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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 21.12.2021 supplementing Regulation (EU) 2021/1153 of the European Parliament and of the Council with regard to the specific selection criteria and the details of the process for selecting cross-border projects in the field of renewable energy

Delegations will find attached document C(2021) 9875 final.

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Brussels, 21.12.2021
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COMMISSION DELEGATED REGULATION (EU) .../...

of 21.12.2021

supplementing Regulation (EU) 2021/1153 of the European Parliament and of the Council with regard to the specific selection criteria and the details of the process for selecting cross-border projects in the field of renewable energy

{SWD(2021) 429 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) 2021/1153 of the European Parliament and of the Council establishing the Connecting Europe Facility (CEF Regulation) and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014 supports infrastructure and connectivity in Europe across three sectors: transport, energy and digital.

For the 2021-2027 funding period, a new category of eligible projects has been introduced in the energy part of the revised CEF programme, namely ‘cross-border projects in the field of renewable energy’ as defined in Article 7 of the CEF Regulation. This was made possible by extending the legal basis of the CEF Regulation to include Art 194 TFEU.

This new category of eligible projects complements the infrastructure support provided under the TEN-E Regulation¹. The Commission proposed a revision of that regulation in December 2020² to align it with the Green Deal as well as the more ambitious 2030 decarbonisation objectives. The revised CEF programme’s support for renewable energy also aligns with the increased ambitions set out in the 2030 Climate Target Plan³ and the EU strategies on offshore renewable energy⁴, energy system integration⁵ and hydrogen⁶.

Of the CEF’s energy budget of EUR 5.83 billion in current prices, 15% (i.e. EUR 875 million) is earmarked for cross-border projects in the field of renewable energy, subject to market uptake. If the 15% threshold is reached, the Commission will increase the share to 20%, again subject to market uptake. The Commission will regularly assess the market uptake, and if the demand proves insufficient, it will redirect the unused budget towards meeting the objectives of the Regulation on the Trans-European Energy Networks. As of 2024, the unused budget may also be used to co-fund the EU renewable energy financing mechanism⁷.

The new window (15% of the CEF energy budget) under the CEF Regulation responds to the ‘clean energy for all Europeans’ package and its focus on regional and cross-border cooperation to deploy renewable energy in Europe. The Renewable Energy Directive⁸ requires that the Commission support Member States’ ambitions in the field of renewable energy through an enabling framework, including the use of EU funds to enhance regional cooperation between Member States and between Member States and non-EU countries. The new CEF window is part of this enabling framework, alongside the Union renewable development platform and the Union renewable energy financing mechanism.

The Renewable Energy Directive also sets out four mechanisms that can be used for cooperation: statistical transfers (Article 8); joint projects between Member States (Article 9); joint projects between Member States and non-EU countries (Article 11); and joint support

¹ Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009, OJ L 115, 25.4.2013, p. 39–75.

² COM/2020/824 final.

³ COM/2020/562 final.

⁴ COM/2020/741 final.

⁵ COM/2020/299 final.

⁶ COM/2020/301 final.

⁷ Commission Implementing Regulation 2020/1294.

⁸ Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources, OJ L 328, 21.12.2018, p. 82–209.

schemes (Article 13). To be eligible for funding, cross-border renewable energy projects must use one of these four cooperation mechanisms.

Cross-border projects in the field of renewable energy also contribute to the CEF's target of 60% of its budget going towards climate-related projects. Funding under this window is counted as 100% contribution to the climate objectives, provided that for bioenergy the sustainability criteria of the Renewable Energy Directive are met.

Cooperation on the deployment of renewables can enable more cost-effective upscaling when the locations with the best potential are used, when resources are pooled and when renewable generation planning and deployment takes place. Cooperation, including in the framework of regional cooperation platforms, such as the EU macro-regional strategies⁹, can help to further align renewable policies and support ongoing work in regional energy fora (North Seas Energy Cooperation (NESC), Baltic energy market interconnection plan (BEMIP), Central and South Eastern Europe energy connectivity (CESEC), Pentalateral Forum, etc.). It can contribute to the strategic uptake of renewable technologies to maintain and expand the EU's technology leadership in the field of renewable energy. These projects should also contribute to decarbonisation, completing the internal energy market and enhancing the security of supply by promoting cross-border cooperation between Member States on planning, developing and using renewable energy sources in a cost-effective way.

