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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on Energy
Subject:	TEN-E Regulation - IE comments (ST 5865/26)

Delegations will find in the annex the IE comments on the TEN-E Regulation (ST 5865/26).

Guidelines to be followed

Please kindly provide your contributions in the table below.

Drafting suggestions: you may use '**track changes**'* or formatting (for example **bold-underline** for additions and ~~strike-through~~ for deletions, **where necessary, in a different colour**). *Track changes can only be connected once the cursor is placed in editable areas (Drafting or Comments columns).

To make it feasible to consolidate all contributions, the structure of the table must not be changed, so **no rows can be added or deleted.**

New provisions may only be added in any of the **'existing cells'.**

Name of document: please add the **two initials** of your delegation's country followed by a space (to the MS Word document name), followed by any optional text, for example, for Austria: **AT comments on … .docx**

Thank you for your cooperation!

1st Presidency compromise text	Drafting suggestions	Comments
General Comments	Article 11(4): The Commission shall consult the Agency, national regulatory authorities, the ENTSO for Electricity, the ENNOH, the ENTSO for Gas, the European entity for the cooperation of electricity distribution system operators in the European Union (EU DSO Entity), the Member States, **and relevant third countries** as well as other relevant stakeholders on the data collected for the purpose of the central scenario development process, including assumptions and their use in the development of the central scenario. Article 14(3): The ENTSO for Electricity and the ENNOH shall develop and publish preliminary draft methodologies for the purpose of consulting the	[[To be inserted beside Chapter III heading] This proposed change to established consenting processes is part of a wider uncoordinated approach to the laudable goal of encouraging and supporting particular types of projects. This runs the risk of creating an administrative and permitting regime that is more complex and deals with the challenges inherent in the task of permitting projects in a piecemeal fashion. There are a number of principal concerns which should be noted; • The role of the single competent authority should be restricted to that of a co-ordinating body and should not have a consenting role to avoid issues of conflict of interest, lack of technical and legal decision competence. It should be noted that there are more than likely a range of decisions, by

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	EU DSO Entity, and Member States, **and relevant third countries** and other relevant stakeholders. The consultation process shall be open, timely and transparent. The ENTSO for Electricity and the ENNOH shall prepare and make public a report on the consultation process. **Annex IV:** 1(h) for offshore renewable electricity transmission, the project is designed to transfer electricity from offshore generation sites with capacity of at least ~~500~~ **200** MW and allows for electricity transmission to onshore grid of a specific Member State, 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, **consider the level of interconnection in peripheral and island Member States with limited or constrained access to, or limited or constrained upstream access to, the Union's core electricity market,** and shall demonstrate a significant positive impact on the Union's targets for energy and climate and its 2050 climate neutrality objective; **3(d) the level of interconnection of peripheral and island Member States with limited or constrained access to, or limited or constrained upstream access to, the Union's core electricity market, measured in line with the analysis made in the latest available Union-wide ten-year network development plan in electricity, in**	individual competent authorities, required for these types of projects to be fully permitted. • The proposal for a comprehensive decision raises a number of concerns. Is it an amalgamation of a number of individual decisions, with the role of the SPOC to co-ordinate the amalgamation of the various decisions from the individual competent authorities? What happens if one of the individual decisions is appealed, does this mean that the other decisions stand? • It is noted that a pre-application process is proposed which is to be welcomed. However this appears to essentially have a formal effect on the assessment of the application in that information that has not been requested as part of the pre-application process, which includes screening, cannot be asked for during the assessment process. This has serious implications for the effective administration of the consenting process and furthermore has implications for the role of public consultation. New matters may arise as part of the public consultation which need to be dealt with to make a robust decision. • There are significant concerns with the proposal that in the event of a comprehensive decision not issuing within a particular time frame that the proposed development is automatically consented. The concerns relate to what is a comprehensive decision? What is the status of individual permitting decisions that have been made in time but one or more individual decisions have not been made in the required time? What if

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	particular by assessing the barriers to interconnection, as set out in Annex V. **Annex V:** **(10) they shall take into account the barriers to interconnection for peripheral and island Member States with limited or constrained access to, or limited or constrained upstream access to, the Union's core electricity market.**	one of the individual decisions has been appealed? Does the proposal deal with the interaction of tacit approval and public consultation (Aarhus) and environmental assessment? • It is noted that there are a number of proposed changes to the application of the requirements of the environmental directives to this particular type of application. It is suggested that the environmental directives should be reviewed and the revised arrangements applied to development categories as required. This would allow for a more integrated and coherent approach to permitting. • With respect to provisions in relation to IROPI status of projects – clarification is required on the application of Article 7(5). If the projects are presumed to have IROPI status why would the opinion of the EU be sought? • Clarification is also required in relation to the application of Article 7(7) regarding the disapplication of assessments under the EIA and Habitats Directive. Is it that a screening is only required to assess the impact of the projects on the environment? Is it likely that an SEA will be able to mirror the project specific assessments under the EIA Directive and Habitats Directive to guarantee compliance with those Directives? • With respect to matters such as completeness check and single points of contact theses should in so far as possible have the same administrative requirements including time periods

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		(where appropriate) across all relevant permitting categories. Article 7(5) The caveat '*provided that all the conditions set out in those Directives are fulfilled'* appears to negate the aim of this article, as Article 6(4) of Directive 92/43/EEC (i.e. one of the conditions set out in those Directives) sets out the circumstances in which a plan or project may be carried out in spite of a negative assessment of the implications for a European site, i.e. for imperative reasons of overriding public interest. By making this Article 7(5) subject to the fulfilment of Article 6(4) Directive 92/43/EEC it would appear that the article does not achieve anything as projects would still have to comply with Article 6(4). Could clarification on the intention of article 7(5) be provided? Similarly, article 7(6) concerns projects in the infrastructure category referred to in Annex II point (1), concerning electricity. This differs from those projects referred in Article 7(5) in that, as well as overriding public interest and the Habitats Directive, public health and safety and the Birds Directive are also included. It is presumed that this is because electricity infrastructure is more likely to adversely affect the welfare of birds and their habitats. A similar provision has been included in Article 16f of the Renewable Energy Directive but without the caveat in Article 7(5) above. Another similar

