

APPENDIX XI: GUIDANCE ON VERIFYING COMPLIANCE WITH THE SUBSTANTIAL CONTRIBUTION TO CLIMATE CHANGE MITIGATION AND THE DNSH CRITERIA

This Appendix serves as guidance for the verification of compliance with the Technical Screening Criteria set out in Annex I to Commission Delegated Regulation (EU) 2021/2139 for the economic activities referred to therein, namely 4.1. Electricity generation using solar photovoltaic technology and 4.9. Transmission and distribution of electricity, including the criteria for Substantial Contribution to Climate Change Mitigation and Do No Significant Harm (DNSH).

The guidance set out in this Appendix may also be used as a template when verifying compliance with the Technical Screening Criteria applicable to other economic activities listed in Commission Delegated Regulation (EU) 2021/2139, provided that the Do No Significant Harm (DNSH) criteria applicable to those activities are identical to those laid down for the economic activities set out in Sections 4.1. Electricity generation using solar photovoltaic technology and 4.9. Transmission and distribution of electricity of Annex I to Commission Delegated Regulation (EU) 2021/2139.

The MNB draws attention to the fact that Appendices A and D to Annexes I and II to Commission Delegated Regulation (EU) 2021/2139 contain identical provisions.

Further guidance on verifying compliance with the Technical Screening Criteria is provided by the Commission Notice on *“the interpretation and implementation of certain legal provisions of the Climate Delegated Act supplementing the EU Taxonomy Regulation by establishing the technical screening criteria for determining the conditions under which an economic activity qualifies as contributing substantially to climate change mitigation or climate change adaptation and for determining whether that economic activity causes no significant harm to any of the other environmental objectives”* (C/2023/267).¹ The MNB draws attention to the answers provided to Questions 3 and 4 of Section I, and to the answers to the questions relating to Appendices A and D of Section III of the above-mentioned Commission Notice.

Economic activity	Technical screening criteria		Response (possible option(s) demonstrating compliance are underlined)	Guidance and supporting documentation
4.1. Electricity generation using solar photovoltaic technology	Substantial contribution to climate change mitigation	The activity generates electricity using solar photovoltaic technology.	<u>Yes</u> / No	The following may be accepted as supporting documentation: • The decision concluding the preliminary environmental impact assessment procedure conducted by the competent environmental authority having jurisdiction over the power plant site (identified by the topographical lot number), in accordance with Government Decree No 314/2005. (XII. 25.), or • a generation licence issued under Act LXXXVI of 2007 on Electricity (hereinafter: the Electricity Act), or • construction permit issued by the electricity construction authority pursuant to the Electricity Act, or

¹ https://eur-lex.europa.eu/legal-content/HU/TXT/PDF/?uri=OJ:C_202300267

				• an occupancy permit issued under the Electricity Act, or • an environmental use permit and an environmental permit demonstrating compliance with the Substantial Contribution criterion. OR • Declaration issued by an independent expert in accordance with Government Decree No 297/2009 (XII. 21.) or by an expert with relevant experience and appropriate references in climate assessments, or a DNSH report prepared by such expert, demonstrating compliance with the Substantial Contribution criterion.
	Do no significant harm (DNSH)	(2) Climate Change Adaptation The activity complies with the criteria set out in Appendix A to this Annex.	<u>Yes, the activity complies with the criteria set out in Appendix A to this Annex</u> / No	Submission of a Climate Risk and Vulnerability Assessment Report (hereinafter: the “Report”) prepared by an independent expert, who declares that the Report covers all the requirements set out in Appendix A to Annex I to the Climate Delegated Act.² Acceptable independent experts shall include those with relevant expertise in climate assessments and appropriate references who are recognised as experts under Government Decree No 297/2009 (XII. 21.), in particular experts holding a Climate Protection Expert Certificate issued by the Hungarian Chamber of Engineers.³ Where the Report is prepared by an expert holding a Climate Protection Expert Certificate, the expert shall hold a valid Climate Protection Expert Certificate at the time of signing the Report. The Report, the climate resilience assessment process, and its methodological framework shall be prepared in accordance with the European Commission document entitled “Technical guidance on the climate proofing of infrastructure in the period 2021-2027”, published in

