



# RGI Offshore Workshop

## Commission guidance for streamlining of environmental assessment procedures for energy infrastructure projects of common interest (PCIs)

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## Legislative background

- **New TEN-E Regulation** (Regulation (EU) No 347/2013; OJ L 115/39) adopted on 17 April 2013
- Entry into force on 15 May 2013
- Entry into application on 1<sup>st</sup> June 2013





## The new TEN-E regulation

Process to identify projects of common European interest, with involvement of all stakeholders



### Benefits

Accelerated permit granting

Improved Regulatory treatment

Financial support

3.5 years

One stop shop

Public participation

Incentives

Cost allocation

Financial instruments

Grants

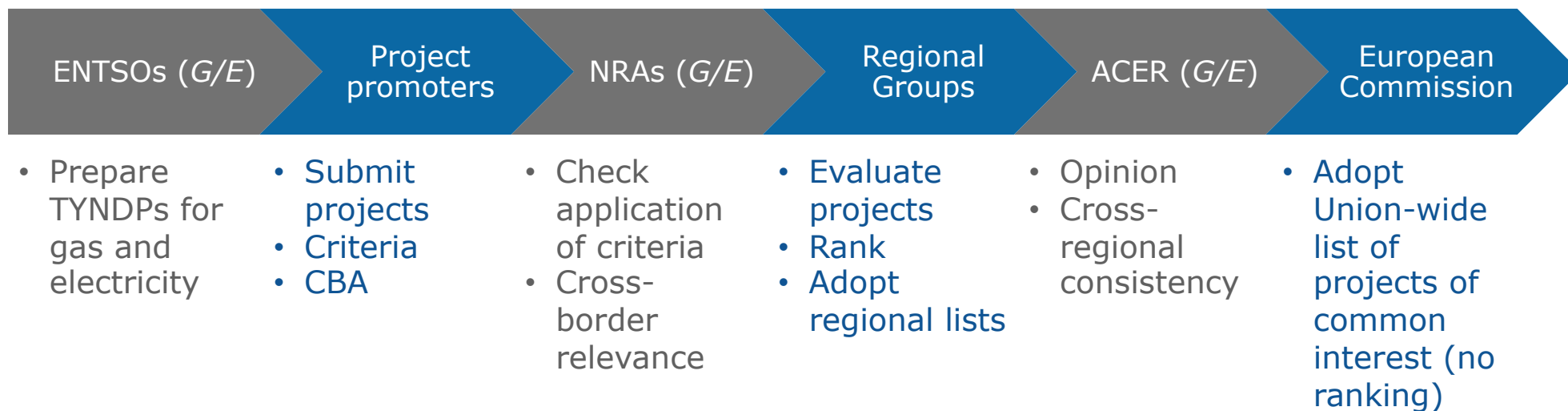


## PCI identification process

- **Submission of proposals** by project promoters to the Regional Groups (MS, national regulatory authorities, transmission system operators (TSOs), COM, the Agency for the Co-operation of Energy Regulators (ACER) and the European Networks of Transmission System Operators for electricity and gas (ENTSO-E and ENTSO-G))
- **Assessment and ranking** of proposals in the Regional Groups
- **Agreement on draft regional lists** by the decision making bodies of the Regional Groups (MS and COM only)
- **Opinion of ACER** on cross-regional consistency of the regional lists
- **Adoption** of the Union-wide list by the Commission



## PCI identification process



**Envisaged for  
October 2013**



## Accelerated permit granting / 1

- **Time-limits (Art. 10)**
  - **Pre-application phase:** From start of permit granting process to acceptance of submitted application file by the competent authority
  - **Statutory permit granting procedure:** From the date of acceptance of the submitted application file until the comprehensive decision is taken. This procedure shall not exceed **1.5 years**.
  - The **combined duration** of the two phases shall not exceed a period of **3.5 years**, with a possible 9-month extension.
  - Time-limits are without prejudice to obligations arising from international and Union law (Art. 7(6)).