The new window complements other EU renewable energy funding opportunities, focusing specifically on cross-border cooperation to optimise national efforts for deployment of renewable energy. Renewable investments also feature prominently in the Recovery and Resilience Facility (RRF). For example, the Commission has set a common objective to fund 40% of the additional 500 GW capacity needed by 2030 as part of the POWER Up flagship initiative¹⁰, as well as in cohesion policy funding, including Interreg¹¹. CEF grants can be combined with loans, guarantees or equity contributions under Invest EU¹². Combining market, national and EU financing (e.g. under RRF, CEF, Invest EU and other programmes) should enable renewable energy to represent at least 32% of final energy consumption by 2030 (target under revision) and put the EU on track for achieving carbon neutrality by 2050.

The speed of renewable energy deployment will need to double over the next decade. The upscaling of renewables sources of electricity in particular needs to keep pace with the electrification of energy-using sectors and an expected doubling of the share of electricity in final energy demand by 2050. The new CEF window for renewable energy can help mainstream renewable energy into energy-using sectors, facilitate sector integration (including as part of CEF synergy actions) and therefore make a substantial contribution to the wider energy transition.

All investments in generation assets based on any of the renewable sources listed in the Renewable Energy Directive are eligible. Investments can relate to electricity, heating and cooling and transport projects, to give a few examples, also when renewable sources are integrated into and used as part of broader investment projects e.g. on RES hydrogen exporting. Projects that combine different renewable technologies, that contain a storage component (both on and offsite), and/or that integrate the renewable generation site into the

⁹ https://ec.europa.eu/regional_policy/en/policy/cooperation/macro-regional-strategies/

¹⁰ SWD/2021/12 final.

¹¹ https://ec.europa.eu/regional_policy/en/2021_2027/;

https://ec.europa.eu/regional_policy/en/policy/cooperation/european-territorial/.

¹² Regulation (EU) 2021/523 of the European Parliament and of the Council of 24 March 2021 establishing the InvestEU Programme and amending Regulation (EU) 2015/1017, OJ L 107, 26.3.2021, p. 30–89.

grid/heating system are also eligible for CEF funding. Such projects must be set up by a cooperation mechanism in line with Articles 8-13 of the Renewable Energy Directive. Such projects may, but do not necessarily have to, have a physical link to more than one Member State. The cooperation mechanisms can be used for exchanging renewable energy statistics against a financial transfer ('statistical transfer') or they can relate to an entire support scheme with various projects (joint support scheme) rather than linking to a specific project.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

When preparing this delegated act the Commission conducted, in 2019, several informal consultations with Member State representatives and stakeholders. Two were based on a preparatory study. The first of these, a meeting held on 3 June 2019 with over 70 participants (including representatives from 16 Member States, project promoters, utilities, renewable energy and storage associations, IRENA, EIB, NGOs and the European Commission), gathered useful input for the final version of the study supporting the preparation of this delegated act. The second, an informal workshop with Member State representatives and stakeholders held on 13 December 2019, presented the current thinking and gathered feedback on requirements for the cost-benefit analysis based on the recommendations of the final study.

A third informal exchange on key elements of the delegated act and on the accompanying guidance for cross-border renewable energy projects took place on 28 November 2019 at the Concerted Action meeting on the Renewable Energy Directive. This is a forum of Member State experts that provides a structured dialogue between national authorities implementing the Renewable Energy Directive.

Finally, the CEF expert group¹³ met on 17 September and 28 October 2021 to discuss the draft delegated act.

The draft delegated act was published for feedback for a four-week period from 21 October – 18 November 2021. No open public consultation was held as this is not a major item in the Commission work programme.