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		provision is included the in Annex I of the draft Regulation on Speeding up Environmental Assessments (COM(2025)984), and this one does include the caveat in Article 7(5) above. The example from the Proposal for a Regulation establishing the European Competitiveness Fund may prove to be useful in achieving the aims of the above mentioned provisions: *…it is of public interest and may be of imperative reason of overriding public interest within the meaning of Article 6(4) and Article 16(1), point (c), of Council Directive 92/43/EEC and Article 4(7) of Directive 2000/60/EC of the European Parliament and of the Council , in the interest of defence within the meaning of Article 2(3) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council , and in the interests of public health and safety within the meaning of Article 9(1), point (a) of Directive 2009/147/EC of the European Parliament and of the Council… provided that the remaining other conditions set out in these provisions are fulfilled.* This wording separates the provisions in each of the nature Directives, acknowledging their differences. This is clearer than the wording in Article 7(6) referred to above, which states: *…in the overriding public interest and serving public health and safety when balancing legal interests in individual cases for the purposes of Article 6(4) and Article 16(1), point (c), of*

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		Directive 92/43/EEC, Article 4(7) of Directive 2000/60/EC and Article 9(1), point (a), of Directive 2009/147/EC. Furthermore, the example above from the *Proposal for a Regulation establishing the European Competitiveness Fund* also refers to '…remaining other conditions set out in these provisions…' as opposed to 'all the conditions', which makes much more sense and does not contradict the aim of the provision. It would be helpful, if it is indeed the case that the same result is targeted in each piece of legislation, that a uniform approach was made to all EU Directives and Regulations and that the intended result is clarified. [Article 7(7)] Article 7(7) appears to provide for blanket exemptions from the environmental assessment requirements of the EIA Directive and the Habitats and Birds Directives for electrical infrastructure where that infrastructure is included in a National Development Plan that has been subject to SEA and AA. In the first instance, this represents a significant weakening of the above-mentioned environmental directives. Article 6(4) of the Habitats Directive states: *Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or*

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		projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. There are currently no waivers or exemptions for the need for screening for Appropriate Assessment and if necessary, full Appropriate Assessment. Article 7(7) of this Regulation appears to seek to indirectly but significantly amend the implementation of the Habitats Directive. This is something that has arisen and has been challenged in the context of the draft Regulation on Speeding up Environmental Assessments (COM(2025)984), and, as in that instance, we would be concerned about any weakening of environmental protections, especially indirectly. Secondly, in article 7(10) it states that SEA and AA screening is required to be undertaken by competent authorities for those projects to which members states decide to apply the derogations in Article 7(7). Subsequently, as per article (7(12), where such projects are found to be highly likely to give rise to significant unforeseen adverse effects, assessment is required, along with mitigation measures. This appears to contradict the intention of article 7(7). Can we get clarification as to why an exemption for assessment is applied in 7(7), only for screening to be required in 7(10) and assessment in 7(12)? 'Expressly included'

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		Article 7(7) refers to '*projects on the Union list falling under the infrastructure categories referred to in point (1) of Annex II to this Regulation which are expressly included in a National Development Plan'*. In reality, National Development Plans do not refer to individual projects and therefore we do not assess them via the SEA process to the required level of detail. The test to ensure that there is no reasonable scientific doubt as to the absence of effects cannot be met in the way that SEAs at a national scale are undertaken. 'Proportionate alternatives' Article 7(7) further states: *'...the exemptions referred to in the first subparagraph shall only be applicable in case there are no proportionate alternatives for their deployment...'* It goes against the procedural steps set down in Article 6(3) and 6(4) of the Habitats Directive to consider alternatives in advance of Appropriate Assessment. This statement suggests that in order to work out if the exemption applies then an analysis of alternatives is required, which would be contrary to the provisions of the Habitats Directive.Proposed amendments to include third country data into the preparation of central scenario, CBA methodology and offshore grid planning]
2025/0399 (COD)		

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Proposal for a		
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL		
on guidelines for trans-European energy infrastructure, amending Regulations (EU) 2019/942, (EU) 2019/943 and (EU) 2024/1789 and repealing Regulation (EU) 2022/869		
CHAPTER V		
Offshore grids for renewable integration		
Article 15		
Offshore grid planning		

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1. By [*within 6 months after entry into force*], Member States, with the support of the Commission, within their specific priority offshore grid corridors, set out in Section 2 of Annex I, taking into account the specificities and development in each region, shall update the non-binding agreement to cooperate on goals for offshore renewable generation to be deployed within each sea basin by 2030, 2040 and 2050, in accordance with their national energy and climate plans, and the offshore renewable potential of each sea basin. The agreement shall include renewable offshore hydrogen goals as applicable.	By [within 6 months after entry into force], Member States, with the support of the Commission, within their specific priority offshore grid corridors, set out in Section 2 of Annex I, taking into account the specificities and development in each region, **including cooperation with relevant third countries**, shall update the non-binding agreement to cooperate on goals for offshore renewable generation to be deployed within each sea basin by 2030, 2040 and 2050, in accordance with their national energy and climate plans, and the offshore renewable potential of each sea basin. The agreement shall include renewable offshore hydrogen goals as applicable.	
As part of the non-binding agreements, Member States, with the support of the Commission, within their specific priority offshore grid corridors, set out in Section 2 of Annex I, shall also consider whether specific cross-border goals, such as for hybrid or cross-border radial projects, should be established between two or more Member States in their respective national energy and climate plans with the aim to achieve the goals for offshore renewable generation to be deployed within each sea basin in the most efficient manner.		
That non-binding agreement shall be made in writing as regards each sea basin linked to the territory of the Member States, and shall be without prejudice to the right of Member States to		

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develop projects on their territorial sea and exclusive economic zone. The Commission shall provide guidance for the work in the Groups.		
2. By [*within 12 months after entry into force*], and every four years thereafter, as part of the following ten-year network development plan thereafter, the ENTSO for Electricity, with the involvement of the relevant TSOs, the national regulatory authorities, the Member States and the Commission, and in accordance with the non-binding agreement referred to in paragraph 1 of this Article, shall develop and publish, as a separate report which is part of the Union-wide ten-year network development plan, high-level strategic integrated offshore network development plans for each sea-basin, in line with the priority offshore grid corridors referred to in Annex I, taking into account environmental protection**,** **maritime spatial planning** and other uses of the sea.		
In the development of the high-level strategic integrated offshore network development plans within the timeline provided for in paragraph 1, ~~the ENTSO for Electricity shall consider~~ the non-binding agreements referred to in paragraph 1 **shall be considered** for the development of the Union-wide ten-year network development plan central scenario.		

