENERGY INFRASTRUCTURE CATEGORIES

The energy infrastructure categories to be developed <...> shall be the following:

(1) **concerning electricity:**

(a) high and extra-high voltage overhead transmission lines, crossing a border or within a **Contracting Party** territory including the exclusive economic zone, if they have been designed for a voltage of 220 kV or more, and underground and submarine transmission cables, if they have been designed for a voltage of 150 kV or more. For **Contracting Parties** and small isolated systems with a lower voltage overall transmission system, those voltage thresholds are equal to the highest voltage level in their respective electricity systems;

(b) any equipment or installation falling under energy infrastructure category referred to in point (a) enabling transmission of offshore renewable electricity from the offshore generation sites (energy infrastructure for offshore renewable electricity);

(c) energy storage facilities, in individual or aggregated form, used for storing energy on a permanent or temporary basis in above-ground or underground infrastructure or geological sites, provided they are directly connected to high-voltage transmission lines and distribution lines designed for a voltage of 110 kV or more. For **Contracting Parties** and small isolated systems with a lower voltage overall transmission system, those voltage thresholds are equal to the highest voltage level in their respective electricity systems;

(d) any equipment or installation essential for the systems referred to in points (a), (b) and (c) to operate safely, securely and efficiently, including protection, monitoring and control systems at all voltage levels and substations;

(e) smart electricity grids: any equipment or installation, digital systems and components integrating information and communication technologies (ICT), through operational digital platforms, control systems and sensor technologies both at transmission and medium and high voltage distribution level, aiming to ensure a more efficient and intelligent electricity transmission and distribution network, increased capacity to integrate new forms of generation, energy storage and consumption and facilitating new business models and market structures, including investments in islands and island systems to decrease energy isolation, to support innovative and other solutions involving at least two **Contracting Parties** with a significant positive impact on the **Energy Community** 2030 targets for energy and climate and **the** 2050 climate neutrality objective, to contribute significantly to the sustainability of **the Energy Community**;

(f) any equipment or installation falling under energy infrastructure category referred to in point (a) having dual functionality: interconnection and offshore grid connection system from the offshore renewable generation sites to two or more **Contracting Parties** participating in projects on the **Energy Community** list, including the onshore prolongation of this equipment up to the first substation in the onshore transmission system, as well as any offshore adjacent equipment or installation essential to operate safely, securely and efficiently, including protection, monitoring and control systems, and necessary substations if they also ensure technology interoperability, inter alia, interface compatibility between various technologies (offshore grids for renewable energy);

(2) concerning smart gas grids:

any of the following equipment or installation aiming to enable and facilitate the integration of a plurality of low-carbon and particularly renewable gases, including biomethane or hydrogen, into the gas network: digital systems and components integrating ICT, control systems and sensor technologies to enable the interactive and intelligent monitoring, metering, quality control and management of gas production, transmission, distribution, storage and consumption within a gas network. Furthermore, such projects may also include equipment to enable reverse flows from the distribution to the transmission level, including the related physical upgrades if indispensable to the functioning of the equipment and installations for integration of low-carbon and particularly renewable gases;

(3) concerning hydrogen:

(a) pipelines for the transport, mainly at high pressure, of hydrogen, including repurposed natural gas infrastructure, giving access to multiple network users on a transparent and non-discriminatory basis;

(b) storage facilities connected to the high-pressure hydrogen pipelines referred to in point (a);

(c) reception, storage and regasification or decompression facilities for liquefied hydrogen or hydrogen embedded in other chemical substances with the objective of injecting the hydrogen, where applicable, into the grid;

(d) any equipment or installation essential for the hydrogen system to operate safely, securely and efficiently or to enable bi-directional capacity, including compressor stations;

(e) any equipment or installation allowing for hydrogen or hydrogen-derived fuels use in the transport sector within the TEN-T core network identified in the Contracting Parties in accordance with the rules applicable to the TEN-T infrastructure development in accordance with the Treaty Establishing the Transport Community.

