

# Streamlining environmental assessment procedures for Projects of Common Interest (PCIs)

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CEE Bankwatch Network's mission is to prevent environmentally and socially harmful impacts of international development finance, and to promote alternative solutions and public participation.

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Energy and transport infrastructure is a top investment priority within EU policies and strategies, which according to the EU is necessary to better connect the continent, remove infrastructure bottlenecks and further develop the common energy market.

This briefing outlines the environmental legislation related to investments that have been designated as Projects of Common Interest (PCIs). Through this briefing we explain for a range of stakeholders – namely civil society organizations (CSOs), local municipalities and national authorities – what are the PCIs and why these audiences should ensure that these projects do not cause undue environmental damage.

The briefing aims to make clear how proper environmental streamlining should be carried out and to illustrate how environmental assessment procedures for these planned infrastructure projects can improve sustainability.

## Background

EU Regulation No. 347/2013 of the European Parliament and of the Council – the TEN-E regulation<sup>1</sup> – sets the legal and policy framework to optimise and upgrade Europe's energy network by 2020 and beyond.

The TEN-E regulation was adopted on 17 April 2013 and entered into force on 15 May 2013. It identifies 12 strategic priority corridors for energy infrastructure with a trans-European or cross-border dimension. The regulation establishes a biennial, Union-wide list of Projects of Common Interests (PCIs) to achieve these ends. For a project to be considered of 'common interest', it should demonstrate significant benefits for at least two Member States, contribute to market integration and further competition, enhance security of supply, and reduce CO2 emissions. According to the Regulation, PCI means: "a project necessary to implement the energy infrastructure priority corridors and areas set out in Annex I and which is part of the Union list of projects of common interest [...]" (cp. Art 2 par 4). To be included on the regional list, the PCI has to meet the following criteria<sup>2</sup>:

- Projects must be necessary for one or more of the priority infrastructure corridors;
- Potential benefits must exceed the costs; and
- Projects need to demonstrate significant cross-border effects.

PCI-labelled projects will benefit from improved regulatory treatment, streamlined permitting processes, faster and more efficient environmental assessment procedures and may be eligible for extra funding under the Connecting Europe Facility (CEF)<sup>3</sup>, under which EUR 5.85 billion has been allocated to trans-European energy infrastructure for the period 2014-2020<sup>4</sup>.

As defined by the Commission<sup>5</sup>, streamlining means improving and better coordinating environmental assessment procedures while reducing administrative burdens, hence speeding up the overall environmental assessment process. Streamlining includes strict requirements on the process of granting permits, setting time limits and coordinating authorities to ensure the maximum level of environmental protection requirements foreseen under EU law.

In October 2013 the Commission designated a list of 248 PCIs<sup>6</sup>, with more than 100 projects for natural gas transmission, storage, and liquefied natural gas (LNG) terminals. Following the crisis between Ukraine and Russia, on 28 May

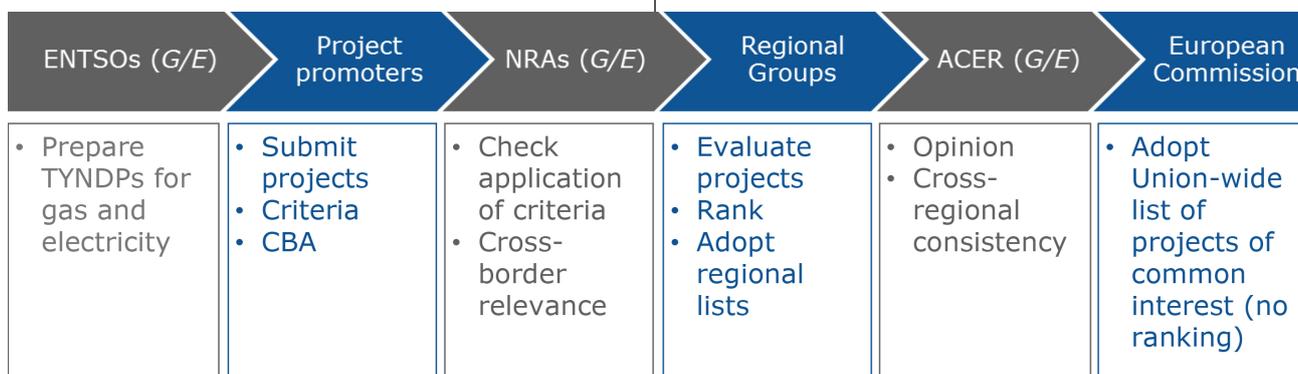
the Commission issued a communication to the Parliament regarding its energy security strategy<sup>7</sup> in which it identifies seven gas and six electricity projects it considers critical for EU's energy security in the short and medium terms. About half of these projects should be finished by 2017 whilst the remaining projects have a planned commissioning date of up to 2020.

