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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)
No. Cion doc.:	14088/20 + ADD 1 - ADD 5
Subject:	Proposal for a Regulation of the European Parliament and of the Council on guidelines for trans-European energy infrastructure and repealing Regulation (EU) No 347/2013 - Preparation for the trilogue

In view of the Coreper meeting on 19th November, delegations will find in the Annex corrections to the 4 column document distributed in the Annex to doc. 12300/1/21 REV 1. These corrections stem from an additional technical meeting that took place with the European Parliament on 17th November. The changes with respect to doc. 12300/1/21 REV 1 are in the following lines:

– 145, *new* 'provisionally agreed'
– 164, *new* 'provisionally agreed'
– 172, *revised text of* 'proposal for a compromise'
– 174, *revised text and change* from 'provisionally agreed' to 'proposal for a compromise'
– 641, *new* 'provisionally agreed'
– 647, *new* 'provisionally agreed'
– 652, *new* 'provisionally agreed'
– 655, *new* 'provisionally agreed'
– 664, *change* from 'provisionally agreed' to 'proposal for a compromise'
– 687, *revised text and change* from 'provisionally agreed' to 'proposal for a compromise'
– 694, *change* from 'provisionally agreed' to 'proposal for a compromise'
– 746, *revised text and change* from 'provisionally agreed' to 'proposal for a compromise'
– 754, *change* from 'provisionally agreed' to 'proposal for a compromise'

	COMMISSION PROPOSAL (14088/20 + ADD 1)	EP PLENARY TEXT (doc. A9-0269/2021)	COUNCIL GENERAL APPROACH (doc. 9732/21)	COMPROMISE PROPOSALS
145.	(i) involves at least two Member States by directly crossing the border of two or more Member States;	**AM 67** (i) involves at least two Member States by directly ***or indirectly (via third country)*** crossing the border of two or more Member States;	(i) involves at least two Member States by directly **or indirectly (via interconnection with a third country)** crossing the border of two or more Member States;	(i) [provisionally agreed to Council text] involves at least two Member States by directly **or indirectly (via interconnection with a third country)** crossing the border of two or more Member States;
164.	(i) market integration, including through lifting the isolation of at least one Member State and reducing energy infrastructure bottlenecks; competition and system flexibility;	(i) market integration, including through lifting the isolation of at least one Member State and reducing energy infrastructure bottlenecks; competition and system flexibility;	(i) market integration, including through lifting the **energy** isolation of at least one Member State and reducing energy infrastructure bottlenecks; competition, **interoperability** and system flexibility;	(i) [provisionally agreed to Council text] market integration, including through lifting the **energy** isolation of at least one Member State and reducing energy infrastructure bottlenecks; competition, **interoperability** and system flexibility;

172.	(c) for carbon dioxide transport projects falling under the energy infrastructure categories set out in point (5) of Annex II, the project is to contribute significantly to all of the following specific criteria:	**AM 82** (c) for carbon dioxide transport ***and storage*** projects falling under the energy infrastructure categories set out in point (5) of Annex II, the project is to contribute significantly to ***sustainability through reducing carbon dioxide emissions in the connected industrial clusters. Furthermore, the project is to contribute to*** all of the following specific criteria:	(c) for carbon dioxide transport projects falling under the energy infrastructure categories set out in point (5) of Annex II, the project is to contribute significantly to all of the following specific criteria:	(c) [Proposal for a compromise] for carbon dioxide transport ***and storage*** projects falling under the energy infrastructure categories set out in point (5) of Annex II, the project is to contribute significantly to ***sustainability through reducing carbon dioxide emissions in the connected industrial installations ~~clusters~~. Furthermore, the project is to contribute to*** all of the following specific criteria:
174.	(ii) increase the resilience and security of carbon dioxide transport;	**AM 84** (ii) increase the resilience and security of carbon dioxide transport ***and storage***;	(ii) increase the resilience and security of carbon dioxide transport;	[Proposal for a compromise]: increase the resilience and security of carbon dioxide transport ***and storage***;
641.	(a) transmission pipelines for the transport of hydrogen, giving access to multiple network users on a transparent and non-discriminatory basis, which mainly contains high-pressure hydrogen pipelines, excluding pipelines for the local distribution of hydrogen;	**AM 206** (a) ~~*transmission*~~ ***high-pressure*** pipelines for the transport of ***liquid or gaseous*** hydrogen***, including repurposed natural gas infrastructure***, giving access to multiple network users on a transparent and non-discriminatory basis, ~~*which mainly contains high-pressure hydrogen pipelines,*~~ excluding pipelines for the local distribution of hydrogen;	(a) transmission pipelines for the transport of hydrogen, giving access to multiple network users on a transparent and non-discriminatory basis, which mainly contains high-pressure hydrogen pipelines **[ ]**;	(a) **[**provisionally agreed to a compromise**]** **Mainly, *high-pressure*** ~~transmission~~ pipelines for the transport of hydrogen, ***including repurposed natural gas infrastructure***, giving access to multiple network users on a transparent and non-discriminatory basis, [ ]