Overall, the feedback confirmed the importance of targeted support to renewable energy projects with cross-border link. Some comments raised concerns related to the eligibility requirements that exclude stand-alone storage projects, however the Commission considers that such projects only indirectly contribute to the achievement of the 2030 EU target for renewable energy, therefore the main component of cross-border renewable energy projects under CEF should always be renewables generation technology in order to fulfil the objectives of CEF Regulation in the most effective manner.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The CEF Regulation introduces a new eligible category of projects, namely 'cross-border projects in the field of renewable energy'. The overall objective of these projects is to promote cross-border cooperation between Member States in the field of planning, development and the cost-effective exploitation of renewable energy sources, and to contribute to decarbonisation, completing the internal energy market, enhancing security of supply and innovation, and facilitating their integration through energy storage facilities.

¹³ Expert Group on the preparation and the drawing-up of the delegated act supplementing the Connection Europe Facility with respect to identification criteria and process for cross-border projects in the field of renewable energy, Code E03764 in the Register of expert groups.

In line with Article 7 of the CEF Regulation, this delegated act sets out the specific selection criteria and details of the selection process of cross-border projects in the field of renewable energy. It provides that in the first stage, promoters of a project, including Member States, can in general apply for their project to have the status of cross-border projects in the field of renewable energy and therefore be included in the list of eligible projects ('the list'). A promoter may decide to apply for the status of cross-border project in the field of renewable energy for their project, but not apply for CEF financial support. In the second stage, projects on the list can apply for CEF support in the form of grants for studies and works.

This delegated act includes three chapters: a general chapter on the subject matter and definitions (Chapter I); a chapter establishing the selection criteria for the list of cross-border projects in the field of renewable energy (Chapter II); and a chapter establishing the selection process for the list of projects (Chapter III).

Chapter II determines the eligible technologies, components and investments; clarifies the type and form of cooperation mechanism required; and specifies that the application should demonstrate the project's socio-economic net benefits. For the latter requirement, the Commission will publish a detailed methodology on the cost-benefit analysis.

Chapter III provides for the setting up of a group for cross-border projects in the field of renewable energy ('the Group'). The Group should establish the draft list of eligible projects based on which the Commission will adopt the final list of projects. Chapter III also sets out the procedure and requirements for admission to the draft and final list, as well as provisions on monitoring the implementation of listed projects, and on information and publicity.

COMMISSION DELEGATED REGULATION (EU) .../...

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supplementing Regulation (EU) 2021/1153 of the European Parliament and of the Council with regard to the specific selection criteria and the details of the process for selecting cross-border projects in the field of renewable energy

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2021/1153 of the European Parliament and of the Council of 7 July 2021 establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014¹, and in particular Article 7 (2) thereof,

Whereas:

- (1) Directive (EU) 2018/2001 of the European Parliament and of the Council² introduced a new, binding, renewable energy target for the Union for 2030. It also promotes the use of cooperation mechanisms as effective tools that contribute to the achievement of that target.
- (2) Regulation (EU) 2021/1153 widens the scope of the instrument beyond trans-European networks to renewable energy production and establishes a new category of projects for funding under the Connecting Europe Facility (CEF) – ‘cross-border projects in the field of renewable energy’.
- (3) Cross-border projects in the field of renewable energy (‘renewable energy cross-border projects’) should aim to enable the cost-effective deployment of renewables in the Union, support the achievement of the Union's binding target for renewable energy in 2030 as referred to in Directive (EU) 2018/2001 and contribute to the strategic uptake of innovative renewable technologies. The projects should also contribute to decarbonisation, completing the internal energy market and enhancing the security of supply by promoting cross-border cooperation between Member States in the field of planning, development and the cost-effective exploitation of renewable energy sources.
- (4) To be eligible for financing, cross-border projects in the field of renewable energy should first be included on a list of renewable energy cross-border projects. Having the official status of ‘cross-border project in the field of renewable energy’ may provide benefits such as higher visibility, increased investor certainty, and stronger support from Member States.
- (5) A project promoter whose project has been selected for inclusion on the list of cross-border projects in the field of renewable energy may also apply for funding under Regulation (EU) 2021/1153 for studies or works relating to that project.

