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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	14088/20 + ADD1-ADD5
Subject:	Presidency revised proposal for Articles 14 to 31 of the TEN-E Regulation

Delegations will find in annex the Presidency revised proposal (Rev 2) for Articles 14 to 31 of the TEN-E Regulation.

In the current revision: new text in **bold underline**, deleted text is either ~~striketrough~~ or ~~bold striketrough~~. Text added in the previous revisions is bold and deletions made are replaced with [].

Written comments can be sent to the Presidency and GSC in copy, energy@consilium.europa.eu, until 22 April.

CHAPTER V

OFFSHORE GRIDS FOR RENEWABLE INTEGRATION*Article 14***Offshore grid planning**

1. By [31 July 2022], Member States, with the support of the Commission, within their specific priority offshore grid corridors, set out in point (2) of Annex I, taking into account the specificities and development in each region, shall [] agree to cooperate on [] offshore renewable generation to be deployed within each sea basin by 2050, with intermediate steps in 2030 and 2040, in view of their national energy and climate plans, the offshore renewable potential of each sea basin. []

That **non-binding** agreement shall be made in writing as regards each sea basin linked to the territory of the Union. **The Commission will provide guidance for that work in the Regional Groups. That non-binding agreement shall be without prejudice of the Member States right to develop national projects on their territorial sea and exclusive economic zone.**

2. By [31 July 2023] the ENTSO for Electricity, with the involvement of the relevant TSOs, the national regulatory authorities, **the national competent authority at Member State level** and of the Commission and in line with the agreement referred to in paragraph 1, **shall include integrated offshore network and reinforcements in the Union-wide TYNDP taking into account environmental protection and other uses of the sea.** []

3. The integrated offshore network and reinforcements in the TYNDP shall ensure coherent development of onshore and offshore grid planning.

4. [] Where there is no TSO in a Member State, the references to TSOs throughout this article apply *mutatis mutandis* to DSOs.

[]

[]

Offshore grids for renewable energy cross-border cost sharing

1. **[By 1 January 2024]**, the Commission shall develop, by means of implementing acts, principles for a specific cost-benefit and cost-sharing methodology for the deployment of the integrated offshore network **[] as defined in** Article 14(2) in accordance with the agreement referred to in Article 14(1) as part of the guidelines referred to in Article 16(10). Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 21(2).
2. **[By 1 January 2025]**, **[]** the ENTSO for Electricity, with the involvement of the relevant TSOs, the national regulatory authorities and **[]** the Commission, shall present the results of the application of the **[]** cost-sharing methodology to the priority offshore grid corridors.
3. **[By 1 July 2024 and then every two years]**, **[]** the **[]** Member States, shall update their written agreement referred to in Article 14(1) with the updated joint definition of the amount of the offshore renewable generation to be deployed within each sea basin in 2050, with intermediate steps in 2030 and 2040, and the relevant agreement to cooperate for the achievement of such amounts.
4. **[] After** the updated written agreements referred to in paragraph 3, for each sea basin, the ENTSO for Electricity shall update the **[] next Union TYNDP [] as set out in Article 14(2) []**.
5. **Where there is no TSO in a Member State, the references to TSOs throughout this article apply *mutatis mutandis* to DSOs.**

CHAPTER VI

REGULATORY FRAMEWORK

Article 16

Enabling investments with cross-border impacts

1. The efficiently incurred investment costs, which excludes maintenance costs, related to a project of common interest falling under the categories set out in points (1)(a), (b), (c) and (e) of Annex II and projects of common interest falling under the category set out in point (3) of Annex II, where they fall under the competency of national regulatory authorities **in each Member State concerned**, shall be borne by the relevant TSO or the project promoters of the transmission infrastructure of the Member States 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 Member States.

2. The provisions of this Article shall apply to a project of common interest falling under the categories set out in points (1)(a), (b), (c) and (e) 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 category set out in points (1) (e) and (2) of Annex II may benefit from the provisions of this Article where at least one project promoter requests its application to 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 3.

