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## **TRANSEUROPEAN NETWORKS OF ENERGY**

### **1. INTRODUCTION TO TRANSEUROPEAN ENERGY NETWORKS.**

Transeuropean energy networks are a European Union policy focused on connecting the various energy infrastructures present in the different Member States of the Union. The interconnection and integration of these infrastructures is essential to achieve the energy transition and for the Union to meet the climate targets to which it has committed itself internationally.

Article 194 of the Treaty on the Functioning of the European Union (TFEU), which serves as the legal basis for the Union's energy policy, sets out the four objectives of the policy, one of which is to promote the interconnection of energy networks. In the TFEU we also find that title XVI

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(articles 170 to 172) deals with transeuropean networks, including energy networks. The European Union not only provides for this type of network, but we can also find transeuropean transport and telecommunications networks.

Regarding the development of the guidelines for transeuropean energy networks, the Maastricht Treaty already conferred on the Union the task of establishing and developing transeuropean networks in the three sectors mentioned: transport, telecommunications, and energy. The Essen Council of 1994, where a number of projects in the field of energy networks were declared priority, is also of particular relevance in this area.

In 1996, Decision 1254/96/EC established for the first time a set of guidelines on Transeuropean Energy Networks, under which the Union could identify so-called Projects of Common Interest and help to create a favourable framework for their implementation and development, accompanied by sectoral objectives in the field of electricity.

Despite all of the above, the first regulation on guidelines for transeuropean energy infrastructures only came in 2013. Regulation (EU) 347/2013 established, among others, new guidelines for the development and interoperability of infrastructure and determined

the conditions of eligibility of Projects of Common Interest (PCIs) for financial support under the Connecting Europe Facility. This first regulation was released in 2022 by Regulation (EU) 2022/869, which will be discussed in more detail in the next section.

## **2. REGULATION (UE) 2022/869.**

Regulation (UE) 2022/869 updated the guidelines on transeuropean energy infrastructure in order to support the objectives of the European Green Deal. The Regulation has, almost in its entirety, meant the end of EU support for new natural gas and oil projects.

This new regulation identifies 11 priority corridors covering the different geographical regions of the Union separately, focusing on electricity, offshore networks and hydrogen and electrolysers. The development of the corridors will strengthen existing cross-border interconnections and promote the integration of renewable energies. In the same way, it will also allow the connection of regions that have so far been isolated from European energy markets, such as Malta and Cyprus, which are not yet connected to the European gas grid.

The 2022 Regulation also foresees 3 thematic priority areas:

1. The deployment of smart grids, which improve the efficiency of electricity grids, help the integration of renewable energies and also allow consumers themselves to regulate their energy consumption.
2. A cross-border carbon dioxide network, enabling the capture and storage of CO<sub>2</sub>.
3. Smart gas grids, focused on efficiently integrating renewable and low-emission gas sources into the gas grid, as well as achieving greater innovation and digitalisation for grid management and smart energy system integration in general.

### **3. SOME CONCEPTS FOR A BETTER UNDERSTANDING OF THE NEW REGULATION.**

The high complexity of the Union's networks and energy system, as well as some concepts that appear in the Regulation and are not commonly known, lead us to briefly explain in this chapter three of them that are essential to understand the current regulation: Projects of Common Interest (PCIs), Projects of Mutual Interest (PMIs) and the Union list.

- **Projects of Common Interest:** PCIs are the infrastructure projects necessary to carry out the development of the priority energy infrastructure corridors and areas listed in Annex I of Regulation 2022/869 and included in the Union list (article 2 of the Regulation, definition 5). PCIs should improve interconnection between national markets, competitiveness, security of supply and the promotion of the use of renewable energy.
- **Projects of Mutual Interest:** It is a figure that appears for first time in the 2022 Regulation. PMIs are projects promoted by the Union in cooperation with third countries pursuant to letters of support from the governments of the directly affected countries or other non-binding agreements, which falls under one of the energy infrastructure categories set out in point 1(a) or (f), point 3(a), or point 5(a) or (c) of Annex II, which contributes to the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective and which is on the Union list (article 2 of the Regulation, definition 6). As we can see in the definition, this is a figure quite similar to the previous one, but in which the projects are promoted by the EU in cooperation with third countries. In other words, they are

projects that include non-EU Member States.

- Union list: The Union list is a list of key cross-border energy infrastructure projects to build a more integrated and resilient internal energy market and to achieve the Union's energy and climate objectives. The list is compiled from the lists submitted by the decision-making bodies of the regional groups. It is to be established every two years. The first list under the new Regulation should be established by 30 November 2023 at the latest.

#### **4.IMPLEMENTATION AND MONITORING OF PROJECTS OF THE UNION LIST.**

Article 5 of Regulation 2022/869 sets out how the implementation and monitoring of projects on the Union list is to be carried out during their two-year period of validity.

Initially, project promoters shall draw up an implementation plan for their projects included in the Union list containing a timetable for, inter alia, assessment of feasibility and design studies, including, as regards, climate adaptation and compliance with environmental legislation and the principle of no significant harm, as well as approval by the national regulatory authority or by any other authority concerned.

Transmission system operators, distribution system operators and other operators shall cooperate to facilitate the development of the projects on the Union list in their area. The Agency and the stakeholders shall monitor the progress made in the implementation of the projects on the Union list and, if necessary, make recommendations to facilitate their implementation.

The submission of an annual report for each project included in the energy infrastructure categories referred to in Annex II by project promoters to the relevant national competent authority is essential. This report must be submitted at the latest by 31 December of each year following the year of inclusion of a project in the Union list (article 5.4). It shall include, inter alia, progress made in the development, construction and commissioning of the project; compliance with environmental regulations; and, if applicable, any delays compared to the implementation plan, the reason for such delays and other difficulties encountered.

In addition, by 28 February of the year following the submission of the report, the competent national authorities shall submit the annual report, supplemented by information of progress and possible delays, to the relevant Agency and group. The authorities' contribution to the report

shall be clearly marked as such and drafted without modifying the text introduced by the project promoters.

Finally, by 30 April of the year in which a new Union list is to be adopted, the Agency shall submit to the Groups a consolidated report for the projects on the Union list that are subject to the competence of the national regulatory authorities, evaluating the progress achieved and expected changes in the project costs and, where appropriate, make recommendations on how to overcome the delays and difficulties encountered. The report shall also assess the consistent implementation of the Union-wide network development plans for priority energy infrastructure corridors and areas.

The same article also provides for various measures applicable to delays implementation plans (article 5.7), and article 5.8 refers to the situation in which a project may be removed from the Union list. In particular this is when its inclusion in the list was based on incorrect information which was determining factor for that inclusion, or the project does not comply with Union law.





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