## Accelerated permit granting / 2

- **One-stop-shop approach, national competent authority (Art. 8)**
  - **By 16 November 2013**, each MS has to designate one national **competent authority** responsible for facilitating and co-ordinating the PCI permitting process
  - MS have to choose one of three possible schemes to implement **one-stop-shop (integrated/co-ordinated/collaborative scheme)**
  - Efficient co-ordination and co-operation in the case of **transboundary** projects



## Accelerated permit granting /3

- **Transparency and public participation (Art. 9)**
  - **By 16 May 2014**, MS have to publish **manual of procedures** for the permit granting process of PCIs, accessible to public
  - Project promoter has to develop and submit **concept for public participation** for approval of the competent authority
  - **Cross-border** public consultation
  - Project promoter or competent authority shall establish **website** with relevant information on PCIs





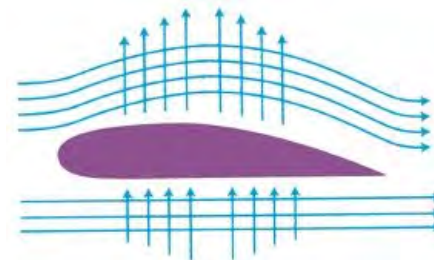


## Accelerated permit granting / 4

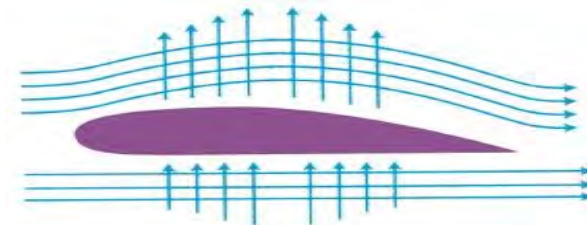
- **Streamlining environmental assessment procedures (Art. 7)**
  - *"By 16 August 2013, the **Commission shall issue non-binding guidance** to support Member States in defining adequate legislative and non-legislative measures to streamline the environmental assessment procedures and to ensure the coherent application of environmental assessment procedures required under Union legislation for projects of common interest".*
  - **MS streamlining measures to be taken within 9 (non-legislative measures) and 24 (legislative measures) months from date of issuance of the Guidance document**

## Purpose of the Guidance

- **To support MS** in defining adequate legislative and non-legislative measures to streamline environmental assessment procedures,
- based on, but going beyond, the implementation experience and the **good practices** identified so far in MS,
- with a view to meeting the **time-limits** for permitting under the new TEN-E Regulation,
- whilst at the same time respecting the **requirements of EU environmental law.**



## What is streamlining?



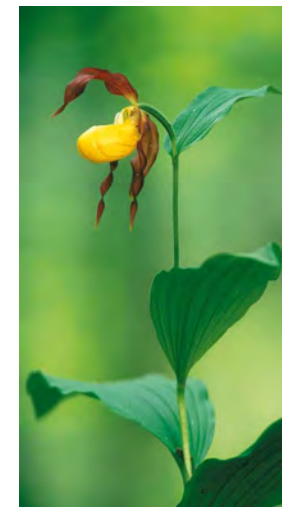
"**Streamlining**" means:

- improving and **better co-ordinating** environmental assessment procedures,
- with a view to **reducing unnecessary administrative burden**, creating synergies and hence **shortening** the time needed to conclude the assessment process,
- whilst at the same time ensuring a **high level of environmental protection** through comprehensive environmental assessments in accordance with the EU environmental acquis.



