

**[EOWEB#29331] New complaint from: andy.gheorghiu@mail.de -**

**Von** European Ombudsman (Do not reply) <noreply@ombudsman.europa.eu>  
**An** andy.gheorghiu@mail.de  
**Wichtigkeit** Normal  
**Datum** 29.10.2019 16:38 Uhr  
**Anlagen** Mandatory removal of Shannon LNG from the 4th PCI list\_AndyGheorghiu.pdf, Mandatory removal of Shannon LNG from the 4th PCI list\_AndyGheorghiu.pdf

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Your complaint has been submitted to the European Ombudsman. We will send you an acknowledgement of receipt within a few days.

NB - Please note that this e-mail was sent from a notification only e-mail address. If you wish to contact technical support, please use the link below:

[Contact technical support](#)

## Sender

**From:** andy.gheorghiu@mail.de

**Date:** 29/10/2019 15:38:16

## Complaint about maladministration

### Part 1 - Contact information

**First name:** Andy  
**Surname:** Gheorghiu  
**On behalf of (if applicable):**  
**Address line 1:** Stechbahn 9  
**Address line 2:**  
**Town/City:** Korbach  
**Nationality:** German  
**County/State/Province:** North-Hesse  
**Postcode:** 34497  
**Country:** Germany  
**Tel.:** 0049 160 20 30 974  
**Fax:**  
**E-mail address:** andy.gheorghiu@mail.de

### Part 2 - Against which European Union (EU) institution or body do you wish to complain?

European Commission

### Part 3 - What is the decision or matter about which you complain? When did you become aware of it? Add annexes if necessary.

I reach out to you concerning the proposed US shale, ie fracked, gas Shannon LNG import terminal in Ireland (listed as one of EU's Projects of Common Interest on the current draft of the 4th PCI list).

On October 17, 2019, it was revealed that the Shannon LNG project is still on the European Projects of Common Interest (PCI) list, without assessing climate or sustainability impacts. Two other gas projects connected to a joint fossil gas cluster were shown to be taken off the list.

According to the criteria of the EU Commission, for a project to become a PCI, it should be an energy network infrastructure that:

- a) has a significant impact on at least two EU Member States,
- b) enhances market integration and contributes to the integration of Member States' networks,
- c) increases competition on energy markets by offering alternatives to consumers,
- d) enhances security of supply,
- e) contributes to the sustainability objective, e.g. by supporting renewable generation.

There is no priority given to one criteria over the other.

However, at the ITRE meeting on Oct 17th, Deputy Director of DG Energy, Klaus-Dieter Borchardt clearly admitted that the criteria of the sustainability objective (including the much needed climate/environmental assessment) was completely ignored for over 6 years, ie for every PCI list up until now! The largest share of public funding went into gas projects, contradicting the binding EU climate targets and our obligations under the Paris Agreement.

This clearly represents a breach of Article 11 TFEU, Article 191 TFEU and Article 37 of the Charter of Fundamental Rights of the European Union. None of the fossil gas projects should be on the PCI list without the needed sustainability/climate assessment. It should be noted that PCI list projects are eligible for public funding through CEF (Connecting Europe Facility) and also receive fast-tracked Environmental Impact Assessments!

On October 9, 2019, Prof. Robert Howarth, gave evidence to the Irish Joint Committee on Climate Action. According to the existing scientific evidence "approximately 3.5% of the shale gas that is developed is emitted to the atmosphere as unburned methane due to leaks all along the chain from wells to the final consumer and purposeful emissions as the gas is processed, stored and transported. On account of these methane emissions, the use of shale gas in the United States has an even greater negative impact on the climate than coal, when we consider methane on the timescale of 20 years after it is emitted. LNG imported to Ireland from the United States would have an even greater greenhouse gas footprint. " Ireland already has a fracking ban. Prof. Howarth urged the Irish Government to also prohibit the importation of fracked gas.

It is therefore clear, that the Shannon LNG project (made possible with European public money because it's not economically viable on its own) will torpedo the efforts of the Emerald Isle to achieve its climate targets.

During the ITRE meeting, Mr Borchardt also outlined that - although we might still need some fossil gas for a decade - the economic lifespan of these new fossil fuel projects is up to 50 years, ie way beyond the point when the EU needs to be fully decarbonized. Pouring public money into these projects creates either a dangerous fossil lock-in effect or stranded assets. Both outcomes would have dire consequences for European economies and citizens.