PCIs have been criticised for the project selection process and their impacts on the environment. Environmental concerns are based on the inclusion in the PCI list (and in the European energy security strategy) of projects such as the Trans-Adriatic Pipeline (TAP), the Trans Anatolian Pipeline (TANAP), Trans-Caspian Pipeline (TCP) and Algeria-Italy Galsi Pipeline. While the EU Energy Roadmap 2050 stresses the need for more support for energy efficiency and renewables, the commissioning of more gas import infrastructures represents a direct threat to the EU's decarbonisation goals, as well as overall purpose of reducing EU's energy dependence (albeit not a direct contradiction of the EU's 2020 and 2030 goals).<sup>8</sup>

The selection of the first PCI list was also criticised because the process lacked transparency. Public consultations were not carried out adequately and, while consultations on the PCI list were held on 5 June 2013 by the Commission, there was little information available about the projects on the regional draft lists. Moreover, the involvement of the European Parliament in the PCI designation procedure was questionable, as the institution's role was limited to either rejecting or accepting the whole list (cp. Art 16/5). The Parliament is not allowed to position itself on individual projects in the PCI list and consequently reject or accept them on their individual merits.

EU investments into energy infrastructure (especially fossil fuel infrastructure) are controversial from a strategic and economic point of view. Costs of the new infrastructure do not include climate and environmental considerations, and in some cases the exact variant of a fossil fuel PCI is not defined. Nevertheless proper public consultation and compliance with EU environmental legislation must be a pre-condition for any investment consideration.

Table 1. PCI designation process



## The permitting process for Projects of Common Interest

This chapter illustrates the elements of the administrative procedure necessary to achieve permission to roll out the project.

### II.1. Process of identifying PCIs (Art.3 TEN-E Regulation).

1. Submission of a proposal by project promoters to Regional Groups (these are composed by representatives of Member States, regional authorities, Transmission System Operators (TSO), the Commission, Agency for the cooperation of energy regulators (ACER), European network of transmission system operators for electricity and gas (ENTSO-E and ENTSO-G).
2. Assessment and ranking of proposals (including consultation with stakeholders).
3. Agreement of draft regional lists.
4. Opinion of ACER on cross-regional consistency of regional lists.
5. Adoption of the Union-wide list by Commission.
6. Establishment of the Union-wide every two years.

### II.2. Revision of the PCI list

The 2015 list of PCIs will be based on the Ten Year Network Development Plans of the European Network of Transmission System Operators (ENTSOs) of gas<sup>9</sup> and electricity<sup>10</sup>. Projects included in the 2015 PCI list will have to demonstrate inclusion in the 2014 Ten Year Network Development Plan, therefore a PCI project which is not part of this plan will be disqualified from the second PCI list. This practice means that oil infrastructure PCIs will not be present on the next PCI list and makes questionable the rationale of their presence on the current PCI list approved in October 2013.

With the aim of improving the regulatory framework, the TEN-E regulation requires ENTSOs to publish a methodology that covers network and market modelling for a harmonized energy system-wide cost-benefit analysis (CBA) for PCIs at the EU level. The cost-benefit analysis<sup>11</sup> will be used to identify and assess Ten Year Network Development Plan projects

(including PCIs) and set the basis for both Cross-Border Cost Allocations and incentives calculations.

CBA process:

- ENTSOs to develop CBA methodology
- ACER opinion
- Commission opinion
- ENTSOs to adapt methodology
- Commission approval
- ENTSOs publish CBA methodology
- ENTSOs apply CBA in TYNDP

The second official Ten Year Network Development Plan is expected to be released for stakeholder consultation in July 2014 and will be open until September<sup>12</sup>, with the final version being published in December.

According to a presentation by DG Energy<sup>13</sup>, the foreseen timeline for the 2015 PCI list is as follows:

- End of February 2015: Project promoters submit projects;
- March-April 2015: national regulatory authorities check applications and regional groups evaluate and rank projects and adopt regional lists;
- May- July 2015: the agency for the cooperation of energy regulators publishes its opinion;
- End October 2015: adoption of list by the Commission.

The foreseen timeline for the second round of PCI evaluation for 2016 is on the following page<sup>14</sup>.

According to this timeline, regional groups will start working in September 2014 and will agree on the evaluation approach by January 2015, while project evaluation itself can start after the Ten Year Network Development Plan is published (in the case of gas this will happen at the end of February 2015). NGOs will attend two or three regional group meetings, with the first in September, and the other two meetings in March or April of 2015 in order to comment and

assess the overall cost-benefit analysis and Ten Year Network Development Plan.