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The high-level strategic integrated offshore network development plans shall provide a general overview of offshore generation capacities potential and resulting offshore grid needs, including the potential needs for interconnectors, hybrid projects, radial connections, reinforcements, and hydrogen infrastructure.		
3. The high-level strategic integrated offshore network development plans shall be consistent with regional investment plans published pursuant to Article 34(1) of Regulation (EU) 2019/943 and integrated within the Union-wide ten-year network development plans in order to ensure coherent development of onshore and offshore grid planning and the necessary reinforcements.		
4. At the latest every four years after the adoption of the non-binding agreement with paragraph 1, the Member States, shall update their non-binding agreements referred to in paragraph 1 of this Article, including in view of the results of the application of the latest cost-benefit and cost-sharing to the priority offshore grid corridors.		
5. After each update of the non-binding agreements in accordance with paragraph 4, for each sea basin, the ENTSO for Electricity shall		

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update the high level strategic integrated offshore network development plans within the next Union-wide ten-year network development plan as referred to in paragraph 2.		
Article 16		
Guidance on collaborative investment frameworks for offshore energy projects		
1. The Commission shall, with the involvement of the Member States, relevant TSOs, the Agency and the national regulatory authorities, consider whether an update of the guidance on collaborative investment frameworks for offshore energy projects, which provides for a specific cost-benefit and cost-sharing for the deployment of the sea-basin integrated offshore network development plans referred to in Article 15(2) in accordance with the non-binding agreements referred to in Article ~~14(1)~~ **15(1)**, is necessary and, where relevant, publish an updated version of the guidance. This guidance shall be compatible with Article 17(1). The Commission shall update its guidance when appropriate, taking into account the results of its implementation.		It would be important that the drafting of this article retains the central role for the European Commission in determining whether any update on the collaborative investment framework guidance is needed. While relevant member states, national TSOs or national regulatory authorities should be consulted, the impartial and independent role for the Commission should be retained. This Article should also include a commitment that the Commission shall consider and if necessary complete updated guidance within a particular timeframe, ideally an ambitious one, following enactment of this updated regulation

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2. The ENTSO for Electricity, with the involvement of the relevant TSOs, the Agency, the national regulatory authorities and the Commission, shall update the results of the application of the cost-benefit and cost-sharing to the priority offshore grid corridors, including whenever the Commission publishes any update to the guidance for a specific cost-benefit and cost-sharing for the deployment of the sea-basin integrated offshore network development plans referred to in Article 15(2) in accordance with the non-binding agreements referred to in Article 15(1).		As above, this should include a commitment that ENSTO-E will update the results of the application of the cost-benefit and cost-sharing to the priority offshore grid corridors within a specified, ambitious period of time
CHAPTER VI		
Regulatory framework		
Article 17		
Enabling investments with a cross-border impact		
1. The efficiently incurred investment costs, which exclude maintenance costs, related to a		

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project of common interest falling under the energy infrastructure categories set out in points (1)(a), (b), (c), (d), (e), (f) and (h) of Annex II, and projects of common interest falling under the energy infrastructure category set out in point (2) of Annex II, where they fall under the competence of national regulatory authorities in each Member State concerned, shall be borne by the relevant TSO, HNO, other operators or the project promoters of the transmission infrastructure of the Member States 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 Member States.		
2. The provisions of this Article shall apply to a project of common interest falling under the energy infrastructure categories set out in Article 27 and points (1)(a), (b), (c), (d), (e), (f) and (h) and point (2) 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)(g) 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.		

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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 common interest to which paragraph 1 applies, the project promoters shall keep all relevant national regulatory authorities regularly informed, at least once per year from inclusion of the project on the Union list, 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 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 **or HNOs** 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:		

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(a) up-to-date project-specific cost-benefit analysis consistent with the central scenario referred to in Article 11 and any sensitivities referred to in Article 11, and the methodology for a harmonised energy system-wide cost-benefit analysis referred to in Article 14 and taking into account benefits beyond the borders of the Member States on the territory of which the project is located;		
(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 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 Agency, without		

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delay, a copy of each investment request, for information purposes.		
The relevant national regulatory authorities and the Agency 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 Member States 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 14, in accordance with the allocation of investment costs to be borne by each system operator for the project.		

