



Proposal for amendments regarding TEN-E regulation

(aka Commission's proposal 2025/0399 for a Regulation 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)

Note: The following amendment proposals are provided according to the topics addressed in ENNOH Position paper, and not in the chronological order of the articles in the TEN-E regulation.

1. De-risking private investment

Commission's proposal:

ENNOH proposal:

Recital (70)

Recital (70)

Regulation (EU) 2022/869 has demonstrated the added value of leveraging private funding through significant Union financial assistance to allow the implementation of projects of Union significance. In the light of the economic and financial situation and budgetary constraints, targeted support should continue under the multiannual financial framework, also with a view to de-risking projects and crowding in private investment, in order to maximise the impact of public funding and its benefits to Union citizens and to attract new investors into the energy infrastructure priority corridors and areas set out in Annex I to this Regulation, while keeping the budgetary contribution of the Union to a minimum.

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Financing hydrogen infrastructure is challenging, notably due to the anticipatory nature of hydrogen network development and its strong dependence on implementation of EU and member states decarbonisation policies – building the grid today for demand that will progressively emerge as the EU continues to decarbonise. This in turn raises the difficulty of ensuring de-risking mechanisms for the infrastructure build-up and non-prohibitive network charges during the early phase of the hydrogen market.

Payments at the EU level backed by an EU guarantee should be available in a consistent manner throughout the European Union for the benefit of the European cross-border hydrogen infrastructure projects. For the purpose of establishment of this mechanism at the EU level, an implementing act of the EU Commission setting, inter alia, the budgetary envelope of the instrument and specifying in particular the eligibility criteria and conditions for the support of the hydrogen infrastructure projects should be issued within [12 months after the adoption of this regulation] to give legal certainty to the project promoters of the hydrogen infrastructure projects.

[...]

CHAPTER VII *Financing*

Article 21 *Eligibility of projects for Union financial assistance under Regulation (EU) 2021/1153*

[...]

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.

[...]

CHAPTER VII *Financing and de-risking*

Article 21 *Eligibility of projects for Union financial assistance under Regulation (EU) 2021/1153*

[...]

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, **subject to the provisions 2a below and the exceptions specified in Article 17(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.

2a. Projects of common interest falling under the energy infrastructure categories set out in point (2) of Annex II can apply for financial support from designated EU funds and secured by a European guarantee. Within [12 months after entry into force of this regulation] the Commission shall adopt an implementing act on the implementation of an EU-level derisking and financing mechanism for cross-border hydrogen transport infrastructure. Such act shall provide all necessary mandates, provide integration with existing regulation and funding frameworks, setting the budgetary envelope of the instrument and specifying the eligibility criteria and the conditions for the participation of hydrogen infrastructure projects in the EU level de-risking mechanism.

The implementing act shall apply equally to all cross-border hydrogen infrastructure projects, as specified in the first sentence of this paragraph 2a, to guarantee a non-discrimination

approach to network operators in terms of the risk exposure related to their cross-border hydrogen infrastructure investments.

The implementing act shall be consulted with ENNOH and other relevant stakeholders prior to its adoption. For the avoidance of doubt, the criterium specified in paragraph 2(b) of this Article 21, does not need to be fulfilled to enable the respective project to apply for de-risking mechanism at the EU level backed by an EU guarantee according to the implementing regulation.

Rationale

ENNOH proposes to add an EU guarantee solution as an effective de-risking mechanism on EU level to unlock financing for dedicated cross-border infrastructure. Such EU guarantee could be designed in the form of payments supported by an EU guarantee that allows HTNOs to close the gap between allowed and actual revenues while facilitating non-prohibitive network tariffs. The guaranteed payments would be similar to a national Inter-Temporal Cost Allocation and State Guarantee but operated at EU level.

That is why ENNOH proposed additions to recital 70 and to article 21(2) to introduce that EU guarantee and its related implementing act.

21(2a) also specify that a CBCA is independent from requesting the benefit of an EU guarantee.

Similar amendments can be introduced in CEF revision and ECF.