To avoid these consequences, the Swedish Government recently refused on climate grounds the permit for the connecting pipeline between the proposed LNG Gothenburg terminal and the national grid. The EU Commission has now taken the project off the 4th PCI list, stating that "the Gothenburg LNG terminal in Sweden was removed from the BEMIP gas regional list agreed by the relevant decision-making body following the Swedish authorities' decision denying authorization for a connection of the LNG terminal to the gas transmission grid, without which the project does not have a cross border impact as required by the TEN-E Regulation."

As already mentioned above, the Shannon LNG project was part of a cluster of gas projects on the PCI list (including 5.1.3 Islandmagee Underground Gas Storage facility at Larne, Northern Ireland and 5.1.2 Upgrade of the SNIP (Scotland to Northern Ireland) pipeline to accommodate physical reverse flow between Ballylumford and Twynholm). ACER (Agency for the Cooperation of Energy Regulators) recently classified the cluster as "projects which did not prove that their overall benefits outweigh costs".

The underground storage and the reverse flow at Moffat were taken off the current list. Shannon LNG is still being listed as a stand alone project. However, on top of the already outlined negative climate impacts of the project, Shannon LNG can not even meet other formal criteria (such as economical viability and a significant impact on at least two EU Member States).

I've urged the EU Commission (DG Ener) to

- a) do a sustainability assessment for all existing fossil fuel projects on the current list before a new PCI list will be published for a vote in the European Parliament and
- b) take the Shannon LNG project off the list.

The EU COM has so far refused to do this. For more details see attached document (or get in touch).

#### **Part 4 - What do you consider that the EU institution or body has done wrong?**

See above.

1. At the ITRE meeting on Oct 17th, Deputy Director of DG Energy, Klaus-Dieter Borchardt clearly admitted that the criteria of the sustainability objective (including the much needed climate/environmental assessment) was completely ignored for over 6 years, ie for every PCI list up until now! The largest share of public funding went into gas projects, contradicting the binding EU climate targets and our obligations under the Paris Agreement.

This clearly represents a breach of Article 11 TFEU, Article 191 TFEU and Article 37 of the Charter of Fundamental Rights of the European Union. None of the fossil gas projects should be on the PCI list without the needed sustainability/climate assessment. It should be noted that PCI list projects are eligible for public funding through CEF (Connecting Europe Facility) and also receive fast-tracked Environmental Impact Assessments!

However, the EU COM is nonetheless pushing for the next (4th) PCI list to be soon voted in the European Parliament.

2. The EU COM has also refused to take the Shannon LNG project off the current draft for the 4th PCI list - despite the fact that the same criteria that has forced the EU COM to take the LNG Gothenburg off the list (ie missing significant impact on a second EU Member State) is now also missing for the Shannon LNG project (see attachment for more details).

#### **Part 5 - What, in your view, should the institution or body do to put things right?**

- 1) EU COM must do a sustainability/climate assessment for all existing fossil fuel projects on the current PCI list.
- 2) EU COM must take the Shannon LNG project off the current PCI list.

#### **Part 6 - Have you already contacted the EU institution or body concerned in order to obtain redress?**

Yes (please specify and submit copies of the relevant correspondence)

See attachment.

#### **Part 7 - If the complaint concerns work relationships with the EU institutions and bodies: have you used all the possibilities for internal administrative requests and complaints provided for in the Staff Regulations? If so, have the time limits for replies by the institutions already expired?**

Not applicable

#### **Part 8 - Has the object of your complaint already been settled by a court or is it pending before a court?**

Yes (please specify)

Partly. For more details see

<https://www.irishtimes.com/news/environment/developers-of-shannon-gas-processing-terminal-ordered-not-to-begin-construction-1.3795310>

<http://www.safetybeforelng.ie/pressreleases/pressrelease20190215HighCourtRulesOnExtensionOfShannonLNGPlanning.html>

<http://courts.ie/Judgments.nsf/0/A6D3C5CE0FD82116802583A200392CCD>

### **Part 9 - Please confirm that you have read the information below**

You have read the information note on data processing and confidentiality

### **Part 10 - Do you agree that your complaint may be passed on to another institution or body (European or national), if the European Ombudsman decides that he is not entitled to deal with it?**

Yes