3. For a project of common 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 impacts associated with it.

As soon as such a project of common 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 Member States 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 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 Member States on the territory of which the project is located by **considering at least the joint scenarios established for network development planning under article 12 []**;
- (b) a business plan evaluating the financial viability of the project, including the chosen financing solution, and, for a project of common interest falling under the 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 national regulatory authorities shall, upon receipt, transmit to the Agency, without delay, a copy of each investment request, for information purposes.

The national regulatory authorities and the Agency shall preserve the confidentiality of commercially sensitive information.

4. Within six months of the date on which the last investment request is received by the relevant national regulatory authorities, those national regulatory 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 or of part of the project if the common analysis of national regulatory authorities concludes that the project or a part of it fails to provide a significant net benefit at EU level**. The national regulatory authorities shall include [] the **relevant** efficiently incurred investment costs in tariffs in line with the allocation of investment costs to be borne by each system operator for the project. [] In allocating the costs, the 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.

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

In allocating costs across borders, the relevant national regulatory authorities, in consultation with the TSOs concerned, shall seek a mutual agreement based on, but not limited to, the information specified in paragraphs 3(a) and (b). Their assessment 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 common interest to the Union energy policy targets of decarbonisation, market integration, competition, sustainability and security of supply** [].

Where a project of common interest mitigates negative externalities, such as loop flows, and that project of common interest is implemented in the Member State 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 Member States affected by those negative externalities.

5. National regulatory authorities shall, on the basis of the cross-border cost allocation referred to in paragraph 4 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 59(1)(a) of Directive (EU) 2019/944 and Article 41(1)(a) of Directive 2009/73/EC, insofar as those costs correspond to those of an efficient and structurally comparable operator.

The cost allocation decision shall be notified, without delay, by the national regulatory authorities to the Agency, together with all the relevant information with respect to the decision. In particular, the cost allocation decision shall set out detailed reasons for the allocation of costs among Member States, including the following:

- (a) an evaluation of the identified impacts on each of the concerned Member States, including those concerning network tariffs;
- (b) an evaluation of the business plan referred to in paragraph 3(b);
- (c) regional or Union-wide positive externalities, such as **effective contribution to sustainability**, security of supply, system flexibility [] 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.

6. 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 Agency 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 3 [] shall be taken by the Agency within three months of the date of referral to the Agency.

Before taking such a decision, the Agency shall consult 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 Agency. That additional period shall begin on the day following receipt of the complete information.

The assessment of the Agency 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 common interest to the Union energy policy targets of decarbonisation, market integration, competition, sustainability and security of supply []**.

The Agency shall leave the way investment costs are included in the tariffs in line with the cross-border cost allocation prescribed for the determination of the relevant national authorities at the moment of the implementation of the decision in accordance with national law.

The decision on the investment request including cross-border cost allocation shall be published. Articles 25(3), 28 and 29 of Regulation (EU) 2019/942 shall apply.

7. 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 Agency to the Commission. That information may be submitted in aggregate form. The Commission shall preserve the confidentiality of commercially sensitive information.

8. 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 6 of Directive (EU) 2019/944, Article 32 of Directive 2009/73/EC, Article 18(1) and 18(3) to (6) of Regulation (EU) 2019/943, and Article 13 of Regulation (EC) No 715/2009.

9. This Article shall not apply to projects of common interest which have received an exemption:

- (a) from Articles 32, 33 and 34 and Article 41(6), (8) and (10) of Directive 2009/73/EC pursuant to Article 36 of that Directive;
- (b) from Article 19(2) and (3) of Regulation (EU) 2019/943 or Articles 6, 59(7) and 60(1) of Directive (EU) 2019/944 pursuant to Article 63 of Regulation (EU) 2019/943;

(c) from unbundling or third party access rules pursuant to Article 64 of Regulation (EU) 2019/943 and Article 66 of Directive (EU) 2019/944 or

(d) pursuant to Article 17 of Regulation (EC) No 714/2009.

