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Mr Andy Gheorghiu
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**Subject: Unconventional fossil fuels / Environmental Impact Assessment (EIA)
Directive & other projects from the European Institutions**

Dear Mr Gheorghiu,
Dear petitioners,

Thank you for your submissions to President Barroso, in which you express concerns about the development of unconventional fossil fuels in Europe. I have been asked to reply to your request.

According to the Treaty on the Functioning of the European Union (TFEU), Member States have the right to determine the conditions for exploiting their energy resources, as long as they respect the need to preserve, protect and improve the quality of the environment¹. They must ensure – via appropriate assessment, licensing and permitting regimes as well as through monitoring and inspections activities – that any exploration or exploitation of energy sources, including those using hydraulic fracturing practices, complies with the requirements of the existing legal framework in the EU, including provisions on the protection of human health and the environment. The precautionary and prevention principles are part of the guiding principles for the development of the EU's environmental policy, as set out in Article 191 of the TFEU.

The Commission has no intention to water down its commitments towards decarbonisation, energy efficiency and renewables. It has proposed an ambitious target for 2030 to reduce greenhouse gas emissions by 40 % below 1990 levels. It has proposed to increase the share of renewable energy to at least 27% of the EU's energy consumption by 2030, which would be binding on the EU. The Commission also fully acknowledges the fundamental role of energy efficiency in the 2030 Framework and will further determine its role in the context of the review of the Energy Efficiency Directive planned for mid-2014.

On 22 January 2014 the Commission adopted a Recommendation to Member States aiming to ensure that proper environmental and climate safeguards are in place for the high-volume hydraulic fracturing technique used in shale gas operations. With this Recommendation, the

¹ This provision is without prejudice to Article 192(2)(c) of the TFEU, according to which measures significantly affecting a Member State's choice between different energy sources and the general structure of its energy supply can be adopted but they require a unanimous decision of the Council in accordance with a special legislative procedure.

Commission aims at supporting Member States in ensuring that the environment is safeguarded, resources are used efficiently and the public is informed, while enabling potential energy security and competitiveness benefits to be reaped in those Member States who wish so. This Recommendation sets minimum principles for the exploration and production of hydrocarbons using high-volume hydraulic fracturing. The Recommendation is intended to complement EU existing legislation, covering issues such as strategic environmental assessments and planning, underground risk assessment, well integrity, baseline reporting and operational monitoring, capture of methane emissions, and disclosure of chemicals used in each well. In particular, the Recommendation encourages Member States to carry out an environmental impact assessment.

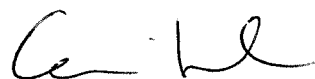
The Commission opted for a Recommendation which has the advantage of being applied faster, while providing a reference for action at national level. The Commission will closely monitor the application of the recommendation, comparing the situation in different Member States on a publicly available scoreboard.

The Commission will review the Recommendation's effectiveness 18 months after its publication and will decide whether it is necessary to put forward legislative proposals with legally-binding provisions on the exploration and production of hydrocarbons using high volume hydraulic fracturing.

The energy-related disciplines in the negotiations of CETA and TAFTA do not have any impact whatsoever on the exploration and extraction of UFFs in the European Union or its Member States. The decision to allow for the exploration and production of UFFs remains a sovereign decision by the relevant authorities. The right to regulate and take measures necessary to achieve legitimate public policy objectives will continue to be fully preserved in EU trade and investment agreements, including in CETA and TAFTA. As to investment protection and the possibility for investors to challenge EU environmental regulation, the Commission gives due consideration to the way substantive standards in CETA and TAFTA are drafted to make it clear that regulatory measures in the public interest can always be maintained or adopted.

I hope that these clarifications reassure you of the Commission's commitment to further greenhouse gas emission reductions and to ensuring that Member States put in place the necessary safeguards for the safe and environmentally secure exploitation of their energy resources.

Yours sincerely,



Carina Vopel
Head of Unit