### II.3. Time limit for the permit granting process. Two Phases

- Pre-application procedure - two years. This phase shall include the preparation of any environmental report by the project promoter.
- Statutory permit granting procedure - one year and six months, period between the date of acceptance and the final decision notification. This phase includes strategic planning, and environmental assessment and public consultation can take place without a time limit.
- The combined duration should NOT exceed three years and six months (with the possibility of a nine month extension).

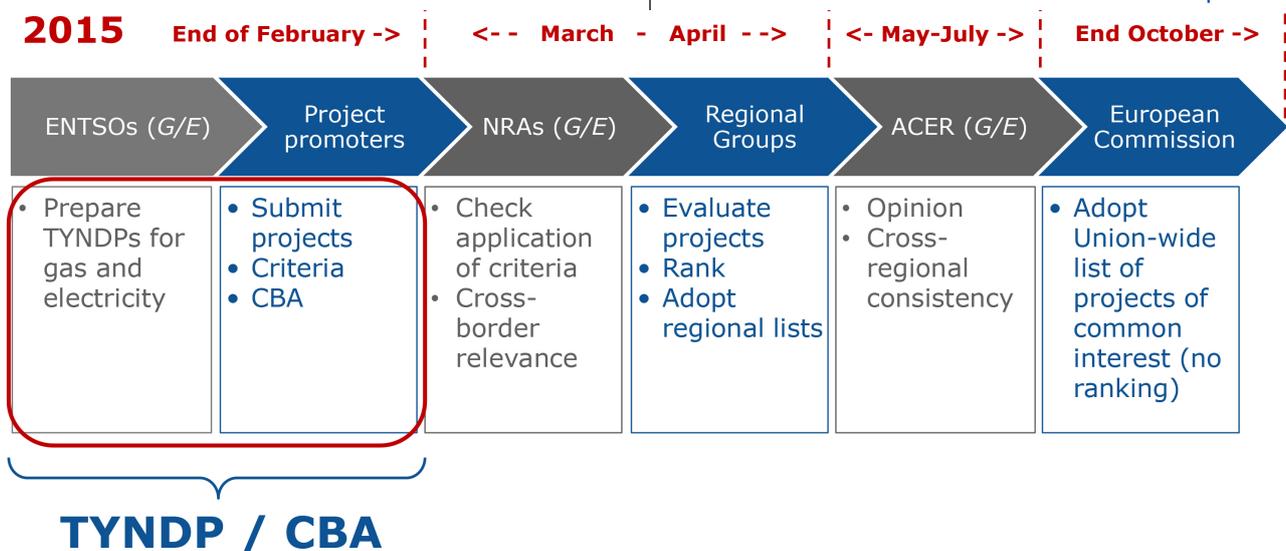
### II.4. The TEN-E regulation requires Member States to implement a 'one stop-shop' approach to permitting and enhance coordination of the permitting process.

Each Member State designates one National Competent Authority responsible for facilitating and coordinating the permitting process for PCIs .

Member States can choose one of the following options:

1. Integrated scheme: a comprehensive, binding decision is issued by one competent authority and other authorities concerned provide their opinions;
2. Coordinated scheme: the comprehensive binding decision comprises multiple, legally-binding decisions issued by several authorities concerned. The competent authority has the right to disregard the decision of other authorities.
3. Collaborative scheme: the comprehensive binding decision is coordinated by competent authorities based on legally-binding decisions issued by other concerned authorities.

