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REPORT

from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions

on the implementation of the guidelines for Trans-European Energy Networks in the period 1996-2001

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PARLIAMENT, THE ECONOMIC AND SOCIAL COMMITTEE AND THE
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period 1996-2001**

A. SUMMARY AND CONCLUSIONS

1. The Trans-European Networks (TEN) are essential elements for:
 - the balanced and harmonious development of the E.U. at the economic (operation of the internal market and security of energy supply) and social (contribution to cohesion) levels; and
 - the development of economic co-operation with Third Countries and the strengthening of political stability on the European continent and in the areas bordering it.
2. The role of the E.U. as regards Trans-European Networks in the energy sector (TEN-Energy) is to encourage and support initiatives made by the operators of the sector, through:
 - the identification of projects of common interest, demonstrating agreement of the Member States and the Community Institutions on the usefulness of these projects;
 - the promotion of the implementation of the projects of common interest, by:
 - stimulating co-operation between the Member States so as to surmount administrative obstacles;
 - facilitating co-operation between the operators on the definition of projects and accelerating the carrying-out of the studies
 - where appropriate, use of the Community financial aid and loan instruments for tying up the financial arrangements for projects, in addition to private funds.
3. The implementation of the TEN-Energy guidelines during the period 1996-2001 allowed:
 - the identification of 90 projects of common interest, out of which : 24 entered into operation during this same period, 12 are currently under construction, 22 are in the process of obtaining administrative permits and 32 projects are at the study stage.

- the granting from the TEN-Energy budget line during the period 1995-2001 of financial aid to studies and exceptionally, in two cases, to the investment phase, for a total value of € 123 Million shared among 53 projects of common interest, as well as the supporting of projects of common interest by other Community financial instruments through aid from the ERDF and loans from the EIB;
 - other actions to encourage the carrying-out of TEN-Energy projects: on authorisation procedures (Recommendation to the Member States), general co-ordination between the various public and private actors, organisation of two specific conferences and the taking into account of the external dimension of the development of the networks (30 projects of common interest having sections in Third countries).
4. According to the experience on the implementation of the present guidelines, the need for identifying new energy network projects and the implementation of the internal market for electricity and natural gas, the main topics envisaged for the revision of the TEN-Energy Guidelines are:
- the introduction of a list of priority projects of European interest;
 - the redefinition of TEN Energy priorities highlighting the support for the liberalisation of energy markets; the reinforcement of security of supply; the integration of energy coming from renewable sources; the enlargement of the European Union; and the consideration of peripheral and ultraperipheral regions
 - a more general definition of projects of common interest and a less heavy mechanism for updating the detailed list of projects;
 - the up-dating of the detailed list of projects.

B. FRAMEWORK OF THE TEN-ENERGY ACTION

5. This report is drawn up in accordance with Article 10 of Decision No 1254/96/EC of the European Parliament and of the Council of 5 June 1996 laying down a series of guidelines relating to the Trans-European networks in the energy sector¹ (the « Guidelines » Decision) and Article 5 of Council Decision No 391/96/CE of 28 March 1996 determining a set of actions with a view to establishing a more favourable context for the development of the Trans-European networks in the energy sector² (the « Favourable Context » Decision).
6. The object of this report is to analyse the implementation of these two decisions in the light of the objectives set for the TEN by Article 154 of the Treaty establishing the European Community.
7. The purpose of the Community action for TEN, set out by the Treaty, is to promote the interconnection and interoperability of national networks as well as access to such networks, within the framework of a system of open and competitive markets,

¹ OJ L 161 of 29.06,1996 p.147-153

² OJ L 161 of 29.06,1996 p.154-155

taking into account the need to connect insular, landlocked and peripheral regions to the central regions of the Community.

