

**Case ACCC/C/2013/96 –
Reply by the European Commission, on behalf of the European Union,
to the written questions by the Aarhus Convention Compliance Committee
(ACCC)**

Question 1:

- 1. Please provide further and more detailed information on how business interests, the protection of personal data and the public interest in disclosure were considered in the access to information requests within the framework of this case, including with regard to the identity of the project developers and financial subsidies.**

The Commission recalls that the following access-to-documents requests, which concern Projects of Common Interest (PCIs) in Ireland, were submitted to the European Commission under Regulation 1049/2001¹ and were subject to a confirmatory review by the Commission's Secretary-General, acting on behalf of the Commission:

- (i) Application for access registered under reference Gestdem 2013/4873;
- (ii) Application for access registered under reference Gestdem 2012/4179.

The confirmatory decisions, adopted by the Commission's Secretary-General, relating to the above-mentioned applications for access to documents have become final in the absence of any legal challenge before the EU Courts by the Communicant. In light of this, the Commission reiterates its position that **the appeal before the ACCC is inadmissible as the Communicant failed to avail itself of the remedies available to it under EU law**. Indeed, in the absence of any legal challenge before the EU Courts, and thus the proper exhaustion of all remedies available under EU law, the Communicant cannot avail himself of a complaint to the ACCC in order to contest the decisions taken under Regulation 1049/2001.

However, in the spirit of cooperation with the ACCC, the Commission provides the following clarifications:

As regards point (i) above:

The Commission recalls that in the context of its confirmatory review of access to documents request Gestdem 2013/4873, it granted full access to one document and partial access to five documents relating to PCIs. Access was refused to those parts falling under one or several of the exceptions provided for in Article 4 of Regulation 1049/2001. The Commission's confirmatory reply of 30 January 2014 was attached to the Commission's observations before the ACCC, together with the enclosed documents, released to the applicant. The Commission therefore refers the ACCC to this confirmatory decision, which explains in detail the justifications for the redactions made, including the ones related to the redaction of personal data and commercial interests.

¹ Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents, Official Journal (OJ) L 145 of 31.5.2001, p. 43.

As regards point (ii) above:

The access to documents request Gestdem 2012/4179 was contested by the applicant before the European Ombudsman and was subject to an investigation by the latter in the framework of complaint 181/2013/(JF)(RT)(AN).² The Ombudsman's closing decision in the complaint is part of the documents submitted to the ACCC by the Communicant and is available on the ACCC webpage for further reference.

The Commission recalls that during the Ombudsman's investigation, and after having re-consulted the project promoters, it reassessed its position as regards the requested access to the project questionnaires completed by the project promoters and submitted in the framework of a consultation concerning energy projects. It decided to provide further/wider access to some of them. The Commission's final position was communicated to the Ombudsman on 3 June 2014.³ It sets out in detail why certain, very limited, redactions had to be maintained in part of the questionnaires. The Commission refers the ACCC to the said reply and the relevant annexes, where it put forward detailed justifications for its position.

In order to avoid any misunderstanding, the Commission wishes to point out that the identity of the project promoters (legal persons), mentioned in the documents falling under the requested access, was released. Indeed, references to the names of companies/legal persons save in certain circumstances do not constitute personal data in the sense of Article 2(a) of Regulation 45/2001⁴. The only personal data redacted were the names/surnames and contact information (emails, addresses, and telephone numbers) of individuals identified as contact points for project promoters and mentioned in the said documents, as that information indeed falls within the notion of personal data provided by Regulation 45/2001.

Question 2:

- 2. Please indicate whether the deadlines for replying to the communicant's access to documents requests and confirmatory requests were complied with, and if not, whether the communicant was informed beforehand including with the reasons for any delay.**

The Commission maintains and reiterates its view that the ACCC should not become a means of redress for issues where remedies internal to the EU are available and have not been exhausted, as in the present case.

