COMMISSION

COMMISSION RECOMMENDATION

of 14 December 1998

concerning the improvement of authorisation procedures for trans-European energy networks

(notified under document number C(1998) 4063)

(Text with EEA relevance)

(1999/28/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Decision 96/391/EC of the Council of 28 March 1996 laying down a series of measures aimed at creating a more favourable context for the development of trans-European networks in the energy sector [1], and in particular Article 2 thereof,

(1) Whereas Article 2(1) of Decision 96/391/EC provides that the Community shall promote cooperation between Member States through mutual consultations with a view to facilitating implementation of the authorisation procedures for projects on trans-European energy networks in order to reduce delays;

(2) Whereas Decision No 1254/96/EC of the European Parliament and of the Council of 5 June 1996 laying down a series of guidelines for trans-European energy networks [2], as amended by Decision No 1047/97/EC [3], has identified projects of common interest; whereas such identification is without prejudice to the assessment procedure for the environmental impact of the projects;

(3) Whereas the realisation of some of these projects of common interest is continuing to be confronted with difficulties of an administrative nature resulting primarily from delays in the granting of construction authorisations;

(4) Whereas there is concern among those affected about delays due to the duration, complexity and variety across the European Community of procedures for the authorisation of the construction of electricity and gas lines, gas storage and liquefied natural gas terminals;

(5) Whereas delay may result from a lack of transparency in procedures for the granting of authorisations; whereas the establishing of clear and predictable procedures would go far to correct this, while clearly identifying the bodies by whom decisions are taken;

(6) Whereas the complexity of authorisation procedures is another cause of delay; whereas the establishing of a more coordinated approach to authorisations would go far towards mitigating that complexity;

(7) Whereas there is scope for improving authorisation procedures by early consultation and association of the competent authorities and by the parallel undertaking, where possible, of assessment processes which form part of the administrative authorisation procedure each with the documentation appropriate to it;

[1] OJ L 161, 29. 6. 1996, p. 154.
[2] OJ L 161, 29. 6. 1996, p. 147.
[3] OJ L 152, 11. 6. 1997, p. 12.

(8) Whereas delays arising from misapprehensions by the public and other interested parties of the need for energy projects could be reduced by the wide provision of information, including the recognition of common interest;

(9) Whereas, in the implementation of the measures concerning the improvement of authorisation procedures for trans-European energy networks, particularly in the case of cross-border projects, there should be the requisite degree of collaboration between the Member States, without prejudice to the principles and implementation of Community or national provisions for the environment and the internal markets in gas and electricity, or to the principle of subsidiarity;

(10) Whereas Council Directive 85/337/EEC [1], as amended by Directive 97/11/EC [2], calls for harmonisation of the main principles of the assessment of environmental effects and identifies the need for introducing provisions designed to clarify, supplement and improve the rules on the assessment procedure as well as the desire to strengthen provisions for environmental impact assessment in a transboundary context;

(11) Whereas the measures provided for in this recommendation are in accordance with the opinion delivered by the Committee referred to in Article 4 of Decision 96/391/EC,

HEREBY RECOMMENDS THE MEMBER STATES:

(a) to pursue collaboration with each other and, where appropriate, with third countries with a view to facilitating the implementation of the authorisation procedures for cross-border, trans-European energy network projects;

(b) to take as appropriate, and as far as possible using a common and coordinated approach, the following measures to improve authorisation procedures for cross-border trans-European energy network projects:

1. increasing the transparency of authorisation by means of clear and predictable procedures simplified and streamlined where possible and by clearly identifying the appropriate decision-making bodies;
2. ensuring closer coordination between the various authorisation procedures with, where relevant, appropriate deadlines and by setting up national contact points;
3. improving communication explaining the need for projects of common interest; providing all relevant information early in the planning phase and the decision-making process;
4. requesting from project proposers the presentation, in an integrated manner, of documentation both on the need for the project and on the environmental effects of each of the options for its implementation;

(c) to collaborate with the Commission on the periodic monitoring of the implementation of this recommendation.

This recommendation is addressed to the Member States.

Done at Brussels, 14 December 1998.

For the Commission
Christos PAPOUTSIS
Member of the Commission

[1] OJ L 175, 5. 7. 1985, p. 40.
[2] OJ L 73, 14. 3. 1997, p. 5.