Any of the assets listed in points (a) to (d) may be newly constructed or repurposed from natural gas to hydrogen, or a combination of the two;

(4) concerning electrolyser facilities:

(a) electrolysers that:

(i) have at least 50 MW capacity, provided by a single electrolyser or by a set of electrolysers that form a single, coordinated project;

(ii) the production complies with the life cycle greenhouse gas emissions savings requirement of 70 % relative to a fossil fuel comparator of 94 g CO₂eq/MJ as set out in Article 25(2) and Annex V to Directive (EU) 2018/2001. Life cycle greenhouse gas emissions savings are calculated using the methodology referred to in Article 28(5) of Directive (EU) 2018/2001, **as adapted and adopted by the Ministerial Council Decision 2021/14/MC-EnC**, or, alternatively, using ISO 14067 or ISO 14064-1. The life-cycle greenhouse gas emissions must include indirect emissions. Quantified life-cycle greenhouse gas emission savings are verified in line with Article 30 of Directive (EU) 2018/2001, **as adapted and adopted by the Ministerial Council Decision 2021/14/MC-EnC**, where applicable, or by an independent third party; and

(iii) have a network-related function, particularly with a view to overall system flexibility and overall

system efficiency of electricity and hydrogen networks;

(b) related equipment, including pipeline connection to the network;

(5) concerning carbon dioxide:

(a) dedicated pipelines, other than upstream pipeline network, used to transport carbon dioxide from more than one source, for the purpose of permanent geological storage of carbon dioxide pursuant to Directive 2009/31/EC;

(b) fixed facilities for liquefaction, buffer storage and converters of carbon dioxide in view of its further transportation through pipelines and in dedicated modes of transport such as ship, barge, truck, and train;

(c) without prejudice to any prohibition of geological storage of carbon dioxide in a **Contracting Party**, surface and injection facilities associated with infrastructure within a geological formation that is used, in accordance with Directive 2009/31/EC, for the permanent geological storage of carbon dioxide, where they do not involve the use of carbon dioxide for the enhanced recovery of hydrocarbons and are necessary to allow the cross-border transport and storage of carbon dioxide;

(d) any equipment or installation essential for the system in question to operate properly, securely and efficiently, including protection, monitoring and control systems.

ANNEX III

PRELIMINARY LIST OF PROJECTS

1. RULES FOR GROUPS

(1) With regard to energy infrastructure falling under the competence of national regulatory authorities, each Group shall be composed of representatives of the **Contracting Parties**, national regulatory authorities, TSOs, as well as the Commission, **the Energy Community Secretariat, the Energy Community Regulatory Board**, the **ECDSO-E** entity and either the ENTSO for Electricity or the ENTSO for Gas.

For the other energy infrastructure categories, each Group shall be composed of the Energy Community Secretariat, the representatives of the Contracting Parties and project promoters concerned.

(2) Depending on the number of candidate projects for the **Energy Community** list, infrastructure gaps and market developments, the Groups and the decision-making bodies of the Groups may split, merge or meet in different configurations, as necessary, to discuss matters common to all Groups or pertaining solely to particular **Groups**. Such matters may include issues relevant to cross-regional consistency or the number of proposed projects included on the draft **preliminary** lists at risk of becoming unmanageable.

(3) Each Group shall organise its work in line with regional cooperation efforts pursuant to Article 12 of Regulation (EC) No 715/2009, Article 34 of Regulation (EU) 2019/943, **as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC**, Article 7 of Directive 2009/73/EC, **as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC**, and Article 61 of Directive (EU) 2019/944, **as adapted and adopted by the Ministerial Council Decision 2021/13/MC-EnC**, and other existing regional cooperation structures.

(4) Each Group shall invite promoters of a project potentially eligible for selection as a project of **Energy Community** interest as well as representatives of national administrations, of regulatory authorities, of civil society and TSOs, **including** from **Member States and** third countries. The decision to invite **Member State and** third-country representatives shall be made by consensus.

(5) For the energy infrastructure priority **interconnections**, corridors **in the Energy Community** set out in Section 2 of Annex I, each Group shall invite, as appropriate, representatives of the landlocked **Contracting Parties**, competent authorities, national regulatory authorities and TSOs.