Therefore, given that the Communicant did not avail himself of the means of redress provided under Union law (action for annulment of the contested decisions under

² Together with the related application for access Gestdem 2013/1279.

³ Comments of the Commission on a proposal for a friendly solution from the European Ombudsman in complaint 181/2013/(JF)(RT)AN, together with the relevant annexes:



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⁴ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, OJ L 8 of 12.1.2001, p. 1.

Article 263(4) TFEU) and he did not therefore even raise, as an allegation, an alleged procedural mishandling of the access to documents requests in question, the Commission considers that the respect of the deadlines for replying to the relevant requests cannot be analysed by the ACCC.

Nevertheless, for the sake of completeness, the Commission provides the ACCC with the following information regarding the procedural handling of the two requests mentioned above:

As regards request Gestdem 2013/4873:

The applicant submitted a confirmatory application to the Commission's Secretary-General on 3 December 2013, which was registered on 9 December 2013.

On 7 January 2014, the Commission's Secretariat-General informed the applicant that it was not yet in a position to reply to the said confirmatory request and that it had to extend this period by another 15 working days, in accordance with Article 8(2) of Regulation 1049/2001. The new deadline, expiring on 30 January 2014, was duly communicated to the applicant. Indeed, the Commission sent its confirmatory reply on 30 January 2014, as indicated in the above-mentioned holding reply.

The Commission has therefore duly complied with its procedural obligations by handling this confirmatory review within the legal deadlines provided for in Article 7 of Regulation 1049/2001.

As regards request Gestdem 2012/4179:

The applicant's confirmatory application bears the date of 24 October 2012. It was registered by the Commission on 30 October 2012.

On 22 November 2012, the Commission services sent a holding reply, informing the applicant that it was *"currently assessing to what extent relevant documents have been overlooked in the handling of [his] application."* It clarified further that *"we have not yet found any such documents. In order to allow us to pursue our search, we need to extend the time limit, which expires today with another 15 working days in accordance with Article 8(2) of Regulation 1049/2001."* The Commission clearly indicated the new deadline, which expired on 13 December 2012.

On 12 December 2012, the Commission's Secretariat-General sent a second holding letter, informing the applicant that *"unfortunately, we are still not in a position to provide you with a final reply to your request as the internal consultations are still on-going."* The Commission assured the applicant that it was doing its utmost to provide him with a final reply on his application as soon as possible.

The Commission's confirmatory reply was sent to the applicant on 28 February 2013.⁵

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The applicant did neither contest the implicit negative reply in accordance with Article 8(3) of Regulation 1049/2001, nor the confirmatory reply sent to him on 28 February 2013, before the Union Courts.

The Commission duly informed the applicant on several occasions on the status of the handling of the said confirmatory review.

Question 3:

3. Is it the Party concerned's understanding that if requested information is confidential commercial information the Convention requires disclosure only if the information concerns emissions into the environment?

Under the terms of Article 4(3)(d) of the Aarhus Convention, a request for environmental information may be refused if the disclosure would adversely affect the *"confidentiality of commercial and industrial information, where such confidentiality is protected by law in order to protect a legitimate economic interest. Within this framework, information on emissions which is relevant for the protection of the environment shall be disclosed"*.

Likewise, as regards commercial interests, Article 6 of the Aarhus Regulation 1367/2006⁶ establishes the presumption of an overriding public interest in disclosure *"where the information requested relates to emissions into the environment."*

Thus, under both the regime provided by Article 4 of the Aarhus Convention and Article 6 of the Aarhus Regulation the irrebuttable presumption to divulge information on emissions prevails over the protection of commercial interests.⁷

If the information, however, concerns other elements than emissions into the environment, a case-by-case analysis with proper weighing of the interests concerned needs to be carried out, in application of Article 6(1), second sentence, of the Aarhus Regulation in combination with Article 4 of Regulation 1049/2001. This analysis may lead to disclosure of the information, or to its legitimate protection under certain circumstances.

