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EUROPEAN COMMISSION

Brussels,
2010/xx/EC

Draft

COMMISSION DECISION

of [...]

laying down criteria and measures for the financing of commercial demonstration projects that aim at the environmentally safe capture and geological storage of CO₂ as well as demonstration projects of innovative renewable energy technologies under the scheme for greenhouse gas emission allowance trading within the Community established by Directive 2003/87/EC of the European Parliament and of the Council

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC¹, and in particular the third subparagraph of Article 10a(8) thereof,

Whereas:

- (1) The European Council of June 2008 called on the Commission to bring forward as soon as possible a mechanism to incentivise Member State and private sector investments to ensure the construction and operation by 2015 of up to 12 CCS demonstration plants.
- (2) Article 10a(8) of Directive 2003/87/EC establishes a mechanism for the financing of commercial demonstration projects that aim at the environmentally safe capture and geological storage of CO₂ (hereinafter “CCS demonstration projects”) and demonstration projects of innovative renewable energy technologies (hereinafter “RES demonstration projects”). With a view to ensuring a smooth functioning of this mechanism, it is necessary to lay down both the rules and criteria for the selection and implementation of those projects and the basic principles for the conversion of the allowances and for the management of the revenues.
- (3) The Commission on 7 October 2009 adopted the Communication "Investing in the development of low carbon energy technologies", which emphasised the role of funding under this Decision in implementing the European Strategic Energy Technology Plan (SET-Plan) in respect of the needed demonstration projects.
- (4) Funding under this Decision should be conditional on clearance by the Commission of any State aid component of the overall financial contribution from public sources pursuant to Articles 107 and 108 of the Treaty with a view to ensuring that funding is limited to the extent necessary for implementation and operation of the project, taking into account potential negative effects on competition. The Member States should therefore notify the Commission of any financing involving State aid pursuant to

¹ OJ L 275, 25.10.2003, p. 32.

Article 108(3) of the Treaty to allow co-ordination of the selection procedure under this Decision with the State aid assessment.

- (5) The financing provided under this Decision is not part of the general budget of the European Union. It can therefore be combined with financing from other instruments, including the Structural and Cohesion Funds and the European Energy Programme for Recovery (EEPR). It can also be combined with loan finance provided under the Risk-Sharing Finance Facility (RSFF) set up by the Community and the European Investment Bank (EIB).
- (6) In order to avoid a subsidy competition between the Member States, financing under this Decision should be fixed at 50% of the requested public funding, unless the total amount of funding under this Decision would exceed the limit of 15% of the total available allowances, as referred to in Directive 2003/87/EC; it should also be complementary to substantial co-financing by the operator. In order not to give preferential treatment to projects funded under the EEPR, financing under this Decision should be reduced by the amount of financing received from the EEPR.
- (7) The establishment of an EU demonstration programme comprising the best possible projects of a wide range of technologies in geographically balanced locations within the territory of the Member States, their exclusive economic zones and their continental shelves, cannot be sufficiently achieved if projects are selected on a national level. The selection should therefore take place at Union level. With a view to ensuring coherence with national selection and funding procedures, Member States should be responsible for collecting funding applications from the sponsors and for the evaluation of the projects on the basis of the eligibility criteria laid down in this Decision. Furthermore, since projects financed under this Decision will in most cases be co-financed by the Member States, the Member States should have the possibility to decide which of the projects they wish to support, and whose applications they wish to submit to the Union selection process. Submission of these applications does not replace a State aid notification for cases in which the funding contains a State aid component.
- (8) In light of its expertise in project selection and financing, the Commission has sought to involve the EIB in the implementation of this Decision. The EIB has agreed that, acting on request of, on behalf of and for the account of the Commission, it should perform certain tasks in respect of the project selection, the conversion of allowances and the management of the revenues. The specific terms and conditions of the co-operation, including remuneration of the EIB, should be laid down in an agreement between the Commission and the EIB, which agreement is subject to the approval of the decision-making bodies of the EIB. The EIB should be reimbursed for the performance of those tasks from income generated from its management of the revenues.
- (9) The available revenues from the 300 million allowances should be awarded through two rounds for calls for proposals to allow, on the one hand, for mature projects to receive financing already in the first round, and on the other hand, to provide for a possibility to adjust any technical or geographical imbalance in the second round. Where there is insufficient competition in a particular sub-category of projects in the first round, award decisions in that sub-category should be postponed to the second round with a view to maximising the use of funds under this Decision. Award decisions for the first round should be issued by 31 December 2011 and for the second round by 31 December 2013.