(6) Each Group shall invite, as appropriate, the organisations representing relevant stakeholders, including representatives from **Member States and** third countries, and, where deemed to be appropriate, directly the stakeholders, including producers, DSOs, suppliers, consumers, local populations and **Energy Community**-based organisations for environmental protection, to express their specific expertise. Each Group shall organise hearings or consultations where relevant for the accomplishments of its tasks.

(7) As regards the meetings of the Groups, the **Energy Community Secretariat** shall publish, on a platform accessible to stakeholders, the internal rules, an updated list of member organisations, regularly updated information on the progress of work, meeting agendas, as well as meeting minutes, where available. The deliberations of the decision-making bodies of the Groups and the project ranking in accordance with Article 4(4) shall be confidential. All decisions concerning to the functioning and work of the groups shall be made by consensus between the **Contracting Parties** and the **Energy Community Secretariat**.

(8) The **Energy Community Secretariat** shall strive for consistency between the Groups. For that pur-

pose, the **Energy Community Secretariat** shall ensure, when relevant, the exchange of information on all work <...> between the Groups concerned.

(9) The participation of national regulatory authorities and the **Energy Community Regulatory Board** in the Groups shall not jeopardise the fulfilment of their objectives and duties under this Regulation or under Regulation (EU) 2019/942, **as adapted and adopted by Ministerial Council Decision 2022/03/MC-EnC**, Articles 40 and 41 of Directive 2009/73/EC, **as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC**, and Articles 58, 59 and 60 of Directive (EU) 2019/944, **as adapted and adopted by Ministerial Council Decision 2021/13/MC-EnC**.

2. PROCESS FOR ESTABLISHING **PRELIMINARY** LISTS

(1) Promoters of a project potentially eligible for selection as a project on the **Energy Community** list wanting to obtain that status shall submit an application for selection as a project on the **Energy Community** list to the Group that includes:

(a) an assessment of their projects with regard to their contribution to implementing the Energy Community's 2030 targets for energy and climate and the climate neutrality objective by 2050;

(b) an indication of the relevant project category set out in Annex II;

(c) an analysis of the fulfilment of the relevant criteria laid down in Article 4;

(d) for projects having reached a sufficient degree of maturity, a project-specific cost-benefit analysis consistent with the methodologies drawn up pursuant to Article 11;

e) <...>

f) any other relevant information for the evaluation of the project.

(2) All recipients shall ensure the confidentiality of commercially sensitive information.

(3) <...>

(4) <...>

(5) <...>

(6) <...>

(7) <...>

(8) For projects falling under their competence, the national regulatory authorities and, where necessary, the **Energy Community Regulatory Board** shall, where possible in the context of regional cooperation pursuant to Article 7 of Directive 2009/73/EC, **as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC**, and Article 61 of Directive (EU) 2019/944, **as adapted and adopted by Ministerial Council decision 2021/13/MC-EnC**, check the consistent application of the criteria and of the cost-benefit analysis methodology and evaluate their cross-border relevance. They shall present their assessment to the Group. The **Energy Community Secretariat** shall ensure that criteria and methodologies referred to in Article 4 of this Regulation and Annex IV are applied in a harmonised way to ensure consistency across the groups.

(9) For all projects not covered in point (8) of this Annex, the **Energy Community Secretariat** shall evaluate the application of the criteria set out in Article 4 of this Regulation. The **Energy Community**

Secretariat shall also take into account the potential for future extension to include additional **Contracting Parties**. The **Energy Community Secretariat** shall present its assessment to the Group <...>.

(10) Each **Contracting Party** to whose territory a proposed project does not relate, but on which the proposed project may have a potential net positive impact or a potential significant effect, such as on the environment or on the operation of the energy infrastructure on its territory, may present an opinion to the Group specifying its concerns.

(11) The Group shall examine, at the request of a **Contracting Party** of the Group, the substantiated reasons presented by a **Contracting Party** pursuant to Article 3(3) for not approving a project related to its territory.