¹ OJ L 249, 14.7.2021, p. 38.

² OJ L 328, 21.12.2018, p. 82–209

- (6) The objectives, general criteria to be met, and procedure to be followed for the cross-border projects in the field of renewable energy are provided for in Annex Part IV to Regulation (EU) 2021/1153. Article 7 of that Regulation empowers the Commission to adopt a delegated act to lay down the specific selection criteria and the details of the process for selecting the cross-border projects to be included in the list of cross-border projects in the field of renewable energy.
- (7) Renewable energy cross-border projects should be set up by a cooperation mechanism. That mechanism can take any of the forms of cooperation agreement provided for in Articles 8, 9, 11 and 13 of Directive (EU) 2018/2001 and can be set up between two or more Member States, or between one or more Member States and one or more non-EU countries. For this criterion to be met, it is important that there is evidence of a certain degree of support from the Member States and, where relevant, the non-EU countries, involved. For this reason, a written declaration expressing willingness to support the project through a cooperation agreement, validated by a responsible institution in all participating Member States and, where relevant, non-EU countries, should be presented. There are no specific restrictions on the format of the declaration.
- (8) According to Article 11 of Regulation (EU) 2021/1153, legal entities – including joint ventures – established in a Member State, are eligible for the programme. As such, they can submit an application set up by a cooperation agreement for a joint project, including one that involves a non-EU country, under Articles 9 and 11 of Directive (EU) 2018/2001. However, in the specific case of a joint support scheme, according to Article 13 of Directive (EU) 2018/2001 only a Member State can submit an application. If the cooperation mechanism takes the form of a stand-alone statistical transfer according to Article 8 of Directive (EU) 2018/2001, there is no additional investment attached to it and, therefore, support under the CEF may only be necessary for studies in accordance with Article 7(3) of Regulation (EU) 2021/1153.
- (9) According to points 2(b) and (c) of Annex Part IV to Regulation (EU) 2021/1153, cross-border projects should provide a more effective solution to the deployment of renewables as compared to projects implemented by one of the participating Member States alone. Therefore, in addition to being set up by a cooperation mechanism, to be included on the list of cross-border projects in the field of renewable energy, the socio-economic net benefits of a project must also be demonstrated.
- (10) The socio-economic net benefits of a cross-border project in the field of renewable energy should be demonstrated by means of a cost-benefit analysis that covers all elements of point 3 of Annex Part IV to Regulation (EU) 2021/1153, prepared by the project promoter. Together with this delegated act the Commission will publish a methodology that sets out how the cost-benefit analysis should be performed and how the Commission should assess the project's compliance with the general criteria³.
- (11) Annex Part IV to Regulation (EU) 2021/1153 establishes the main steps of the procedure for selecting a project to be included in the list of cross-border projects in the field of renewable energy. The selection procedure will entail: (a) a first evaluation by the Commission of the applications for a cross-border project in the field of renewable energy against the general criteria; (b) the establishment by the Commission of a group for cross-border projects in the field of renewable energy with the competence to adopt a draft list and monitor the implementation of the projects in the

³ SWD/2021/429 final.

list in view of maintaining their status; (c) agreement by the group on the draft list; and (d) adoption of the final list by the Commission and review of the list every 2 years.