²Commission Delegated Regulation (EU) 2021/2139

³ The list of experts holding a Climate Protection Expert Certificate is available as follows: on the website of the Hungarian Chamber of Engineers, under the Register / Engineer Search menu (<https://www.mmk.hu/kereses/tagok>), select Search by Professional Practice Category, and then, from the Certificate drop-down menu, select K-SZ – Climate Protection Expert Certificate. This provides access to the complete list of Climate Protection Experts.

				July 2021, available in English and also in Hungarian translation (hereinafter: the “Commission Guidance”).⁴ It is also acceptable if the Report is prepared on the basis of other guidance issued pursuant to the Commission Guidance for conducting climate resilience assessments of infrastructure projects. AND (where the Report identifies adaptation measures or solutions) <u>For existing activities using existing physical assets and for new activities,</u> submission of an adaptation plan for the implementation of adaptation solutions, prepared and approved by the client or the client’s appointed expert, demonstrating that physical and non-physical adaptation solutions will be implemented within a period not exceeding five years in order to reduce the most significant identified physical climate risks that are material to the activity. Alternatively, the Report may demonstrate that the physical and non-physical adaptation solutions to be implemented in accordance with the adaptation plan within a period not exceeding five years reduce the most significant identified physical climate risks that are material to the activity. Furthermore, the client shall demonstrate (by means of a declaration and supporting documentation) that the implementation of the adaptation plan is subject to continuous monitoring throughout the operational lifetime of the power plant, in accordance with Section 3.3.2.5 of the European Commission’s “<i>Technical guidance on the climate proofing of infrastructure in the period 2021-2027</i>”, published in July 2021.⁵
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⁴ [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021XC0916\(03\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021XC0916(03))

⁵ In addition, as a matter of good management practice, continuous monitoring should be carried out throughout the operational lifetime of the project in order to: (i) verify the accuracy of the assessment and incorporate the lessons learned into future assessments and projects; and (ii) determine whether the predefined trigger points or thresholds are likely to be reached, indicating that additional adaptation measures (phased adaptation) are required.

			<u>For new activities and existing activities using newly constructed physical assets</u>, the client shall demonstrate, by means of a declaration and supporting documentation, that the adaptation measures identified in the Report have been incorporated into the project and its operation. The following documents are expected to be provided: the approved project plan, • approved and effective internal operational documentation (e.g. operating and maintenance instructions, operational logbook), • and approved and effective internal documentation governing the continuous monitoring of the adaptation measures, consistent with Section 3.3.2.5 of the European Commission's <i>"Technical guidance on the climate proofing of infrastructure in the period 2021-2027"</i> published in July 2021.⁶ AND Declaration by the independent expert who prepared the Report confirming that the adaptation solutions identified in the Report do not adversely affect the adaptation efforts or the level of resilience to climate change-related physical risks of other people, nature, cultural heritage, assets or other economic activities; are consistent with local, sectoral, regional or national adaptation strategies and plans; and consider nature-based solutions or rely on blue or green infrastructure to the greatest extent possible.
4.1. Electricity generation using solar photovoltaic technology	Do no significant harm (DNSH)	(3) Sustainable use and protection of water and marine resources Not applicable	Not applicable

⁶ In addition, as a matter of good management practice, continuous monitoring should be carried out throughout the operational lifetime of the project in order to: (i) verify the accuracy of the assessment and incorporate the lessons learned into future assessments and projects; and (ii) determine whether the predefined trigger points or thresholds are likely to be reached, indicating that additional adaptation measures (phased adaptation) are required.

