

3rd October, 2019.

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We, the undersigned MEPS are demanding that all the candidate gas projects on the island of Ireland on the proposed 4th PCI list be rejected by members of the Gas PCI Regional Group at their high-level meeting to be held in Brussels on Friday, October 4th, 2019.

On September 25th, 2019 the European Union Agency for the Cooperation of Energy Regulators (ACER) completed its opinion on the draft list of projects of common interest 2019ⁱ. It found that all the proposed Gas projects on the island of Ireland are "*projects which did not prove that their overall benefits outweigh costs*". This is a general criteria under Article 4(1)(b) of Regulation 347/2013 which should lead to automatic disqualification from the PCI list. The Commission, when adopting the Union List, is obliged to take into account the opinion of the Agency in order to ensure cross-regional consistency.ⁱⁱ We fully support this opinion and demand that the Commission respect this opinion by removing all of the projects on the island of Ireland from the final 4th PCI list.

We also fear that Ireland is proceeding, at all costs and without any public consultation in an SEA process as provided for under the SEA Directive, the Public Participation Directive and the Aarhus Convention, with the implementation of the Energy Plan to import fracked US gasⁱⁱⁱ announced by President Juncker in July 2018^{iv} following his visit to President Trump in the USA through multiple LNG terminals and countries and imposed via the PCI procedure.

On Thursday September 26th, 2019, a motion was submitted to the Irish Parliament (the Dáil), co-signed by 44 Members of Parliament (TDs) from a variety of political parties. We fully support this motion and likewise call on the European Commission:

- to remove any project from the proposed list of Projects of Common Interest that could support the building of an LNG facility in Ireland that will act as a gateway for fracked gas entering the Irish energy mix; and
- to build support in Europe to prioritise sustainability criteria in the assessment of candidate PCI projects, that will address fossil fuel lock in and the long-term impacts of fracked gas in the European energy mix, given the expected change in climatic conditions.^v

The motion reads as follows:

That Dáil Eireann:

notes that:

- this House declared a Climate and Biodiversity Emergency in May 2019;
- recent extreme weather events, including record heat waves in Europe and Asia, are a warning that Climate Change is crossing thresholds that pose a threat to all humanity and life on Earth;
- unprecedented wildfires in the Arctic and Amazon and an historic rise in methane levels in the atmosphere show the urgent need for radical action;
- the focus of climate change mitigation actions is to reduce the greenhouse gas (GHG) emissions which are driving climate change;
- methane is the second most important greenhouse gas behind carbon dioxide causing global climate change, whose global warming potential (GWP) impact on climate over a 20-year period is 87 times more potent than that of carbon dioxide^{vi};
- unlike the case for carbon dioxide, the climate system responds quickly to changes in methane emissions, and reducing methane emissions could provide an opportunity to immediately slow the rate of global warming and perhaps meet the United Nations Framework Convention on Climate Change (UNFCCC) COP21 target of keeping the planet well below 2° Celsius above the pre-industrial baseline^{vii};
- the latest peer-reviewed scientific studies have found that shale-gas production in North America may have contributed to approximately one-third of the total increased methane emissions from all sources globally over the past decade^{viii}; and

further notes that:

- this State passed the 'Prohibition of Onshore Hydraulic Fracturing Act 2017', banning fracking in Ireland in recognition of the health and climate impacts of exploiting shale gas reserves;
- 'New Fortress Energy' plans to import fracked gas from America to the proposed 'Shannon LNG' terminal,^{ix}
- projects listed as "EU Projects of common interests" (PCIs) can benefit from accelerated permitting procedures and public funding;^{xixii}
- the 'Shannon LNG' project and its enabler project - the physical reverse flow of the gas Interconnectors - are on the currently-proposed candidate list of European Projects of Common Interest (the 4th PCI list);^{xiii}
- the EU PCI Regulation states that "*each individual proposal for a project of common interest shall require the approval of the Member States, to whose territory the project relates*";^{xiv}
- the EU PCI Regulation states that "*projects of common interest shall be allocated the status of the highest national significance possible and be treated as such in permit granting processes*";^{xv}
- the EU PCI Regulation goes on to state that "*With regard to the environmental impacts addressed in Article 6(4) of Directive 92/43/EEC and Article 4(7) of Directive 2000/60/EC, projects of common interest shall be considered as being of public interest from an energy policy perspective and may be considered as being of overriding public interest, provided that all the conditions set out in these Directives are fulfilled*";^{xvi}
- the EU PCI Regulation furthermore, states that "*Projects of common interest included on the Union List [...] shall become an integral part of the relevant regional investment plans [...] and of the relevant national 10-year network development plans [...] and other national infrastructure plans concerned, as appropriate. Those projects shall be conferred the highest possible priority within each of those plans*";^{xvii}
- currently it is proposed that 6 projects for LNG terminals be included on the PCI list (out of a total of 14 that have received support from the EU since 2013) and that these projects, if built, will result in a massive increase in the use of fracked gas and subsequent massive increase in methane emissions;
- Ireland has not yet formally approved the final 4th PCI list;
- previous statements of support for Shannon LNG by the Government were issued before it became known publicly that this project would be a hub for fracked North American shale gas and before the extent of methane leakage (including fugitive emissions) from this fuel was fully understood;^{xviii};