8. The development of the trans-European networks is, therefore, an element of integration. It contributes on the one hand to the achievement of the internal market by increasing the capacities for exchange, thus allowing access to a larger and more competitive market. On the other hand, the connection of peripheral regions to the trans-European electricity and natural gas networks contributes considerably to the development of these regions, thereby promoting economic and social cohesion.
9. In addition, the connection of the trans-European networks of the European Union to third countries serves to strengthen the security of supply and co-operation with those countries, among which are also the countries applying for accession to the European Union, which paves the way for a more rapid integration of their economics.
10. Article 5 of the « Guidelines » Decision sets out the broad outlines for Community action in the field of trans-European energy networks, the implementation of which is analysed in this report. These involve:
 - the identification of projects of common interest, dealt with in Chapter C of the present report, and
 - the creation of a more favourable context for the development of those networks.
11. Articles 2 and 3 of Council Decision No 391/96/EC on the more favourable context, referred to above, define the actions to be taken in the fields of co-operation and of financial support for the Trans-European Networks in the energy sector. These aspects are analysed in Chapter D.
12. Chapter E deals with the external dimension of the TEN-Energy policy.
13. Chapter F describes the evaluation of the TEN-Energy programme (allocation of financial support from the TEN-Energy budget line for the projects of common interest) which was carried out by an independent evaluator.
14. Lastly, Chapter G gives a perspective for the future development of actions, including on the revision of the TEN-Energy Guidelines.

C. IDENTIFICATION OF THE TEN-ENERGY PROJECTS

The Specific Projects (Essen).

15. The European Council of Essen in December 1994 drew up a list of 10 priority (or specific) projects for the energy sector. All these projects were included in the list of projects of common interest adopted in June 1996.
16. During the period 1996-2001, decisive progress was made on seven of these 10 specific projects.

17. The five gas specific projects went into operation during this period. These were the main gas pipelines Algeria - Morocco - Spain and Russia - Belorussia - Poland - E.U. and the new gas networks in Greece, Portugal and the South and West of Spain.
18. As regards the five electricity specific projects, the situation is less favourable. One project entered into operation (connection between North of Portugal and Spain) and a second project is at the final construction phase (Italy - Greece interconnection). The three other projects have not been able to overcome difficulties as regards administrative authorisations (for the France - Italy and France - Spain projects) or as regards lack of a final decision because of the creation of a new regulatory framework (for connection between the Eastern and Western parts of Denmark).

The Projects of Common Interest.

19. Decision No 1254/96/EC of 5 June 1996 on the « Guidelines » identified 43 projects of common interest (23 electricity projects and 20 gas projects).
20. To this list 31 projects were added by Decision No 1047/97/EC of the European Parliament and of the Council of 29 May 1997³, 16 electricity projects and 15 gas projects, with a view to taking account of rapid developments in the sectors and especially of the expansion of the European Union with the entry of Austria, Finland and Sweden.
21. The list of projects of common interest was updated a second time by Decision No 1741/99/EC of the Council and European Parliament of 29 July 1999⁴ which added 16 projects (5 electricity projects and 11 gas projects) and modified the description of 5 existing projects.

The Categories of Projects of Common Interest.

22. At present the list of projects of common interest contains 90 projects, 44 electricity projects and 46 gas projects, in categories which correspond to the priorities fixed by the « Guidelines » Decision of June 1996.

For Electricity:

- a) Connection of isolated electricity networks: 6 projects.
- b) Development of interconnections between the Member States: 14 projects.
- c) Development of internal connections related to interconnections between Member States: 13 projects.
- d) Development of interconnections with third countries: 11 projects.

³ OJ L 152 of 11.06.1997 p.12-14

⁴ OJ L 207 of 06.08.1999 p.1

For Natural Gas:

- e) Introduction of natural gas into new regions: 4 projects.
- f) Connection of isolated gas networks: 15 projects.
- g) Increase in the capacities of reception (LNG) and storage of gas : 13 projects.
- h) Increase in transport capacities (gas delivery pipelines): 14 projects.

The progress made on projects of common interest.

23. One third of the projects of common interest are still in the preliminary phase of study while more than one fourth of the projects of common interest have been put into operation during the period 1996-2001. The table below gives an appreciation of the number of projects of the categories mentioned in the previous paragraph falling under the four phases of advancement that are usually considered.

NUMBER OF PROJECTS IN THE DIFFERENT PHASES OF REALISATION					
	PHASE REACHED BY END 2001				
	Feasibility Studies	Authorisation Procedures	Under Construction	In Operation	Total
Category a	3	0	2	1	6
Category b	5	6	0	3	14
Category c	4	7	1	1	13
Category d	4	4	2	1	11
Total Elect.	16	17	5	6	44
Category e	0	0	1	3	4
Category f	5	2	1	7	15
Category g	7	3	2	1	13
Category h	4	0	3	7	14
Total Gas	16	5	7	18	46
Grand total	32	22	12	24	90

The projects put into operation during the period 1996-2001.