This is also precisely what the Commission services did in the case at hand. The Commission services, having determined that the information requested did not concern emissions, in no way automatically refused access to commercial information.⁸



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⁶ Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies, OJ L 264 of 25.9.2006, p. 13.

⁷ Only in this very case and where no investigations are at stake with regard to Article 6(1), first sentence, of the Aarhus Regulation.

⁸ See Footnote 2, Comments of the Commission on a proposal for a friendly solution from the European Ombudsman in complaint 181/2013/(JF)(RT)AN.

Question 4:

- 4. Please clarify whether the Party concerned considers that the list of PCIs is subject to Article 7 of the Convention and, if so, whether the list of PCIs is (i) a plan; (ii) a programme; or (iii) a policy within the scope of Article 7. In addition, please clarify whether the list of PCIs complies with Article 9 of the Aarhus Regulation 1367/2006 or any other EU legislation providing for public participation.**

To recall, the Communicant alleged non-compliance by the Union in the adoption of the list of PCIs with Article 7 of the Aarhus Convention. Article 7 applies to *"plans, programmes and policies relating to the environment"*.

The first list of PCIs was adopted by the Commission in the form of Commission Delegated Regulation (EU) No 1391/2013 (PCI Regulation)⁹, as defined by Article 290 of the Treaty on the Functioning of the European Union (TFEU). The PCI Regulation thus constitutes a legally binding regulatory act of general application.

For determining whether the PCI Regulation meets the requirements of Article 7 of the Aarhus Convention, it has to be borne in mind that the inclusion of a given project on the list of PCIs is the result of an extensive consultation process which takes place *"en amont"*, that is before establishing the list, according to the requirements of the "TEN-E Regulation".¹⁰ The EU outlined the form and modalities of public consultation under the TEN-E-Regulation on pages 8 and 9 of the Union's observations to this case. Since these public participation requirements were met beforehand, the Union did not, in principle, need to ensure public participation again when adopting the list of PCIs. However, the adoption of the list of PCIs also comprised public participation in line with the requirements of Article 7 of the Aarhus Convention, as explained in more detail on page 9 of the EU's observations to this case, even if the PCI Regulation does not specify or prejudge the location, routing or technology of the PCIs, does not grant permissions necessary for the implementation of these projects, and does not grant authorisations to build the PCI infrastructure. It also does not require or guarantee that these projects are being actually built. Therefore, the EU did not, as the Communicant in the compliance case at hand argued, breach Article 7 of the Convention when adopting the list of PCIs.

As to the question whether the list of PCIs complies with the Aarhus Regulation or any other EU legislation, the EU would like to note that the "benchmark" for the ACCC for assessing a Party's compliance is solely the Aarhus Convention, not the Party's implementing legislation. It is for the EU courts to decide on a possible breach of EU legislation by the institutions. The EU therefore considers this part of the question as inadmissible.

⁹ Commission Delegated Regulation (EU) No 1391/2013 of 14 October 2013 amending Regulation (EU) No 347/2013 of the European Parliament and of the Council on guidelines for trans-European energy infrastructure as regards the Union list of projects of common interest; OJ L 264, 25.9.2006, p. 13.

¹⁰ 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

Question 5:

5. **With respect to the European Ombudsman's conclusion that the EU need not duplicate consultation at local level (Closing Decision in Complaint 240/2014/FOR), please explain how information and public participation duties were divided between the EU and the Member States during the process of preparing the list of PCIs.**

In Closing Decision 240/2014/FOR, the European Ombudsman entirely shares the Commission's position that it would not be appropriate for *"the Commission to attempt to replicate the consultation that already must take place at national level"* and that Regulation (EU) No 347/2013 (TEN-E Regulation)¹¹ provides for *"safeguards which ensure that citizens can participate in the decision-making relating to individual projects and make known their views on the impact of those projects on the environment before they are implemented."*

Article 9 of the TEN-E Regulation and its Annex VI clearly stipulate that each PCI will have to undergo a complete permit granting process and that it will have to be subject to a project-specific public consultation aimed at members of the public likely to be directly affected by it, including landowners and citizens living in the vicinity of the project. For each PCI, a project promoter has to (i) draw up a concept for public participation to be accepted by the competent authority, (ii) run at least one public consultation (aimed among others at landowners and citizens)¹², (iii) prepare a report summarising the results of the public consultation, (iv) submit the report to the competent authority, and (v) establish a website with information about the PCI and public consultation planning.