- Article 194 of the Treaty on the Functioning of the European Union (TFEU) states that each EU Member State maintains its right to “*determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply*”;^{xix} and

the Dáil further notes:

- that PCI accreditation sets the framework for development consent;
- that no Strategic Environmental Assessment (SEA) of the proposed activity to import fracked gas into the Irish energy mix has ever been undertaken to assess reasonable alternatives;
- that no account has been taken of the full life cycle emissions of GHGs from imported fracked gas;
- that a policy vacuum exists where LNG terminals and Ireland’s access to the global fracked gas market have not been considered in the ‘National Mitigation Plan’^{xx} or in the ‘Draft Statutory Climate Change Adaptation Plan for the Electricity and Gas Networks Sector’;^{xxixxxii}
- that previous policy statements that categorised natural gas as a transitional or bridging fuel are mistaken and that gas is a fossil fuel that can play no long-term role in tackling climate change;
- that LNG terminals and other related infrastructure will lock Ireland and Europe into continued use of fossil fuels and hinder attempts to transition society to renewable sources of energy;
- that facilitating LNG terminals or the importation of fracked gas from North America will render impossible the immediate goals of radical cuts in GHG emissions;

and recognizes that

- an energy plan facilitating the importation of fracked North American shale gas is contrary to the principal and logic of passing a ban on fracking in this state, while simultaneously urging households and communities to act to reduce their GHG emissions; and

therefore, calls on the Government:

- to remove any project from the proposed list of Projects of Common Interest that could support the building of an LNG facility in Ireland that will act as a gateway for fracked gas entering the Irish energy mix; and
- to build support in Europe to prioritise sustainability criteria in the assessment of candidate PCI projects, that will address fossil fuel lock in and the long-term impacts of fracked gas in the European energy mix, given the expected change in climatic conditions.^{xxiii}

Signed:

- Ciarán Cuffe M.E.P. (Group of the Greens/European Free Alliance - Green Party)
- Clare Daly M.E.P. (Confederal Group of the European United Left - Nordic Green Left - Independent)
- Grace O Sullivan M.E.P. (Group of the Greens/European Free Alliance Alliance - Green Party)
- Luke Ming Flanagan M.E.P. (Confederal Group of the European United Left - Nordic Green Left - Independent)
- Martina Anderson M.E.P. (Confederal Group of the European United Left - Nordic Green Left - Sinn Féin)
- Matt Carthy M.E.P. (Confederal Group of the European United Left - Nordic Green Left - Sinn Féin)
- Mick Wallace M.E.P. (Confederal Group of the European United Left - Nordic Green Left - Independents for change)

ⁱ https://www.acer.europa.eu/Official_documents/Acts_of_the_Agency/Individual%20decisions/ACER%20Decision%2011-2019%20on%20CORE%20RDCT.pdf

ⁱⁱ Article 3(5)(c) of EU Regulation 347/2013 - <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:115:0039:0075:en:PDF>

ⁱⁱⁱ http://europa.eu/rapid/press-release_IP-19-2313_en.htm

^{iv} Joint U.S.-EU Statement following President Juncker's visit to the White House Washington, 25 July 2018 (http://europa.eu/rapid/press-release_STATEMENT-18-4687_en.htm)

^v Annex IV (3) (d) (Rules and indicators concerning criteria for projects of common interest), of the PCI Regulation (EU) No 347/2013 (“Sustainability shall be measured as the contribution of a project to reduce emissions, to support the back-up of renewable electricity generation or power-to-gas and biogas transportation, taking into account expected changes in climatic conditions.”) <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:115:0039:0075:en:PDF>

^{vi}

Myhre, G., D. Shindell, F.-M. Bréon, W. Collins, J. Fuglestedt, J. Huang, D. Koch, J.-F. Lamarque, D. Lee, B. Mendoza, T. Nakajima, A. Robock, G. Stephens, T. Takemura and H. Zhang, 2013: Anthropogenic and Natural Radiative Forcing. In: Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change [Stocker, T.F., D. Qin, G.-K. Plattner, M. Tignor, S.K. Allen, J. Boschung, A. Nauels, Y. Xia, V. Bex and P.M. Midgley (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA.

https://www.ipcc.ch/site/assets/uploads/2018/02/WG1AR5_Chapter08_FINAL.pdf chapter 8 page 714):

Table 8.7 | GWP and GTP with and without inclusion of climate-carbon feedbacks (cc fb) in response to emissions of the indicated non-CO₂ gases (climate-carbon feedbacks in response to the reference gas CO₂ are always included).