		(4) Transition to a circular economy The activity assesses the availability of equipment and components that are highly durable, recyclable, easy to dismantle and repair and, where feasible, uses such equipment and components.	Yes, _____ the availability _____ is assessed / No	Manufacturers established in Hungary are required to comply with Section 2/A of Government Decree No 197/2014 (VIII. 1.); therefore, this criterion shall be deemed to be fulfilled. For manufacturers established outside Hungary, compliance shall be demonstrated by means of CE marking or an EU Declaration of Conformity. OR DNSH report prepared by an independent expert in accordance with Government Decree No 297/2009 (XII. 21.), who is also authorised in the field of waste management, or by an expert listed in the register of the Hungarian Chamber of Engineers and holding a certificate in a discipline relevant to the transition to a circular economy, confirming compliance with the DNSH criteria.
		(5) Pollution prevention and control Not applicable	Not applicable	
	Do no significant harm (DNSH)	(6) Protection and restoration of biodiversity and ecosystems The activity complies with the criteria set out in Appendix D to this Annex.	<u>Yes</u> / No	The following may be accepted as supporting documentation, provided that they demonstrate that the power plant is not located in or in the vicinity of areas that are sensitive in terms of biodiversity, including the Natura 2000 network of protected areas, the UNESCO World Heritage network, Key Biodiversity Areas, and other protected areas:⁷ - the decision concluding the preliminary environmental impact assessment procedure conducted by the competent environmental authority having jurisdiction over the power plant site (identified by the topographical lot number), in accordance with Government Decree No 314/2005. (XII. 25.), or - construction permit issued by the electricity construction authority pursuant to the Electricity Act.

⁷ It is recommended that the data be verified using the topographical lot number through the Land Parcel Identification System (MePAR).

			AND Declaration by the client confirming that no environmental impact assessment (EIA) or screening has been carried out in accordance with Directive 2011/92/EU, stating the reasons why such assessment or screening was not required, with reference to the relevant legal provision. OR (where an environmental impact assessment or screening has been carried out) Where an environmental impact assessment or screening has been carried out in accordance with Directive 2011/92/EU (and Government Decree No 314/2005 (XII. 25.)) the relevant documentation shall be provided, including the following: I. the environmental permit and/or the integrated environmental use permit issued on the basis of the environmental impact assessment procedure, and a declaration by the client confirming that the mitigation and compensation measures necessary for the protection of the environment, as specified among the conditions of the environmental permit, have been implemented; or II. submission of documentation evidencing the completion of the preliminary assessment carried out pursuant to Section 2/A of Government Decree No 314/2005 (XII. 25.), including the decision concluding the preliminary assessment procedure issued by the competent environmental authority having jurisdiction over the power plant site (identified by the topographical lot number). Where the power plant is located in or in the vicinity of areas that are sensitive in terms of biodiversity (including the Natura 2000 network of protected areas, UNESCO World Heritage Sites, Key Biodiversity Areas, and other protected areas), the environmental permit shall be provided. A declaration by the client confirming that the necessary mitigation
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				measures, as specified among the conditions of the environmental permit, have been implemented. OR DNSH report prepared by an independent expert in accordance with Government Decree No 297/2009 (XII. 21.), who is also authorised in the field of environmental protection or nature conservation, or by an expert with relevant experience and appropriate references in climate assessments, confirming compliance with the DNSH criteria.
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Economic activity	Technical screening criteria		Response (possible option(s) demonstrating compliance are underlined)	Guidance and supporting documentation
4.9. Electricity transmission and distribution	Substantial contribution to climate change mitigation	The activity complies with one of the following criteria: 1. The transmission and distribution infrastructure or equipment forms part of an electricity system that meets at least one of the following criteria: (a) the system forms part of the interconnected European system, i.e. the interconnected electricity system covering the interconnected control areas of the Member States, Norway, Switzerland and the United Kingdom, together with its subordinate systems; (b) more than 67 percent of the newly authorised generation capacity in the system	<u>Yes, the activity complies with criterion/criteria 1 or criterion 2</u> / No	Declaration by the client, or by an independent expert in accordance with Government Decree No. 297/2009 (XII. 21.), or by an expert with relevant experience and appropriate references in climate assessments, identifying which of the Substantial Contribution to Climate Change Mitigation criteria set out in point 1(a) to (c) or point 2(a) to (h) is fulfilled by the activity. The following may be accepted as supporting documentation for the declaration: - the preliminary examination documentation referred to in Annex 4 to Government Decree No 314/2005. (XII. 25.), (in the case of points 1(a) and 2(a) to (b)); - the decision concluding the preliminary environmental impact assessment procedure conducted by the competent environmental authority having jurisdiction