- (10) The financing under this Decision should be reserved for projects which make use of technologies innovative in relation to the state of the art in the key sub-streams for each technology. Those technologies should not yet be commercially available, but sufficiently mature to be ready for demonstration at pre-commercial scale. They should have reasonable prospects of successful demonstration, taking into account that technological risks are inevitable, and the proposed scale of demonstration should be such that no significant additional problems are to be expected from further scaling up. They should also have a high replicability potential, and therefore offer significant prospects for cost-effective CO₂ reduction both in the Union and globally. Therefore, only projects which fall into specific categories of projects and which comply with specific requirements set out in this Decision should be eligible for funding.
- (11) With a view to ensuring technological diversity, in the first instance, one project should be funded in each of the project sub-categories. If there are sufficient resources it should be possible to finance more projects, while maintaining the balance between CCS and RES demonstration projects. Further, with a view to ensuring geographical balance, no more than two projects should be funded within any one Member State. The projects which are intended to take place on the territory of several Member States should not be, for their nature, limited by that criteria.
- (12) In principle, projects, which satisfy the requirements on project numbers per category in the most cost-effective way, should be selected. However, to ensure that best possible use is made of the available funds, it should be possible to choose an alternative CCS or RES demonstration project, if a marginal decrease in cost-effectiveness is offset by a substantial reduction in total cost.
- (13) With a view to ensuring that the projects selected come into operation as planned and that funds are efficiently used, award decisions should be conditional upon all relevant national permits in accordance with relevant requirements under Union law being issued, and final investment decisions being reached by the sponsors, within a specified period of time upon adoption of the award decisions.
- (14) Member States should disburse the revenues to projects on the basis of legally binding instruments. As required by Directive 2003/87/EC, disbursement should take place annually, on the basis of the amount of CO₂ stored for CCS demonstration projects as reported, monitored and verified under Directive 2003/87/EC, and on the basis of the amount of electricity produced for RES projects. However, where Member States guarantee that any excess funding will be returned, it should be possible to disburse part or all of the funding for a project prior to its entry into operation. In light of the particular importance of knowledge sharing in the context of a demonstration programme, funds should only be disbursed if knowledge-sharing requirements are met.
- (15) The measures provided for in this Decision are in accordance with the opinion of the Climate Change Committee,

HAS ADOPTED THIS DECISION:

Article 1
Subject matter

This Decision lays down rules and criteria for the following:

- (1) the selection of commercial CCS demonstration projects ("CCS demonstration projects") and demonstration projects of innovative renewable energy technologies ("RES demonstration projects") referred to in Directive 2003/87/EC;
- (2) the conversion of allowances referred to in Directive 2003/87/EC into funds available for the support of CCS and RES demonstration projects, and the management of the related revenues;
- (3) the disbursement of revenues and the implementation of the CCS and RES demonstration projects.

Article 2
Principles

1. The number of allowances in the new entrants' reserve referred to in Article 10a(8) of Directive 2003/87/EC shall be 300 million.
2. Selection of CCS and RES demonstration projects for funding under this Decision shall take place through two rounds of calls for proposals organised by the Commission and addressed to the Member States, covering the equivalent of 200 million allowances, and the equivalent of 100 million allowances and the unused part of the first round, respectively.
3. Subject to the fourth sentence in the fourth subparagraph of Article 10a(8) of Directive 2003/87/EC, financing under this Decision shall be 50% of the requested public funding, which shall be the relevant costs net of any proposed contribution to those costs by the sponsor.

However, where financing under this decision is combined with financing from the European Energy Programme for Recovery (EEPR) the financing under this decision shall be reduced by the amount of financing received from the EEPR.