2. Offshore Grid Planning

Commission proposal:

ENNOH proposal:

CHAPTER V

CHAPTER V

Offshore grids for renewable integration

Offshore grids for renewable integration

Article 15 **Offshore grid planning**

Article 15 **Offshore grid planning**

[...]

[...]

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 and other uses of the sea.

2. By [within 12 months after entry into force], and every **four two** years thereafter, as part of the following ten-year network development plan thereafter, the ENTSO for Electricity **and the European Network of Network Operators for Hydrogen (ENNOH)**, with the involvement of the relevant TSOs **and HTNOs**, 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 **jointly** 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 and other uses of the sea. **ENTSO for Electricity and ENNOH shall fulfil the tasks assigned to them according to this Article 15 in close collaboration with each other, in a coordinated manner and as equal footing partners.**

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 for the development of the Union-wide ten-year network development plan central scenario.

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 **and the ENNOH** shall consider the non-binding agreements referred to in paragraph 1 for the development of the Union-wide ten-year network development plan central scenario.

[...]

[...]

5. After each update of the non-binding agreements in accordance with paragraph 4, for each sea basin, the ENTSO for Electricity shall 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.

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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), 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.

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).

ANNEX IV : **RULES AND INDICATORS CONCERNING CRITERIA FOR PROJECTS**

(1) A project of common interest with a significant cross-border impact shall be a project on the territory of a Member State and shall fulfil the following conditions:

[...]

Article 16 **Guidance on collaborative investment frameworks for offshore energy projects**

1. The Commission shall, with the involvement of the Member States, relevant TSOs **and HTNOs**, 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), 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.

2. The ENTSO for Electricity **and the ENNOH**, with the involvement of the relevant TSOs **and HTNOs**, 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).

ANNEX IV : **RULES AND INDICATORS CONCERNING CRITERIA FOR PROJECTS**

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[...]

(new category) **(j) for offshore hydrogen transmission, the project is designed to transfer hydrogen from offshore production sites to the onshore network of a specific Member State, increasing the volume of renewable hydrogen available on the internal market. The project shall demonstrate a significant positive impact on the Union's targets for energy and climate and its 2050 climate neutrality objective.**

(2) A project of mutual interest with significant cross-border impact shall fulfil the following conditions:

[...]

(b) for projects of mutual interest in the category set out in point (2) (a) of Annex II, the hydrogen project enables the transmission of hydrogen across the border of a Member State with a third country and proves bringing significant benefits to at least two countries directly or indirectly concerned by the project;

(2) A project of mutual interest with significant cross-border impact shall fulfil the following conditions:

[...]

(b) for projects of mutual interest in the category set out in point (2) ~~(a)~~ of Annex II and **in point (1) (j) of this Annex IV**, the hydrogen project enables the transmission of hydrogen across the border of a Member State with a third country and proves bringing significant benefits to at least two countries directly or indirectly concerned by the project;

Rationale:

Articles 15 and 16 on Offshore Grid Planning Process should be amended to **include ENNOH as the co-leading governing body in the Offshore Network Development Plan (ONDP)** (today this responsibility of offshore infrastructure planning is explicitly placed on ENTSO-E).

ENNOH has been tasked to elaborate a TYNDP of the integrated hydrogen network (article 60(1) of regulation 2024/1789). Directive 2024/1788 defines hydrogen as a network of onshore and offshore pipelines used for the transport of hydrogen of a high grade of purity with a view to its delivery to customers, excluding supply. This means that offshore hydrogen pipelines will undoubtedly be part of the future hydrogen TYNDP exercises. **If ENNOH is not duly involved in the ONDP, there is a risk of conflict regarding hydrogen offshore pipelines between the ONDP and ENNOH TYNDP.**

To be on equal footing, ENNOH propose to add an offshore hydrogen transmission project category. There are two categories of electricity transmission, offshore and onshore, with different criteria to meet whereas there is only one hydrogen transmission category dedicated to onshore.

For level playing field reason, PMI should have the same treatment as PCI. There is no reason to limit PMI to hydrogen pipeline only. Furthermore, the new category of offshore hydrogen transmission should also be available to PMI status.

