



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 6.7.2006
COM(2006) 381 final

2003/0297 (COD)

OPINION OF THE COMMISSION

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**laying down guidelines for trans-European energy networks and
repealing Decisions No 96/391/EC and No 1229/2003/EC,
(COM(2003) 742 final, C5-0064/2004, 2003/0297(COD))**

**AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250 (2) of the EC Treaty**

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1. INTRODUCTION

Article 251(2), third subparagraph, point (c) of the EC Treaty provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the amendments proposed by Parliament.

2. BACKGROUND

- a) Date of the Commission decision: 10.12.2003.
- b) Date of transmission to Parliament and Council: 11.12.2003.
- d) Date of opinion of the European Economic and Social Committee: 2.6.2004.
- e) Date of the opinion of the first reading in Parliament: 7.6.2005.
- f) Date of political agreement in the Council: 28.6.2005.
- g) Date of adoption of the common position: 1.12.2005.
- h) Date of the opinion of the second reading in Parliament: 4.04.2006.

3. PURPOSE OF THE PROPOSAL

The proposed revision aims mainly at incorporating the ten new Member States into the priority projects and improving implementation. The TEN-E support focuses on supporting the most important interconnection capacity as described in Annex IV of the original proposal. Major new elements of the proposed guidelines are (i) designation of Projects of European Interest for the projects with a very significant cross-border dimension, and (ii) designation of a European Coordinator who would be designated to contribute to efficient preparation and implementation of these projects within the agreed time frame.

4. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT

4.1. Amendments accepted by the Commission

The Commission can accept in full all 17 amendments adopted by the European Parliament. They are the result of a compromise package agreed between the European Parliament and the Council for the second reading. The amendments re-insert key elements of the Commission's proposal, namely the category of "projects of European interest" and the "European coordinator". The conclusion of the compromise package has been facilitated by the recognition that relevant and up-to-date information is in the hands of companies executing such projects rather than Member States; the draft Decision therefore places an obligation on Member States to ensure the flow of information on, and transnational coordination of, projects of European interest.

The amendments to the common position refer mainly to:

- The re-insertion of the category of "**projects of European interest**" (Articles 1 (1), 5 (a), 6 (5) and (8)).
- A differentiation in the **degree of priority access to funding** according to the source of cofinancing, by giving "appropriate priority" for funding under Council Regulation (EC) No 2236/95 while giving "particular attention" to projects declared to be of European interest for funding under other Community cofinancing funds (Art. 8(2) and (3)).
- **Transnational coordination** between Member States if there is a significant current or prospective delay in the progress on one of the projects declared to be of European interest, the Commission may then ask the Member States concerned to ensure that reasons for the delay are provided within three months (Article 8(6)).
- The Member States insisted to delete the provision that in case of delays the Commission may decide to **withdraw the declaration of European interest**, since they have only limited influence on the construction phase carried out by private companies. In view of the progress made concerning coordination and monitoring this position is acceptable for the Commission.
- The re-insertion of the **European coordinator** to be designated by the Commission, in agreement with the Member States concerned, and after having consulted the European Parliament, in cases where a project declared to be of European interest encounters significant delays or implementation difficulties (Article 10(1)).
- The specification of **reporting requirements**: Member States shall, using as a basis a draft timetable provided by the Commission, submit to the Commission an updated and indicative timetable for the completion of projects of European Interest. The Commission shall present biennial reports on the progress such projects; in cases where a European coordinator is appointed for the project in question, the European coordinator would assume this task (Article 9(1) and (2)).

5. CONCLUSION

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its proposal as set out above.