	Lifetime (years)		GWP ₂₀	GWP ₁₀₀	GTP ₂₀	GTP ₁₀₀
CH ₄ ^a	12.4 ^a	No cc fb	84	28	67	4
		With cc fb	86	34	70	11
HFC-134a	13.4	No cc fb	3710	1300	3050	201
		With cc fb	3790	1550	3170	530
CFC-11	45.0	No cc fb	6900	4660	6890	2340
		With cc fb	7020	5350	7080	3490
N ₂ O	121.0 ^a	No cc fb	264	265	277	234
		With cc fb	268	298	284	297
CF ₄	50,000.0	No cc fb	4880	6630	5270	8040
		With cc fb	4950	7350	5400	9560

Notes:

Uncertainties related to the climate-carbon feedback are large, comparable in magnitude to the strength of the feedback for a single gas.

^a Perturbation lifetime is used in the calculation of metrics.

^b These values do not include CO₂ from methane oxidation. Values for fossil methane are higher by 1 and 2 for the 20 and 100 year metrics, respectively (Table 8.A.1).

^{vii} <https://www.ipcc.ch/sr15/>

^{viii} Howarth, R. W.: Ideas and perspectives: is shale gas a major driver of recent increase in global atmospheric methane?, Biogeosciences, 16, 3033–3046, <https://www.biogeosciences.net/16/3033/2019/>, 2019

^{ix} New Fortress Energy LLC Filing at the US Securities and Exchange Commission on November 9, 2018 https://marcellusdrilling.com/wp-content/uploads/2018/11/s002392x7_s1.pdf page 9 (“We are an integrated gas-to-power company that seeks to use “stranded” natural gas to satisfy the world’s large and growing power needs”[...] “We are currently developing two liquefiers in the Marcellus area of Pennsylvania, each of which is expected to have the capacity to produce approximately 3 to 4 million gallons of LNG (which is the equivalent of 250,000 to 350,000 MMBtu) per day, and intend to develop five or more additional liquefiers over the next five years.”); page 14 (“We have already entered into a 15-year contract to acquire all of the feedgas needed to operate our first Pennsylvania Facility at capacity”); page 49 (“Hydraulic Fracturing. Certain of our suppliers employ hydraulic fracturing techniques to stimulate natural gas production from unconventional geological formations (including shale formations), which currently entails the injection of pressurized fracturing fluids (consisting of water, sand and certain chemicals) into a well bore. Moreover, hydraulically fractured natural gas wells account for a significant percentage of the natural gas production in the U.S.; the U.S. Energy Information Administration reported in 2016 that hydraulically fractured wells provided two-thirds of U.S. marketed gas production in 2015”)

^x <https://www.eia.gov/todayinenergy/detail.php?id=35892> & <https://www.eia.gov/todayinenergy/detail.php?id=33972>:

Pennsylvania produces almost 100% fracked gas. Without the Pennsylvania Facilities New Fortress Energy won't be able to bring any real LNG to the markets.

^{xi} Chapers IV and V of the PCI Regulation (EU) No 347/2013 <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:115:0039:0075:en:PDF>

^{xii} <https://ec.europa.eu/energy/en/topics/infrastructure/projects-common-interest/overview#content-heading-1>

^{xiii} https://ec.europa.eu/info/consultations/consultation-list-candidate-projects-common-interest-gas-infrastructure_en

^{xiv} Article 3.3(a) of EU Regulation 347/2013

^{xv} Article 7(3) of the PCI Regulation (EU) No 347/2013 <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:115:0039:0075:en:PDF>

^{xvi} Article 7(8) of the PCI Regulation (EU) No 347/2013 <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:115:0039:0075:en:PDF>

^{xvii} Article 3(6) of the PCI Regulation (EU) No 347/2013 <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:115:0039:0075:en:PDF>

^{xviii} https://www.merrionstreet.ie/MerrionStreet/en/ImageLibrary/Programme_for_Partnership_Government.pdf

^{xix} <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT>

^{xx} <https://static.rasset.ie/documents/news/national-mitigation-plan-2017.pdf>

^{xxi} [https://www.dccae.gov.ie/en-
ie/energy/consultations/Documents/43/consultations/Draft%20Statutory%20Climate%20Change%20Adaptation%20Plan%20for%20the%20Electricity%20and%20Gas%20Networks%20Sector.pdf](https://www.dccae.gov.ie/en-ie/energy/consultations/Documents/43/consultations/Draft%20Statutory%20Climate%20Change%20Adaptation%20Plan%20for%20the%20Electricity%20and%20Gas%20Networks%20Sector.pdf)

^{xxii} [https://www.dccae.gov.ie/en-
ie/energy/consultations/Pages/Public-Consultation-on-the-Draft-Statutory-Climate-Change-Adaptation-Plan-for-the-Electricity-and-Gas-Networks-Sector.aspx](https://www.dccae.gov.ie/en-ie/energy/consultations/Pages/Public-Consultation-on-the-Draft-Statutory-Climate-Change-Adaptation-Plan-for-the-Electricity-and-Gas-Networks-Sector.aspx)

^{xxiii} Annex IV (3) (d) (Rules and indicators concerning criteria for projects of common interest), of the PCI Regulation (EU) No 347/2013 (“Sustainability shall be measured as the contribution of a project to reduce emissions, to support the back-up of renewable electricity generation or power-to-gas and biogas transportation, taking into account expected changes in climatic conditions.”) <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:115:0039:0075:en:PDF>