24. A total of 24 projects were put into operation in this period (6 in the electricity sector and 18 in the natural gas sector), including 6 Essen projects.

25. In the electricity sector the following projects are finalised:

- Connection of isolated electricity networks:
 - a07 United Kingdom (connection of the Isle of Man)
- Interconnections between Member States:
 - b01 Germany – Denmark (connection by submarine cable).
 - b10 North Portugal – North-West Spain; (Essen project).
 - b11 Finland – Sweden (in the North of the Gulf of Bothnia).
- Internal connections in the Member States:
 - c03 The Netherlands (North-East).
- Interconnections with Third countries:
 - d13 Spain – Morocco (first connection by submarine cable).

In addition to these projects, several sections of projects concerning internal connections in Italy (project c05), Spain (project c06) and Germany (project c12) were also put into operation.

Moreover, the connection by submarine cable of Northern Ireland to Scotland (project a01) and the interconnection by submarine cable between Greece and Italy (project a04) are envisaged to be commissioned by December 2001.

26. As far as natural gas networks are concerned, the following projects were put into operation :

- Introduction into new regions:
 - e04 Spain (western part of the country) ; (nearly completed) (Essen project).
 - e05 Portugal; (Essen project).
 - e06 Greece (main pipeline and branches); (Essen project).
- Connection of isolated or separated networks:
 - f02 United Kingdom – Continent (through Belgium).
 - f03 Luxembourg – Germany.
 - f06 Portugal – Spain; (Essen project).

- f07 France (connection of the South-western and southern networks).
- f09 Austria – Hungary; (partly).
- f10 Austria – Slovakia (connection of Austria to underground storage in Slovakia).
- f11 Austria (internal connection); (partly).
- Increasing reception (LNG) and storage capacities:
 - g3 France (extending LNG terminal at Montoir).
- Gas delivery pipelines:
 - h01 Norway – France (arriving at Dunkirk).
 - h04 Algeria – Spain – Portugal.
 - h05 Algeria – Tunisia – Italy.
 - h07 Russia – Belorussia – Poland – EU ; (1st phase) (ESSEN project).
 - h11 Bulgaria – Greece.
 - h12 Belgium – Germany.
 - h13 Germany – Czech Republic – Austria – Italy (partly, 94 km in operation).

The Impact on Employment of the Construction of the TEN-Energy Projects.

27. In 1997, a survey of the promoters of the 74 projects identified at that time gave the following results :
- estimate of investment: € 18 billion in the EU and € 7.8 billion in Third countries;
 - 200,000 men-years on construction of the projects in total for the period 1995-2005 (in the EU);
 - 11 men-years/€ Million spent;
 - 45% direct; 55% indirect;
 - 80% temporary; 20% permanent members of staff.
28. The distribution of employment resulting from the 74 projects was:
- 2/3 gas, 1/3 electricity; corresponding to the estimates of related investments;
 - 48% in cohesion countries (E, P, EL, IRL);
 - additional employment for works in Third countries = 1/2 EU;
 - the estimate of the effect on employment is for the construction of the projects; the broader repercussions, favourable to national/regional economies, are not easily quantifiable.

D. CREATION OF A FAVOURABLE CONTEXT FOR THE DEVELOPMENT OF ENERGY NETWORKS

The Council Decision on the Favourable context.

29. The Council decision on the Favourable context for the development of trans-European networks in the energy sector specifies for the European Community the following missions:

- promotion of technical co-operation among operators;
- promotion of co-operation among Member States on authorisation procedures;
- granting of financial support under the TEN financial support regulation; and
- support of Projects of Common Interest by Community financial instruments.

The Recommendation on Improvement of Authorisation Procedures.

30. The carrying-out of projects of common interest often encounters difficulties of an administrative nature resulting especially from the length of the periods for the granting of building authorisations. These procedures are sometimes complex and not sufficiently transparent.

31. The « favourable context » Decision in its Article 2 gives the Community the task of encouraging co-operation between Member States with a view to facilitating the progress of authorisation procedures for TEN-Energy projects in order to reduce time-scales for them.