Article 3
Relevant costs

1. For the purposes of Article 2(3), the rules in paragraphs 2 to 6 of this Article shall apply.
2. Relevant costs of CCS demonstration projects shall be those investment costs which are borne by the project due to the application of CCS net of the net present value of the best estimate of operating benefits and costs arising due to the application of CCS during the first 10 years of operation.
3. Relevant costs of RES demonstration projects shall be those extra investment costs which are borne by the project due to the application of an innovative renewable energy technology net of the net present value of the best estimate of operating costs and benefits arising during the first 5 years compared to a conventional production with the same capacity in terms of effective production of energy.
4. Investment costs referred to in paragraphs 2 and 3 shall cover cost of investment in land, plant and equipment.

They may also relate to investment in technology transfer and operating licenses of knowhow (hereinafter "intangible assets") provided the following conditions are fulfilled:

- (a) the intangible asset can be considered as a depreciable asset;

- (b) the intangible asset is purchased on market terms at the lowest price possible;
- (c) the intangible asset remains in the establishment of the recipient for at least five years.

If the intangible asset is sold before the expiry of the five-year period referred to in point (c) of the second subparagraph, the yield from the sale shall be deducted from the relevant costs.

- 5. The net operating costs and benefits referred to in paragraphs 2 and 3 shall be based on the best estimate of operating expenses borne by the project regarding production costs and take into account any additional benefits resulting from support schemes even if they do not constitute State aid within the meaning of Article 107(1) of the Treaty, avoided costs and existing tax incentive measures.

Article 4 *Role of the EIB*

The EIB shall perform its tasks under this Decision on request of, on behalf of and for the account of the Commission, which shall be responsible vis-à-vis third parties.

The EIB shall be reimbursed for the performance of those tasks from income generated from its management of the revenues.

The Commission and the EIB shall enter into an agreement laying down the specific terms and conditions under which the EIB shall perform its tasks.

Article 5 *Selection procedure*

- 1. The calls for proposals shall be published in the Official Journal of the European Union.
- 2. Member States shall collect funding applications for projects that are intended to take place on their territory.

However, where a project is intended to take place on the territory of several Member States (hereinafter “the transboundary project”), the Member State receiving the funding application shall inform the other Member States concerned and cooperate with them with a view to reaching a common decision on the submission of the project by that Member State.

- 3. Member States shall assess whether a project meets the eligibility criteria referred to in Article 6. Where this is the case and where the Member State supports the project, that Member State shall submit the proposal to the EIB and inform the Commission thereof.

When submitting proposals for funding, the Member State shall indicate for each project, in euro, the requested public funding referred to in Article 2(3), and for the CCS demonstration projects, the total projected amount of CO₂ stored in the first ten years of operation, as well as, for the RES demonstration projects, the total projected amount of energy produced in the first five years of operation.

Member State shall also notify the Commission of any financing for the project involving State aid pursuant to Article 108(3) of the Treaty to allow co-ordination of the selection procedure with the State aid assessment.

4. On the basis of the proposals submitted pursuant to paragraph 3 of this Article, the EIB shall perform an assessment of the financial and technical viability (financial and technical due diligence) of the project in accordance with Article 7.

Where that assessment has been concluded positively, the EIB shall, in accordance with Article 8, make recommendations for award decisions to the Commission.

5. On the basis of the recommendations referred to in paragraph 4, the Commission shall adopt award decisions addressed to the relevant Member States, indicating the awarded funding for the projects concerned in euro.

Article 6 *Eligibility criteria*

A project shall be eligible for the award of financing, if the following criteria are fulfilled:

- (1) the project must fall into one of the categories set out in Part A of Annex I;
- (2) the project must comply with the requirements set out in Part B of Annex I;
- (3) the projects listed in Part A.II of Annex I must be innovative in nature, *i.e.*, existing, proven technologies are ineligible.

Article 7 *Financial and technical due diligence*

The EIB shall perform the due diligence assessment of any proposed project in accordance with specifications laid down in the calls for proposals referred to in Article 5(1) and shall cover at least the following aspects:

- (1) the technical scope,
- (2) the costs;
- (3) the financing;
- (4) the implementation;
- (5) the operation;
- (6) the environmental impact;
- (7) the procurement procedures.

Article 8 *Project selection*

1. One project shall be funded in each project sub-category specified in Part A of Annex I.

However, if resources allow, further projects may be funded while maintaining the balance between CCS and RES demonstration projects.

Where only one or two proposals are submitted in a given sub-category, the Commission shall assess possible impacts on the competition for selection under this Decision, and may, where appropriate, decide to postpone award decisions in the relevant sub-category to the second round.

