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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on Energy
Subject:	PL comments on Art.20-31 of the TEN-E Regulation

Delegations will find in the annex the PL comments on Art.20-31 of the TEN-E Regulation.

POLAND'S PROPOSALS FOR AMENDMENTS, COMMENTS AND QUESTIONS

regarding art. 20-31

1. Cross-border energy infrastructure (TEN-E)

- art. 20-31

Document under consideration: 14088/20 + ADD1-ADD5 (ADD3 REV1)

Art. 20 (2)

Poland would like to inquire what were the reasons behind extending the period to adopt delegated acts from four to seven years?

Article 22

According to Poland, the cost-benefit analysis (CBA) results, carried out during the preparation phase of a specific PCI (*ex ante* analysis) should be used in the PCI implementation report, where they would be referenced against the results of the actual implementation of PCI (*ex post analysis*).

We therefore suggest adding to the article 22. the following provision:

'Report must take into consideration results of cost-benefit analysis drawn up pursuant to Article 11 for Union-wide ten-Year Network Development Plans and Projects of Common Interest falling under the categories set out in points (1)(a), (b), (c) and (e) and point (3) of Annex II.'

Article 23 (c)

According to Poland, the use of the results already achieved through the use of the CBA methodology, i.e. the application of a certain standard to all projects published on the Platform, will allow for their more viable comparison and analysing.

Article 23 should be therefore rewritten as follows:

'(c) the main expected benefits and the costs [resulting from cost-benefit analysis drawn up pursuant to Article 11] of the projects except for any commercially sensitive information;'

Article 30 & 31 Repeal and Entry into force

Impact Assessment provides an assumption, that revised regulation will enter into force in June 2022: *Counting with a legislative proposal in December 2020 and entry into force of the revised regulation in June 2022 (ambitious timeline of 1.5 years for co-decision)*. Poland shares the opinion that such timeline seems ambitious, but possible.

Therefore, Poland assumes that by proposing 1 January 2022 as the date of repealing of 347/2013 Regulation and accordingly entering into force of its revision, European Commission may intend to introduce a retroactive effect of revised regulation.

Poland is of the opinion, that 347/2013 Regulation provides an effective support for implementation of trans-European energy networks and applies properly as there are no significant legal shortcomings. It seems to be no reason for introduction of provisions introducing retroactivity of revised regulation.

Poland therefore propose to adjust the “repeal” and “entry into force” date to the actual date of adoption of revised regulation, at the later stage.