32. The Commission Services have already studied some of these problems, in collaboration with the Member States. In agreement with the «TEN-Energy Committee », the Commission on 14 December 1998 approved a Recommendation directed to the Member States on the improvement of the authorisation procedures for the trans-European⁵ energy networks.

33. In this document, the Commission recommends continuing collaboration between the Member States and also with third countries to facilitate the implementation of some of these procedures. In particular, the Commission recommends the taking of measures to improve the procedures for the cross-border projects, if possible within the framework of a common and co-ordinated approach. These measures concern the improvement of the transparency of procedures, the early communication of information on the projects of common interest, the co-ordination of the various procedures, and the presentation of documentation in an integrated form covering both technico-economic and environmental issues.

34. In line with this recommendation the Commission has commissioned a study on the environmental and technical aspects of authorisation procedures. This study is foreseen to be finalised in January 2002.

⁵ OJ L 8 of 14.01.1999 p.27

The implementation of the TEN financial support regulation

35. On the basis of the financial support regulation for TEN, and with regard to the competitive character of the sector, the preferred form of intervention in the energy sector is co-financing of feasibility studies. Exceptionally and where justified, the other forms of intervention foreseen by the financial regulation, mainly interest rebates, loan guarantees or subsidies could be used.
36. From the 90 TEN-Energy projects of common interest, more than half, 53 projects, were supported in the period 1995-2001 under the TEN financial regulation, of which:
- 3 projects (out of 10) of the Essen list;
 - 31 projects (out of 44) for the electricity sector;
 - 22 projects (out of 46) for the natural gas sector.
37. In total, the Commission decided to allocate € 123 Million in the period 1995-2001 to TEN-Energy projects. The number of applications supported in this period was 140 (138 applications for co-financing of studies and 2 applications as a subsidy to the investment). Indeed, investment subsidies were decided for project d11 (submarine electricity interconnection between the Netherlands and Norway): subsidy € 4.2 Million for an eligible cost of € 263 Million; and project d14 (submarine electricity interconnection between Sweden and Poland as a part of the “Baltic Ring project”): subsidy € 2.3 Million for an eligible cost of € 337 Million.
38. The following table gives a summary of Commission Decisions for TEN-Energy projects (period 1995-2001).

	1995 - 1999		2000		2001		TOTAL	
	€ Million	%	€ Million	%	€ Million	%	€ Million	%
Electricity	38.1	42	7.5	54	8.4	47	54.0	44
Natural gas	52.1	58	6.3	46	10.4	53	68.8	56
TOTAL	90.2	100	13.8	100	18.8	100	122.8	100

The detailed list of actions supported under the Energy-TEN programme each year (use of the Energy-TEN budget line) is published in the TEN annual report of the Commission.

39. The amounts of financial support agreed in the contracts signed by the Commission, by category of TEN-Energy projects for the period 1995-2001, are shown in the table below.

€ Thousand

CATEGORY ⁶	YEAR			
	1995 - 1999	2000	2001 (Estimate)	Total 1995-2001
Category a	2.407,0	-	2.000,0	4 407,0
Category b	3.562,7	4.235,4	2.355,0	10.153,1
Category c	5.949,8	527,0	102,5	6.579,3
Category d	26.221,5	2.704,7	3.966,0	32.892,2
Total Elect.	38.141,0	7.467,1	8.423,5	54.031,6
Category e	4.654,5	-	1.043,5	5.698,0
Category f	3.620,5	911,4	-	4.531,9
Category g	35.604,9	1.502,6	9.392,0	46.499,4
Category h	8.179,0	3.886,0	-	12.065,3
Total Gas	52.058,9	6.299,9	10.435,5	68.794,3
Grand total	90.199,9	13.767,0	18.859,0	122.825,9

Around two third of the total financial support was allocated to projects of the categories d and g.

The financing of projects of common interest and the interventions by Community Financial Instruments

40. An estimation of investments necessary for the completion of the 74 TEN-Energy projects identified in 1997 was of € 18,000 Million in the EU and € 7,800 Million for the section located in Third countries.
41. In general, the financing of TEN-Energy investments relies on resources of the network operators (own funds, capital market).
42. In this area, the role of the European Community is basically to act as:
- initiator and accelerator for studies;
 - catalyst for investments.