- (12) The Commission, when adopting the final list of cross-border projects in the field of renewable energy, should aim to ensure an appropriate geographical balance. It may also use regional groupings for the selection of projects keeping in mind that not all Member States are currently part of such a grouping and that cross-border cooperation on renewables deployment can also be between countries not sharing a physical border.
- (13) Renewable energy cross-border projects may involve various technologies that are deemed eligible. For example, renewables generation from on- and offshore wind, solar energy, sustainable biomass, ocean energy, geothermal energy or combinations thereof, their grid connection and additional elements such as storage or conversion facilities.
- (14) To directly enable the achievement of the EU 2030 renewable energy target, the cross-border projects should always include a renewables generation facility as an integral part of the project. Additional components of the project that indirectly enable the achievement of the EU 2030 renewable energy target and the cost-effective deployment of renewable energy by contributing to the effective integration of the renewables generation can be eligible, however not as stand-alone projects, but as integral part of the cross-border project which is deployed in addition to the renewables generation. Such additional components can be cross-border transmission grid, thermal storage, battery storage, compressed air and liquid air storage, pumped hydro and electrolysis of water coupled with hydrogen storage. Eligible action is not limited to the electricity sector and can cover other energy carriers and potential sector coupling, for example with heating and cooling, power to gas, storage and transport.
- (15) Renewable energy cross-border projects do not necessarily entail a physical link between the cooperating Member States. These projects can be located on the territory of only one involved Member State provided that the general criteria of Annex part IV are met.
- (16) Cross-border projects in the field of renewable energy should comply with the applicable legal requirements on sustainability, greenhouse gas-emission savings, as well as the principle of “do no significant harm” in accordance with Article 17 of Regulation (EU) 2020/852.
- (17) Regulation (EU) 2021/1153 allows the CEF programme to support studies to help develop and identify renewable energy cross-border projects, in accordance with Article 7(3) of that Regulation. These studies aim to prepare cooperation mechanisms for renewables planning and deployment and to overcome initial barriers to setting up such cooperation. Support for such studies can precede a project’s inclusion in the list of cross-border projects in the field of renewable energy and can also be used to prepare for its application to the list and/or the cost-benefit analysis.
- (18) A project that has been awarded support for a study under Article 7 (3) should not have an advantage in the procedure to be included in the list of cross-border projects in the field of renewable energy and/or receive CEF funding for studies and works. Benefiting from a study under Article 7 (3) does also not result in an obligation to apply either to be included in the list of cross-border projects in the field of renewable energy or to apply for CEF funding for studies and works.

- (19) As the risks and profitability of eligible projects may differ and may also evolve over time, it may be appropriate to allow for a part of the available allocation for renewable energy cross-border projects to be provided through contributions to blending operations or a blending facility under Invest EU.
- (20) All relevant provisions under Union legislation, notably on sustainability of bioenergy, capacity allocation at the borders, unbundling, competition and state aid, biodiversity and environmental protection should be fully respected by the renewable energy cross-border projects.
- (21) All projects included in the list of renewable energy cross-border projects should be implemented swiftly and be monitored and evaluated closely and regularly, while keeping reporting requirements for project promoters to a minimum.

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation lays down specific selection criteria and details of the process for selecting renewable energy cross-border projects pursuant to Article 7(2) of Regulation (EU) 2021/1153.

Article 2

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) ‘renewable energy cross-border project’ or ‘project’ means a cross-border project in the field of renewable energy within the meaning of Regulation (EU) 2021/1153;
- (2) ‘renewable energy’ means a renewable energy as defined in Article 2(1) of Directive 2018/2001;
- (3) ‘project promoter’ means a legal entity that develops a cross-border project in the field of renewable energy, including a Member State;
- (4) ‘application’ means an application to have a project selected as a cross-border project in the field of renewable energy by the Commission under Regulation (EU) 2021/1153;
- (5) ‘cooperation mechanism’ means cooperation between at least two Member States, or between at least one Member State and a non-EU country, that takes place in accordance with Articles 8, 9, 11 and 13 of Directive 2018/2001;

- (6) ‘cooperation agreement’ means a formal agreement setting up a cooperation mechanism;
- (7) ‘the draft list’ means the list of renewable energy cross-border projects as agreed by the Group referred to in point 4(b) of Annex Part IV of Regulation (EU) 2021/1153;
- (8) ‘the final list’ means the list of renewable energy cross-border projects as established by the Commission under point 4(g) of Annex Part IV of Regulation (EU) 2021/1153;
- (9) ‘host Member State’ means a Member State where the renewables generation facility is physically located;
- (10) ‘off-taking Member State’ means a Member State that makes a financial contribution to the renewables generation investment located in another Member State;
- (11) ‘participating Member States’ includes both off-taking and host Member States;
- (12) ‘storage’ means energy storage as defined in Article 2(59) of Directive (EU) 2019/944.