Article 9 and Annex VI to the TEN-E Regulation constitute the safeguard that citizens will be involved in the implementation process of PCIs and will be able to make their views heard by project promoters and national authorities well before the latter take decisions determining whether project promoters are (or are not) to be granted authorisations to build the PCI infrastructure.

The consultation at local level will be carried out in the national language(s) and all information disclosed to stakeholders and members of the public will also be available in the national language(s). Consequently, before any decisive decision will be made by national authorities with regard to any PCI, local communities and citizens living in a close vicinity of the project will receive information about that project and will be able to communicate their views on that project in their national languages.

This implies that, while the public consultations on the entire list of projects proposed for the PCI status have been carried out by the Commission, each of the selected PCIs will have to undergo - before it is further implemented and in particular before any construction works start (and thus *"when all options are still open"*) - the public consultation at local level held either by a project promoter or the national competent authority.

¹¹ 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.

¹² When required by national law, public consultations have to be carried out by the national competent authority.

Question 6:

6. Please provide further information on the current stage of the projects on the list of PCIs, including which decisions have been taken so far and whether projects on the list of PCIs have already received some EU funding.

Implementation stage

The first Union list of PCIs laid down by the PCI Regulation provided for 248 PCIs, including 169 electricity projects, 104 gas projects, 6 oil projects and 2 smart grids projects.

Of the PCIs on the first Union list, 13 have already been commissioned or are close to the commissioning. The following table provides for the list of the completed PCIs.

Corridor	PCI code	Description
Electricity		
NSOG	1.1.3	Internal line in the United Kingdom between Dungeness to Sellindge, and Sellindge to Canterbury
NSI West	2.3.1	Phase-shift transformer in Luxembourg at the Belgian border
NSI West	2.5.2	Internal line in Italy, close to the French border
NSI West	2.6	Internal line in Spain at the French border Santa Llogaia-Bescano
NSI West	2.16.2	Internal line in Portugal
NSI East	3.1.3	Interconnector between Austria and Germany, St Peter-Ernsthofen (AT) (DE)
BEMIP	4.5.1	Interconnector between Altyš in Lithuania and Polish-Lithuanian border (part of LitPol Stage 1 cluster)
Gas		
NSI West	5.11	Reverse flow interconnection between Italy and Switzerland at Passo Gries interconnection point: phase I; Italy
NSI West	5.13	New interconnection between Pitgam and Maldegem; France/Belgium
NSI West	5.14	Reinforcement of the French network from South to North on the Arc de Dierrey pipeline between Cuvilly, Dierrey and Voisines, Section 1 (Cuvilly-Dierrey), France
NSI West	5.16	Extension of the Zeebrugge LNG terminal; Belgium
BEMIP	8.2.3	Capacity enhancement of Klaipėda-Kiemėnai pipeline; Lithuania
BEMIP	8.8	Upgrade of the entry point Włocławek of Yamal-Europe pipeline; Poland

The remaining PCIs are at different implementation stages, including planning, feasibility, design and/or environmental studies, permit granting, procurement and construction works. Some 50 projects might be completed by the end of 2017, provided that no major obstacles are faced in their implementation.

The Union's financial support to PCIs

Some PCIs selected for the first Union list have obtained the Union's financial support under various programmes and in different forms, including:

- grants for studies and works under the Connecting Europe Facility (CEF) programme¹³ managed by DG Energy and the Innovation and Networks Executive Agency,
- loans given by the European Investment Bank (EIB), and
- financial support under the European Structural and Investment Funds (ESIF)¹⁴ managed by DG REGIO.