⁶ These categories correspond to the priorities described in the Guidelines.

43. The Community financial instruments and mechanisms available to support studies or investments as regards TEN-Energy projects are:
- the TEN-Energy budget line;
 - the Structural Funds (in the framework of regional policy);
 - the European Investment Bank (EIB);
 - the European Investment Fund (EIF);
 - the co-operation programmes with Third countries (PHARE - TACIS - MEDA - CARDS - Synergy).

While taking into account the TEN-Energy priorities and list of projects, each instrument or mechanism acts according to its own criteria.

44. The financial contributions of the Community during the period 1996-2000 to TEN-Energy projects were substantial. They came mainly from the Structural Funds (around € 2 billion in the form of aid) and from the EIB (around € 3 billion in loans).

E. EXTERNAL DIMENSION OF THE TEN-ENERGY POLICY

The objectives.

45. The development of the external dimension of the TEN-Energy policy answers the following needs:
- the improvement of security of energy supply;
 - the strengthening of relations with third energy producing/transit countries;
 - the integration of networks on the scale of the European continent and the areas bordering it;
 - the preparation for enlargement of the E.U.
46. In addition, the development of the external dimension of the TEN-Energy policy contributes to wider objectives of the European Community, such as:
- economic and social cohesion over a wider geographical area, contributing to political stability;
 - more trade, competition, industrial co-operation.
47. Indeed, the extension of the energy networks is decisive, not only for the energy supply of the European Union which will remain strongly dependent on external sources, in particular for natural gas, but also for international co-operation and development in general. The prospects for the enlargement of the European Union, confirmed during the period 1996-2001, also demonstrate the increasing need to connect and integrate energy networks of the applicant countries with those of the European Union.

The projects of common interest involving Third countries.

48. Given the dependence of the European Union on external energy supplies, the Energy-TEN Guidelines already identify a good number of gas and electricity projects, which require work in applicant countries or other third countries.
49. Currently, 30 TEN-Energy projects, identified via the decision on Guidelines and its updates, also concern Third countries (11 for electricity; 19 for natural gas). Their regional split is indicated in the following table:

TEN-ENERGY PROJECTS OF COMMON INTEREST INVOLVING THIRD COUNTRIES IN THE PERIOD 1996-1999			
	Electricity Projects	Natural gas Projects	Total Number of Projects
EFTA (Norway + Switzerland).	5	4	9
Central, Eastern Europe and Balkans.	4	13	17
The Mediterranean, Black Sea and Caspian Sea.	2	3	5

The study of several among these projects, especially in the electricity sector, benefited during the period 1995-2001 from Community financial support under the TEN-Energy programme.

The regional interest projects for Third countries.

50. Energy network projects having a more regional focus and which can be considered as regional interest projects for Third countries were also identified, as a result of studies and regional energy co-operation activities supported under the PHARE, TACIS, MEDA, CARDS and Synergy programmes during the period 1995-2001 in the areas of the Baltic, the Balkans, the Black Sea and the Mediterranean.

The Berlin and Riga Conferences.

51. During the period 1996-2001, the Commission organised two major events, a conference on « the Development of the Trans-European Energy Networks » held on 11-12 December 1997 in Berlin and a Follow-up Seminar to the 6th OSCE Economic Forum on « Regional energy co-operation in the Baltic Sea area and the role of Trans-European Energy Networks » held on 9th April 1999 in Riga and co-organised with the OSCE Secretariat (Organisation for Security and Co-operation in Europe) and the Ministry of Economy of the Republic of Latvia.

52. The purpose of the Berlin Conference was to present the most significant TEN-Energy projects of common interest and discuss the economic, technical, financial and administrative issues inherent in their realisation. The aim of the Conference was to highlight and support the impetus created by the Community and the companies involved, by identifying the means for promoting the realisation of these projects. A particular emphasis was given in the Conference on network developments in Nordic, Central, Eastern and South-eastern Europe and in the Mediterranean.
53. The purpose of the Riga Seminar was to enhance security of supply, energy trade and environmental protection in the Baltic region through intensified energy co-operation and the reinforcement of energy infrastructures and more specifically of energy networks.

