

15 December 2022, Brussels

Object: Regulation on methane emissions reduction in the energy sector and the weakening of the proposal by the Council

Dear Executive Vice-President Timmermans,

The signatories of this letter would like to raise their serious concerns about the Council's last draft on the Methane Regulation that will be voted on the 19th of December. **We call on the Commission to speak up against the suggestions of the Council. We urge you to defend its initial proposal and approach against the extreme weakening by the Council.**

The Sixth IPCC Assessment Report identified methane mitigation as a priority and stressed the need for rapidly reducing methane emissions. The Commission showed international leadership in 2021 by co-leading the Global Methane Pledge and following with a proposal for a Regulation on methane emissions reduction in the energy sector.

The Council is now watering down the proposal to a point that it would seriously prevent the legislation to reach its goal and mitigate methane emissions. It would also endanger institutional balance, as the Parliament won't be able to balance out on its own this weakening by the Council given how far Member States went in their watering down. It would also mean that the EU would seriously lag behind other regions of the world that are, on the contrary, adopting more ambitious measures.

Preventing mitigation

The goal of the Methane Regulation was to mitigate methane emissions. However, the changes suggested in the Council would empty the Commission's proposal of most of its mitigation potential. All the articles aiming to cut methane emissions have been seriously diluted, with so many exceptions and loopholes that they won't be able to deliver on the initial Commission's intention.

Among others, we would like to bring to your attention to some key points where the proposal has clearly been weakened to the point of being ineffective:

- **Leak Detection and Repair (LDAR) frequencies:** While the Commission proposed leak inspections every three months for all equipment, the Council is proposing inspections only every six months at best and frequency going as low as three years for some equipment. This change would seriously **impact the amount of methane emissions that this Regulation would cut.**

Other regions already require quarterly or monthly LDAR at many sites. New Mexico requires quarterly or monthly LDAR for all compressor stations, state-wide. The United States EPA has proposed quarterly LDAR for a broad range of oil and gas sites. Canada has proposed *monthly* LDAR at all oil and gas sites.

Moreover, the Council proposal allows for even lower LDAR frequencies if less than 1% of components of an operator have been found leaking for five years. This measure would be very damaging as it **will incentivise not finding leaks**. This approach was tried more than 10 years ago in the US and it was [proved](#) to lead to widespread non-compliance. Because leaks are randomly distributed over time, past inspections are not predictive of low leaks in the future. **This shift towards a risk-based approach would completely change the logic in the Commission's proposal and undermine the ability of the Regulation to mitigate emissions.**

- **Venting and flaring:** This new Council version allows industry to choose, under certain circumstances, to vent methane instead of flaring it, without approval from the authority. This would open the door to unchecked self-assessment. Opting for venting instead of flaring should always require approval of the competent authorities
- **Coal:** the threshold above which venting methane is prohibited has increased 10-fold since the original text. In addition, the timeframe to regulate venting from coking coal, which is generally the most methane intensive coal, is being extended from three years to five years.

Institutional balance

The EU legislative process is all about finding balance between different institutions and positions. However, with the Council going excessively far in their weakening of this proposal, **the Parliament would have limited ability to bring it back up at least to the level of ambition from the Commission's proposal unless the Commission makes it clear that they oppose the watering down by the Council** and take a stand in front of the Council during the 19 December meeting.

Methane mitigation, an important contribution to the fight against climate change

Slashing methane leakage provides us with a relatively easy short-term win in the fight against global warming as all technologies needed are already available and cost effective. Moreover, with the current question of energy security, it is important to ensure gas is not lost to leaks. Indeed, methane saved from leaks could amount to 600 kt of methane per year. This wasted gas represents the annual consumption of gas in almost 1 million French homes.

Underwhelming EU legislation will not only limit the methane emissions reduction in the EU but will also weaken the international push to cut methane emissions globally. If the EU adopts weaker measures than its partners and doesn't address its methane emissions properly, how can we still lead internationally on this issue?

As the watering down would prevent the Regulation to reach the goals that the Commission set for the legislation, **we urge you to speak up against the Council's approach and defend the Commission' initial proposal and its ambition level.**

Thank you in advance for your time and consideration. We remain at your disposal for any question or information.

Yours sincerely,

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