(12) The Group shall consider whether the energy efficiency first principle is applied as regards the establishment of the regional infrastructure needs and as regards each of the candidate projects. The Group shall, in particular, consider solutions such as demand-side management, market arrangement solutions, implementation of digital solutions, and renovation of buildings as priority solutions where they are judged more cost-efficient on a system wide perspective than the construction of new supply side infrastructure.

(13) The Group shall meet to examine and rank the proposed projects based on a transparent assessment of the projects and using the criteria set out in Article 4 taking into account the assessment of the regulators, or the assessment of the **Energy Community Secretariat** for projects not falling within the competence of national regulatory authorities.

(14) The draft preliminary lists of proposed projects falling under the competence of national regulatory authorities drawn up by the Groups, together with any opinions as specified in point (10) of this Section, shall be submitted to the Energy Community Regulatory Board and, for information, to the Energy Community Secretariat, six months before the adoption date of the Energy Community list. The draft preliminary lists and the accompanying opinions shall be assessed by the Regulatory Board within three months of the date of receipt. The Energy Community Regulatory Board shall provide an opinion on the draft preliminary lists, in particular on the consistent application of the criteria and cost-benefit analysis.

(15) Within one month of the date of receipt of the **Energy Community Regulatory Board's** opinion, the decision-making body of each Group shall adopt its final **preliminary** list of proposed projects, respecting the provisions set out in Article 3(3), on the basis of the Groups' proposal and taking into account the opinion of the **Energy Community Regulatory Board** and the assessment of the national regulatory authorities submitted in accordance with point (3), or the assessment of the **Energy Community Secretariat** for projects not falling within the competence of national regulatory authorities proposed in accordance with point (4), and the advice from the **Energy Community Secretariat** that aims to ensure a manageable total number of projects on the **Energy Community** list, especially at borders related to competing or potentially competing projects. The decision-making bodies of the Groups shall submit the final **preliminary** lists to the **Energy Community Secretariat**, together with any opinions as specified in point (5).

(16) Where, on the basis of the draft **preliminary** lists, and after having taken into account the **Energy Community Regulatory Board** opinion, the total number of proposed projects on the **Energy Community** list would exceed a manageable number, the **Energy Community Secretariat** shall advise each Group concerned, not to include in the **preliminary** list projects that were ranked lowest by the Group concerned in accordance with the ranking established pursuant to Article 4(5).

ANNEX IV

RULES AND INDICATORS CONCERNING CRITERIA FOR PROJECTS

(1) A project of **Energy Community** interest with a significant cross-border impact shall be a project on the territory of a **Contracting Party** and shall fulfil the following conditions:

(a) for electricity transmission, the project increases the grid transfer capacity, or the capacity available for commercial flows, at the border of that **Contracting Party** with one or several other **Contracting Parties**, having the effect of increasing the cross-border grid transfer capacity at the border of that **Contracting Party** with one or several other **Contracting Parties**, by at least 500 Megawatts (MW) compared to the situation without commissioning of the project, or the project decreases energy isolation of non-interconnected systems in one or more **Contracting Parties** and increases the cross-border grid transfer capacity at the border between two **Contracting Parties** by at least 200 MW;

(b) for electricity storage, the project provides at least 225 MW installed capacity and has a storage capacity that allows a net annual electricity generation of 250 GW-hours/year;

(c) for smart electricity grids, the project is designed for equipment and installations at high-voltage and medium-voltage level, and involves TSOs, TSOs and DSOs, or DSOs from at least two **Contracting Parties**. The project may involve only DSOs provided that they are from at least two **Contracting Parties** and provided that interoperability is ensured. The project shall satisfy at least two of the following criteria: it involves 50 000 users, generators, consumers or prosumers of electricity, it captures a consumption area of at least 300 GW hours/year, at least 20 % of the electricity consumption linked to the project originates from variable renewable resources, or it decreases energy isolation of systems **not connected with any other Contracting Party**. The project does not need to involve a physical common border;

(d) for hydrogen transmission, the project enables the transmission of hydrogen across the borders of the **Contracting Parties** concerned, or increases existing cross-border hydrogen transport capacity at a border between two **Contracting Parties** by at least 10 % compared to the situation prior to the commissioning of the project, and the project sufficiently demonstrates that it is an essential part of a planned cross-border hydrogen network and provides sufficient proof of existing plans and cooperation with neighbouring countries and network operators or, for projects decreasing energy isolation of non-interconnected systems in one or more **Contracting Parties**, the project aims to supply, directly or indirectly, at least two **Contracting Parties**;