## Legislative Background: environmental assessment requirements applicable within the EU

- SEA Directive
- EIA Directive
- Birds and Habitats Directives
- Water Framework Directive (WFD)
- Marine Strategy Framework Directive (MSFD)
- Seveso II and Seveso III Directives
- Industrial Emissions Directive replacing the Integrated Pollution Prevention and Control (IPPC) Directive
- UNECE:
  - Espoo Convention on EIA in a transboundary context
  - SEA Protocol to the Espoo Convention
  - Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters



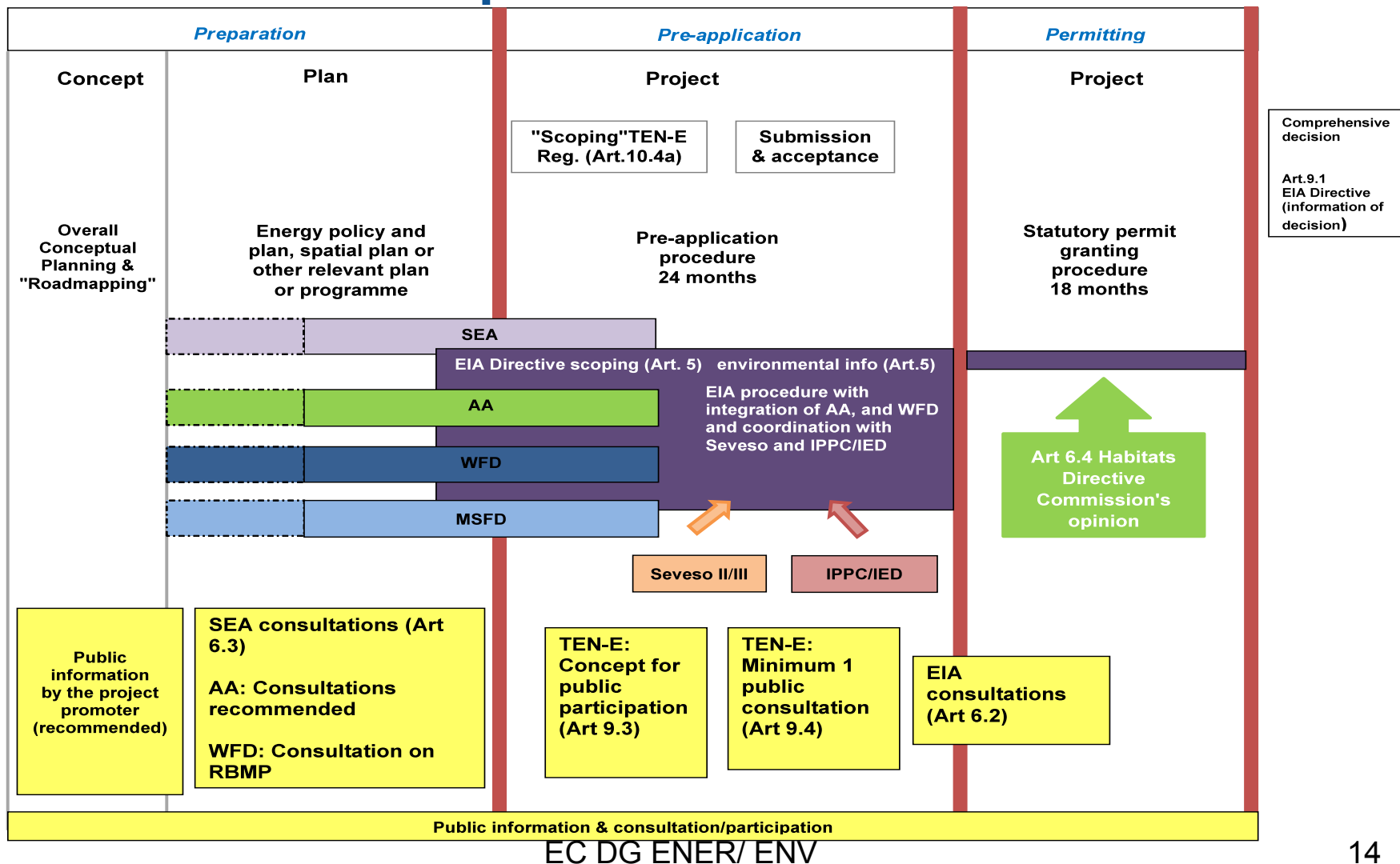


## Preparation of the Guidance

- June 2012 – March 2013: Preparatory study with MS input
- April 2013: Drafting of the Guidance by DGs ENER and ENV
- 3 May 2013: Stakeholder meeting, broad support
- 7 May 2013: MS meeting
- May 2013: Stakeholder and MS consultation
- July 2013 (envisaged): Publication and launch event