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For projects in the territories of their respective Member State, 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.		
6. In allocating the costs, the relevant national regulatory authorities shall take into account the following:		
(a) actual or estimated congestion rents or other charges;		
(b) actual or estimated 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		

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national regulatory authorities, after consulting the TSOs **or HNOs** concerned, shall seek a mutual agreement based on, but not limited to, the information specified in paragraph 4, first subparagraph, points (a) and (b), of this Article. Their assessment shall be based on the central scenario and any sensitivities referred to in Article 11, allowing a robust analysis of the contribution of the project of common interest to the Union energy policy of decarbonisation, market integration, competition, sustainability and security of supply.		
7. In allocating the costs, the relevant national regulatory authorities shall apply the following general principles:		
(a) where at least 10 % of the estimated benefits of a project occur in a Member State, that Member State and the relevant national regulatory authority shall take part in the cross-border cost-allocation process **without prejudice to the costs to be borne by each system operator**;		
(b) where appropriate, the allocation of costs among the Member States shall be based on the distribution of net benefits, ensuring that the cost-allocation key reflects that distribution;		

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(c) the cross-border cost allocation shall be based on an *ex-ante* cost-allocation agreement designed to ensure investment certainty, whereas the agreement shall be transparent and predictable and the cross-border cost-allocation may provide for the possibility of ex-post adjustments, provided that such adjustments are explicitly defined in the cost allocation decision and clearly framed, including as regards timeframes and categories of costs covered.		
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.		
8. 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, HNO or other project promoter as a result of the investments when fixing or approving tariffs in accordance with Article 78(1) of Directive (EU) 2024/1788 and Article 59(1), point (a), of Directive (EU) 2019/944, insofar as those costs		

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correspond to those of an efficient and structurally comparable operator.		
9. The relevant national regulatory authorities shall notify the cost allocation decision to the Agency, 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 Member States, including the following:		
(a) an evaluation of the identified impact on each of the concerned Member States, including those concerning network tariffs;		
(b) an evaluation of the business plan referred to in paragraph 4, first subparagraph, point (b);		
(c) regional or Union-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.		

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The cost allocation decision shall be published on the websites of the relevant national regulatory authorities and shared with Agency and the Commission.		
By [*within 6 months of entry into force*], the Agency shall establish a central repository of all cross-border cost-allocation decisions taken by national regulatory authorities and host it on its website.		
10. 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 5 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		

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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 be based on the central scenario established under Article 11 and any sensitivities, 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, 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 accordance 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. Article 25(3) and Articles 28 and 29 of Regulation (EU) 2019/942 shall apply.		

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11. 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. The Agency shall publish non-confidential versions of all decisions on its website. That information may be submitted in aggregate form. The Agency and the Commission shall preserve the confidentiality of commercially sensitive information.		
12. 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 Regulations (EU) 2019/943 and (EU) 2024/1789 and Directives (EU) 2019/944 and (EU) 2024/1788.		
13. This Article shall not apply to projects of common interest which benefit from one or more of the following:		
(a) an exemption from Articles 31, 32, 33 and Articles 78(7) and Directive (EU) 2024/1788, pursuant to Article 78 of Regulation (EU) 2024/1789;		
(b) an exemption from Article 19(2) and (3) of Regulation (EU) 2019/943 or Article 6, Article		

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59(7) and Article 60(1) of Directive (EU) 2019/944, pursuant to Article 63 of Regulation (EU) 2019/943;		
(c) a derogation from unbundling or third-party access rules, pursuant to Article 17 of Regulation (EC) No 714/2009 of the European Parliament and of the Council[1] or to Article 64 of Regulation (EU) 2019/943 and Article 66 of Directive (EU) 2019/944. 1 Regulation (EC) No 714/2009 of the European Parliament and of the Council on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003 (*OJ L 211, 14.8.2009, p. 15,* ELI: http://data.europa.eu/eli/reg/2009/714/oj).		
14. By [*six months after entry into force of this Regulation*], the Agency shall adopt a recommendation for identifying good practices for the treatment of investment requests for projects of common interest in accordance with the principles referred to in paragraph 7 of this Article.		
That recommendation shall be regularly updated by the Agency as necessary. It shall take account of sectorial specificities, and shall ensure consistency with the principles on the offshore		

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grids for renewable energy cross-border cost sharing as referred to in Article 16(1). In adopting or updating the recommendation, the Agency shall carry out an extensive consultation process, involving all relevant stakeholders. That recommendation shall also include a non-binding cross-border cost-allocation template to facilitate the work of national regulatory ~~agencies~~**authorities**.		
15. Projects of mutual interest shall obtain a cross-border cost allocation under the same rules and conditions referred to in this Article as regards the benefits they bring for the Union. It shall be issued in a coordinated manner by the relevant national regulatory authorities of the benefiting Member States.		
16. This Article shall apply *mutatis mutandis* to project bundles under Article 18.		
Article 18		
Enabling energy infrastructure projects bundling for the purpose of cost-sharing		

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1. Project promoters may bundle two or more projects on the Union list to facilitate the discussions on cost-sharing between the relevant Member States and third countries, as appropriate, and the cross-border cost-allocation decisions between the concerned ~~competent~~ **regulatory** authorities of the Member States or between the **regulatory** ~~competent~~ authorities of the Member States and third countries, as appropriate.		
2. The Commission may invite project promoters to submit a proposal for one or several bundles of two or more projects on the Union list to the relevant Groups for discussion. A project bundle may include projects at different stages of maturity, provided that their bundling does not delay the implementation of the most mature projects.		
3. Following the discussions in the Groups, the Commission may request the ENTSO for Electricity or the ENNOH to provide a common cost-benefit analysis for the proposed bundles of two or more projects on the Union list. The common cost-benefit analysis shall be consistent with the central scenario and sensitivities referred to under Article 11, and the methodology drawn up pursuant to Article ~~15~~**14**. The ENTSO for Electricity or the ENNOH shall provide the		

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common cost-benefit analysis within 2 months of the request to the Commission.		
4. The relevant Member States, with the involvement of the relevant national regulatory authorities, and with the support of the Commission, shall conclude on the bundle of projects and, where appropriate, invite project promoters to add projects to the bundle or delete projects from the bundle, if this facilitates discussions on cost-sharing, provided that the number of projects on the Union list included in the bundle remains manageable.		
5. The relevant Member States may decide to endorse the bundles and invite project promoters to submit a joint investment request under Article 17(4). That decision shall be shared with the relevant Groups and the Commission. For the purpose of Article 17(4), only one up-to-date cost-benefit analysis and one proposal for a cross-border cost-allocation shall be included in the investment request in view of facilitating a possible application for Union financial assistance pursuant to Article 21.		
Article 19		

