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**EU Ombudswoman  
c/o Koen Roovers  
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30 June 2020

Case 1991/2019/KR – Inquiry into the alleged failure to carry out a sustainability assessment for all existing fossil fuel projects on the list of Projects of Common Interest  
Comment on the answer of the EU COM

Dear Koen Roovers,

referring to the arguments given in my [REDACTED] and the attached request for internal review, I comment as follows on the answer of the EU COM related to case 1991/2019/KR and the response to my e-mail from 25 March 2020 to President von der Leyen, Vice-President Timmermans and Commissioner Simson regarding public funding and projects of common interest:

The EU Commission has avoided to give concrete answers in response to a number of similar written questions and letters by MEPs. In its latest response, the European Commission basically admits that no accurate and proper full lifecycle climate assessment along the supply chain of proposed fossil fuel PCI list projects was ever conducted.

The main reason given was the alleged lack of data – backed by the completely inaccurate and unscientific assumption that ***“all gas projects would automatically show only positive benefits towards CO2 mitigation, while any negative impact (such as possible increase in CO2 emissions) is excluded by the methodology.”***

This is of course completely contrary to the existence of overwhelming scientific acknowledgement, awareness and evidence that fossil gas contributes significantly to global warming. Relevant sources have been provided in the attached request for internal review and further can be added if necessary. Any, even very conservative, considerations of methane emissions associated with fossil gas, would have quickly led to quite the opposite result to the one accepted by the EU Commission.

Despite the clear evidence concerning the lack of a climate assessment for all fossil fuel projects on the PCI list (since 2013), the EU Commission concludes in their answer that ***“the climate assessment for all existing fossil fuel projects on the list of PCIs has been carried out appropriately and in full respect of EU law.”***

I highlight again that the lack of the mandatory sustainability assessment and the significant consequences for the decision of the EU COM was confirmed by the official Opinion of the European Union Agency for the Cooperation of Energy Regulations (ACER) on the draft of the 4<sup>th</sup> list of proposed gas projects of common interest.<sup>1</sup>

*“(20) ACER notes that ... the TYNDP indicators may not adequately capture the contribution of the candidate PCIs to sustainability. Furthermore, the absence of a full monetisation of the expected benefits of projects as possible renders the Cost-Benefit-Analysis (CBA) not fit for the purpose of correctly comparing all the costs and all the expected benefits associated with the projects’ planned implementation. Moreover, the system-wide modelling used for arriving at project assessments relies solely on tools and analytical processes implemented by ENTSOG, which cannot be replicated by any other entity. ...*

*(28) ACER notes that the contribution of the PCI candidate projects to sustainability in general and to meeting the climate change policy goals of the European Union in particular, is not quite clear. ....*

*(29) ... ACER notes that the approach adopted in the PCI selection process, namely of not using the sustainability assessment provided by ENTSOG and not suggesting any alternative, is suboptimal, as it leads to a large lacuna in the assessment of important merits or disadvantages of the projects. The absence of a sound assessment of the projects’ contribution to sustainability leads to great uncertainty and doubts about the viability (or even the need) for the projects in the long run.”*

An obviously flawed assessment is clearly not in line with EU law. Therefore, we underline again that the EU commission never did an independent sustainability/climate assessment as required.

And, while ENTSOG, a self-interested gas industry group, claims to have performed some kind of sustainability assessment, it is simply a deficient rubber-stamp analysis conducted for its own financial interest (on top of that a very lucrative one: projects backed by ENTSOG members received around a third of all money disbursed by the Connecting Europe Facility to energy PCIs so far).<sup>2</sup> Industry’s claims of sustainability cannot take the place of the assessment required of the EU Commission.

**For the aforementioned reasons, I reiterate the core aspects of my initial complaint and urge the Ombudswoman to demand from the European Commission a reassessment of all fossil fuel projects on the PCI list and an end of public subsidies for fossil fuel projects.**

Sincerely

  
Policy Advisor & Campaigner

<sup>1</sup> [https://www.acer.europa.eu/Official\\_documents/Acts\\_of\\_the\\_Agency/Opinions/Opinions/ACER%20Opinion%2019-2019%20on%20Gas%20PCI%20list.pdf](https://www.acer.europa.eu/Official_documents/Acts_of_the_Agency/Opinions/Opinions/ACER%20Opinion%2019-2019%20on%20Gas%20PCI%20list.pdf)

<sup>2</sup> Food & Water Action Europe calculations (based on data from <https://www.globalwitness.org/en/campaigns/oil-gas-and-mining/pipe-down/> and [https://ec.europa.eu/inea/sites/inea/files/cefpub/cef\\_energy\\_supporting-actions\\_2020-web.pdf](https://ec.europa.eu/inea/sites/inea/files/cefpub/cef_energy_supporting-actions_2020-web.pdf))