(e) for hydrogen storage or hydrogen reception facilities referred to in point (3) of Annex II, the project aims to supply, directly or indirectly, at least two **Contracting Parties**;

(f) for electrolysers, the project provides at least 50 MW installed capacity provided by a single electrolyser or by a set of electrolysers that form a single, coordinated project and brings benefits directly or indirectly to at least two **Contracting Parties**, and, specifically, as regards projects on islands and island systems, supports innovative and other solutions involving at least two **Contracting Parties** with a significant positive impact on the **Energy Community** 2030 targets for energy and climate and the 2050 climate neutrality objective, and contributes significantly to the sustainability of the island energy system and that of the **Energy Community**;

(g) for smart gas grids, a project involves TSOs, TSOs and DSOs or DSOs from at least two **Contracting Parties**. DSOs may be involved, but only with the support of the TSOs of at least two **Contracting Parties**

that are closely associated to the project and ensure interoperability;

(h) for offshore renewable electricity transmission, the project is designed to transfer electricity from offshore generation sites with capacity of at least 500 MW and allows for electricity transmission to onshore grid of a specific **Contracting Party**, increasing the volume of renewable electricity available on the internal market. The project shall be developed in the areas with low penetration of offshore renewable electricity and shall demonstrate a significant positive impact on the **Energy Community** 2030 targets for energy and climate and **the** 2050 climate neutrality objective and shall contribute significantly to the sustainability of the energy system and market integration while not hindering the cross-border capacities and flows;

(i) for carbon dioxide projects, the project is used to transport and, where applicable, store anthropogenic carbon dioxide originating from at least two Contracting Parties.

(2) <...>

(3) Concerning projects falling under the energy infrastructure categories set out in point (1)(a), (b), (c), (d) and (f) of Annex II, the criteria listed in Article 4 shall be evaluated as follows:

(a) transmission of renewable energy generation to major consumption centres and storage sites, measured in line with the analysis made in the latest available Union-wide ten-year network development plan in electricity, in particular by:

(i) for electricity transmission, estimating the amount of generation capacity from renewable energy sources (by technology, in MW), which is connected and transmitted due to the project, compared to the amount of planned total generation capacity from those types of renewable energy sources in the **Contracting Parties** concerned in 2030 according to the National Energy and Climate Plans submitted by **Contracting Parties** in accordance with Regulation (EU) 2018/1999, **as adapted and adopted by the Ministerial Council Decision 2021/14/MC-EnC**;

(ii) or energy storage, comparing new capacity provided by the project with total existing capacity for the same storage technology in the area of analysis as set out in Annex V;

(b) market integration, competition and system flexibility, in particular by:

(i) calculating, for cross-border projects, including reinvestment projects, the impact on the grid transfer capability in both power flow directions, measured in terms of amount of power (in MW), and their contribution to reaching the minimum 15 % interconnection target, and for projects with significant cross-border impact, the impact on grid transfer capability at borders between relevant **Contracting Parties**, and on demand-supply balancing and network operations in relevant **Contracting Parties**;

(ii) assessing the impact, for the area of analysis as set out in Annex V, in terms of energy system-wide generation and transmission costs and evolution and convergence of market prices provided by a project under various planning scenarios, in particular taking into account the variations induced on the merit order;

(c) security of supply, interoperability and secure system operation, in particular by assessing the impact of the project on the loss of load expectation for the area of analysis as set out in Annex V in terms of generation and transmission adequacy for a set of characteristic load periods, taking into account expected changes in climate-related extreme weather events and their impact on infrastructure resilience. Where applicable, the impact of the project on independent and reliable control of system operation and services shall be measured.