3. Central Scenario

Commission proposal:

ENNOH proposal:

CHAPTER IV

Cross-sectoral infrastructure planning

Article 11 Central scenario for the ten-year network development plans

1. By [two years after entry into force] and at least every four years thereafter, the Commission shall develop a central scenario for the electricity, hydrogen and gas sectors to be used for the Union-wide ten-year network development plans referred to in: Article 48 of Regulation (EU) 2019/943 and Article 59 of Regulation (EU) 2024/1789, the infrastructure needs identification process referred to in Article 12 of this Regulation, the energy system wide cost-benefit analysis referred to in Article 14 of this Regulation, and the cross-border cost allocation referred to in Article 17 of this Regulation.

CHAPTER IV

Cross-sectoral infrastructure planning

Article 11 Central scenario for the ten-year network development plans

1. By [two years after entry into force] and **at least** every **four two** years thereafter, the **Commission European Network of Transmission System Operators for Electricity (ENTSO for Electricity), the European Network of Transmission System Operators for Gas (ENTSO for Gas) and the European Network of Network Operators for Hydrogen (ENNOH)** shall develop a central scenario for the electricity, hydrogen and gas sectors.

ACER, after having conducted an extensive consultation process involving the Commission, the Member States, the ENTSO for Electricity, the ENTSO for Gas, the EU DSO entity and at least the organisations representing associations involved in electricity, gas and hydrogen markets, heating and cooling, carbon capture and storage and carbon capture and utilisation stakeholders, independent aggregators, demand-response operators, organisations involved in energy efficiency solutions, energy consumer associations and civil society representatives, shall submit updated framework guidelines for the joint scenarios to be developed by ENTSO for Electricity, ENTSO for Gas and ENNOH to the Commission for approval. The Commission shall within one month approve the draft framework guidelines or request amendments, in which case ACER shall submit an amended version to the Commission within one month. Following Commission approval ACER shall publish the framework guidelines.

Those guidelines shall be regularly updated as found necessary and at least every four years.

This central scenario shall be used for the Union-wide ten-year network development plans referred to in: Article 48 of Regulation (EU) 2019/943 and Articles **32 and** 59 of Regulation (EU) 2024/1789, the infrastructure needs identification process referred to in Article 12 of this Regulation, the energy system wide cost-benefit analysis referred to in Article 14 of this Regulation, and the cross-

border cost allocation referred to in Article 17 of this Regulation.

The ENTSO for Electricity, the ENTSO for Gas and the ENNOH shall publish and submit the draft central scenario to the European Commission. Within three months after the publication of the draft central scenario, taking into account the opinion of the TEN-E group, the European Commission shall approve the draft central planning scenario or request the ENTSO for Electricity, the ENTSO for Gas and the ENNOH to amend it. The ENTSO for Electricity, the ENTSO for Gas and the ENNOH shall provide reasons explaining how any request for amendments from the Commission has been addressed. Any amendments should respect the technology neutrality principle.

2. The central scenario shall:

(a) be consistent with the Union's targets for energy and climate and include a long-term perspective until at least 2050 in accordance with the Union's climate neutrality objective;

(a) take a cross-sectoral approach ensuring consistency between the electricity, hydrogen and gas sectors, optimizing system efficiency;

(b) include sensitivity analyses as appropriate.

The central scenario shall:

(a) be consistent with the Union's targets for energy and climate and include a long-term perspective until at least 2050 in accordance with the Union's climate neutrality objective;

(a) (b) take a cross-sectoral approach ensuring consistency between the electricity, hydrogen and gas sectors, optimising system efficiency;

(b) (c) include sensitivity analyses, as appropriate.;

(d) include alternative bottom-up scenarios to better represent energy system and infrastructure development pathways.