		is below the life cycle greenhouse gas emissions threshold of 100 g CO₂e/kWh, measured on a rolling five-year average, in accordance with the criteria for electricity generation; (c) the average grid emissions factor of the system, calculated by dividing the total annual greenhouse gas emissions from electricity generation connected to the system by the system's total annual net electricity generation, is below the life cycle greenhouse gas emissions threshold of 100 g CO₂e/kWh, measured on a rolling five-year average, in accordance with the criteria for electricity generation. Infrastructure intended to establish a direct connection, or to expand an existing direct connection, between any substation or network and a power plant with a life cycle greenhouse gas emissions intensity exceeding 100 g CO₂e/kWh does not comply with the requirements. The installation of metering infrastructure that does not meet the requirements for smart metering systems laid down in Article 20 of Directive (EU) 2019/944 does not comply with the requirements. OR 2. The activity consists of one of the following: (a) the construction and operation of a direct connection, or the expansion of an existing direct connection, between low-carbon		over the power plant site (identified by the topographical lot number), in accordance with Government Decree No 314/2005 (XII. 25.), (in the case of points 1(a) and 2(a) to (b)); • the environmental use permit and the environmental permit (in the case of points 1(a) and 2(a) to (b)); • the grid connection agreement, the operational agreement and the network use agreement concluded with the distribution system operator (in the case of points 1(a) and 2(a), (d)); • the construction permit issued by the electricity construction authority pursuant to the Electricity Act (in the case of points 1(a) and 2(a), (c) to (f)); • The Network Development Plan approved by the Hungarian Energy and Public Utility Regulatory Authority (MEKH) or the Hungarian Transmission System Operator Company (MAVIR) (in the case of points 1(a) and 2(a)); • the permit issued pursuant to Government Decree No 243/2019 (X. 22.) (in the case of points 2(b), (g) and (h)); • CE marking (in the case of points 2(c) and (f)); • technical design documentation approved by an independent expert (in the case of points 2(d), (e), (g) and (h)); • a declaration by an independent expert confirming compliance with point 2(f); • environmental technical documentation (in the case of points 2(d), (e), (f), (g) and (h)). Compliance with points 1(b) or (c) of the Technical Screening Criteria for Substantial Contribution to Climate Change Mitigation shall be certified by an independent expert registered in accordance with Government Decree No 297/2009 (XII. 21.) or by an expert with appropriate expertise and relevant
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		electricity generation with life cycle greenhouse gas emissions below the threshold of 100 g CO₂e/kWh and a substation or network; (b) the construction and operation of charging stations for electric vehicles (EVs), as well as supporting electrical infrastructure for the electrification of transport, subject to compliance with the Technical Screening Criteria set out in the transport section of this Annex; (c) the installation of transmission and distribution transformers that comply with the Tier 2 (1 July 2021) requirements set out in Annex I to Commission Regulation (EU) No 548/2014 and, in the case of medium power transformers with a highest voltage for equipment not exceeding 36 kV, with the AA0 no-load loss requirements specified in EN 50588-1; (d) the construction, installation and operation of equipment and infrastructure whose primary objective is to increase the generation or use of electricity produced from renewable energy sources; (e) the installation of equipment to enhance the controllability and observability of the electricity system and to enable the development and integration of renewable energy sources, including the following: (i) sensors and measurement devices (including meteorological sensors for forecasting renewable electricity generation); communication and control systems	references in climate assessments (including certification that the installation of the metering infrastructure complies with the requirements for smart metering systems laid down in Article 20 of Directive (EU) 2019/944). The data demonstrating that the life cycle greenhouse gas emissions intensity of electricity generation is below or above the threshold of 100 g CO₂e/kWh shall be certified by an expert with appropriate relevant references. OR DNSH report prepared by an independent expert in accordance with Government Decree No 297/2009 (XII. 21.) or by an expert with relevant experience and appropriate references in climate assessments, demonstrating compliance with the Substantial Contribution criterion.
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		(including advanced software and control rooms, the automation of substations or feeders, and voltage regulation capabilities enabling adaptation to more decentralised renewable electricity injection). (f) the installation of equipment such as, but not limited to, future smart metering systems or systems replacing smart metering systems in accordance with Article 19(6) of Directive (EU) 2019/944 of the European Parliament and of the Council, which comply with the requirements laid down in Article 20 of Directive (EU) 2019/944 and are capable of transmitting information to consumers for the remote management of their consumption, including consumer data hubs; (g) the construction or installation of equipment enabling the exchange of electricity generated exclusively from renewable energy sources between users; (h) the construction and operation of interconnectors between transmission systems, provided that at least one of the systems complies with the requirements.		
4.9. Electricity transmission and distribution	Do no significant harm (DNSH)	(2) Climate Change Adaptation The activity complies with the criteria set out in Appendix A to this Annex.	<u>Yes,</u> it <u>complies</u> / No	Submission of a Climate Risk and Vulnerability Assessment Report (hereinafter: the "Report") prepared by an independent expert, who declares that the Report covers all the requirements set out in Appendix A to Annex I to the Climate Delegated Act. Acceptable independent experts shall include those with relevant expertise in climate assessments and appropriate references who are recognised as experts under Government Decree No 297/2009 (XII. 21.), in particular experts holding a Climate Protection Expert Certificate issued by the Hungarian

