ENTSO-E Guidance for applicants - transmission and storage project promoters | Application to ENTSO-E for projects inclusion in the TYNDP2020

Main changes compared to 2018 version

A review was performed by ENTSO-E TYNDP and legal teams

- Keep compliance with Reg. 347/2013

- Verify compliance of the document with EC recommendation
  https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018H0727(01)&from=EN

- Verify possible compliance with ACER opinion

- Avoid loopholes in the document that will open the chance for litigation

- Review the whole document so that the roles and rights of project promoters and ENTSO-E are clearly framed

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Insertion of process to ensure that '3ʳᵈ party' project promoters are informed of the opening of the submission window

Rationale: ACER Opinion on TYNDP 2018 requests ENTSO-E to ensure that 3ʳᵈ party project promoters are informed of the opening of the submission window

Solution: A process has been inserted in the Guidance (Annex 1)

On the opening of the submission process, ENTSO-E sends an e-mail to inform all project promoters of categories A3, B and C who were included in the TYNDP 2018 of the opening of the process – using contacts made available by promoters in the TYNDP platform and PCI submission platform. ENTSO-E asks project promoters to acknowledge good reception by e-mail within 5 working days.

A reminder is sent after 3 working days.

Project promoters who did not send an acknowledgement are contacted by phone (if a phone number has been provided trough the TYNDP and PCI platform) and are asked to acknowledge until an extended deadline.

After the extended deadline, ENTSO-E sends per email to EC and ACER the list of A3, B and C project promoters who did not acknowledge/answer to the call and asks for alternative contact points. Promoters are then contacted with the alternative contact details, if available.

At the closure of the selection window, ENTSO-E sends an e-mail to A3, B and C project promoters who did not register to offer a short extended deadline, and to ask for a kind acknowledgment that they did not apply within three working days.

At the expiration of the extended deadline, ENTSO-E sends a letter to A3, B and C project promoters who did not apply to inform them that they will not be included in the TYNDP 2020, copy to EC and ACER.

In Q1-2020 ENTSO-E publishes on its public website a list of the TYNDP 2018 projects with indication of whether they have applied for the TYNDP 2020.

Simplification of the process for TYNDP 2018 projects

Objective:
Reduce the administrative workload for project promoters

Solution:
For TYNDP 2018 projects the submission form will be pre-filled with the data available to ENTSO-E.
Project promoters will have to check and update if needed.

New text inserted in Section 2
For projects that are included in the TYNDP 2018, the submission form will be pre-filled with the data available to ENTSO-E at the beginning of the submission window. Project promoters will be responsible to check and, if needed, to update the data. This arrangement is meant to make it less time-consuming for project promoters to apply and does not constitute an exemption for TYNDP 2018 projects from fulfilling the administrative and technical criteria specified in Section 4.

Administrative criteria I.Studies is proposed to be strengthened| (TBD with ACER)

Rationale: To fulfil alternative administrative criteria I a project promoter merely needs to send a request to a TSO for a pre-feasibility or feasibility study. This is too wide.

Solution:
Proposed alternative criteria (for 3rd party promoters): Delivery by 3 November 2019 of all relevant information to all the concerned TSOs to facilitate a pre-feasibility or feasibility study.

This criteria was initially requested by ACER so discussion is needed to understand what can be done.

The provision of contact details has been added as additional administrative criteria

<u>Rationale:</u> Lack of up-to-date contact details for project promoters were cause of inefficiencies and extra work for Secretariat TYNDP team

<u>Solution:</u> Insertion as mandatory administrative criteria
The promoter should provide:

- 1 SPOC with email and phone number

- 2 delegated contacts: responsible to receive TYNDP communication in case the SPOC is not available (out of office notification or left position). Email and phone number are required for each of the delegated person.

- General company contact with email, phone number and address for exceptional communication or letter with signature

Administrative criteria g and h (inclusion in NDP) have been strengthened

Problem: in previous TYNDP these two criteria have been used as a loophole. The sole appearance of a project in an annex of an NDP was considered sufficient to be included in the TYNDP.

Solution: Text has been introduced to make sure only "meaningful" project inclusion in a NDP counts toward satisfying the criteria

The text also specifies "last available NDP" to avoid promoters relying on old or outdated NDP documents. As a result criteria g and h have been merged.

The input submission window for technical data has been constrained

Rationale: in TYNDP 2018 the promoters had the chance to change their technical input, this has given 3rd parties the chance to disqualify CBA results in light of the new technical parameter they have submitted in the platform. To avoid discriminatory risk, a general rule needs to be applied to all promoters.

Solution:
Starting from the submission deadline (3/11) ENTSO-E may ask project promoters to refine the technical inputs requested for the CBA assessment. After a set deadline the data will be frozen, so that the Study Team will be able to use them in order to prepare the CBA assessment.

The promoter will be able to update the data of the project in a separate section of the project sheet after the technical data for CBA assessment is frozen, during a pre-defined time-window during the TYNDP process.

This won't impact CBA results which will remain based on the data frozen at the beginning of the process. Reference data for the CBA will be anyway presented in the project sheet.

A indicative timeframe has been inserted for the review phase of technical and administrative criteria

Phase 1: Admin review

- Review of administration criteria (10 to 20 working days depending on number of applications)
- If promoter fails to submit the data, the project is rejected and project may apply for a review.

Phase 2: Technical review

- Review of technical criteria (10-20 working days depending on number of applications)
- If promoter fails to submit the data the project is rejected and project may apply for a review.

Phase 3: Confirmation of acceptance or rejection

- Email is sent out to promoters
- Once email is sent out to the promoters, the rejected promoters will have 10 working days to apply for the review process.

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The review process has been refined and framed

Problem: The previous process for rejected projects to appeal of ENTSO-E's decision was criticised by stakeholders and by ACER

Solution:
The Guidance introduces a more detailed review process description:
* Promoters have 10 working days to request a review from the date of the rejection notification from ENTSO-E
* A hearing takes place before the Network Development Stakeholder Group (NDSG) at least 3 weeks after ENTSO-E's rejection notification
* NDSG to share non-binding recommendation with ENTSO-E by 2 weeks after the hearing
* ENTSO-E's System Development Committee takes final decision

➢ Detailed informative description: who does what and when

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A second selection window has been created

Problem: ACER and other stakeholders have long asked for a way that the system needs study can allow the identification of new projects in the same TYNDP cycle. In some MS, the obligation to be in the TYNDP to enter the NDP makes it difficult to take projects to a point where they are mature enough to enter as full TYNDP projects.

Solution:
Include a second selection window as late as possible in the process and after the System Needs and Regional Plans are released:
- Reserved for future projects to be submitted after 2035
- To receive a limited scope CBA (only markets 2030). Full PCI compliant CBA will only be available for projects who submit in the main window.
- Project Sheets to be visually different from TYNDP projects - possibly in a separate chapter/web page