Table 2. PCI revision process



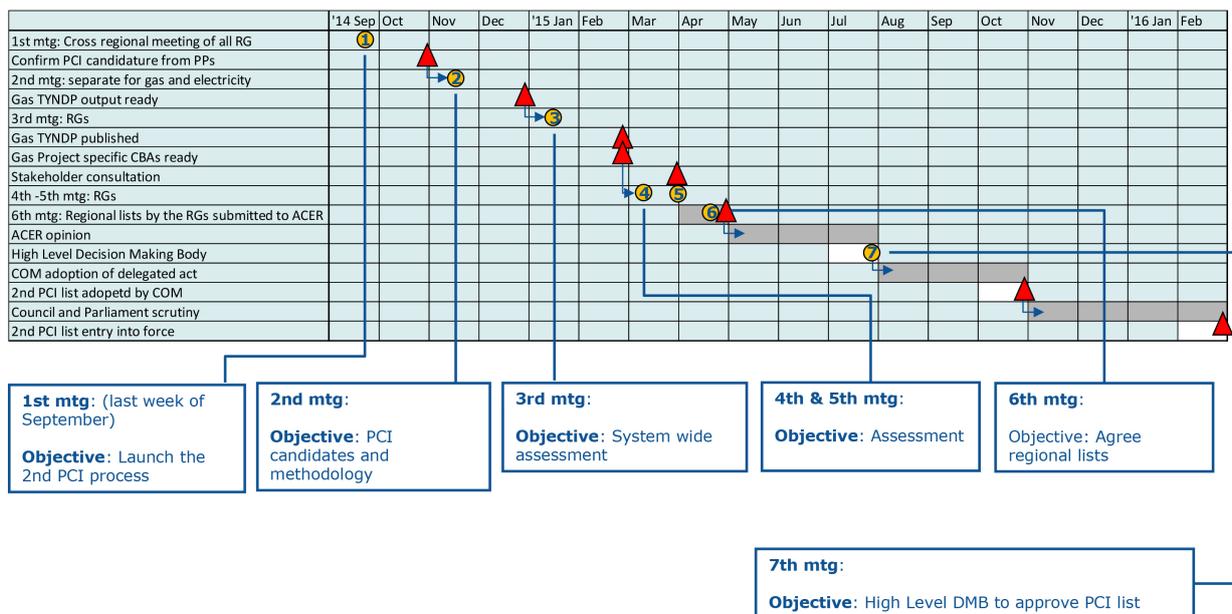


Table 3. 2016 timeline for PCIs

### II.5. Transparency and public participation.

By 16 May 2014, Member States or competent authorities were to publish a manual of procedures for the PCI permitting process. The manual is not legally binding, and it shall at least specify:

1. The relevant law upon which decisions and opinions are based for the different types of relevant projects of common interest, including environmental law;
2. The relevant decisions and opinions to be obtained;
3. The names and contact details of the Competent Authority, other authorities and major stakeholders concerned;
4. The workflow, outlining each stage in the process, including an indicative time frame and a concise overview of the decision-making process;
5. Information about the scope, structure and level of detail of documents to be submitted with the application for decisions, including a checklist; and
6. The stages and means for the general public to participate in the process.

A project promoter must develop and submit a concept for public participation within three months of the start of the permitting process and must carry out at least one public consultation before submitting the application.

As of 8 July, Ireland<sup>15</sup>, the UK<sup>16</sup>, Slovenia<sup>17</sup>, Sweden<sup>18</sup>, Slovakia, Cyprus, the Czech Republic, Denmark, France<sup>19</sup> and Germany had drafted the manual of procedures and made it available to the public.

Italy and Poland have problematic PCIs and have not yet published the manual of procedures.

Annex III of the regulation states that ‘each group shall consult the organizations representing relevant stakeholders (...) including producers, distribution system operators, suppliers, consumers and organizations for environmental protection. The group may organize hearings or consultations, where relevant for the accomplishment of its tasks.’ Pursuant to art. 9(7), project promoters or competent authority shall establish and regularly update a website with relevant information about the PCI.

### II.6. Streamlining environmental assessment procedures

Member States can choose which measures they use in order to streamline environmental assessment procedures. Non-legislative streamlining measures have to be taken within nine months of the issuance of this guidance document, and legislative measures within 24 months, and they shall inform the Commission of the result.

According to DG Energy, the reference is 24 September 2014, the date of the guidance’s formal notification to the Member States and not the date when the guidance was presented to stakeholders i.e. 24 July 2014. Consequently, the deadline for non-legislative and legislative measures will pass respectively on 25 June 2015 and 25 September 2015.

### II.7. Implementation and monitoring (Art.5 TEN-E Regulation)

Project promoters have to draw up an implementation plan, including a timetable for feasibility and design studies, approval by the national regulatory authority and a permitting schedule. According to the regulation, each year project promoters shall submit an annual report to the competent authority where it includes ‘the development achieved in the development, construction and commissioning of

the projects' (cp. Art. 5 par 4(a)). Based on these annual reports, ACER elaborates the report for regional groups to evaluate progress and provide recommendations for improvement.