2. The project in each of the sub-categories referred to in Part A of Annex I representing the lowest cost per unit performance shall be selected, unless there is an

alternative project in that sub-category for which a marginally higher cost per unit performance is offset by a substantially lower absolute cost to public funds. In that case, that alternative project shall be selected.

For the purposes of the first subparagraph, cost per unit performance shall be calculated as the total request for public funding divided by the performance. The performance is, for the CCS demonstration projects, the total projected amount of CO₂ stored in the first ten years of operation, or, for the RES demonstration projects, the total projected amount of energy produced in the first five years of operation.

The selected CCS demonstration projects together shall constitute 'the CCS group' and the selected RES demonstration projects together shall constitute 'the RES group'.

3. By way of derogation from paragraph 1, where the total request for funding under this decision is higher than the available funds, the number of selected projects shall be reduced so that the request for funding is reduced in the same proportion in each of the groups referred to in the third subparagraph of paragraph 2.

For each of the groups, the project representing the highest cost per unit performance shall be deselected first, the project representing the highest cost per unit performance in another category shall be deselected next; the procedure shall be iterated until the requested funding is covered by the available funds.

4. No more than two projects shall be funded within one Member State.

However, the first subparagraph shall not apply to transboundary projects.

Article 9 *Award decisions*

Award decisions shall be conditional upon all relevant national permits in accordance with relevant requirements under Union law being issued, approval by the Commission of any State aid in respect of a project being granted, and final investment decisions being reached by the sponsors, all within twelve months of adoption of the award decisions.

Award decisions shall cease to have legal effect if the conditions referred to in the first paragraph are not met.

Article 10 *Conversion of allowances and management of revenues*

1. For the purposes of conversion of allowances and management of revenues, the Commission acts on behalf of the Member States.
2. The 300 million allowances referred to in Article 2(1) shall be transferred to the EIB for conversion and management of the revenues.
3. Before the award decisions are adopted for each round referred to in Article 5(1), the EIB shall sell the allowances for that round.

The EIB shall manage the revenues and shall pass them to the Member States as required for disbursement pursuant to Article 11.

Article 11

Disbursement of revenues and use of non-disbursed revenues

1. Member States shall disburse the revenues to project sponsors on the basis of legally binding instruments which shall set out at least the following:
 - (a) the project and the awarded funding in euro;
 - (b) the date of entry into operation;
 - (c) the requirements for knowledge sharing pursuant to Article 12;
 - (d) requirements regarding disbursement of the revenues pursuant to paragraphs 2 to 6 of this Article;
 - (e) requirements for reporting pursuant to Article 13;
 - (f) the information on conditions of applicability of the decision referred to in Article 9.

For the first round of calls for proposals referred to in Article 5(1), the date of entry into operation referred to in point (b) of the first subparagraph of this paragraph shall be 31 December 2015 at the latest.

2. Disbursement shall take place annually. The disbursed amount shall be, for CCS demonstration projects, the amount of CO₂ stored in the relevant year as monitored, reported and verified pursuant to Articles 14 and 15 of Directive 2003/87/EC multiplied by the funding rate, and for RES demonstration projects, the amount of electricity produced multiplied by the funding rate.

The funding rate shall be calculated by dividing the awarded funding by 75% of the projected total amount of stored CO₂ in the first ten years of operation in case of CCS demonstration projects, or 75% of the projected total amount of energy produced in the first five years of operation in the case of RES demonstration projects.

3. Disbursement of support for a given year shall take place only if the knowledge sharing requirements are met for that year.
4. Disbursement shall be limited to the period of ten years from the date referred to in paragraph (1)(b) in the case of CCS demonstration projects, and to the period of five years from that date in the case of RES demonstration projects. The total funds disbursed shall in no case exceed the awarded funding referred to in paragraph 1(a).
5. Where the Member State concerned guarantees that any funding in excess of that justified pursuant to paragraphs 2 to 4, will be returned to the EIB, part or all of the funding for a project may be disbursed prior to its entry into operation in accordance with specifications set out in the award decision.
6. Without prejudice to the second paragraph of Article 4, revenues which are not disbursed to projects, and income generated from the management of revenues, shall be used to co-finance further demonstration projects under this Decision until 31 December 2015. Member States shall transfer back to the EIB revenues which are not disbursed. After 31 December 2015, these funds shall accrue to the Member States. At the end of disbursement, these funds shall be passed on to the Member States in accordance with the principles laid down in Article 10a(7) of Directive 2003/87/EC.