3. The European Network of Transmission System Operators for Electricity (ENTSO for Electricity), the European Network of Network Operators for Hydrogen (ENNOH), the European Network of Transmission System Operators for Gas (ENTSO for Gas) and the Member States shall provide, upon request from the Commission, the data and information necessary for the development of the central scenario referred to in paragraph 1. That includes, but is not limited to market and network data, such as demand and supply projections, characteristics of power generation, hydrogen production and networks, flexibility sources, imports assumptions, as well as climatic years data. The Commission shall set a reasonable time limit within which the data and information is to be provided, taking into account the complexity and urgency of the data and information required. Where an addressee does not provide the information requested within the time limit set by the Commission or supplies incomplete information, the Commission may by

3. The ~~European Network of Transmission System Operators for Electricity~~ (ENTSO for Electricity), the ***ENTSO for Gas, the European Network of Network Operators for Hydrogen (ENNOH), the European Network of Transmission System Operators for Gas (ENTSO for Gas)*** and the Member States shall provide, upon request from the Commission, the data and information necessary for the development of the central scenario referred to in paragraph 1. That includes, but is not limited to market and network data, such as demand and supply projections, characteristics of power generation, hydrogen production and networks, flexibility sources, imports assumptions, as well as climatic years data. The Commission shall set a reasonable time limit within which the data and information is to be provided, taking into account the complexity and urgency of the data and information required. Where an addressee does not provide the information requested within the time limit set by the Commission or supplies incomplete information, the Commission may by decision

decision require the information to be provided. The Commission may request the Agency to verify the data submitted to the Commission, including by verifying national data with the relevant national regulatory authorities.

[...]

6. The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Regulation by establishing the central scenarios pursuant to this Article. The Commission shall adopt the central scenario taking into account the comments from the TEN-E Group.

7. Following the publication of the delegated act on the central scenario the Commission shall publish the underlying input and output data for the central scenario, subject to restrictions under national law and relevant confidentiality agreements.

8. The Commission, taking into account the views of the Agency, the Member States, national regulatory authorities, and relevant stakeholders, may develop sensitivity analyses to the central scenario if this is necessary based on market or policy developments. The Commission may amend the delegated act referred to in paragraph 6 of this Article in order to include any such sensitivity analyses.

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6. The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Regulation by establishing the central scenarios pursuant to this Article. The Commission shall adopt the central scenario taking into account the comments from the TEN-E Group.

7. Following the publication of the ~~delegated act on the~~ draft central scenario ~~the Commission the~~ **ENTSO for Electricity, the ENTSO for Gas and the ENNOH** shall publish the underlying input and output data for the central scenario, subject to restrictions under national law and relevant confidentiality agreements.

8. The ~~Commission~~ **ENTSO for Electricity, the ENTSO for Gas and the ENNOH**, taking into account the views of the Agency, the Member States, national regulatory authorities, and relevant stakeholders, may develop sensitivity analyses, **including alternative bottom-up scenarios**, to the central scenario if this is necessary based on market or policy developments. The Commission may amend the delegated act referred to in paragraph 6 of this Article in order to include any such sensitivity analyses, **including such alternative bottom-up scenarios**.

Rationale:

ENNOH believes that the continued deep involvement of the ENTSOs/ENNOH in the scenarios building process remains essential for the following reasons:

- they hold the concentrated expertise in grid planning (technical, operational and market knowledge of the actors involved downstream, midstream and upstream),
- they established a strong two-ways communication at the European and national levels, taking into account regional specificities across Member States and
- they enhance transparency and inclusiveness via the Stakeholders Reference Group as well as via public consultations during the process conducted by the ENTSOs and ENNOH.

That is why ENNOH proposes that the central scenario should be developed by the ENTSOs/ENNOH instead of the Commission/JRC.

We also would like to move back to a 2-year scenario cycle (instead of 4-year as proposed by the Commission).