1st Presidency compromise text	Drafting suggestions	Comments
Ring-fenced congestion income for projects on the Union list		
1. TSOs shall set aside 25 % of the congestion rents not spent for guaranteeing the actual availability of the allocated capacity pursuant to Article 19(2), point (a), of Regulation (EU) 2019/943 and for compensation to offshore renewable electricity generation plant operators pursuant to Article 19(2), point (c), of Regulation (EU) 2019/943, for network investments into projects on the Union list relevant to reducing interconnector congestion pursuant Article 19(2), point (b), of Regulation (EU) 2019/943. **This ring-fencing is without prejudice to the competencies of national regulatory authorities regarding the use of congestion income pursuant to Article 19 of Regulation (EU) 2019/943.**		
2. TSOs shall place the funds referred to in point 1 of this Article on a separate **internal** account line until it can be spent for financing projects on the Union list relevant to reducing interconnector congestion, or until they have demonstrated that the priority objectives set out in Article 19(2), point (b), of Regulation (EU) 2019/943 have been adequately fulfilled and there is no need for additional cross-border capacity to be built at the borders of the Member States concerned to reduce interconnector congestion.		

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3. The use of the funds referred to in paragraph 1 shall:		
(a) address the financing gap of projects on the Union list which **are located in the Member State where congestion revenue is collected and** have significant benefits outside their hosting countries, taking due account of expected tariff financing;		
(b) be made transparent in requests for cross-border cost allocation decisions pursuant to Article 17 of this Regulation;		
(c) avoid double funding and ensure proportionality, transparency and non-discrimination;		
(d) not compromise the fulfilment of the priority objectives under Article 19(2) of Regulation (EU) 2019/943.		
4. The Commission is empowered to adopt delegated acts in accordance with Article 23 of this Regulation to supplement this Regulation by specifying the conditions under which TSOs may		

1st Presidency compromise text	Drafting suggestions	Comments
use the funds referred to in paragraph 1 of this Article and the conditions under which the objective of Article 19(2), point (b), of Regulation (EU) 2019/943 is considered adequately fulfilled.		
5. Within [*6 months*] after the entry into force of the delegated acts referred in paragraph 4, the Agency shall update the methodology on the use of revenues from congestion income pursuant to Article 19(4) of Regulation (EU) 2019/943. The updated methodology shall be consistent with paragraphs 1, 2 and 3 of this Article and with the delegated acts adopted pursuant to paragraph 4 of this Article.		
Article 20		
Regulatory 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 competence of national regulatory authorities, when compared to the risks normally incurred by a comparable infrastructure project, national regulatory authorities may grant appropriate incentives to that project in accordance		

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with Regulations (EU) 2019/943 and 2024/1789 and Directives (EU) 2019/944 and (EU) 2024/1788.		
The first subparagraph shall not apply where the project of common interest benefits from one or more of the following:		
(a) an exemption from Articles 31, 32, and 33, and Articles 78(7) and (9) of Directive (EU) 2024/1788, pursuant to Article 78 of Regulation (EU) 2024//1789;		
(b) an exemption from Article 19(2) and (3) of Regulation (EU) 2019/943 or from Article 6, Article 59(7) and Article 60(1) of Directive (EU) 2019/944 pursuant to Article 63 of Regulation (EU) 2019/943;		
(c) an exemption pursuant to Article 36 of Directive 2009/73/EC;		
(d) a derogation pursuant to Article 17 of Regulation (EC) No 714/2009.		
2. In the case of a decision to grant the incentives referred to in paragraph 1 of this		

1st Presidency compromise text	Drafting suggestions	Comments
Article, national regulatory authorities shall consider the results of the cost-benefit analysis consistent with the methodology drawn up pursuant to Article 14 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 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;		

1st Presidency compromise text	Drafting suggestions	Comments
(c) the rules for providing additional return on the capital invested for the project;		
(d) any other measure deemed necessary and appropriate.		
CHAPTER VII		
Financing		
Article 21		
Eligibility of projects for Union financial assistance under Regulation (EU) 2021/1153		
1. Projects of common interest falling under the energy infrastructure categories set out in Article 27 and Annex II shall be eligible for Union financial assistance in the form of grants for studies and financial instruments.		

1st Presidency compromise text	Drafting suggestions	Comments
2. Projects of common interest falling under the energy infrastructure categories set out in Article 27 and in points (1)(a), (b), (c), (d), (e), (f) and (h) and point (2) of Annex II and under the competence of national regulatory authorities shall also be 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 drawn up pursuant to Article 17(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 17;		
(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 20(2) when assessing the project's need for Union financial assistance.		

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3. Projects of common 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. Projects of common interest falling under the energy infrastructure categories set out in Annex II other than those referred to in paragraph 2, with the exception of the infrastructure category set out in point (3) of that Annex shall also be 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 drawn up by the project promoter in application of the relevant cost-benefit analysis methodology developed in accordance with Article 11 provides evidence concerning the existence of significant positive externalities, such as security of supply, system flexibility, solidarity or innovation;		
(b) the project cannot be financed by the market in accordance with the business plan drawn-up by the project promoter and other assessments, in particular those carried out by		

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potential investors, creditors or the national regulatory authority;		
(c) the project has received an evaluation carried out by the relevant national authority or, where applicable, the national regulatory authority, in consultation with the TSOs or relevant DSOs from the Member States where the project provides a significant net positive impact, that clearly demonstrates the existence of significant positive externalities, such as security of supply, system flexibility, solidarity or innovation, generated by the project and include an evaluation thereof, and provides clear evidence of their lack of commercial viability, in accordance with the cost-benefit analysis, the business plan and assessments carried out by the project promoter and potential investors or creditors and, where applicable, a national regulatory authority.		
5. The evaluation referred to in paragraph 4, point (c), of this Article shall be based on the scenario established under Article 11 and any existing sensitivity analyses thereof and shall include an accurate evaluation and assessment of the efficiently incurred costs, an accurate description of the benefits of the project including their split across borders for individual Member States or third countries including non-hosting countries, a description of the split of costs across-		

