

INCLUSION OF THIRD PARTY PROJECTS IN THE 2014 RELEASE OF THE TYNDP

- Legal Criteria -

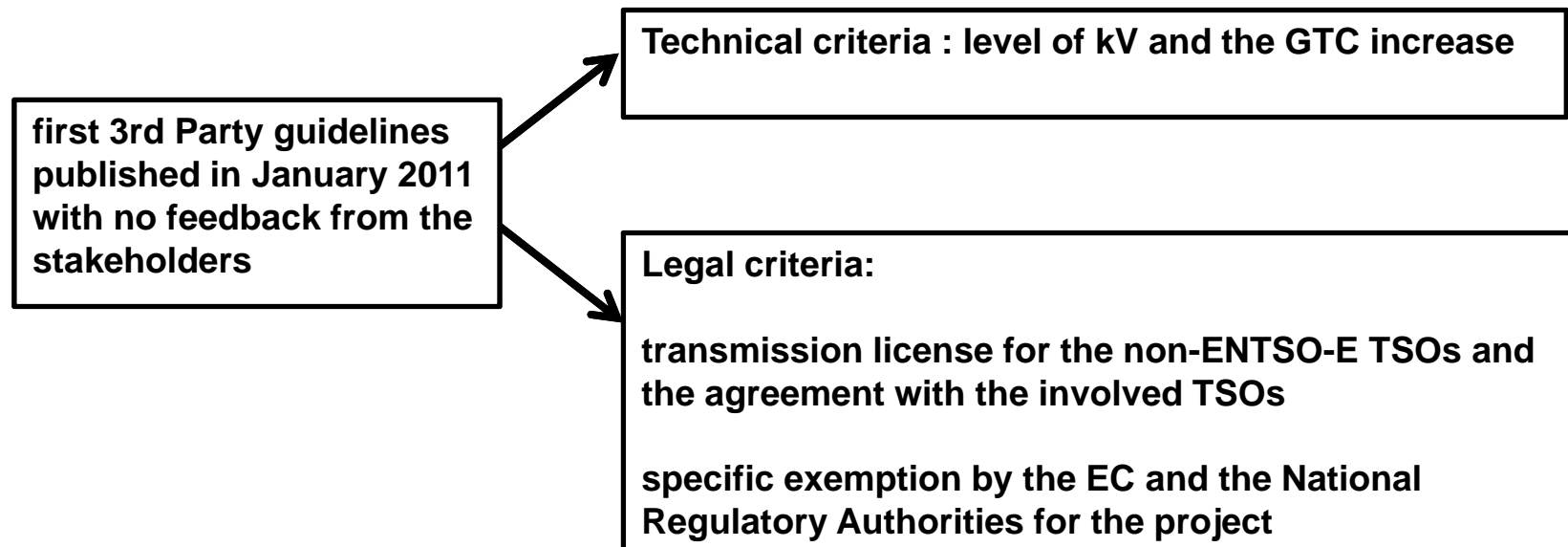
Irina Minciuna
Planning Advisor
ENTSO-E

ENTSO-E 3rd party procedure workshop
20 November 2012, Brussels

Facts

- **The TYNDP is the base for the PCI selection**
- **Every 3rd party projects must fulfill both the technical and legal criteria in order to be part of the TYNDP**
- **All 5 proposed 3rd party projects from the TYNDP 2012 did not fulfil the requested legal criteria**

1st ENTSO-E 3rd party guidelines for the TYNDP 2012



TYNDP 2014- What legal conditions shall be fulfilled

For the non-TSO promoters:

- The project promoter shall be a registered undertaking that has been in existence for at least one year before the date of submission AND;
- The assets of the undertaking or its shareholders must amount to at least 1 million euros AND;
- Satisfy at least one of the following conditions:
 - The promoter shall have prefeasibility/feasibility study performed by the impacted TSO/TSOs OR;
 - The promoter shall have a signed agreement on the project with the relevant authorities (ministries &/or Regulators) of the impacted ENTSO-E countries OR;
 - The promoter shall have applied (through the NRA) for the exemption to the EC.