The European Commission's proposal appears premature, as it was issued before the TYNDP cycle under the current TEN-E Regulation had been finalised, assessed or scrutinised by the relevant bodies (ACER and the European Commission). In the proposal, energy scenarios move to a strict top-down system whereby these scenarios would be prepared by the European Commission through the Joint Research Centre (JRC). Instead of that, we propose that JRC could play a technical role in the further development and harmonisation of methodologies, within the frame of the Stakeholder Reference Group, being actively involved throughout the methodological work and perhaps in decision-making, to reinforce robustness, transparency, and alignment with EU-level energy objectives. Scenarios are used in the European Commission's process to grant PCI status, allowing for faster permitting process and eligibility to apply for European funds. There is a real risk that a top-down approach to scenarios would limit the quality and objectivity of the results, ultimately resulting in national and regional realities not being addressed. Feedback loops are significantly reduced, diminishing stakeholders' input opportunities.

Note: For the purpose of this document, ENNOH's presented amendment proposals are limited to the main provisions where scenarios are mentioned. The changes to other articles and to the preamble of TEN-E are also needed, but for time and convenience reasons are left out of the scope of the present document.

4. The CBCA process within the PCI/PMI process

Commission proposal:

CHAPTER VI Regulatory framework

Article 17 Enabling investments with a cross border impact

[...]

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 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:

[...]

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;

(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;

[...]

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.

[...]

ENNOH proposal:

CHAPTER VI Regulatory framework

Article 17 Enabling investments with a cross-border impact

[...]

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 HTNOs** 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:

[...]

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 **involved in interconnected projects**, that Member State and the relevant national regulatory authority shall take part in the cross-border cost-allocation process;

For categories set out in point (2) of Annex II, this condition in the first sentence of (a) covers all the Member States included in the specific supply corridor;

(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;

[...]

12. Cost allocation decisions shall not affect the right of TSOs **and HTNOs** 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.

[...]

[new] 17. A cross-border cost allocation decision according to this Article 17 is not necessary, if according to a project-specific cost-benefit analysis the project provides net benefits to all affected Members States. Union financial

assistance for works can be requested and granted without a cross-border cost allocation decision in case of projects falling under Annex II point (2).

ANNEX III REGIONAL LISTS OF PROJECTS

[...]

2. PROCESS FOR ESTABLISHING REGIONAL LISTS

[...]

(2) Projects on the Union list that have obtained regulatory approval or final investment decision providing sufficient assurance of the construction of the project, or projects for which construction is on-going and show sufficient progress in their annual report required under Article 5, shall remain on the Union list and not be required to re-submit information pursuant to points (a) to (f) and of point 1. All recipients shall ensure the confidentiality of commercially sensitive information.

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Rationale

ENNOH proposes the following changes in the CBCA and PCI selection processes:

- **A clear statement that an initiation and/or completion of a CBCA process does not constitute a prerequisite for the reception of fund and/or the application of EU de-risking mechanisms.** A new article 21(2a) (in section 1 of this paper) clarifies that the CBCA and the EU guarantee do not interact with each other.
- The possibility to skip the CBCA stage in case the project provides net benefits to all affected national systems or for hydrogen projects asking for a financial assistance for work (see new article 17(17)).
- On the inclusion of any Member State where at least 10% of the estimated benefits occur in the CBCA process, ENNOH would like to be more specific by stating that should be included in the CBCA process only Member States directly involved in or connected to the project related to infrastructure developments.
- The allocation of costs among the Member States shall not only be based on the distribution of net benefit (i.e. benefit minus cost). Gross benefit should be considered in cases where net benefits will be equal to zero or negative, whereas gross benefits are always positive. With a zero value or a negative value, one will have difficulties to allocate cost. Some room for interpretation regarding cost sharing should, then, be applied in these cases where it is not possible to share cost on net benefits, i.e. when the net benefits for one party are equal to zero or are negative. For instance, a partition key for the cost in these cases could be the overall benefits (i.e. without subtracting the cost occurred in the considered system).
- Existing PCI/PMI that showed progress shall remain on the Union list to give certainty to project promoters and to provide stability regarding continuation of the project.

5. Permitting

CHAPTER III Permit-granting and public participation

Article 7 *Priority status of projects on the Union list*

5. With regard to the environmental impacts addressed in Article 6(4) of Directive 92/43/EEC and Article 4(7) of Directive 2000/60/EC, provided that all the conditions set out in those Directives are fulfilled, projects on the Union list falling under the infrastructure categories referred to in points (2), (3), and (4) of Annex II to this Regulation shall be considered as being of public interest from an energy policy perspective, and may be considered as having an overriding public interest.