(4) Concerning projects falling under the energy infrastructure category set out in point (1)(e) of Annex II,

the criteria listed in Article 4 shall be evaluated as follows:

(a) the level of sustainability, measured by assessing the extent of the ability of the grids to connect and transport variable renewable energy;

(b) security of supply, measured by assessing the level of losses in distribution, transmission networks, or both, the percentage utilisation (i.e. average loading) of electricity network components, the availability of network components (related to planned and unplanned maintenance) and its impact on network performances, and on the duration and frequency of interruptions, including climate related disruptions;

(c) market integration, measured by assessing the innovative uptake in system operation, the decrease of energy isolation and interconnection, as well as the level of integrating other sectors and facilitating new business models and market structures;

(d) network security, flexibility and quality of supply, measured by assessing the innovative approach to system flexibility, cybersecurity, efficient operability between TSO and DSO level, the capacity to include demand response, storage, energy efficiency measures, the cost-efficient use of digital tools and ICT for monitoring and control purposes, the stability of the electricity system and the voltage quality performance.

(5) Concerning hydrogen falling under the energy infrastructure category set out in point (3) of Annex II, the criteria listed in Article 4 shall be evaluated as follows:

(a) sustainability, measured as the contribution of a project to greenhouse gas emission reductions in various end-use applications in hard-to-abate sectors, such as industry or transport; flexibility and seasonal storage options for renewable electricity generation; or the integration of renewable and low-carbon hydrogen with a view to consider market needs and promote renewable hydrogen;

(b) market integration and interoperability, measured by calculating the additional value of the project to the integration of market areas and price convergence to the overall flexibility of the system;

(c) security of supply and flexibility, measured by calculating the additional value of the project to the resilience, diversity and flexibility of hydrogen supply;

(d) competition, measured by assessing the project's contribution to supply diversification, including the facilitation of access to indigenous sources of hydrogen supply.

(6) Concerning smart gas grid projects falling under the energy infrastructure category set out in point (2) of Annex II, the criteria listed in Article 4 shall be evaluated as follows:

(a) level of sustainability, measured by assessing the share of renewable and low-carbon gases integrated into the gas network, the related greenhouse gas emission savings towards total system decarbonisation and the adequate detection of leakage;

(b) quality and security of supply, measured by assessing the ratio of reliably available gas supply and peak demand, the share of imports replaced by local renewable and low-carbon gases, the stability of system operation, the duration and frequency of interruptions per customer;

(c) enabling flexibility services such as demand response and storage by facilitation of smart energy sector integration through the creation of links to other energy carriers and sectors, measured by assessing the cost savings enabled in connected energy sectors and systems, such as the heat and power system, transport and industry.

(7) Concerning electrolyser projects falling under the energy infrastructure category set out in point (4) of Annex II the criteria listed in Article 4 shall be evaluated as follows:

(a) sustainability, measured by assessing the share of renewable hydrogen or low-carbon hydrogen, in particular from renewable sources meeting the criteria defined in point (4)(a)(ii) of Annex II integrated into the network or estimating the amount of deployment of synthetic fuels of those origins and the related greenhouse gas emission savings;

(b) security of supply, measured by assessing its contribution to the safety, stability and efficiency of network operation, including through the assessment of avoided curtailment of renewable electricity generation;

(c) enabling flexibility services such as demand response and storage by the facilitation of smart energy sector integration through the creation of links to other energy carriers and sectors, measured by assessing the cost savings enabled in connected energy sectors and systems, such as the gas, hydrogen, power and heat networks, the transport and industry sectors.

(8) Concerning carbon dioxide infrastructure falling under the energy infrastructure categories set out in point (5) of Annex II the criteria listed in Article 4 shall be evaluated as follows:

(a) sustainability, measured by assessing the total expected project life-cycle greenhouse gas reductions and the absence of alternative technological solutions such as, but not limited to, energy efficiency, electrification integrating renewable sources, to achieve the same level of greenhouse gas reductions as the amount of carbon dioxide to be captured at connected industrial installations at a comparable cost within a comparable timeline taking into account the greenhouse gas emissions from the energy necessary to capture, transport and store the carbon dioxide, as applicable, considering the infrastructure including, where applicable, other potential future uses;

(b) resilience and security, measured by assessing the security of the infrastructure;

(c) the mitigation of environmental burden and risk via the permanent neutralisation of carbon dioxide.