The **CEF energy programme** with a budget of € 5.85 billion¹⁵ for the period from 2014 till 2020 was established in 2013 by the Union to provide financial support to PCIs that are non-viable within the regulatory frameworks and fail to obtain sufficient financing on the market.

In total, three CEF calls have been held so far, including one in 2014 and two in 2015. Under:

- the 1st call, 34 actions¹⁶ were selected for the total CEF support of € 647 million,
- the 2nd call, 20 actions were selected for the total CEF support of € 149 million, and
- the 3rd call, 15 actions were selected for the total CEF support of € 217 million.

The lists of actions selected for the CEF support are available for the public as they are published on the CEF programme website (the 1st call¹⁷, the 2nd call¹⁸ and the 3rd call¹⁹).

The EIB has signed so far the loans, worth approximately € 3.5 billion, for nine PCIs, including seven electricity projects and two gas projects. In addition, the EIB has approved the loans, worth over € 750 million, for five PCIs, including two electricity and three gas projects which will be signed in a near future.

¹³ 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) No 67/2010, OJ L 348, 20.12.2013, p. 129.

¹⁴ Mainly the European Regional Development Fund (ERDF).

¹⁵ With the adoption of Regulation (EU) 2015/1017 the financial envelope for the CEF (energy sector) was revised to € 5.35 billion.

¹⁶ CEF grants are allocated to "actions" and not PCIs. One PCI can consist of one or several actions.

¹⁷ http://ec.europa.eu/energy/sites/ener/files/documents/20141121_cef_energy_lists.pdf

¹⁸ https://ec.europa.eu/energy/sites/ener/files/documents/CEF_Energy_2015_call_for_proposals.pdf

¹⁹ <http://ec.europa.eu/energy/sites/ener/files/documents/List%20of%20selected%20actions%20CEF%202015-2%28final%29.pdf>

EIB signed loans		
Corridor	PCI code and description	EIB site link
Electricity		
NSOG	1.1.3 Internal line between Dungeness to Sellindge and Sellindge to Canterbury	http://www.eib.org/projects/pipeline/2011/20110002.htm
NSI West	2.17 PCI Portugal - Spain interconnection between Vila Fria - Vila do Conde - Recarei (PT) and Beariz - Fontefría (ES)	http://www.eib.org/projects/pipeline/2009/20090623.htm
NSI West	2.19 PCI hydro-pumped storage in Austria - Obervermuntwerk II, Vorarlberg province	http://www.eib.org/projects/loans/2014/20140022.htm
NSI East	3.16.1 Interconnection between GőnyB (HU) and Gabčíkovo (SK) 3.16.3 Extension of Győr substation (HU)	http://www.eib.org/infocentre/press/releases/all/2010/2010-068-eib-supports-upgrade-and-extension-of-electricity-transmission-network-in-hungary-with-eur-150-million.htm
NSI East	3.20.2 Internal line between West Udine and Redipuglia (IT)	http://www.eib.org/projects/loans/2013/20130015.htm
NSI East	3.25 PCI battery storage systems in Central South Italy	http://www.eib.org/projects/loans/2013/20130015.htm
NSI East	4.5.1 LT part of interconnection between Alytus (LT) and LT/PL border	http://www.eib.org/projects/loans/2014/20140100.htm
Gas		
NSI East	6.1.2 Lwówek-Odolanów pipeline	http://www.eib.org/projects/loans/2013/20130291.htm
NSI East	6.3 PCI Slovakia - Hungary Gas Interconnection between Veľké Zlievce (SK) - Balassagyarmat border (SK/HU) - Vecsés (HU)	http://www.eib.org/projects/pipeline/2011/20110392.htm