A PCI can be removed from the list in the course of the biennial renewal if its inclusion was based on incorrect information or if a project does not comply with EU law. According to the Commission, the oil PCIs on the current list should be sufficient to address the security of supply and single-source dependency concerns of certain Member States, therefore monitoring the implementation of these projects is of utmost importance. To this end, the EC has established a PCI interactive map:

[http://ec.europa.eu/energy/infrastructure/transparency\\_platform/map-viewer/](http://ec.europa.eu/energy/infrastructure/transparency_platform/map-viewer/)

## Environmental legislative background

[Directive 2011/92 EU \(or the Environmental Impact Assessment Directive\)](#)<sup>20</sup>

This directive has to be carried out BEFORE authorisation is given for projects likely to have significant effects on the environment. An EIA is mandatory when pipeline diameters exceed 800 millimetres and lengths exceed 40 kilometres for gas, oil, chemicals and CO<sub>2</sub>; and for overhead electrical power links with voltages of more than 220 kV and lengths exceeding 15 kilometres. Therefore, according to Commission guidance on streamlining<sup>21</sup>, energy infrastructure PCIs will always require an EIA.

[1991 UNECE convention on environmental impact assessment in a transboundary context \(Espoo Convention\)](#)<sup>22</sup>

This convention provides an assessment of environmental impact at early stage of planning. The convention lays down the general obligation of parties to notify and consult each other on all projects likely to have significant adverse impacts on the environment across boundaries.

[The 1998 UNECE convention on access to information, public participation in decision-making and access to justice in environmental matters \(the Aarhus Convention\)](#)<sup>23</sup>

This convention stipulates the public right to access environmental information, participate in early decision-making and access justice. In particular, in accordance with the EIA Directive and the Aarhus Convention, public participation in decision-making processes related to the PCIs should comply with the following requirements:

- The public shall be given early and effective opportunities to participate in the environmental

decision-making procedures and shall, for that purpose, be entitled to express comments and opinions before the final decision is taken;

- The public shall be informed, by public notes or by appropriate means such as electronic media of matters in the early environmental decision-making process including
  - requests for developing consent for the proposed project;
  - details of the competent authorities; and
  - a reasonable time frame for the different phases.

[SEA Directive \(2001/42/EC\)](#)<sup>24</sup>

Environmental assessment is mandatory for programmes involving energy, town and country planning or land use.

[Habitats Directive 92/43/EEC](#)<sup>25</sup>

This directive requires 'appropriate assessment' (AA) of plans that are likely to have an impact on Natura 2000 sites. In addition to the appropriate assessment, the Habitats Directive's requirement for AA may apply to network development plans established by TSOs under Directive 2009/72/EC .

[Water Framework Directive](#)<sup>26</sup>

PCIs should not prevent the achievement of good groundwater, surface water and ecological status, according to River Basin Management Plans. The Water Framework Directive sets out cases where derogation to environmental commitments are permitted. For example in the case of Natura 2000 projects, projects are allowed in cases where there is an 'overriding public interest'.

If PCIs are co-financed by the European regional development fund<sup>27</sup>, they must also respect the ex-ante conditionalities foreseen for the water sector.

[Marine Strategy Framework Directive](#)<sup>28</sup> and [Seveso II](#)<sup>29</sup> and [Seveso III Directives](#)<sup>30</sup>

These directives prevent major accidents involving damaging substances (relevant for LNG and compressed natural gas).

[Industrial Emissions Directive \(IED\)](#)<sup>31</sup>

This directive replaces the Integrated Pollution prevention and Control Directive, among others.

## The Commission's recommendations for streamlining

The Commission<sup>32</sup> gives guidance on effective implementation of the EU environmental acquis during project planning:

Early planning and roadmapping is highly

recommended. Early planning should take place at the very early concept stage of a PCI, and it should indicate what aspects should be assessed at what stage in the process: scoping, preparing sensitivity/suitability maps assessments/ energy potential maps showing wind of hydropower potential/coordinated data collection tools.

Strategic Environmental Assessment and Appropriate Assessment should be carried out at the planning stage for national energy policy plans.

Strategic Environmental Assessment for PCIs should incorporate impact assessment on biodiversity and habitats, modification of water bodies, potential climate change adaptation and mitigation issues.

Appropriate Assessment should be integrated at different levels of planning and permitting process. For example, at the level of national energy or grid planning, cumulative biodiversity impacts should be checked. At the level of spatial-planning, routing alternatives should be defined. At the permit granting process phase, additional fine-tuning on significance of impacts should be applied.

The River Basin Management Plan and Water Framework Directive regulations should be checked: if a PCI is not envisaged in a River Basin Management Plan, this needs to be updated or there must be a public consultation.