TYNDP 2014- What legal conditions shall be fulfilled

For the TSO promoters which are not an ENTSO-E member:

- The project promoter must be registered as transmission system operator in the country in which it acts as a national monopoly AND;
- The promoter, in case of cross-border infrastructure, shall:
 - submit a common signed agreement with the concerned TSO/s who is/are member/s of ENTSO-E, regarding the development of the submitted project, OR
 - have a signed agreement on the project with the relevant authorities (ministries and/or Regulators) of the impacted ENTSO-E countries Art. 17 - EC Regulation 714/2009

Necessary documentation – non TSO 3rd party promoters

1. the statutes of the registered undertaking, including information on its shareholders
2. the balance sheets (max 3 years)
3. information on the industrial undertaking and its technical expertise, including references from other relevant projects
4. signed agreement with the relevant TSO for performing the network studies (pre-feasibility/feasibility studies/technical project) OR
5. signed agreement on the project proceeding with the relevant authorities (ministries&/or regulators) of the involved countries OR
6. the application (through the NRA) for the EC exemption

Necessary documentation –TSO 3rd party promoters

1. the operating license from the relevant authority (Ministry/NRA); AND
2. the signed common agreement with the concerned TSO/s who is/are member/s of ENTSO-E, regarding the development of the submitted project.

Questions

What is your main concern related to the present criteria?

Are the legal criteria too restrictive?

What is in your suggestion the “must element” from the legal criteria?

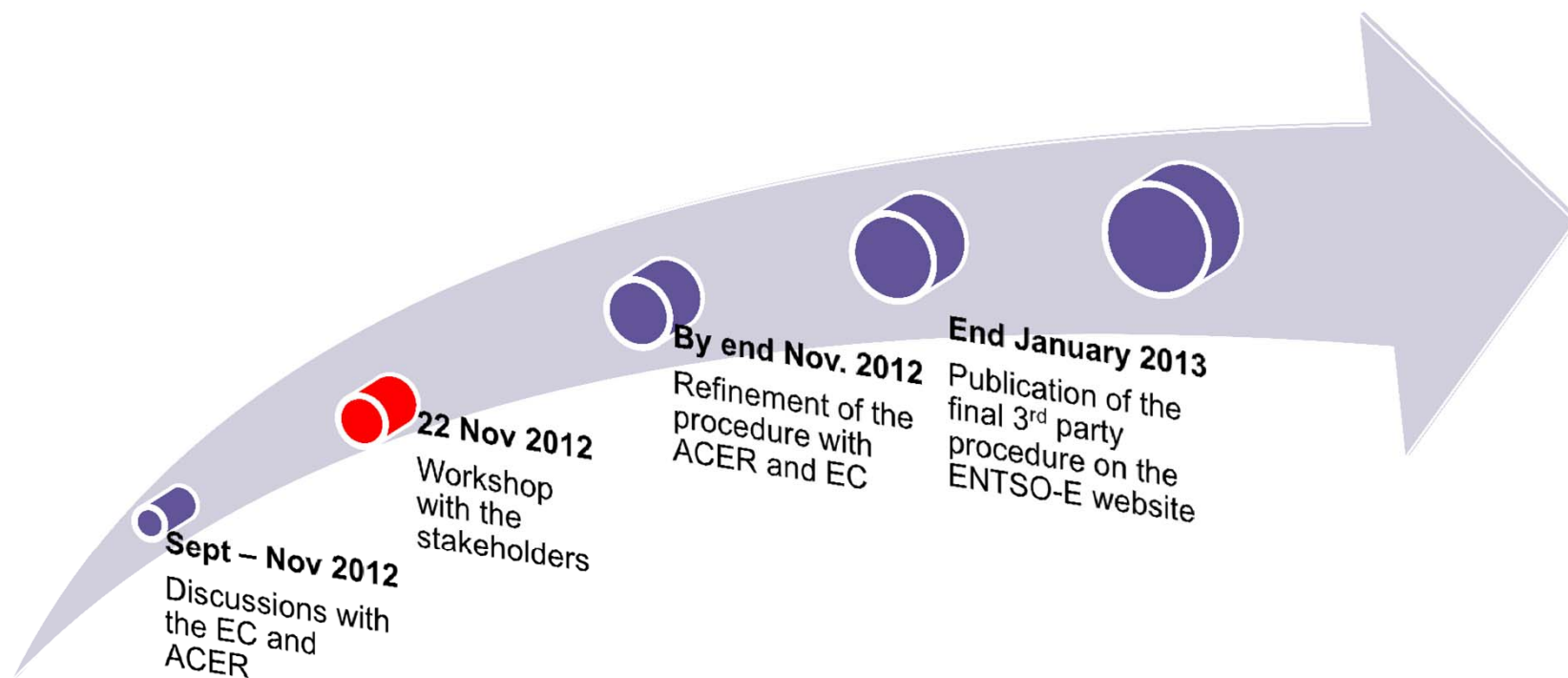
What are the impediments on delivering the requested document?

What are your suggestions on this matter?



Next steps

Next steps of the 3rd party procedure



3rd party promoter's steps