EIB approved loans		
Corridor	PCI reference and description	EIB site link
Electricity		
NSI West	2.16.2 New 55 km double circuit Pedralva - Vila Fria B 400 kV OHL (initially one circuit installed), with a capacity of 1630/1860 MVA per circuit correspondent to summer/winter	http://www.eib.org/projects/pipeline/2013/20130090.htm
NSI West	2.6 PCI Spain internal line between Santa Llogaia and Bescanó (ES) to increase capacity of the interconnection between Bescanó (ES) and Baixas (FR)	http://www.eib.org/projects/loans/2010/20100263.htm
Gas		

NSI East	5.18 PCI Reinforcement of the German network to reinforce interconnection capacities with Austria [currently known as Monaco pipeline phase I (Haiming/Burghausen-F insing)]	http://www.eib.org/projects/pipeline/2015/20150003.htm
NSI East	5.11 PCI Reverse flow interconnection between Italy and Switzerland at Passo Gries interconnection point	
BEMIP	8.2.3 Capacity enhancement of Klaipeda-Kiemenai pipeline in Lithuania	http://www.eib.org/projects/loans/2015/20150117.htm

In relation to ESIF financial support, it is recalled that in application of the shared management provisions, the selection, implementation and monitoring of co-financed actions is the responsibility of Member States (except for 'major projects'). However, the competent national authorities have the obligation to ensure that the selected projects are in line with the national strategic goals and priorities laid down in the Operational Programmes and the Community strategic guidelines on cohesion and comply with all relevant regulatory provisions set out for an Operational Programme and with the general Community rules and the specific conditions of EU co-funding, as well as of the requirements for a sound financial management and control.

PCI projects which received **ESIF financial support under the 2007-2013 programming period** are the following:²⁰

6.10. PCI Gas Interconnection Bulgaria-Serbia [currently known as IBS]	It received support under the 2007-2013 OP but was phased out for the current period due to slow progress
1.9.2. Ireland – United Kingdom interconnection between Coolkeeragh — Coleraine hubs (IE) and Hunterston station, Islay, Argyll and Location C Offshore Wind Farms (UK)	<p>The first ISLES project (000679) was a feasibility study to investigate the opportunities and challenges in developing a cross-jurisdictional offshore electricity transmission grid network using renewable energy - wind, wave and tidal. The ISLES study concluded that the offshore network was economically viable. The ISLES Project was awarded ERDF of £ 964,601.25.</p> <p>The ISLES II project (036442) was a follow on from ISLES and was aimed mainly at reducing the regulatory complexities around the development of the grid. The ISLES II Project was awarded ERDF of £747,359.25.</p>

²⁰ The two following projects were initially planned to be financed for the 2007-2013 period but were withdrawn from the financing: (i) 3.22.1 Interconnection between Resita (RO) and Pancevo (RS) (for the programming period 2014-2020 it was moved to CEF list); (ii) 9.1. PCI Adamowo-Brody pipeline: pipeline connecting the JSC Uktransnafta's Handling Site in Brody (Ukraine) and Adamowo Tank Farm (Poland)

1.12. PCI compressed air energy storage in United Kingdom – Larne	The SPIRE project (ref 036347) contained a research element involving determining the suitability of salt strata near Larne for this type of storage. The SPIRE Project was awarded ERDF of £1,407,602 for the exploratory drilling element of project activity.
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In relation to **ESIF financing under the 2014-2020 programming period**, the progress of selecting and financing projects varies across Member States.²¹ Currently, the below PCI projects are **planned to be financed** by ESI funds during the 2014-2020 period:

3.8.5 Internal line between Gutinas and Smardan (RO)	It is planned to be financed by the "Large Infrastructure" Operational Programme in the period 2014-2020. For the moment, the project was not yet selected by the Managing Authority
3.14.2. Internal line between Krajnik and Baczyna (PL)	ESIF support foreseen under the OP Infrastructure and Environment 2014-20; 154m CF; ongoing construction works
3.14.3. Internal line between Mikułowa and Świebodzice (PL)	ESIF support foreseen under the OP Infrastructure and Environment 2014-20; 154m CF; ongoing construction works
3.14.3. Internal line between Mikułowa and Świebodzice (PL)	ESIF support foreseen under the OP Infrastructure and Environment 2014-20; 154m CF; ongoing construction works
6.1.2. Lwówek-Odolanów pipeline	ESIF support foreseen under the OP Infrastructure and Environment 2014-20; 10m ERDF; ongoing construction works; MP application to be submitted in 2016
6.1.3. Odolanow compressor station	ESIF support foreseen under the OP Infrastructure and Environment 2014-20; however project immature
6.1.4. Czeszów-Wierzchowice pipeline	ESIF support foreseen under the OP Infrastructure and Environment 2014-20; 10m ERDF; ongoing construction works; project too mature for ESFI (incentive effect) – ESFI?
6.1.5. Czeszów-Kielczów pipeline	ESIF support foreseen under the OP Infrastructure and Environment 2014-20; 20m ERDF; ongoing construction works;

²¹ In the Czech Republic, the first call for proposals for the projects of transmission grids was opened in December 2015 and will be closed in June 2016. So far, no projects have been selected.

	MP application to be submitted in 2016
6.1.6. Zdieszowice-Wrocław pipeline	ESIF support foreseen under the OP Infrastructure and Environment 2014-20; 121m ERDF; ongoing construction works; MP application to be submitted in 2016
6.1.7. Zdieszowice-Kędzierzyn pipeline	ESIF support foreseen under the OP Infrastructure and Environment 2014-20; 25m ERDF; ongoing construction works
6.1.8. Tworóg-Tworzeń pipeline	CEF application rejected in 2015; ESIF support foreseen under the OP Infrastructure and Environment 2014-20; 270m ERDF; construction works to be launched in 2016; MP application to be submitted in 2017
6.1.9. Tworóg-Kędzierzyn pipeline	ESIF support foreseen under the OP Infrastructure and Environment 2014-20; 61m ERDF; ongoing construction works; MP application to be submitted in 2017
6.1.10. Pogórska Wola-Tworzeń pipeline	ESIF support foreseen under the OP Infrastructure and Environment 2014-20; 201m ERDF; ongoing construction works; MP application to be submitted in 2017
6.1.11. Strachocina – Pogórska Wola pipeline	ESIF support foreseen under the OP Infrastructure and Environment 2014-20; 59m ERDF; ongoing preparatory works; MP application to be submitted in 2017
6.2.2. Rembelszczyzna compressor station	ESIF support foreseen under the OP Infrastructure and Environment 2014-20; 18m ERDF; construction works to be finalized in 2016
6.2.3. Rembelszczyzna-Wola Karczewska pipeline	ESIF support foreseen under the OP Infrastructure and Environment 2014-20; 122m ERDF; ongoing preparatory works; MP application to be submitted in 2017
6.2.6. Rozwadów-Końskowola-Wronów pipeline	ESIF support foreseen under the OP Infrastructure and Environment 2014-20; project immature
6.2.7. Jarosław-Rozwadów pipeline	ESIF support foreseen under the OP Infrastructure and Environment 2014-20; project immature

6.2.8. Hermanowice-Jarosław pipeline	ESIF support foreseen under the OP Infrastructure and Environment 2014-20; project immature
6.2.9. Hermanowice-Strachocina pipeline	ESIF support foreseen under the OP Infrastructure and Environment 2014-20; 40m ERDF; ongoing construction works; MP application to be submitted in 2016
8.7. PCI Capacity extension of Świnoujście LNG terminal in Poland	ESIF support foreseen under the OP Infrastructure and Environment 2014-20; 140m ERDF; feasibility study ongoing; project immature
8.2.3. Capacity enhancement of Klaipėda-Kiemėnai pipeline in Lithuania (construction of gas transmission pipeline)	Lithuania plans to use for this project, as for the implementation of all projects in common interest with the EU, preliminarily CEF funding [CEF-Energy under the 1st call in 2014 (maximum of the EU financial assistance (EUR 27,592,500)). However, this project was initially included in the Lithuanian Operational Programme as a major project to be co-financed from the ERDF under the Specific Objective 6.3.1 "Strengthen integration into the European Union's internal energy market". Should this project receive no or receive insufficient CEF funding, the lacking amount will be granted for this project from the ERDF envelope.