Table 4. Overall PCI streamlining process

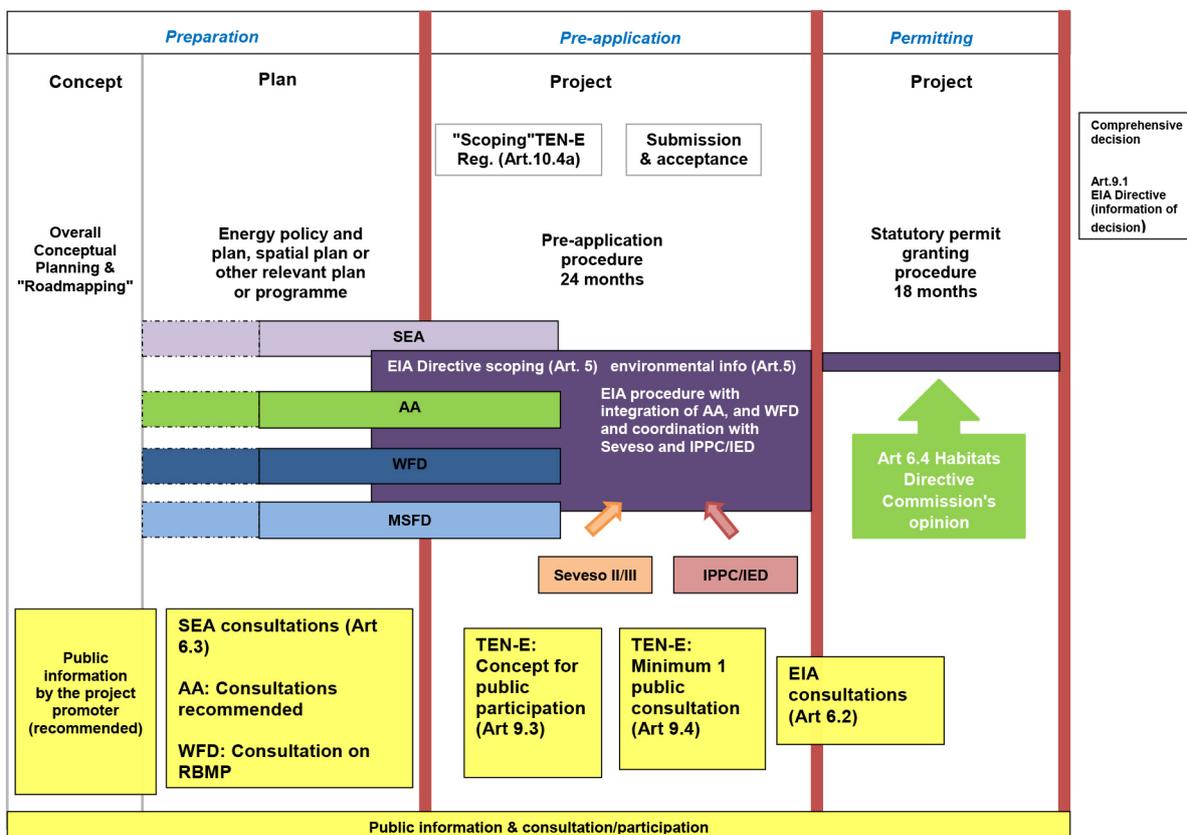
Member States should integrate necessary water considerations into their Strategic Environmental Assessments and Environmental Impact Assessments.

Ensure that Member States apply an effective tiering approach. Higher-tier/strategic decisions influence and set the context for lower-tier decisions (hierarchical approach). Art. 4(3) of SEA directive requires Member States avoid duplication of assessment where plans are part of a hierarchy, but it is recommended that MS introduce further requirements for tiering at the national level, and determine timing and scope of different relevant assessment very early.

It is recommended that Member States choose either the integrated or coordinated approach to the permitting process because both imply a level of overall coordination, which is likely to maximize streamlining effects.

Ensure that the designated authority is endowed with strong coordinating competencies, including the power to request joint /overall environmental assessment where considered useful.

Set the time limits for parts or all of the environmental assessment procedures. This will increase legal certainty and stimulate more efficient decision-making. Time limits could be set either generically for certain types of projects, or individually on a case-by-case basis. (Time limit of the consultation with the EIA report: minimum 30 days maximum 60 days).



# Overriding public interest

The TEN-E regulation allows for projects to be pursued despite environmental concerns, due to reasons of “overriding public interest”.

These “imperative reasons of overriding public interest” appear in article 6(4) of Habitat Directive 92/43<sup>i</sup>: “If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature”.

According to European Commission guidance to the directive published in 2007<sup>ii</sup>, general economic interest refers to “activities of commercial service fulfilling missions of general interest, and subject consequently by the Member States to specific obligations to public service. It is the case in particular of services in transport, energy, communication networks”.