1st Presidency compromise text	Drafting suggestions	Comments
borders and of all financing sources relevant for the project and already certain.		
6. This Article shall apply *mutatis mutandis* to projects of mutual interest and bundles of projects pursuant to Article 18.		
Projects of mutual interest shall be eligible for Union financial assistance under conditions set out in Regulation (EU) 2021/1153. With regard to grants for works, projects of mutual interest shall be eligible for Union financial assistance provided that they fulfil the criteria set out in paragraph 2 or 4 of this Article, as applicable, and where the project contributes to the Union's overall energy and climate policy objectives.		
Article 22		
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 apply for the purpose of establishing award criteria for Union financial		

1st Presidency compromise text	Drafting suggestions	Comments
assistance under Regulation (EU) 2021/1153. For projects of common interest falling under Article 27 of this Regulation, in addition to the requirements provided by Article 21(2), the criteria of market integration, security of supply, competition and sustainability shall apply.		
CHAPTER VIII		
Final provisions		
Article 23		
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(4), Article 11(6) and Article 19(4) shall be conferred on the Commission for a period of seven years from 23 June 2027. The		

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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(4), Article 11(6) and 19(4) 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.		
4. 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.		

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5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.		
6. A delegated act adopted pursuant to Article 3(4), Article 11(6) and Article 19(4) 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 24		
Reporting and evaluation		
By 30 June 2032, the Commission shall publish a report on the implementation of projects on the Union list and submit it to the European Parliament and the Council. That report shall provide an evaluation of:		

1st Presidency compromise text	Drafting suggestions	Comments
(a) the progress achieved in the planning, development, construction and commissioning of projects on the Union list, and, where relevant, delays in implementation and other difficulties encountered;		
(b) the funds engaged and disbursed by the Union for projects on the Union list, compared to the total value of funded projects on the Union 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 Union list;		
(d) for the electricity and hydrogen sectors, the evolution of the interconnection level between Member States, and the corresponding evolution of energy prices;		
(e) the permit-granting process and public participation, in particular:		

1st Presidency compromise text	Drafting suggestions	Comments
(i) the average and maximum total duration of the permit-granting process for projects on the Union 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(9);		
(ii) best and innovative practices with regard to stakeholder involvement;		
(iii) best and innovative practices with regard to mitigation of environmental impacts, including climate adaptation, during permit-granting processes and project implementation;		
(iv) the effectiveness of the schemes provided for in Article 8(3) regarding compliance with the time limits set in Article 10(1) and (2);		
(v) the rate of digitalisation of permitting procedures;		
(f) regulatory treatment, in particular:		
(i) the number of projects of common interest, or bundles of projects, having been granted a		

1st Presidency compromise text	Drafting suggestions	Comments
cross-border cost allocation decision pursuant to Article 17;		
(ii) the number and type of projects of common interest which received specific incentives pursuant to Article 20;		
(g) the effectiveness of this Regulation in contributing to the Union targets for energy and climate and the achievement of climate neutrality by 2050 at the latest;		
(h) the improvement of physical and cyber security resilience of cross-border energy infrastructure;		
(i) the uptake of non-wire solutions in terms of number of projects and respective increase in grid capacity.		
Article 25		
Review		

1st Presidency compromise text	Drafting suggestions	Comments
By 30 June 2033, the Commission shall carry out a review of this Regulation, on the basis of the results of the reporting and evaluation provided for in Article 24 of this Regulation, as well as the monitoring, reporting and evaluation carried out pursuant to Articles 22 and 23 of Regulation (EU) 2021/1153.		
Article 26		
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(4); the website referred to in Article 9(7); and direct information from the project promoters as regards projects no longer on the Union list. The platform shall contain the following information:		
(a) general, updated information, including geographic information, for each project on the Union list;		

1st Presidency compromise text	Drafting suggestions	Comments
(b) the implementation plan as set out in Article 5(1) for each project on the Union 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 Union list;		
(e) the funds allocated and disbursed by the Union for each project on the Union list;		
(f) the links to the national manual of procedures referred to in Article 9;		
(g) information and status updates as regards projects that were on the Union list, but are no longer included.		
Article 27		

1st Presidency compromise text	Drafting suggestions	Comments
Derogation for interconnections for Cyprus and Malta		
1. In the case of Cyprus and Malta, which are not interconnected to the trans-European gas network, a derogation from Article 3, Article 4(1), points (a) and (b), Article 4(5), and Annexes I, II and III shall apply. One interconnection for each of those Member States shall maintain its status of project of common interest under this Regulation with all relevant rights and obligations, where that interconnection:		
(a) was under development or planning on 23 June 2022;		
(b) has been granted the status of project of common interest under Regulation (EU) No 347/2013 of the European Parliament and of the Council[2];		

2 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, ELI: http://data.europa.eu/eli/reg/2013/347/oj).

1st Presidency compromise text	Drafting suggestions	Comments
(c) is necessary to secure permanent interconnection of those Member States to the trans-European gas network.		
Those projects shall ensure the future ability to access new energy markets, including hydrogen.		
2. The project promoters shall provide sufficient evidence of how the interconnections referred to in paragraph 1 will allow access to new energy markets, including hydrogen, in accordance with the Union's overall energy and climate policy objectives. 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.		
The Commission shall regularly verify that assessment and that calculation, as well as the timely implementation of the project.		
3. In addition to the specific criteria set out in Article 21 for Union financial assistance, the interconnections referred to in paragraph 1 shall be		

1st Presidency compromise text	Drafting suggestions	Comments
designed in view of ensuring access to future energy markets, including hydrogen, shall not lead to a prolongation of the lifetime of natural gas assets and shall ensure the interoperability of neighbouring networks across borders. Any eligibility for Union financial assistance under Article 21 shall end on 31 December 2027.		
4. Any request for Union financial assistance for works shall clearly demonstrate the aim to convert the asset into a dedicated hydrogen asset by 2036 if market conditions allow, by means of a roadmap with a precise timeline.		
5. The derogation set out in paragraph 1 shall apply until Cyprus or Malta, respectively, is directly interconnected to the trans-European gas network or until 31 December 2029, whichever is the earlier.		
Article 28		
Amendments to Regulation (EU) 2019/942		
Regulation (EU) 2019/942 is amended as follows:		