647.	Any of the assets listed in points (a), (b), (c), and (d) may be newly constructed assets or assets converted from natural gas dedicated to hydrogen, or a combination of the two.	**AM 210** Any of the assets listed in points (a), (b), (c), ***(ca)*** and (d) may be newly constructed assets or assets ~~***converted***~~ ***repurposed*** from natural gas ~~***dedicated***~~ to hydrogen, or a combination of the two.	Any of the assets listed **[ ]** may be newly constructed assets or **dedicated hydrogen assets** converted from natural gas **assets [ ]**, or a combination of the two.	[provisionally agreed to a compromise] Any of the assets listed in points (a), (b), (c), and (d) may be newly constructed assets or assets ***repurposed*** ~~converted~~ from natural gas to hydrogen, or a combination of the two.
652.	(a) dedicated pipelines, other than upstream pipeline network, used to transport carbon dioxide from more than one source, i.e. industrial installations (including power plants) that produce carbon dioxide gas from combustion or other chemical reactions involving fossil or non-fossil carbon-containing compounds, for the purpose of permanent geological storage of carbon dioxide pursuant to Directive 2009/31/EC of the European Parliament and of the Council[1] ;	**AM 213** (a) dedicated pipelines, other than upstream pipeline network, used to transport carbon dioxide from more than one ~~***source, i.e.***~~ industrial ~~***installations (including power plants)***~~ ***cluster*** that produce carbon dioxide gas from combustion or other chemical reactions involving fossil or non-fossil carbon-containing compounds, for the purpose of permanent geological storage of carbon dioxide pursuant to Directive 2009/31/EC of the European Parliament and of the Council[35] ;	(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 of the European Parliament and of the Council[35];	(a) [provisionally agreed to Council text] 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 of the European Parliament and of the Council;

[1] OJ L 140, 5.6.2009, p. 114.

655.		**AM 216 (new)** ***(ba) infrastructure within a geological formation used for the permanent geological storage of carbon dioxide pursuant to Directive 2009/31/EC and associated surface and injection facilities;***		***(ba)*** [provisionally agreed to a compromise] **without prejudice to any prohibition of geological storage of CO2 in a Member State, 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 CO2, where they do not involve the use of CO2 for the enhanced recovery of hydrocarbons and are necessary to allow the cross-border transport and storage of CO2;**
664.	(1) with regard to energy infrastructure falling under the competency of national regulatory authorities, each Group shall be composed of representatives of the Member States, national regulatory authorities, TSOs, as well as the Commission, the Agency and the ENTSO for Electricity or the ENTSO for Gas, as relevant.	**AM 218** (1) with regard to energy infrastructure falling under the competency of national regulatory authorities, each Group shall be composed of representatives of the Member States, national regulatory authorities, TSOs, ***DSOs*** as well as the Commission, the Agency**,** ***the Union DSO entity*** and the ENTSO for Electricity or the ENTSO for Gas, as relevant.	(1) with regard to energy infrastructure falling under the competency of national regulatory authorities, **[ ]**, each Group shall be composed of representatives of the Member States, national regulatory authorities, TSOs, as well as the Commission, the Agency, **the EU DSO entity** and the ENTSO for Electricity or the ENTSO for Gas **[ ] .**	(1) [Proposal for a compromise] With regard to energy infrastructure falling under the competency of national regulatory authorities, each Group shall be composed of representatives of the Member States, national regulatory authorities, TSOs, ~~**DSOs**~~ as well as the Commission, the Agency**, the Union DSO entity** and the ENTSO for Electricity or the ENTSO for Gas, as relevant.

687.	(6) proposed carbon dioxide transport projects falling under the category set out in point (5) of Annex II shall be presented as part of a plan, developed by at least two Member States, for the development of cross-border carbon dioxide transport and storage infrastructure, to be presented by the Member States concerned or entities designated by those Member States to the Commission.	**AM 225** (6) proposed carbon dioxide transport ***and storage*** projects falling under the category set out in point (5) of Annex II shall be presented as part of a plan, developed by at least two Member States, for the development of cross-border carbon dioxide transport and storage infrastructure, to be presented by the Member States concerned or entities designated by those Member States to the Commission.	(6) proposed carbon dioxide transport projects falling under the category set out in point (5) of Annex II shall be presented as part of a plan, developed by at least two Member States, for the development of cross-border carbon dioxide transport and storage infrastructure, to be presented by the Member States concerned or entities designated by those Member States to the Commission.	(6) [Proposal for a compromise] proposed carbon dioxide transport ***and storage*** projects falling under the category set out in point (5) of Annex II shall be presented as part of a plan, developed by at least two Member States, for the development of cross-border carbon dioxide transport and storage infrastructure, to be presented by the Member States concerned or entities designated by those Member States to the Commission.

694.		**AM 226 (new)** ***(10a) 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 of common interest or projects of mutual interest. The Group shall, in particular, consider solutions such as demand-side management, market arrangement solutions, implementation of digital solutions as priority solutions where they are judged more cost-efficient on a system wide perspective than the construction of new infrastructure.***		***(10a)*** [Proposal for a compromise] ***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 of common interest or projects of mutual interest. The Group shall, in particular, consider solutions such as demand-side management, market arrangement solutions, implementation of digital solutions,* <u>**renovation of buildings**</u> *as priority solutions where they are judged more cost-efficient on a system wide perspective than the construction of new* <u>**supply side**</u> *infrastructure.***

746.		***(a) sustainability measured by considering a significant net reduction of emissions along the whole project lifecycle and the absence of alternative technological solutions to achieve the same level of carbon dioxide reduction as the amount of carbon dioxide to be captured, such as energy efficiency, or electrification integrating renewable sources; the minimum capture rate at industrial installations shall be fixed according to best available technology per industry category to be established by the Commission, and shall be greater than the range of 70-90 %;***		[proposal for a compromise] ***sustainability measured by 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 installations at a comparable cost within a comparable timeframe;***
754.			**(a) the total expected life-cycle greenhouse gas reductions achieved through the connection of installations to the CO2 transport and storage network and the infeasibility to apply only other non-CCS emission reduction technologies and applications to achieve the same level of sustainability at connected installations at a comparable cost within a comparable timeframe.**	[Proposal for a comprise - if compromise on line 746 will be accepted, this paragraph will be deleted]