# Commission Delegated Regulation (EU) 2020/389 of 31 October 2019 amending Regulation (EU) No 347/2013 of the European Parliament and of the Council as regards the Union list of projects of common interest

## COMMISSION DELEGATED REGULATION (EU) 2020/389

## of 31 October 2019

## amending Regulation (EU) No 347/2013 of the European Parliament and of the Council as regards the Union list of projects of common interest

THE EUROPEAN COMMISSION,

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

Having regard to 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[1], and in particular Article 3(4) thereof,

Whereas:

(1) Regulation (EU) No 347/2013 establishes a framework for the identification, planning and implementation of projects of common interest ('PCIs') which are required to implement the nine strategic geographical energy infrastructure priority corridors identified in the fields of electricity, gas and oil, and the three Union-wide energy infrastructure priority areas for smart grids, electricity highways and carbon dioxide transportation networks.

(2) The Commission is empowered to establish the Union list of PCIs ('Union list').

(3) The list of PCIs is established every two years, thus, it is necessary to replace it.

(4) Projects proposed for the inclusion in the Union list have been assessed by the regional groups referred to in Article 3 of Regulation (EU) No 347/2013 who confirmed that they meet the criteria laid down in Article 4 of that Regulation.

(5) The draft regional lists of PCIs were agreed by the regional groups at technical-level meetings. Following the opinions of the Agency for the Cooperation of Energy Regulators ('ACER') on 25 September 2019 on the consistent application of the assessment criteria and the cost/benefit analysis across regions, the regional groups' decision-making bodies adopted the regional lists on 4 October 2019. Pursuant to Article 3(3)(a) of Regulation (EU) No 347/2013, prior to the adoption of the regional lists, all proposed projects were approved by the Member States to whose territory the projects relate.

(6) Organisations representing relevant stakeholders, including producers, distribution system operators, suppliers, and consumer and environmental protection organisations were consulted on the projects proposed for inclusion in the Union list.

(7) PCIs should be listed per strategic trans-European energy infrastructure priorities in the order laid down in Annex I to Regulation (EU) No 347/2013. The Union list should not contain any ranking of projects.

(8) PCIs should be listed either as stand-alone PCIs or as a part of a cluster of several PCIs because they are interdependent or (potentially) competing.

(9) The Union list contains projects at different stages of their development, including pre-feasibility, feasibility, permit-granting and construction. For PCIs at an early development stage, studies may be needed to demonstrate technical and economic viability and compliance with Union legislation, including environmental legislation. In this context, potential negative impacts on the environment should be adequately identified, assessed and avoided or mitigated.

(10) The inclusion of projects on the Union list is without prejudice to the outcome of the relevant environmental assessment and permit procedure. Under Article 5(8) of Regulation (EU) No 347/2013, a project that does not comply with Union law may be removed from the Union list. The implementation of PCIs, including their compliance with the relevant legislation, should be monitored in accordance with Article 5 of that Regulation.

(11) Regulation (EU) No 347/2013 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex VII to Regulation (EU) No 347/2013 is amended in accordance with the Annex to this Regulation.

*Article 2*

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, 31 October 2019.

*For the Commission*

*The President*

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2020/389. (See end of Document for details)*

ANNEX

Annex VII to Regulation (EU) No 347/2013 is replaced by the following:

ANNEX VII

**UNION LIST OF PROJECTS OF COMMON INTEREST ("UNION LIST"),**

**referred to in Article 3(4)**

## A. PRINCIPLES APPLIED IN ESTABLISHING THE UNION LIST

### (1) Clusters of PCIs

Some PCIs form part of a cluster because of their interdependent, potentially competing or competing nature. The following types of cluster of PCIs are established: a)

a) a **cluster of interdependent PCIs** is defined as a "Cluster X, including the following PCIs:". Such cluster has been formed to identify PCIs that are all needed to address the same bottleneck across country borders and provide synergies if implemented together. In this case, all the PCIs have to be implemented to realise the EU-wide benefits;

b) a **cluster of potentially competing PCIs** is defined as a "Cluster X, including one or more of the following PCIs:". Such cluster reflects an uncertainty around the extent of the bottleneck across country borders. In this case, not all the PCIs included in the cluster have to be implemented. It is left to the market to determine whether one, several or all PCIs are to be implemented, subject to the necessary planning, permit and regulatory approvals. The need for PCIs shall be reassessed in a subsequent PCI identification process, including with regard to the capacity needs; and

c) a **cluster of competing PCIs** is defined as a "Cluster X, including one of the following PCIs:". Such cluster addresses the same bottleneck. However, the extent of the bottleneck is more certain than in the case of a cluster of potentially competing PCIs, and therefore only one PCI has to be implemented. It is left to the market to determine which PCI is to be implemented, subject to the necessary planning, permit and regulatory approvals. Where necessary, the need for PCIs shall be reassessed in a subsequent PCI identification process.