				Chamber of Engineers.⁸ Where the Report is prepared by an expert holding a Climate Protection Expert Certificate, the expert shall hold a valid Climate Protection Expert Certificate at the time of signing the Report. The Report, the climate resilience assessment process, and its methodological framework shall be prepared in accordance with the European Commission document entitled “<i>Technical guidance on the climate proofing of infrastructure in the period 2021-2027</i>”, published in July 2021, available in English and also in Hungarian translation (hereinafter: the “Commission Guidance”). It is also acceptable if the Report is prepared on the basis of other guidance issued pursuant to the Commission Guidance for conducting climate resilience assessments of infrastructure projects. AND (where the Report identifies adaptation measures or solutions) <u>For existing activities using existing physical assets and for new activities</u>, submission of an adaptation plan for the implementation of adaptation solutions, prepared and approved by the client or the client’s appointed expert, demonstrating that physical and non-physical adaptation solutions will be implemented within a period not exceeding five years in order to reduce the most significant identified physical climate risks that are material to the activity. Alternatively, the Report may demonstrate that the physical and non-physical adaptation solutions to be implemented in accordance with the adaptation plan within a period not exceeding five years reduce the most significant identified
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⁸ The list of experts holding a Climate Protection Expert Certificate is available as follows: on the website of the Hungarian Chamber of Engineers, under the Register / Engineer Search menu (<https://www.mmk.hu/kereses/tagok>), select Search by Professional Practice Category, and then, from the Certificate drop-down menu, select K-SZ – Climate Protection Expert Certificate. This provides access to the complete list of Climate Protection Experts.