10. By [31 December 2022], the [] **Agency shall adopt a Recommendation to identify good practices for the treatment of investment requests for Projects of Common Interest. The recommendation shall be regularly updated as found necessary and for consistency with the Recommendation on [] the offshore grids for renewable energy cross-border cost sharing as referred to in Article 15(1). [] In adopting or amending the Recommendation, the Agency shall carry out and extensive consultation process, involving all relevant [] stakeholders. []**

11. **Projects of mutual interest shall be assimilated with projects of common interest and be eligible for cross-border cost allocation decisions for the part of the investment costs located on the territory of the Union or in countries applying the EU acquis and which have concluded an agreement with the Union.**

12. **Where there is no TSO in a Member State, the references to TSOs throughout this article apply *mutatis mutandis* to DSOs.**

Article 17

Incentives

1. Where a project promoter incurs higher risks for the development, construction, operation or maintenance of a project of common interest falling under the competency of national regulatory authorities, when compared to the risks normally incurred by a comparable infrastructure project, Member States and national regulatory authorities shall ensure that appropriate incentives are granted to that project in accordance with Article 58(f) of Directive (EU) 2019/944, Article 41(8) of Directive 2009/73/EC, Article 18(1) and (3) to (6) of Regulation (EU) 2019/943, and Article 13 of Regulation (EC) No 715/2009.

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

(a) from Articles 32, 33, and 34 and Article 41(6), (8) and (10) of Directive 2009/73/EC pursuant to Article 36 of that Directive;

(b) from Article 19(2) and (3) of Regulation (EU) 2019/943 or an exemption from Articles 6, 59(7) and 60(1) of Directive (EU) 2019/944 pursuant to Article 63 of Regulation (EU) 2019/943 ;

(c) pursuant to Article 36 of Directive 2009/73/EC ;

(d) pursuant to Article 17 of Regulation (EC) No 714/2009.

2. In their decision granting the incentives referred to in paragraph 1, national regulatory authorities shall consider the results of the cost-benefit analysis on the basis of the methodology drawn up pursuant to Article 11 and in particular the regional or Union-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 justification of 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 shall take into account the specific nature of the risk incurred and may grant incentives covering, inter alia, 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 [31 July 2022], each national regulatory authority shall submit to the Agency its methodology and the criteria used to evaluate investments in energy infrastructure projects and the higher risks incurred by them, **where available**, 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)(e) of Annex II and by projects, which, while having low capital expenditure, incur significant operating expenditure.

5. By [31 December 2022], taking due account of the information received pursuant to paragraph 4 of this Article, the Agency shall facilitate the sharing of good practices and make recommendations in accordance with Article 6 of Regulation (EU) 2019/942 regarding:

(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 [31 March 2023], 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 common interest, the Commission may issue guidelines regarding the incentives laid down in this Article.

CHAPTER VII

FINANCING

Article 18

Eligibility of projects for Union financial assistance under Regulation (EU)... [on a Connecting Europe Facility as proposed by COM(2018)438]

1. Projects of common interest falling under the categories set out in Annex II are eligible for Union financial assistance in the form of grants for studies and financial instruments.
2. Projects of common interest falling under the categories set out in points (1)(a), (b), (c) and (e) of Annex II and point (3) of Annex II, [] are also eligible for Union financial assistance in the form of grants for works where they fulfil all of the following criteria:
 - (a) the project specific cost-benefit analysis pursuant to Article 16(3)(a) provides evidence concerning the existence of significant positive externalities, such as **effective contribution to sustainability**, security of supply, system flexibility [] or innovation;
 - (b) the project has received a cross-border cost allocation decision pursuant to Article 16 or, as regards projects of common interest falling under the category set out in point (3) of Annex II, where they do not fall under the competency of national regulatory authorities, and therefore they do not receive a cross-border cost allocation decision, the project aims at providing services across borders, bring technological innovation and ensure the safety of cross-border grid operation;
 - (c) the project is not commercially viable according to the business plan and other assessments carried out, in particular by potential investors or creditors or the national regulatory authority. The decision on incentives and its justification referred to in Article 17(2) shall be taken into account when assessing the project's commercial viability.