It is reasonable to consider that the “imperative reasons of overriding public interest, including those of social and economic nature” refer to situations where plans or projects envisaged prove to be indispensable:

- within the framework of actions or policies aiming to protect fundamental values for the citizens’ life (health, safety, environment);
- within the framework of fundamental policies for the State and the Society
- within the framework of carrying out activities of economic or social nature, fulfilling specific obligations of public service

## Overriding public interest in disclosure of information

Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents<sup>iii</sup> establishes exceptions to the general rule that all documents should be accessible to the public.

According to Article 4 point 2 of the Regulation 1049/2001 institutions shall refuse access to a document where disclosure would undermine the protection of commercial interest of natural or legal person, unless there is an overriding public interest in disclosure.

1. The institutions shall refuse access to a document where disclosure would undermine the protection of:

- (a) the public interest as regards:
  - public security,
  - defence and military matters,
  - international relations,
  - the financial, monetary or economic policy of the Community or a Member State;
- privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data.

2. The institutions shall refuse access to a document where disclosure would undermine the protection of:

- commercial interests of a natural or legal person, including intellectual property,
- court proceedings and legal advice,
- the purpose of inspections, investigations and audits,

unless there is an overriding public interest in disclosure.

According to Article 6 point 1 of the Regulation 1367/2006 an overriding public interest in disclosure shall be deemed to exist where the information requested relates to the emissions into the environment.<sup>iv</sup>

## Notes

i <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:01992L0043-20070101&from=EN>

ii [http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/guidance\\_art6\\_4\\_en.pdf](http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/guidance_art6_4_en.pdf)

iii <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:145:0043:0048:EN:PDF>

iv <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32006R1367&from=EN>

Make sure time limits are binding: consequences for exceeding time limits should be clearly defined and enforced. There are flexible timing options for grid development projects for limited and justified extensions of time frames.

Provide effective data collection, sharing and quality control for Appropriate Assessment (AA): Project promoters should start data collection as soon as possible during the roadmapping phase for critical issues. Good quality data with scientific basis is essential: project pressures, impact pathways, habitat and species, biotic factors, mitigation possibilities, as lack of data causes delays in permit granting process.

MS should use Natura 2000 Viewer<sup>33</sup>: provides public access to information on each site across MS.

MS should coordinate the process of data collection and database management at national/regional levels (data should be stored in a national database accessible to the public).

MS should share data with other MS and cooperate on data introduction in national databases - this is to avoid double work especially for Transboundary projects and to ensure a uniform methodological approach.

MS should establish ex post monitoring schemes to assess real impacts and whether mitigation and compensation measures are implemented and effective. Ex post monitoring should be coordinated at a high level.

Make use of external technical expertise and independent quality control can ensure that assessment reports are robust and data used are valid and relevant.

EU Cohesion Policy Funds can provide technical support training to authorities and other stakeholders.

2014-2020 PCIs are co-financed through the European Regional Development Fund (ERDF) and they must respect the ex-ante conditionalities concerning the improvement of administrative capacity to carry out high quality Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA).

Member states must engage in cross-border cooperation.

Ensure early and effective participation in the process of development consent for PCIs. Art. 9(7): project promoter or competent authority regularly update the website with all relevant information about the PCI.

Public consultation is optional in relation to AA under the Habitats Directive. But it is strongly recommended that the concerned public be consulted about any possible impacts on Natura 2000 sites.

Public consultation is required under the WFD for the preparation of RBMPs when these are revised in 2014 (6 months public consultation period).

## V. CEE Bankwatch Network's recommendations

For NGOs, CSOs to improve the PCI process:

1. If NGOs cannot access central governments in their own Member State, a contact point in Regional Groups or at the EU level is needed (for example in Poland, when six local municipalities protesting the government's lack of dialogue on lignite mining resulted in the European Parliament Petition Committee engaging as a moderator<sup>34</sup>).
2. CSOs must ensure that they have been provided with timely information on project time frames.
3. CSOs should check with the Competent Authority in their own Member States which legal measures are envisioned if time limits of the permit granting process and PCI implementation status are exceeded and should ensure that these measures are enforced.
4. CSOs with knowledge of fauna and flora in specific Natura 2000 or other areas of crucial ecological importance should send this data to the competent country authorities, project promoter of the PCI and the Commission to input in the data collection process in the preparation-"roadmapping" phase.
5. To ensure that they are timely consulted, CSOs should regularly check ENTSOs official transparency platforms online: <https://www.entsoe.eu/data/entso-e-transparency-platform/Pages/default.aspx> and <http://www.gas-roads.eu>.
6. CSOs should track whether manuals of procedures have been published in their country and these include all required information according to art.9 of the TEN-E regulation. CSOs should remember that they have legal rights to access information on environmental issues according to Aarhus Convention and Regulation 1049/2001.
7. CSOs should check whether their country is considering state aid to build a PCI that passes through or is built in their country<sup>35</sup>. The criteria put forward by the European Commission to provide state aid for PCIs can be accessed here: [http://ec.europa.eu/competition/state\\_aid/modernisation/ipcei\\_communication\\_en.pdf](http://ec.europa.eu/competition/state_aid/modernisation/ipcei_communication_en.pdf)