			physical climate risks that are material to the activity. Furthermore, the client shall demonstrate (by means of a declaration and supporting documentation) that the implementation of the adaptation plan is subject to continuous monitoring throughout the operational lifetime of the power plant, in accordance with Section 3.3.2.5 of the European Commission's "<i>Technical guidance on the climate proofing of infrastructure in the period 2021-2027</i>", published in July 2021.⁹ <u>For new activities using newly constructed physical assets and for existing activities</u>, evidence provided by the client (in the form of a declaration and supporting documentation) demonstrating that the adaptation measures identified in the Report have been incorporated into the project and its operation. The following documents are expected to be provided: the approved project plan, • approved and effective internal operational documentation (e.g. operating and maintenance instructions, operational logbook), and approved and effective internal documentation governing the continuous monitoring of the adaptation measures, consistent with Section 3.3.2.5 of the European Commission's "<i>Technical guidance on the climate proofing of infrastructure in the period 2021-2027</i>" published in July 2021.¹⁰ AND
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⁹ In addition, as a matter of good management practice, continuous monitoring should be carried out throughout the operational lifetime of the project in order to: (i) verify the accuracy of the assessment and incorporate the lessons learned into future assessments and projects; and (ii) determine whether the predefined trigger points or thresholds are likely to be reached, indicating that additional adaptation measures (phased adaptation) are required.

¹⁰ In addition, as a matter of good management practice, continuous monitoring should be carried out throughout the operational lifetime of the project in order to: (i) verify the accuracy of the assessment and incorporate the lessons learned into future assessments and projects; and (ii) determine whether the predefined trigger points or thresholds are likely to be reached, indicating that additional adaptation measures (phased adaptation) are required.

				Declaration by the independent expert who prepared the Report confirming that the adaptation solutions identified in the Report do not adversely affect the adaptation efforts or the level of resilience to climate change-related physical risks of other people, nature, cultural heritage, assets or other economic activities; are consistent with local, sectoral, regional or national adaptation strategies and plans; and consider nature-based solutions or rely on blue or green infrastructure to the greatest extent possible.
4.9. Electricity transmission and distribution	Do no significant harm (DNSH)	(3) Sustainable use and protection of water and marine resources Not applicable	Not applicable	
4.9. Electricity transmission and distribution	Do no significant harm (DNSH)	(4) Transition to a circular economy A waste management plan is in place which, in accordance with the waste hierarchy, ensures the maximisation of reuse or recycling at the end of the life cycle, including through contractual arrangements with waste management partners, financial forecasts, or official project documentation.	<u>Yes, a waste management plan is in place</u> / No	At the design stage, the following may be accepted as supporting documentation: - the environmental protection and nature conservation section of the design documentation, or - the waste management plan, provided that it demonstrates compliance with the DNSH criteria. During the operational phase, the following may be accepted as supporting documentation: - an approved and valid waste management policy, compliant with Government Decree No 197/2014, demonstrating compliance with the DNSH criteria, or - the operator's approved and effective internal policy document, compliant with Government Decree No 197/2014, contains a chapter on waste management demonstrating compliance with the DNSH criteria; - an ISO 14001-compliant waste management system. AND

				Declaration by the client, or by an independent expert in accordance with Government Decree No 297/2009 (XII. 21.) who is also authorised in the field of waste management, or by an expert with relevant experience and appropriate references in climate assessments, confirming that the activity complies with the requirements of Act CLXXXV of 2012 on Waste. OR DNSH report prepared by an independent expert in accordance with Government Decree No 297/2009 (XII. 21.), who is also authorised in the field of waste management, or by an expert with relevant experience and appropriate references in climate assessments, confirming compliance with the DNSH criteria.
4.9. Electricity transmission and distribution	Do no significant harm (DNSH)	(5) Pollution prevention and control Overhead high-voltage power lines: (a) in the case of activities carried out on construction sites, the activities follow the principles set out in the IFC General Environmental, Health and Safety Guidelines. (b) the activities comply with the applicable standards and regulations limiting the effects of electromagnetic fields on human health, including, for activities carried out within the Union, Council Recommendation on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz) and, for activities carried out in third countries, the 1998 Guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP).	<u>Yes</u> / No	Companies operating in Hungary are required to comply with ESzCsM Decree No 63/2004 (VII. 26.) of the Ministry of Health, Social and Family Affairs and EMMI Decree No 33/2016 (XI. 29.) of the Ministry of Human Capacities; therefore, this DNSH criterion shall be deemed to be fulfilled. Declaration by the client, or by an independent expert in accordance with Government Decree No 297/2009 (XII. 21.), or by an expert with relevant experience and appropriate references in climate assessments, confirming that the activity complies with the requirements of ESzCsM Decree No 63/2004 (VII. 26.) of the Ministry of Health, Social and Family Affairs and EMMI Decree No 33/2016 (XI. 29.) of the Ministry of Human Capacities, and that the client has not been subject to any decision issued for non-compliance with those Decrees. AND In addition, submission of the Safety and Health Plan prepared in accordance with SzCsM–EüM Joint Decree No 4/2002 (II. 20.) of the Ministry of Social and Family Affairs and the Ministry of