1st Presidency compromise text	Drafting suggestions	Comments
(1) in Article 3(2), the first subparagraph is replaced by the following:		
'At ACER's request, the regulatory authorities, the ENTSO for Electricity, the ENTSO for Gas, the ENNOH, the regional coordination centres, the EU DSO Entity, the transmission system operators, hydrogen network operators, the nominated electricity market operators, and entities established by transmission system operators for natural gas, LNG system operators, natural gas storage system operators or hydrogen storage operators or hydrogen terminal operators shall provide to ACER the information in the same level of detail necessary for the purpose of carrying out ACER's tasks under this Regulation, unless ACER has already requested and received such information.'		
(2) in Article 11, points (c) and (d) are replaced by the following:		
'(c) carry out the obligations laid out in Articles 5, 11, 12, 14, 17 of Regulation (EU) …/… of the European Parliament and of the Council* [*the TEN-E Regulation as proposed by COM(2025)xxxx*] and in Section 2, point (8), of Annex III to that Regulation;		

1st Presidency compromise text	Drafting suggestions	Comments
(d) take decisions on investment requests including cross-border cost allocation pursuant to Article 17(9) of Regulation (EU) …/… [*the TEN-E Regulation as proposed by COM(2025)xxxx*].		
_____		
* Regulation (EU) …/… of the European Parliament and of the Council [the TEN-E Regulation as proposed by COM(2025)xxxx] (OJ…, ELI: …)'		
Article 29		
Amendments to Regulation (EU) 2019/943		
Article 48 of Regulation (EU) 2019/943 is replaced by the following:		
'Article 48		
Ten-year network development plan		

1st Presidency compromise text	Drafting suggestions	Comments
1. The Union-wide network development plan referred to under Article 30(1), point (b), of this Regulation shall be based on the central scenario and the identification of system needs report pursuant to Articles 11 and 12 of Regulation (EU) …/… of the European Parliament and of the Council* [*the TEN-E Regulation as proposed by COM(2025)xxxx*] and shall include the modelling of the integrated network and an assessment of the resilience of the system. Relevant input parameters for the modelling of the central scenario, such as assumptions on fuel and carbon prices or installation of renewables, and assumptions for the European resource adequacy assessment developed pursuant to Article 23 of this Regulation should be consistent to the extent possible.		
The Union-wide network development plan shall, in particular:		
(a) build on projects of cross-border relevance included in national ten-year network development plans and national investment plans, taking into account regional investment plans as referred to in Article 34(1) of this Regulation, and be based on Union aspects of network planning as set out in Regulation (EU) …/… [*the TEN-E Regulation as proposed by COM(2025)xxxx*]; it shall be subject to a cost-benefit analysis using the methodology established in Article 14 of that Regulation;		

1st Presidency compromise text	Drafting suggestions	Comments
(b) consider with priority alternatives to network expansion, such as non-wire solutions pursuant to Regulation (EU) …/… [*the TEN-E Regulation as proposed by COM(2025)xxxx*] or non-fossil flexibility;		
(c) regarding cross-border interconnections, also build on the reasonable needs of different system users and integrate long-term commitments from investors referred to in Articles 44 and 51 of Directive (EU) 2019/944;		
(d) identify investment gaps, in particular with respect to cross-border capacities.		
In regard to the second subparagraph, point (d), a review of barriers to the increase of cross-border capacity of the network arising from different approval procedures or practices may be annexed to the Union–wide network development plan.		
2. ACER shall provide an opinion on the national ten-year network development plans to assess their consistency with the Union–wide network development plan, including compliance with requirements of Article 3(6) and (7) of Regulation (EU) …/… [*the TEN-E Regulation as*		

1st Presidency compromise text	Drafting suggestions	Comments
proposed by COM(2025)xxxx]. If ACER identifies inconsistencies between a national ten-year network development plan and the Union–wide network development plan, it shall recommend amending the national ten-year network development plan or the Union–wide network development plan as appropriate by two months upon its receipt. If such a national ten-year network development plan is developed in accordance with Article 40a of Directive (EU) 2019/944, ACER shall recommend that the regulatory authority amend the national ten-year network development plan in accordance with Article 40a(7) of that Directive and inform the Commission thereof.		
_____		
* Regulation (EU) …/… of the European Parliament and of the Council [the TEN-E Regulation as proposed by COM(2025)xxxx] (OJ…, ELI: …)'		
Article 30		
Amendments to Regulation (EU) 2024/1789		

1st Presidency compromise text	Drafting suggestions	Comments
Regulation (EU) 2024/1789 is amended as follows:		
(1) Article 60 is replaced by the following:		
‘Article 60		
Union-wide network development plan for hydrogen		
1. The Union-wide network development plan for hydrogen shall be based on the central scenario and the identification of system needs report pursuant to Articles 11 and 12 of Regulation (EU) …/… of the European Parliament and of the Council* [*the TEN-E Regulation as proposed by COM(2025)xxxx*] and shall include the modelling of the integrated hydrogen network, a European supply adequacy outlook and an assessment of the resilience of the system.		
The Union-wide network development plan for hydrogen shall, in particular:		

1st Presidency compromise text	Drafting suggestions	Comments
(a) build on the national hydrogen transmission network development plans as laid down in Article 55 of Directive (EU) 2024/1788 and be based on Union aspects of network planning as set out in Regulation (EU) …/… [the TEN-E Regulation as proposed by COM(2025)xxxx];		
(b) regarding cross-border interconnections, build on the reasonable needs of different network users and integrate long-term commitments from investors as referred to in Article 55(7) of Directive (EU) 2024/1788;		
(c) identify investment gaps, in particular with respect to the necessary cross-border capacities, to implement the priority corridors for hydrogen and electrolysers as referred to in point 3 of Annex I to Regulation (EU) …/… [*the TEN-E Regulation as proposed by COM(2025)xxxx*].		
With regard to the second subparagraph, point (c), a review of barriers to the increase of cross-border capacity of the network arising from different approval procedures or practices may be annexed to the Union-wide network development plan for hydrogen. Such a review may be accompanied, where appropriate, by a comprehensive plan to remove such barriers and accelerate the		