Article 12
Knowledge-sharing

The Member States shall ensure that all project operators, consortium members, suppliers and subcontractors who receive substantial benefit regarding the development of their product or service from the public finance provided, share the information on the elements set out in Annex II with other project operators, public authorities, research institutes, non-governmental organisations and the public in accordance with the further specifications set out in the calls for proposals referred to in Article 5(1).

Information shall be shared on an annual basis and shall comprise all information generated and processed in a given year

Article 13
Reporting by Member States

During the periods referred to in Article 11(4) respectively, the Member States shall, by 31 December of each year, submit to the Commission reports on the implementation of the projects.

Those reports shall include at least the following information for each project:

- (1) the amount of CO₂ stored or clean energy produced;
- (2) the funds disbursed;
- (3) any significant problems with project implementation.

Article 14
Report

After completion of the first round of calls for proposals, the Commission shall report to the Climate Change Committee on the implementation of that round, indicating whether any amendment to this Decision is necessary with the view to ensuring geographical and technical balance in the second round.

Article 15
Addressees

This Decision is addressed to the Member States.

Done at Brussels, [...]

For the Commission
[...]
Member of the Commission

ANNEX I

Eligibility criteria

A. Project categories

I. CCS demonstration project categories (with minimum capacity thresholds²):

- power generation: pre-combustion 250 MW – project sub-categories:
 - saline aquifer storage
 - depleted hydrocarbon reservoir storage
- power generation: post-combustion 250 MW – project sub-categories:
 - saline aquifer storage
 - depleted hydrocarbon reservoir storage
- power generation: oxyfuel 250 MW – project sub-categories:
 - saline aquifer storage
 - depleted hydrocarbon reservoir storage
- industrial applications implementing (a) CCS on refineries with 500kt/y stored CO₂ from one or more sources within the refinery; (b) CCS application to cement kiln with 500kt/y stored CO₂; (c) CCS application for primary production routes in iron and steel production with 500kt/y stored CO₂; or (d) CCS application for primary production routes in aluminium production with 500kt/y stored CO₂ - project sub-categories:
 - saline aquifer storage
 - depleted hydrocarbon reservoir storage

II. Innovative RES demonstration project categories (with minimum size thresholds):

- Bioenergy project subcategories:
 - Lignocellulose to intermediate solid, liquid or slurry bioenergy carriers via pyrolysis with capacity 40 kt/y (kilo tonnes per year) of the final product
 - Lignocellulose to intermediate solid, liquid or slurry bioenergy carriers via torrefaction with capacity 40 kt/y (kilo tonnes per year) of the final product
 - Lignocellulose to Synthetic Natural Gas via gasification with capacity 40 M Nm³/y (million normal cubic metres per year) of the final product
 - Lignocellulose to biofuels or bioliquids via gasification with capacity 40 Ml/y (million litres per year) of the final product. Production of Synthetic Natural Gas is excluded under this sub-category

² CCS power thresholds are expressed as gross electrical output before capture.

- Lignocellulose to ethanol and higher alcohols via chemical and biological processes with capacity 40 Ml/y (million litres per year) of the final product
- Lignocellulose to biofuels or bioliquids via chemical and biological processes with capacity between with capacity 10 Ml/y (million litres per year) of the final product
- Algae and/or micro-organisms to biofuels or bioliquids via biological and/or chemical processes with capacity 40 Ml/y (million litres per year) of the final product

NOTE: Sustainability criteria as stipulated in Directive 2009/28/EC on the promotion of the use of energy from renewable sources shall be met. Biofuels and bioliquids are defined in the aforementioned Directive.

- Concentrated solar power - project subcategories:
 - Parabolic trough or Fresnel system using molten salts of other environmentally-benign heat transfer fluid with nominal capacity 30 MW
 - Parabolic trough or Fresnel system based on Direct Steam Generation with nominal capacity 30 MW. Direct steam solar temperature to be above 500°C
 - Tower system using superheated steam cycle (either multi-tower or combination liner collectors - tower) with nominal capacity 50 MW
 - Tower system using pressurised air with temperature above 750°C and solar hybrid gas turbine with nominal capacity 30 MW

NOTE: Dry cooling, hybridization and (advanced) heat storage solution can be included in the demonstration plants.