## Guidance – relevant phases



Recommendation 1:

## Early planning, "roadmapping" and scoping of assessments



- **Early planning** to streamline the overall assessment process;
- An assessment "**roadmap**" should be developed already at the concept stage of a PCI, indicating which type of assessment should take place at what point in the overall assessment process.
- Perform **early scoping** of potential environmental effects at the concept stage of a PCI to identify key assessment issues up front and to the extent possible.
- This will complement and **save time** in later scoping at the plan stage and at the pre-application phase.

## Recommendation 2:

### **Early and effective integration of environmental assessments and of other environmental requirements**



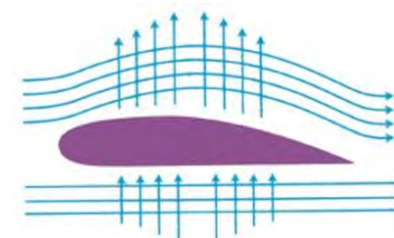
- Perform environmental assessments **as early as possible** and to the level of detail possible;
- Make SEAs and if applicable AAs **mandatory at the planning** stage of national energy policy plans;
- Integrate all relevant **environmental requirements** in the assessment process;
- Ensure **effective tiering** to avoid both overlaps and gaps in the assessments.



## Recommendation 3:

### **Procedural co-ordination and time limits**

- It is recommended to choose the integrated or the coordinated permitting approach -> best streamlining effects;
- Endow the designated competent authority with strong co-ordinating competences as regards the organisation of environmental assessment procedures;
- Set time limits for (parts of) the environmental assessment procedures to reduce unnecessary delays & encourage synergies.



## Recommendation 4:

### **Data collection, sharing and quality control**

- Start data collection as soon as possible;
- Coordinate data collection and set up data bases, e.g., managed by competent authority;
- Share data with other Member States with a view to transboundary projects;
- Establish ex-post monitoring schemes to improve future assessments;
- Use external experts and independent quality control to ensure that assessment reports are robust and the data used are valid and relevant.



## Recommendation 5:

### **Cross-border co-operation**

- Art. 9(5) TEN-E Regulation requires efficient and effective transboundary co-operation and co-ordination, including on pre-application phase;
- Ideally joint impact assessment procedures in order to prevent multiple partial assessments and public consultations;
  - *Commission Guidance on EIA-procedures for large-scale transboundary projects*
- Cross-border mechanisms could be set in bi- or multilateral agreements by MSs or regions, on a case-by case approach or per PCI category.



## Recommendation 6: **Early and effective public consultation**

- Early information and involvement is crucial!!
- First information and involvement ideally already at conceptual stage;
- Roadmapping should set out different stages of public consultation in the overall process;
- As for assessments, there should be efficient tiering of public participation to avoid both gaps and overlaps;
- It is strongly recommended to consult the concerned public also about possible impacts to Natura 2000 sites (even though this is not a legal requirement for AAs).





## Conclusion and road ahead

- Streamlining is very important with a view to building energy infrastructure as required to meet climate and energy objectives by 2020 and beyond,
- whilst at the same time ensuring a high standard of environmental assessment and protection.
- Guidance document consulted with MS and stakeholders throughout May 2013, comments incorporated
- Publication and launch event planned for 24 July 2013, to enable MS to proceed as swiftly as possible to identify and take adequate streamlining measures at national level.



***Thank you for your attention!***

