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**LIMITE**

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## **CONTRIBUTION**

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From:	General Secretariat of the Council
To:	Working Party on Energy
Subject:	HU comments on the TEN-E Regulation

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Delegations will find in the annex the HU comments on the TEN-E Regulation.

## TEN-E REVISION PROPOSAL REGARDING ARTICLE 2, 3 AND ANNEX III

### Article 2

#### Definitions

- (5) 'project of mutual interest' means a project promoted by at least one member state in cooperation with third countries, pursuant to an intergovernmental agreement, within the energy infrastructure categories in Annex II, which contributes to the Union's overall energy and climate objectives as referred in Article 1 (1), and which is part of the Union list of projects referred to in Article 3~~the Union in cooperation with third countries;~~

**Commented [REDACTED]:** We propose to delete this element or give exemptions for projects promoted in cooperation with EEA countries and Energy Community Contracting Parties, in line with para 17 of the preamble. Member States has the right/obligation to conclude IGA-s without explicit reference to those in the Regulation.

### Article 3

#### Union list of projects of common interest and projects of mutual interest

1. Regional groups shall be established ('Groups') as set out in Section 1 of Annex III. The membership of each Group shall be based on each priority corridor and area and their respective geographical coverage as set out in Annex I. Decision-making powers in the Groups shall be restricted to Member States and the Commission, who shall, for those purposes, be referred to as the decision-making body of the Groups. Decision-making in the Regional Groups is based on consensus.

The Commission shall be empowered to adopt delegated acts in accordance with Article 20 supplementing this Regulation concerning the scope and composition of the priority corridors and areas, without prejudice to the competence that Member States retain in relation to third countries.

**Commented [REDACTED]:** We maintain our position on deleting the empowerment on the scope of the priority corridors which is an essential element of the Regulation.

6. Projects of common interest included on the Union list pursuant to paragraph 4 of this Article under the energy infrastructure categories set out in points (1)(a), (b), (c) and (e) of Annex II, shall become an integral part of the relevant regional investment plans under Article 34 of Regulation (EU) 2019/943 and ~~Article 12 of Regulation (EC) No 715/2009 and~~ of the relevant national 10-year network development plans under Article 51 of Directive (EU) 2019/944 ~~and Article 22 of Directive 2009/73/EC~~ and other national infrastructure plans concerned, as appropriate. Those projects shall be conferred the highest possible priority within each of those plans. This paragraph shall not apply to projects of mutual interest.

## ANNEX III

### REGIONAL LISTS OF PROJECTS ~~OF COMMON INTEREST~~

#### 2. PROCESS FOR ESTABLISHING REGIONAL LISTS

(1) promoters of a project potentially eligible for selection as a project of common interest or mutual interest wanting to obtain ~~the either status of projects of common interest~~ shall submit an application for selection as project of common interest or mutual interest to the Group that includes:

- (a) an assessment of their projects with regard to the contribution to implementing the priorities set out in Annex I, for projects of common interest;
- (b) an analysis of the fulfilment of the relevant criteria defined in Article 4;

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(c) for projects having reached a sufficient degree of maturity, a project-specific cost-benefit analysis based on the methodologies developed by the ENTSO for electricity or the ENTSO for gas pursuant to Article 11;

~~(e)~~(d) for projects of mutual interest, any information from the concerned member state attesting in case of an intergovernmental agreement has been signed or is in progress related to this project.

(e) any other relevant information for the evaluation of the project.

This information is made available to the Decision Making Body of the relevant regional Group, the NRAs, the ENTSOs.

**Commented [1]:** We propose to give exemptions for projects promoted in cooperation with EEA countries and Energy Community Contracting Parties, in line with para 17 of the preambulum. IGA may not be necessary in case of those PMI-s.

**Note from the Presidency:** Given the political sensitivity of the smart gas grids category as well as of the inclusion of the natural gas projects corridors, we will leave this points open until the end of this first round discussion.

The deadline for comments on this proposal is March 2nd.