ANNEX V

ENERGY SYSTEM-WIDE COST-BENEFIT ANALYSIS

The Energy Community Secretariat shall take into account the methodologies for cost-benefit analyses developed by the ENTSO for Electricity and the ENTSO for Gas and develop methodologies consistent with each other, taking into account sectorial specificities. The methodologies for a harmonised and transparent energy system-wide cost-benefit analysis for projects on the **Energy Community** list shall be uniform for all infrastructure categories, unless specific divergences are justified. They shall address costs in the broader sense, including externalities, in view of the **Energy Community** 2030 targets for energy and climate and **the** 2050 climate neutrality objective and shall comply with the following principles:

- (1) the area for the analysis of an individual project shall cover all **Contracting Parties** on whose territory the project is located, all directly neighbouring **Contracting Parties** in which the project has a significant impact. For this purpose, **the Energy Community Secretariat** shall cooperate with all the relevant system operators in the relevant countries. In the case of projects falling under the energy infrastructure category set out at point (3) of Annex II, the **Energy Community Secretariat** shall cooperate with the project promoter, including where it is not a system operator;
- (2) each cost-benefit analysis shall include sensitivity analyses concerning the input data set, including the cost of generation and greenhouse gases as well as the expected development of demand and supply, including with regard to renewable energy sources, and including the flexibility of both, and the availability of storage, the commissioning date of various projects in the same area of analysis, climate impacts and other relevant parameters;
- (3) they shall establish the analysis to be carried out, based on the relevant multi-sectorial input data set by determining the impact with and without each project and shall include the relevant interdependencies with other projects;
- (4) they shall give guidance for the development and use of energy network and market modelling necessary for the cost- benefit analysis. The modelling shall allow for a full assessment of economic benefits, including market integration, security of supply and competition, as well as lifting energy isolation, social and environmental and climate impacts, including the cross-sectorial impacts. The methodology shall be fully transparent including details on why, what and how each of the benefits and costs are calculated;
- (5) they shall include an explanation on how the energy efficiency first principle is implemented <...>;
- (6) they shall explain that the development and deployment of renewable energy will not be hampered by the project;
- (7) they shall ensure that the **Contracting Parties** on which the project has a net positive impact, the beneficiaries, the **Contracting Parties** on which the project has a net negative impact, and the cost bearers, which may be **Contracting Parties** other than those on which territory the infrastructure is constructed, are identified;
- (8) they shall take into account, at least, the capital expenditure, operational and maintenance expenditure costs, as well as the costs induced for the related system over the technical lifecycle of the project as a whole, such as decommissioning and waste management costs, including external costs. The methodologies shall give guidance on discount rates, technical lifetime and residual value to be used for the cost- benefit

calculations. They shall furthermore include a mandatory methodology to calculate benefit-to-cost ratio and the net present value, as well as a differentiation of benefits in accordance with the level of reliability of their estimation methods. Methods to calculate the climate and environmental impacts of the projects and the contribution to **Energy Community** energy targets, such as renewable penetrations, energy efficiency and interconnection targets shall also be taken into account;

(9) they shall ensure that the climate adaptation measures taken for each project are assessed and reflect the cost of greenhouse gas emissions and that the assessment is robust and consistent with other Union policies in order to enable comparison with other solutions which do not require new infrastructures.

ANNEX VI

GUIDELINES FOR TRANSPARENCY AND PUBLIC PARTICIPATION

(1) The manual of procedures referred to in Article 9(1) shall contain at least:

(a) specifications of the relevant pieces of legislation upon which decisions and opinions are based for the various types of relevant projects of **Energy Community** interest, including environmental law;

(b) the list of relevant decisions and opinions to be obtained;

(c) the names and contact details of the competent authority, other authorities concerned and major stakeholders concerned;

(d) the work flow, outlining each stage in the process, including an indicative timeline and a concise overview of the decision-making process for the various types of relevant projects of **Energy Community** interest;

(e) information about the scope, structure and level of detail of documents to be submitted with the application for decisions, including a checklist;

(f) the stages and means for the general public to participate in the process;

(g) the manner in which the competent authority, other authorities concerned and the project promoter shall demonstrate that the opinions expressed in the public consultation were taken into account, for example by showing what amendments were done in the location and design of the project or by providing reasons why such opinions have not been taken into account;

(h) to the extent possible, translations of its content in all languages of the neighbouring **Contracting Parties** to be realised in coordination with the relevant neighbouring **Contracting Parties**.