F. EVALUATION OF THE TEN-ENERGY PROGRAMME

54. The company Tractebel Energy Engineering was chosen, after a call for tenders, to carry out an independent evaluation of the actions of the TEN-Energy programme for the period 1995 - 1998. The final report was delivered in October 1999.
55. The evaluator makes favourable reference to the definition of the programme, its resources and implementation and suggests that it would be desirable to decentralise certain decisions which currently involve the political level; within this context, the question of the simplification of the procedure for identifying eligible projects (currently governed by co-decision) so as to bring it closer to the eligibility rules usually applied in Community programmes (committee procedure), arises.
56. The evaluation report highlighted the fact that after five years of experience, the actions resulting from the use of the TEN-Energy budget heading are appreciated by their recipients, allow carrying-out of projects to be accelerated and obtain, in certain cases, tangible results (obtaining of authorisations and start of construction. Recipients confirm that the useful effect of Community co-financing is to allow the complete examination of the alternatives and the detailed study of the solutions selected.
57. Other positive effects of the programme are to focus the attention of the recipients on the eligible projects defined by the "TEN-Energy Guidelines", to set up co-operation structures for international projects and to facilitate negotiations and the financing of the projects through the « E.U. label ».
58. The criticisms expressed by the recipients refer to the complexity of the procedures for selecting requests and monitoring contracts together with delays in the making of payments. On this matter the appraiser has made a series of recommendations concerning the management and monitoring of this programme. Recommendations relating to a fuller description of the supported actions have already been adopted in the December 1999 version of the Application Form. Financial procedures and contract monitoring have been revised. Simplification of eligibility procedures is one of the main items of the revision of the TEN-Energy Guidelines.

G. PERSPECTIVE FOR THE DEVELOPMENT OF THE TEN-ENERGY ACTION

59. Concerning the Community guidelines, it is necessary to provide continuity and consolidation to the action through:
- revision of the Energy-TEN guidelines in order to establish a list of priority projects of European interest for which the Commission and the Member States should pay special attention.
 - revision of the guidelines in order to take into account questions related with the internal market (bottlenecks, congestion management) and the reinforcement of security of supply, increased penetration of renewable energy sources and ultraperipheral regions.
 - revision of the guidelines in order to simplify the procedures:
 - indeed, there is a need to identify new projects of common interest to the Member States; this has led and will very probably lead to a frequent updating of the guidelines (a co-decision procedure every two years), unless a simpler identification procedure is provided for;
 - a revision of the related provisions of the guidelines could answer this need, in particular:
 - the widening of the concept of “project of common interest”; and
 - the streamlining of the procedure for the detailed identification of projects, through comitology .
 - promotion of the implementation of projects of common interest and in particular those included in the list of priority projects of European interest;
60. With respect to the External dimension, it is necessary to intensify the action, with emphasis on the preparation for accession, and in particular :
- continue the regional co-operation approach (Baltic, Central and Eastern Europe, South-East Europe, the Mediterranean, Black Sea);
 - focus this regional co-operation on the identification and implementation of the most significant projects of regional interest which, for candidate countries, could be incorporated into the Community guidelines after accession.

Annex: Community legislation in the field of trans-European energy networks:

- a) 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.

(Basic text setting out guidelines for trans-European energy networks).
(The Annex identifies 43 projects).
- b) Decision No 1047/97/EC of the European Parliament and of the Council of 29 May 1997 amending Decision No^o1254/96 laying down a series of guidelines for trans-European energy networks.

(Adds 31 projects).
- c) Decision No 1741/1999/EC of the European Parliament and of the Council of 29 July 1999 amending Decision No 1254/96/EC laying down a series of guidelines for trans-European energy networks.

(Amending 5 projects and adding 16 further projects).
- d) Commission Decision No 761/2000/EC of 16 November 2000 setting out the specifications for projects of common interest identified in respect of trans-European energy networks by Decision No 1254/96/EC of the European Parliament and of the Council, as amended by Decisions of the European Parliament and of the Council Nos 1047/97/EC and 1741/99/EC.
- e) Council Decision No 96/391/EC 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.
- f) Commission recommendation No 1999/28/EC of 14 December 1998 on improving the authorisation procedures for trans-European energy networks.