For Member States, project promoters, national regulatory authorities to ensure a transparent and environmentally sustainable PCI process:

1. In its current form, PCIs follow a top-down approach that promotes large infrastructure at high costs. More emphasis should be given to investment projects that serve local community needs e.g. community energy projects financed

from European Structural Investment Funds (ESIF) that aim to promote energy democracy, smart grids, grids facilitating access to renewable energy across the border, and renewable energy networks for cross-border energy cooperatives.

2. An assessment is needed by the different EU Directorates responsible for biodiversity, climate action and energy to provide a comprehensive explanation to the public about how national energy plans, interstate, cross-regional projects and the overall EU infrastructure agenda respects the 2050 decarbonisation objective, the 2020 EU Strategy and the Natura 2000 network objectives<sup>36</sup>.
3. All PCI lists should undergo a Strategic Environmental Assessment
4. PCI projects should undergo a Climate Impact Assessment<sup>37</sup>.
5. In cases where the European Regional Development Fund provides co-financing of PCIs, ex-ante conditionality applies, meaning compliance with EU law is conditional for receiving funding. This opens the door for insisting on high quality environmental assessment procedures before funding is approved.
6. PCIs affecting countries outside the EU should equally undergo consultation processes at an early stage of permitting processes. NGOs and CSOs from non-EU countries should have access to consultations and EIA procedures. If a fair, inclusive and transparent consultation process cannot be ensured in some of these countries the EU should designate a competent authority to be able to receive their comments and pass them on to the relevant authorities in the EU Member State benefiting from a given PCI project.
7. EU environmental law should be fully applied to each and every PCI project with no exceptions. If not done well, the most impacted stakeholders in both the non-EU countries and on the local level may not be informed about the process. Thus the Commission, in addition to Member States, identifies those communities and CSOs that have expressed their concerns with particular PCIs and informs them about the consultation procedure.
8. Official channels like websites with information about implementation of projects should be available in the official languages of all countries concerned by a project. For those non-EU member states where such a translation is not available it should be the obligation of the project promoter to ensure that such a translation to all relevant national languages is available.
9. Time limits for the consultation on the EIA report are set at a minimum of 30 days and a maximum of 60 days. This time line is too short for monitoring critical projects like TAP, TANAP and TCP. A power plant's EIA report is usually between 300 and 1100 pages, therefore a pipeline through six or seven countries, for which alternative routings and their environmental impacts have to be considered should have a much longer consultation period. In these cases the one-size-fits-all approach

to streamlining procedures and maximum consultation periods poses a serious danger of weakening environmental and social due diligence of projects with the biggest impacts.

10. National Regulatory Authorities in Member States should be clearly defined, and CSOs should be consulted and provided with timely access to relevant information regarding a PCI<sup>38</sup>.
11. Project promoters within EU Member States are required to submit an infrastructure EIA for the National Regulatory Authorities and ACER to assess it. The results of such assessments should be made available for all interested stakeholders including CSOs. An equal procedure should be established and applied to project promoters from non-EU countries.
12. Member States must transpose relevant environmental directives: <http://ec.europa.eu/environment/industry/stationary/ied/transposition.htm>
13. While the tiered approach is designed to avoid overlapping strategic decisions and ensure that environmental assessments at different planning levels are prepared and linked to different phases of a project, there is a danger that this goes to the detriment of transparency and public participation. It is important to ensure that an effectively tiered system is applied across subsequent environmental assessment at different stages in the overall process.

## VI. Recommended readings

Gas PCIs, details regarding the political context, price of gas, and the European Energy Security Strategy: <http://www.counter-balance.org/no-more-gas/>

Other relevant papers of PCIs:

No Public Money for Mega-Gas Pipelines Projects: <http://bankwatch.org/sites/default/files/study-PCI-gas-12Jun2014.pdf>

Recommendations for the Improvement of the PCI Designation Process and the Adjacent Public Consultation: <http://bankwatch.org/publications/recommendations-improvement-pci-designation-process-and-public-consultation>

Natural gas as a Commodity and Its Financialization: <http://www.counter-balance.org/wp-content/uploads/2014/06/Gas-as-a-commodity-and-its-financialisation.pdf>