The new (second) 2015 Union list of PCIs

In addition to the above questions and for the ACCC's information, the Commission would like to note that, on 18 November 2015, the Commission adopted a Delegated Regulation establishing the new (second) Union list of PCIs which was published in the Official Journal on 27 January 2016.²²

Enhanced consultation process

The public consultation process carried out in 2013 complied with the Commission's internal rules on public consultations. Furthermore, in the 2015 PCIs selection process, the Commission took additional actions which enhanced the mandatory stakeholder consultation process.²³ These actions addressed in particular the multilingualism and the promotion of the consultation process at national and regional levels.

²² <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1458220359700&uri=CELEX:32016R0089>.

²³ These actions were taken in addition to the standard online consultations and two stakeholders' workshops held on 15 and 17 June 2015; <http://ec.europa.eu/energy/en/consultations/consultation-listproposed-projects-common-interest>

The Commission published lists of projects which provided links to websites, at which project promoters were requested to provide key project information in both English and national languages, in order to allow citizens to benefit fully from the public consultations.²⁴

In addition to publishing the public consultation notice in 23 official languages of the Union on "Your voice in Europe" and "DG Energy" websites, the Commission asked the relevant national ministries for the promotion of the public consultations, including by disseminating a link to the consultation website.

As a result of the enhanced consultation process, over 600 replies in different official EU languages were submitted. This constitutes an increase in the number of the received replies of over four times compared to the 2013 process.

Moreover, the Commission has developed three communication tools which aim at increasing the transparency and public participation in the implementation of PCIs, including:

- the "PCI Map Viewer"²⁵ which is an interactive map providing key information on PCIs, such as implementation plans, allocated funds and project specific fiches;
- DG Energy has carried out, with the support of a multi stakeholder Steering Group²⁶, a study on "Grid infrastructure development: European Strategy for raising public acceptance" and developed in its framework the "Grid Infrastructure Toolkit" which is publically available.²⁷ The toolkit provides the users with essential components for the successful, inclusive project communication and stakeholder integration. It is intended for multi-stakeholder use at a local level of any grid development project across Europe. The toolkit helps citizens to gather information and supports NGOs in having a stronger voice. Furthermore, it helps national and regional policy makers to engage more with their constituents and it supports TSOs in communicating and engaging more efficiently with stakeholders.
- The "CIRCABC"²⁸ which is a web-based service provided by the Commission to create collaborative workspaces. It is divided into categories and interest groups, allowing members of these groups to share information. DG Energy has created 13 interest groups: 12 Interest Groups corresponding to the 12 Regional Groups as defined in the TEN-E Regulation, and the 13th Interest Group which is an open group with no membership required, where documents, conclusions and decisions of the TEN-E Cross-Regional Group meetings are uploaded.

This comprehensive framework shows the ample participation measures that the Commission has implemented for the list of PCIs.

²⁴ https://ec.europa.eu/energy/sites/ener/files/documents/pci_candidates_for_gas.pdf

²⁵ <http://ec.europa.eu/energy/infrastructure/transparencyplatform/map-viewer>

²⁶ The Steering Group was composed of the European network of transmission system operators for electricity (ENTSO-E), Transmission System Operators (TSOs), Non-Governmental Organizations and others (i.e. academia).

²⁷ <https://webgate.ec.europa.eu/multisite/gridcommunicationtoolkit/node/49>

²⁸ <https://circabc.europa.eu>