1st Presidency compromise text	Drafting suggestions	Comments
implementation of the priority corridors for hydrogen and electrolysers.		
2. ACER shall provide an opinion on the national hydrogen transmission network development plans where relevant to assess their consistency with the Union-wide network development plan for hydrogen including compliance with requirements of Article 3(6) and (7) of Regulation (EU) …/… [*the TEN-E Regulation as proposed by COM(2025)xxxx*]. If ACER identifies inconsistencies between a national hydrogen transmission network development plan and the Union-wide network development plan for hydrogen, it shall recommend amending the national hydrogen transmission network development plan or the Union-wide network development plan for hydrogen as appropriate, no later than two months after receiving the national hydrogen transmission network development plan.		
3. When developing the Union-wide network development plan for hydrogen, the ENNOH shall cooperate with the ENTSO for Electricity and with the ENTSO for Gas, in particular on the development of the energy system wide cost-benefit analysis referred to in Article 14 of Regulation (EU) …/… [*the TEN-E Regulation as proposed by COM(2025)xxxx*], and the		

1st Presidency compromise text	Drafting suggestions	Comments
infrastructure gaps identification referred to in Article 13 of that Regulation.		
_____		
* Regulation (EU) …/… of the European Parliament and of the Council … [the TEN-E Regulation as proposed by COM(2025)xxxx] (OJ…, ELI: …)'		
(2) Article 61 is replaced by the following:		
'Article 61		
Union-level integrated network planning		
1. During the transitional period until 1 January 2027, the ENTSO for Gas shall develop the 2026 Union-wide network development plan for hydrogen, with the full involvement of hydrogen transmission network operators and together with the ENNOH as soon as it is established. The 2026 Union-wide network development plan for hydrogen shall consist of two separate chapters, one for hydrogen and one for natural gas. The ENTSO for Gas shall without delay transfer to the ENNOH all the information, including data and analyses it collected during the		

1st Presidency compromise text	Drafting suggestions	Comments
preparation of the Union-wide network development plans for hydrogen by 1 January 2027.		
2. The ENNOH shall develop the 2028 Union-wide network development plan for hydrogen pursuant to this Article and Article 60.		
3. The ENNOH shall cooperate closely with the ENTSO for Electricity and the ENTSO for Gas to develop integrated Union-wide network development plans pursuant to Articles 32 and 60 of this Regulation and to Article 30 of Regulation (EU) 2019/943 respectively.		
4. Where decisions need to be made to ensure system efficiency as defined in Article 2, point (4), of Directive (EU) 2023/1791 of the European Parliament and of the Council across energy-carriers the Commission shall ensure that the ENTSO for Electricity, the ENTSO for Gas and the ENNOH cooperate closely.		
5. The ENNOH, the ENTSO for Electricity and the ENTSO for Gas shall cooperate in an efficient, inclusive and transparent manner, they shall facilitate taking decisions by consensus and they shall develop the necessary working		

1st Presidency compromise text	Drafting suggestions	Comments
arrangements for the purpose of enabling such cooperation and ensuring their fair representation.		
The ENNOH, together with the ENTSO for Electricity and the ENTSO for Gas, may establish working groups to fulfil its obligations pursuant to the first subparagraph, points (a), (b) and (d) and shall ensure fair and equal representation of the hydrogen, electricity and gas sectors in the working groups.		
Article 31		
Transitional provisions		
1. 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 Council[3] and Regulation (EU) 2021/1153. 3 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)		

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No 67/2010 (OJ L 348, 20.12.2013) p. 129, http://data.europa.eu/eli/reg/2013/1316/oj.		
2. Any process for developing the cost-benefit analysis methodology initiated by the ENTSO for Electricity or ENNOH in accordance with Article 11 of Regulation (EU) 2022/869 before [*date of entry into force/start of application of this Regulation*] shall continue under Article 14 of this Regulation.		
Any steps completed under Article 11 of Regulation (EU) 2022/869 shall be deemed to have been completed under the corresponding provisions of Article 14 of this Regulation.		
Any energy system-wide cost-benefit analysis methodology approved by the Commission pursuant to Article 11(4) of Regulation (EU) 2022/869 shall be deemed to have been approved under Article 14 (7) of this Regulation and shall remain valid until it is replaced by a new energy system-wide cost-benefit analysis methodology developed pursuant to Article 14 of this Regulation.		

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3. The joint scenarios being developed by the ENTSO for Electricity, the ENTSO for Gas, and the ENNOH pursuant to Article 12 of Regulation (EU) 2022/869 shall continue to be developed and approved by the Commission in accordance with the procedure set out in that Article. Those joint scenarios, once approved by the Commission, shall be deemed to be central reference scenarios under Article 11 of this Regulation and shall remain valid until they are replaced by new central reference scenarios developed pursuant to Article 11 of this Regulation.		
4. Annex VII to Regulation (EU) 2022/869 setting out the [__] Union list of projects of common interest and projects of mutual interest as well as Articles [___] of Regulation (EU) 2022/869, and Annexes [___] to that Regulation, shall continue to apply to the projects of common interest and projects of mutual interest included on the [__] Union list until the delegated act referred to in Article 3(4) of this Regulation establishing the first Union list starts to apply.		
Article 32		
Repeal		

1st Presidency compromise text	Drafting suggestions	Comments
Regulation (EU) 2022/869 is repealed. References to Regulation (EU) 2022/869 shall be construed as references to this Regulation.		
Article 33		
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*.		
This Regulation shall be binding in its entirety and directly applicable in all Member States.		
Done at Brussels,		
For the European Parliament *For the Council*		

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The President The President		