- Photovoltaics - project subcategories:
 - Large-scale concentrator photovoltaics power plants with nominal capacity 20 MW
 - Large scale multi-junction Si-thin-film photovoltaics power plants with nominal capacity 40 MW
 - Large scale CIGS-based photovoltaics power plants with nominal capacity 40 MW
- Geothermal - project subcategories:
 - Enhanced geothermal systems in tensional stress fields with nominal capacity 5 MWe
 - Enhanced geothermal systems in compressional stress fields with nominal capacity 5 MWe
 - Enhanced geothermal systems in areas with deep compact sedimentary and granite rocks and other crystalline structures with nominal capacity 5 MWe
 - Enhanced geothermal systems in deep limestone with nominal capacity 5 MWe

NOTE: CHP applications with the same electricity thresholds are equally eligible

- Wind - project subcategories:
 - Off-shore wind (minimum turbines size 6 MW) with nominal capacity 40 MW
 - Off-shore wind (minimum turbines size 8 MW) with nominal capacity 40 MW
 - Off-shore wind (minimum turbines size 10 MW) with nominal capacity 40 MW
 - Floating off-shore wind systems with nominal capacity 25 MW
 - On-shore wind turbines optimised for complex terrains (e.g. forested terrains, mountainous areas): with nominal capacity 25 MW
 - On-shore wind turbines optimised for cold climates (compatible with temperature lower than - 30°C and severe icing conditions) with nominal capacity 25 MW
- Ocean - project subcategories:
 - Wave energy devices with nominal capacity 5 MW
 - Marine/tidal currents energy devices with nominal capacity 5 MW
- Hydropower - project subcategories:
 - Power generation with High Temperature Superconducting Generators: 20 MW
- Distributed Renewable Management - project subcategories:
 - Renewable energy management and optimisation for small and medium scale Distributed Generators in rural environment with predominant solar generation: 20 MW on Low Voltage (LV) network + 50 MW on Medium Voltage (MV) network
 - Renewable energy management and optimisation for small and medium scale Distributed Generators in rural environment with predominant wind generation: 20 MW on LV network + 50 MW on MV network
 - Renewable energy management and optimisation for small and medium scale Distributed Generators in urban environment: 20 MW on LV network + 50 MW on MV network

NOTE: The use of active loads (electric heaters/heat pumps etc) is not excluded.

B. Project requirements

I. Common requirements:

- The capacity thresholds laid out in Part A. have to be met;
- Entry into operation by 31 December 2015 for the first tranche has to be demonstrated as realistic;
- All relevant national permits for the project have to be in place and line with relevant requirements under EC legislation or the relevant permit procedures

under way and sufficiently advanced to ensure start-up of commercial operation could take place by 31 December 2015;

- The project operator has to make a binding commitment to knowledge sharing pursuant to the requirements laid out in Article 13;
- Projects shall be located in the territories of the Member States, their exclusive economic zones and their continental shelves.

II. CCS demonstration projects:

- Each project has to implement the full chain (capture, transport, storage);
- Each demonstration project must implement heat integration for the capture component of the process.
- The capture rate has to be at least 85% of CO₂ from the flue gases to which capture is applied.

ANNEX II

Knowledge-sharing requirements

A. Technical set-up and performance

- reliability
- CO₂ captured
- performance at different levels, including differences between expected and real performance
- increase in fuel demand; electricity, heat and cooling demand
- key inputs and outputs and design
- future identified Research and Development issues

B. Cost level

- capital and operating costs
- totals and costs per unit performance (ton CO₂ stored, clean MWh produced)

C. Project management

- legislation/ permitting
- stakeholder management, including interaction with Governments
- planning
- project organisation

D. Environmental impact

- effectiveness: reduction of CO₂ emissions per unit electricity
- other environmental impacts at undisturbed operation

E. Health and safety

- incidents and near misses occurred (disturbed operation)
- monitoring and resolution systems to track safety
- health issues in undisturbed operation