CHAPTER II

SPECIFIC SELECTION CRITERIA FOR RENEWABLE ENERGY CROSS-BORDER PROJECTS

Article 3

Eligible technologies, components and investments

The following technologies, components and investments shall be eligible as part of the renewable energy cross-border projects:

- (a) Generation technologies based on any of the renewable energy sources listed in Directive (EU) 2018/2001;
- (b) Storage facilities both on and offsite, provided that they form an integral part of the project, effectively enable the integration of and are ancillary to a renewables generation facility;
- (c) Any system and component integrating information and communication technologies, including to improve predictability of renewables production and any equipment or installation essential for the investment to operate properly, including monitoring and control systems, provided they form an integral part of the project, effectively enable the integration of and are ancillary to a renewables generation facility;
- (d) Connection of the renewables generation either to the distribution or the transmission grid and, if applicable, of storage to either the transmission or distribution grid, provided they form an integral part of the project, effectively enable the integration of and are ancillary to a renewables generation facility;
- (e) Conversion of renewable electricity to renewable liquid and gaseous fuels of non-biological origin, including transformer or compression facilities, provided they form an integral part of the project, effectively enable the integration of and are ancillary to a renewables generation facility;
- (f) Any other technologies, components or investments specified in the relevant CEF work programmes and calls, that form an integral part of the project,

effectively enable the integration of and are ancillary to a renewables generation facility.

Article 4

Cooperation mechanisms setting up the renewable energy cross-border projects and application

1. For a project to be included in the draft list of renewable energy cross-border projects, it shall be set up by a cooperation mechanism.
2. A project promoter applying for a project to be included in the draft list of renewable energy cross-border projects shall provide a written declaration of the participating Member States and, where relevant, third countries, expressing their willingness to conclude a cooperation agreement in order to set up the renewable energy cross-border project. The declaration does not require a specific format, but it shall be signed by the Ministries of the participating Member States in charge of implementing the cooperation agreement, including transit countries, where relevant and where the agreement requires the use of their infrastructure.
3. The application to be included in the draft list shall include the information on the criteria for selection referred to in this Chapter.

Article 5

Socio-economic net benefits of the renewable energy cross-border projects

1. A project promoter applying for a project to be included in the draft list of renewable energy cross-border projects shall demonstrate that the potential overall cost savings in the deployment of renewables and/or the benefits for system integration, security of supply or innovation that are associated with the project outweigh its costs ('socio-economic net benefits').
2. The socio-economic net benefits referred to in the previous paragraph shall be demonstrated for the period, which shall cover at least 15 years, starting with the first year of operation of the project and reflecting its technological lifetime.
3. The estimation of the project's socio-economic net benefits referred to in the first paragraph shall be based on a cost-benefit analysis, prepared by the project promoter. The cost-benefit analysis shall include all elements referred to in point 3 of Annex Part IV of Regulation (EU) 2021/1153 and shall demonstrate the existence of socio-economic net benefits in comparison to a similar project or renewable energy project implemented by one of the Member States participating in the cooperation agreement.

CHAPTER III

SELECTION PROCESS FOR THE LIST OF RENEWABLE ENERGY CROSS-BORDER PROJECTS

Article 6

Group for renewable energy cross-border projects

1. The Commission shall set up a group for renewable energy cross-border projects ('the Group') which shall be composed of one representative of each Member State and one of the Commission.
2. The representative of each Member State may be accompanied by other relevant parties, such as the national regulatory authority, transmission or distribution system operators, or permitting authorities.
3. The Group shall invite, as appropriate, promoters of cross-border projects in the field of renewable energy and representatives of non-EU countries involved in renewable energy cross-border projects.
4. The Group may invite to its meetings, as appropriate, organisations representing relevant stakeholders including producers, suppliers, consumers and organisations for environmental protection. The Group may organise hearings or consultations, where relevant for the accomplishment of its tasks.
5. The Group shall establish the draft list of projects to become renewable energy cross-border projects and shall monitor the implementation of the projects in the final list.
6. The Group shall adopt its own rules of procedure and shall be chaired by a representative of the Commission.