[...]

CHAPTER III Permit-granting and public participation

Article 7 *Priority status of projects on the Union list*

5. With regard to the environmental impacts addressed in Article 6(4) of Directive 92/43/EEC and Article 4(7) of Directive 2000/60/EC, provided that all the conditions set out in those Directives are fulfilled, projects on the Union list falling under the infrastructure categories referred to in points (2), (3), and (4) of Annex II to this Regulation shall be considered as being of public interest from an energy policy perspective, and ~~may be considered as having an overriding public interest.~~ *are presumed as being in the overriding public interest and serving public health and safety when balancing legal interests in individual cases.*

[...]

Rationale

In chapter III of the proposed TEN-E Regulation “Permit-granting and public participation”, electricity projects are favoured compared to other energy infrastructure categories. Electricity projects “are presumed as being in the overriding public interest” (in article 7(6)) whereas hydrogen, electrolyser facilities and carbon dioxide projects “may be considered as having an overriding public interest” (in article 7(5)). **There should be equal treatment of all energy infrastructure categories and, accordingly, to exclude the differentiation in article 7.**

Additional amendment regarding Commission's proposal 2025/0400 for a directive amending Directives (EU) 2018/2001, (EU) 2019/944, (EU) 2024/1788 as regards acceleration of permit-granting procedures

Proposal 2025/0400 for a Directive amending Directives (EU) 2018/2001, (EU) 2019/944, (EU) 2024/1788 as regards acceleration of permit-granting procedures

Article 3 Amendments to Directive (EU) 2024/1788

Directive (EU) 2024/1788 is amended as follows:

(1) Article 8 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. In circumstances where an authorisation, such as a licence, permission, concession, consent or approval, is required for the construction or operation of natural gas facilities, hydrogen production facilities, and hydrogen system infrastructure, Member States or any competent authority they designate, shall grant authorisations to build or operate such facilities, infrastructure, pipelines or associated equipment within their territory, in accordance with paragraphs 2 to 11 and paragraph 16. Member States or any competent authority they designate, may also grant authorisations on the same basis for the supply of natural gas and hydrogen and for wholesale customers.’;

[...]

Proposal 2025/0400 for a Directive amending Directives (EU) 2018/2001, (EU) 2019/944, (EU) 2024/1788 as regards acceleration of permit-granting procedures

Article 3 Amendments to Directive (EU) 2024/1788

Directive (EU) 2024/1788 is amended as follows:

(1) Article 8 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. In circumstances where an authorisation, such as a licence, permission, concession, consent or approval, is required for the construction or operation of natural gas facilities, hydrogen production facilities, and hydrogen system infrastructure, Member States or any competent authority they designate, shall grant authorisations to build or operate such facilities, infrastructure, pipelines or associated equipment within their territory, in accordance with paragraphs 2 to 11 and paragraph 16. Member States or any competent authority they designate, may also grant authorisations on the same basis for the supply of natural gas and hydrogen and for wholesale customers.’⁴

Furthermore, the planning, construction and operation of transmission and distribution system infrastructure shall be presumed to contribute to a long-term reduction of nitrogen emissions and shall not require an assessment of nitrogen emissions in an assessment that may be carried out to comply with Article 6 of the Council Directive 92/43/EEC.’;

Rationale

Article 2 from communication 2025/0800 amending the electricity directive, in the new article 8(11), eases the permitting process by removing the nitrogen emissions assessment. For sake of a level playing field and to simplify the permitting process, hydrogen projects should also benefit from the presumption that they will contribute to a long-term reduction of nitrogen emissions and, so, do not need to assess their nitrogen emissions during planning, construction and operation.

That is why it is proposed to replicate the provision in the new article 8(11) of the electricity directive into article 3 of communication 2025/0800 which amends article 8 of the gas and hydrogen directive.