				Health, or a certificate confirming compliance with the principles set out in the IFC General Environmental, Health and Safety Guidelines, or one of the following ISO certificates is required: - ISO 14001 Environmental Management - ISO 45001 Occupational Health and Safety - ISO 50001 Energy Management - (ISO 9000 Quality Management). OR DNSH report prepared by an independent expert in accordance with Government Decree No 297/2009 (XII. 21.), who is also authorised in the field of environmental protection, or by an expert with relevant experience and appropriate references in climate assessments, confirming compliance with the DNSH criteria.
4.9. Electricity transmission and distribution	Do no significant harm (DNSH)	The activities do not use polychlorinated biphenyls.	<u>Yes</u> / No	Since the Stockholm Convention has prohibited the production of polychlorinated biphenyls since 2001, transformers and switchgear installed at the new substation shall not contain polychlorinated biphenyls,
4.9. Electricity transmission and distribution	Do no significant harm (DNSH)	(6) Protection and restoration of biodiversity and ecosystems The activity complies with the criteria set out in Appendix D to this Annex.	<u>Yes</u> / No	The following may be accepted as supporting documentation, provided that they demonstrate that the power plant is not located in or in the vicinity of areas that are sensitive in terms of biodiversity (including the Natura 2000 network of protected areas, the UNESCO World Heritage network, Key Biodiversity Areas, and other protected areas): • the decision concluding the preliminary environmental impact assessment procedure conducted by the competent environmental authority having jurisdiction over the power plant site (identified by the topographical lot number), in accordance with Government Decree No 314/2005 (XII. 25.), or • the construction permit issued by the electricity

				construction authority in accordance with the Electricity Act. AND Declaration by the client confirming that no environmental impact assessment (EIA) or screening has been carried out in accordance with Directive 2011/92/EU, stating the reasons why such assessment or screening was not required, with reference to the relevant legal provision. OR (where an environmental impact assessment or screening has been carried out) Where an environmental impact assessment or screening has been carried out in accordance with Directive 2011/92/EU (and Government Decree No 314/2005 (XII. 25.)) the relevant documentation shall be provided, including the following: I. the environmental permit and/or the environmental use permit issued following the environmental impact assessment procedure shall be provided, together with a declaration by the client confirming that the mitigation and compensation measures necessary for environmental protection, as specified among the conditions of the environmental permit, have been implemented; or II. submission of documentation evidencing the completion of the preliminary assessment carried out pursuant to Section 2/A of Government Decree No 314/2005 (XII. 25.), including the decision concluding the preliminary assessment procedure issued by the competent environmental authority having jurisdiction over the power plant site (identified by the topographical lot number). Where the power plant is located in or in the vicinity of areas
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				that are sensitive in terms of biodiversity (including the Natura 2000 network of protected areas, UNESCO World Heritage Sites, Key Biodiversity Areas, and other protected areas), the environmental permit shall be provided. A declaration by the client confirming that the necessary mitigation measures, as specified among the conditions of the environmental permit, have been implemented. OR DNSH report prepared by an independent expert in accordance with Government Decree No 297/2009 (XII. 21.), who is also authorised in the field of biodiversity conservation, or by an expert with relevant experience and appropriate references in climate assessments, confirming compliance with the DNSH criteria.
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