(2) The detailed schedule referred to in Article 10(6), point (b), shall at least specify the following:

(a) the decisions and opinions to be obtained;

(b) the authorities, stakeholders, and the public likely to be concerned;

(c) the individual stages of the procedure and their duration;

(d) major milestones to be accomplished and their deadlines in view of the comprehensive decision to be taken;

(e) the resources planned by the authorities and possible additional resource needs.

(3) Without prejudice to the requirements for public consultations under environmental law, to increase public participation in the permit granting process and ensure in advance information and dialogue with the public, the following principles shall be applied:

(a) the stakeholders affected by a project of **Energy Community** interest, including relevant national, regional and local authorities, landowners and citizens living in the vicinity of the project, the general public and their associations, organisations or groups, shall be extensively informed and consulted at an early stage, in an inclusive manner, when potential concerns by the public can still be taken into account and in an open and transparent manner. Where relevant, the competent authority shall actively support the activities undertaken by the project promoter;

(b) competent authorities shall ensure that public consultation procedures for projects of **Contracting Party** interest are grouped together where possible including public consultations already required under

national law. Each public consultation shall cover all subject matters relevant to the particular stage of the procedure, and one subject matter relevant to the particular stage of the procedure shall not be addressed in more than one public consultation; however, one public consultation may take place in more than one geographical location. The subject matters addressed by a public consultation shall be clearly indicated in the notification of the public consultation;

(c) comments and objections shall be admissible only from the beginning of the public consultation until the expiry of the deadline;

(d) the project promoters shall ensure that consultations take place during a period that allows for open and inclusive public participation.

(4) The concept for public participation shall at least include information about:

(a) the stakeholders concerned and addressed;

(b) the measures envisaged, including proposed general locations and dates of dedicated meetings;

(c) the timeline;

(d) the human resources allocated to various tasks.

(5) In the context of the public consultation to be carried out before submission of the application file, the relevant parties shall at least:

(a) publish in electronic and, where relevant, printed form, an information leaflet of no more than 15 pages, giving, in a clear and concise manner, an overview of the description, purpose and preliminary timetable of the development steps of the project, the national grid development plan, alternative routes considered, types and characteristics of the potential impact, including of cross-border or transboundary nature, and possible mitigation measures, such information leaflet is to be published prior to the start of the consultation and to list the web addresses of the website of the project of common interest referred to in Article 9(7), the transparency platform referred to in Article 23 and the manual of procedures referred to in point (1) of this Annex;

(b) publish the information on the consultation on the website of the project of **Energy Community** interest referred to in Article 9(7), on the bulletin boards of the offices of local administrations, and, at least, in one or, if applicable, two local media outlets;

(c) invite, in written or electronic form, the relevant affected stakeholders, associations, organisations and groups to dedicated meetings, during which concerns shall be discussed.

(6) The project website referred to in Article 9(7) shall at least publish the following information:

(a) the date when the project website was last updated;

(b) translations of its content in all languages of the **Contracting Parties** concerned by the project or on which the project has a significant cross-border impact in accordance with point (1) of Annex IV;

(c) the information leaflet referred to in point (4) updated with the latest data on the project;

(d) a non-technical and regularly updated summary reflecting the current status of the project, including geographic information, and clearly indicating, in case of updates, changes to previous versions;

(e) the implementation plan as set out in Article 5(1) updated with the latest data on the project;

(f) the funds allocated and disbursed by the Union for the project;

(g) the project and public consultation planning, clearly indicating dates and locations for public consulta-

tions and hearings and the envisaged subject matters relevant for those hearings;

(h) contact details in view of obtaining additional information or documents;

(i) contact details in view of conveying comments and objections during public consultations.