3. Projects of common interest carried out in accordance with the procedure referred to in Article 5(7)(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. Projects of common interest falling under the categories set out in points (1)(d), (2) and (5) of Annex II shall also be eligible for Union financial assistance in the form of grants for works, where the concerned project promoters, **in an evaluation carried out by the relevant national authority or, where applicable, the national regulatory authority**, can clearly demonstrate significant positive externalities, such as **effective contribution to sustainability**, security of supply, system flexibility, [] or innovation, generated by the projects and provide clear evidence of their lack of commercial viability, in accordance with the cost-benefit analysis, the business plan and assessments carried out, in particular by potential investors or creditors or, where applicable, a national regulatory authority.

5. **Projects of common interest in island territories where, due to their geographical situation, it is not feasible to demonstrate a physical cross-border impact, shall also be eligible for Union financial assistance in the form of grants for works, where the concerned project promoters can clearly demonstrate in an evaluation carried out by the national regulatory authority: significant positive externalities, such as effective contribution to sustainability security of supply, system flexibility or innovation , generated by the projects and provide clear evidence of their lack of commercial viability, in accordance with the cost-benefit analysis, the business plan and assessments carried out, in particular by potential investors or creditors.**

6. *(ex point 5)* Projects of mutual interest shall be assimilated with projects of common interest and be eligible for Union financial assistance. Only the investments located on the territory of the Union which are part of the project of mutual interest, shall be eligible for Union financial assistance in the form of grants for works where they fulfil the criteria set out in paragraph 2, and where the cross-border cost allocation decision referred to in paragraph 2(b) allocates costs across borders for at least two Member States in a significant proportion in each Member State.

Article 19

Guidance for the award criteria of Union financial assistance

The specific criteria set out in Article 4(3) and the parameters set out in Article 4(5) shall apply for the purpose of establishing award criteria for Union financial assistance in in Regulation (EU)... [on a Connecting Europe Facility as proposed by COM(2018)438].

CHAPTER VIII

FINAL PROVISIONS

Article 20

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 3 shall be conferred on the Commission for a period of seven years from [1 January 2022]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the seven-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 3 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 3 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 21

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article [] 5 of Regulation (EU) No 182/2011 shall apply.

Reporting and evaluation

Not later than 31 December 2027, the Commission shall publish a report on the implementation of projects of common interest **and projects of mutual interest, taking into account their specificities**, and submit it to the European Parliament and the Council. That report shall provide an evaluation of:

(a) the progress achieved in the planning, development, construction and commissioning of projects of common interest **and projects of mutual interest, taking into account their specificities** selected pursuant to Article 3, and, where relevant, delays in implementation and other difficulties encountered;

(b) the funds engaged and disbursed by the Union for projects of common interest **and projects of mutual interest, taking into account their specificities**, compared to the total value of funded projects of common interest;

(c) the progress achieved in terms of integration of renewable energy sources **(including offshore)** and reduced greenhouse gas emissions through the planning, development, construction and commissioning of projects of common interest **and projects of mutual interest, taking into account their specificities (including offshore grids)** selected pursuant to Article 3;

[]

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

(e) *(ex point f)* the process of permit granting and public participation, in particular:

- (i) the average and maximum total duration of the permit granting process for projects of common interest **and projects of mutual interest, taking into account their specificities**, 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(5);
 - (ii) the level of opposition faced by projects of common interest **and projects of mutual interest, taking into account their specificities**, in particular the number of written objections during the public consultation process and the number of legal recourse actions;
 - (iii) an overview of best and innovative practices with regard to stakeholder involvement [];
 - (iv) an overview of best and innovative practices with regard to mitigation of environmental impact, including climate adaptation, during permit granting processes and project implementation;**
 - (v) (*ex point iv*) the effectiveness of the schemes foreseen in Article 8(3) regarding compliance with the time limits set out in Article 10;
- (g) regulatory treatment, in particular:
- (i) the number of projects of common interest having been granted a cross-border cost allocation decision pursuant to Article 16;
 - (ii) the number and type of projects of common interest which received specific incentives pursuant to Article 17;
- (h) the effectiveness of this Regulation in contributing to the climate and energy targets for 2030, and, in the longer term, to the achievement of climate neutrality by 2050.