All PCIs are subject to the same rights and obligations established under Regulation (EU) No 347/2013.

### (2) Treatment of substations and compressor stations

Substations and back-to-back electricity stations and gas compressor stations are considered as parts of PCIs if they are geographically located on transmission lines. Substations, back-to-back stations and compressor stations are considered as stand-alone PCIs and are explicitly listed on the Union list if their geographical location is different from transmission lines. They are subject to the rights and obligations laid down in Regulation (EU) No 347/2013.

### (3) Projects that are no longer considered PCIs and projects that became part of other PCIs

**Changes to legislation:** *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2020/389. (See end of Document for details)*

a) Several projects included in the Union lists established by Regulation (EU) No 1391/2013 and Regulation (EU) 2016/89 are no longer considered PCIs for one or more of the following reasons:

— the project has already been commissioned or is to be commissioned by the end of 2019 and so it would not benefit from the provisions of Regulation (EU) No 347/2013;

— according to new data the project does not satisfy the general criteria;

— a promoter has not re-submitted the project in the selection process for this Union list; or

— the project was ranked lower than other candidate PCIs in the selection process.

These projects (with the exception of the projects commissioned or to be commissioned by end 2019) may be considered for inclusion in the next Union list if the reasons for non-inclusion in the current Union list no longer apply.

Such projects are not PCIs, but are listed for reasons of transparency and clarity with their original PCI numbers in Annex VII(C) as "**Projects no longer considered PCIs"**.

b) Furthermore, some projects included in the Union lists established by Regulation (EU) No 1391/2013 and Regulation (EU) 2016/89 became during their implementation process integral parts of other (clusters of) PCIs.

Such projects are no longer considered independent PCIs, but are listed for reasons of transparency and clarity with their original PCI numbers in Annex VII(C) as "**Projects that are now integral parts of other PCIs".**

(4) **Definition of "PCIs with double labelling as electricity highways"**

"PCIs with double labelling as electricity highways" means PCIs which belong to one of the priority electricity corridors and to the priority thematic area electricity highways.

B. **THE UNION LIST OF PROJECTS OF COMMON INTEREST**

(1) **Priority Corridor Northern Seas Offshore Grid ("NSOG")**

| No. | Definition |
|---|---|
| 1.3 | Cluster Denmark — Germany, including the following PCIs:<br>1.3.1 Interconnection between Endrup (DK) and Klixbüll (DE) |
| 1.6 | France — Ireland interconnection between La Martyre (FR) and Great Island or Knockraha (IE) [currently known as "Celtic Interconnector"] |
| 1.7 | Cluster France — United Kingdom interconnections, including one or more of the following PCIs:<br>1.7.1 Interconnection between Cotentin (FR) and the vicinity of Exeter (UK) [currently known as "FAB"] |

| | |
|---|---|
| | 1.7.3 Interconnection between Coquelles (FR) and Folkestone (UK) [currently known as "ElecLink"]<br>1.7.5 Interconnection between the vicinity of Dunkerque(FR) and the vicinity of Kingsnorth (UK) [currently known as "Gridlink"] |
| 1.8 | Cluster Germany — Norway [currently known as "NordLink"]<br>1.8.1 Interconnection between Wilster (DE) and Tonstad (NO) |
| 1.9 | 1.9.1 Ireland — United Kingdom interconnection between Wexford (IE) and Pembroke, Wales (UK) [currently known as "Greenlink"] |
| 1.10 | Cluster United Kingdom – Norway interconnections, including one or more of the following PCIs:<br>1.10.1 Interconnection between Blythe (UK) and Kvilldal (NO) [currently known as "North Sea Link"]<br>1.10.2 Interconnection between Peterhead (UK) and Simadalen (NO) [currently known as "NorthConnect"] |
| 1.12 | Cluster of electricity storage facilities in United Kingdom, including one or more of the following PCIs:<br>1.12.3 Compressed air energy storage in Middlewich [currently known as "CARES"]<br>1.12.4 Hydro-pumped electricity storage at Cruachan II |
| 1.14 | Interconnection between Revsing (DK) and Bicker Fen (UK) [currently known as "Viking Link"] |
| 1.15 | Interconnection between the Antwerp area (BE) and the vicinity of Kemsley (UK) [curently known as “Nautilus”] |
| 1.16 | Interconnection between Netherlands and United Kingdom |
| 1.17 | Compressed air energy storage in Zuidwending (NL) |
| 1.18 | Offshore hydro-pumped electricity storage facility in Belgium [currently known as "iLand"] |