Article 7

Draft list of renewable energy cross-border projects

1. The Commission shall launch a call for applications to have a project selected as a renewable energy cross-border project at least once per year.
2. Following an evaluation of the projects, in accordance with point 4(c) of Annex Part IV of Regulation (EU) 2021/1153, the Commission shall prepare and submit to the Group a list of the projects that comply with the selection criteria set out in Annex Part IV of Regulation (EU) 2021/1153, together with the relevant information referred to in point 4(d) of Annex Part IV of Regulation (EU) 2021/1153. The Commission shall not submit the full applications to the Group, or any information that was indicated by the applicant as commercially sensitive.
3. On the basis of the information received from the Commission, the Group shall establish the draft list of projects to become renewable energy cross-border projects.

Article 8

Final list of renewable energy cross-border projects

1. The Commission shall adopt the final list of renewable energy cross-border projects in accordance with Article 25(1)(b) of Regulation (EU) 2021/1153. The final list of projects shall not attribute ranking to the projects on the list.
2. The final list shall reflect the draft list established by the Group in accordance with Article 7(3) of this Regulation. If the final list differs from the draft list, the Commission shall obtain the positive opinion of the Group before adopting the final list.

Article 9

Review of the final list of renewable energy cross-border projects

1. The Commission shall review the list at least every 2 years.
2. Without prejudice to the evaluation referred to in the previous paragraph, the Commission shall withdraw a project from the final list as soon as it establishes one of the following:
 - (a) the project's evaluation was based on incorrect information which was a determining factor in the evaluation; or
 - (b) the project does not comply with Union law.
3. The Commission may withdraw a project from the list if:
 - (a) the endorsement by one or all of the participating Member States has been withdrawn; and/or
 - (b) the project promoter informs the group that the project is no longer pursued; or
 - (c) the project has not progressed since it was put on the list; or
 - (d) the project has been completed.
4. Before withdrawing a project from the list, the Commission shall consult the Group and shall take due account of the relevant information received from the members of the Group.

Article 10

Monitoring the implementation of projects included in the list of renewable energy cross-border projects

1. The promoter of the project that is included in the final list shall submit a progress report with relevant updates of the project specification and implementation once per year to the Commission, and the Commission shall submit the report to the Group.
2. If project promoters include commercially-sensitive information in their reporting, they shall indicate which information shall neither be made public nor be submitted to the Group in a manner that it allows the project to which the information refers to be identified. In this case, the Commission shall provide the information on monitoring of progress of the projects to the Group in an aggregated manner.

3. For the purpose of the monitoring by the Group, the progress report submitted by the promoter shall include:
 - (a) an updated project description and its status;
 - (b) a timetable of the following as applicable: feasibility, design, permitting, construction, commissioning;
 - (c) any administrative, legal, financial or other information that differs from the previously provided information.
4. Based on the information on progress submitted by the Commission, the Group shall monitor the implementation of the projects.
5. The Group may make recommendations pertaining to a specific project with a view to overcoming any possible delays in implementation. This may include actions to be taken in one or more Member States.

Article 11

Information and publicity

1. The Commission shall publish information on the projects included in the final list of projects in a manner that is easily accessible to the general public.
2. The Commission shall publish only non-commercially sensitive information of the project, such as project description, status, implementation timetable or location.
3. The promoter of a project included in the final list shall publish at least the information indicated in the previous paragraph through its own webpage and update it at least every 6 months.

Article 12

Entry into force

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 21.12.2021

For the Commission
The President
Ursula VON DER LEYEN