Information and publicity

The Commission 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(1) 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 of common interest;
- (b) the implementation plan as set out in Article 5(1) for each project of common interest **and projects of mutual interest, taking into account their specificities** presented in a manner that allows the assessment of the progress in implementation at any moment in time;
- (c) the main expected benefits and the costs of the projects except for any commercially sensitive information;
- (d) the Union list;
- (e) the funds allocated and disbursed by the Union for each project of common interest.
- (f) the links to the national manual of procedures mentioned in article 9;**
- (g) existing sea basin studies and plans for each priority offshore grid corridor, without affecting any intellectual property rights.**

Article 24

Transitional provisions

This Regulation shall not affect the granting, continuation or modification of financial assistance awarded by the Commission pursuant to Regulation (EU) No 1316/2013 of the European Parliament and of the Council¹. **For projects of common interest in the permit granting process for which a project promoter has submitted an application file before 16 November 2013, the provisions of Chapter III shall not apply.**

Article 25

Amendment to Regulation (EC) No 715/2009

In Article 8(10) of Regulation (EC) No 715/2009, the first subparagraph is replaced by the following:

‘The ENTSO for Gas shall adopt and publish a Union-wide network development plan referred to in point (b) of paragraph 3 every two years. The Union-wide network development plan shall include the modelling of the integrated network, including hydrogen networks, scenario development, a European supply adequacy outlook and an assessment of the resilience of the system’.

¹ Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010, OJ L 348, 20.12.2013, p. 129

Article 26

Amendment to Directive 2009/73/EC

In Article 41(1) of Directive 2009/73/EC, point (v) is added:

‘(v) carry out the obligations laid out in Articles 3, 5(7), Articles 14, 15, 16 and Article 17 of [the TEN-E Regulation as proposed by COM(2020)824];’

Article 27

Amendment to Directive (EU) 2019/944

In Article 59(1) of Directive (EU) 2019/944, point (zz) is added:

‘(zz) carry out the obligations laid out in Articles 3, 5 (7), Articles 14, 15, 16 and Article 17 of [the TEN-E Regulation as proposed by COM(2020)824];’

Article 28

Amendment to Regulation (EU) 2019/943

The first sentence of Article 48 of Regulation (EC) 2019/943 is replaced by the following:

‘The Union-wide network development plan referred to under point (b) of Article 30(1) shall include the modelling of the integrated network, including scenario development and an assessment of the resilience of the system. **Relevant input parameters for the modelling such as assumptions on fuel and carbon prices or installation of renewables** it shall be fully consistent with the European resource adequacy assessment developed pursuant to Article 23.’

Article 29

Amendment to Regulation (EU) 2019/942

Points (c) and (d) of Article 11 of Regulation (EU) 2019/942 are replaced by the following:

(c) carry out the obligations laid out in Articles 5, Articles 11(2), 11(8), 11(9), 11(10), Articles 12, 13 and Article 17(5) and in point (12) of Annex III of [the TEN-E Regulation as proposed by COM(2020)824];

(d) take decisions on approving incremental changes to cost-benefit analysis methodologies pursuant to Article 11(6) and on investment requests including cross-border cost allocation pursuant to Article 16(6) of [TEN-E Regulation as proposed by COM(2020)824].

Article 30

Repeal

Regulation (EU) No 347/2013 is repealed from [1 January 2022]. No rights shall arise under the present Regulation for projects listed in the Annexes to Regulation (EU) 347/2013.

Article 31

Entry into force

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

It shall apply from [1 January 2022].

Note from the Presidency: The deadline for comments on this proposal is **April 22nd**.