

Brussels, 16 December 2024

Subject: More stringent rules for 'blue hydrogen' based on fossil gas in the low-carbon fuels delegated act are needed to ensure a level playing field for Renewable Fuels of Non-Biological Origin.

Dear Commissioner Jorgensen,

Congratulations on officially starting your work as the European Commissioner for Energy. During the previous Commission's mandate, the 'Fit for 55'-package was a big step forward in enabling the EU to achieve its ambitious climate targets and stay on course to achieve climate neutrality by 2050. However, there is one remaining legislative piece, which is missing to complete the 'Fit for 55' jigsaw puzzle. One of your first tasks in office is to help the European Commission adopt a delegated act on low-carbon fuels. We support the Commission's strong support to scale up green hydrogen production for hard-to-abate sectors, both by means of financial support via European Hydrogen Bank auctions as well as finalising the regulatory framework.

As a coalition of civil society organisations, we want to highlight our concerns about the proposal that the previous Energy Commissioner Kadri Simson submitted for public consultation. Our concern in this letter focuses exclusively on how the proposed delegated act deals with so-called 'blue hydrogen', where steam methane reforming of fossil gas is combined with Carbon Capture and Storage.

First of all, **the proposed default value is based on outdated data and does not accurately assess the carbon footprint of fossil gas.**¹ The recent change in the mix of the EU's gas supply as well as recent studies on up- and midstream emissions justify a higher default value than the

¹ Peer-reviewed scientific studies based on satellite area mappers such as TROPOMI have estimated intensity values from production regions around the world, for example, Algeria ([Naus et al., 2023](#)), North Africa and Middle East ([Chen et al., 2023](#)) that are higher than the proposed default value. Studies that focused on US basins have also shown high intensity of methane emissions from the production segment. Recently released direct measurement data from [MethaneAIR](#) estimated emissions from twelve different US production basins—finding a wide range of ~1% to ~8% across the production regions. [Initial MethaneSAT data](#) has estimated methane intensities of 1.8% to 2.9% for the Permian basin in the US, and around 9% of the Uinta basin.

one proposed, as gas production from the new suppliers are associated with higher fugitive methane emissions. Proposing a higher default value in line with scientific evidence will incentivize producers to provide accurate data which supports the effectiveness and ambition of the methane intensity reporting under the Methane Regulation. Setting a low default value would incentivize under-reporting and non-compliance of the import provisions of the Methane Regulation, since it would fall below many producers' true methane intensity. Importers could claim the necessary data about their gas imports were not obtained and opt for the default instead. A higher default, on the contrary, will incentivise project developers to provide accurate data and to use the cleanest source of energy and the best available technology, that will enable Europe to reach its long-term climate neutrality goals.

Secondly, the Commission also needs to **provide clarity on how to measure and interpret the methane intensity of fossil gas “at the level of producer”, as stipulated in the Methane Regulation.** Guardrails must be set to ensure it is aligned with independent scientific measurements taken at the regional level (from Copernicus, Tropomi, MethaneSAT) and leads to meaningful mitigation. Allowing the use of methane intensity values that are not based on emissions data aggregated at the regional level may lead to high risk of cherry-picking. Producers will claim their better-performing assets are the ones exporting the gas used to produce blue hydrogen, whereas assets with high levels of fugitive methane will produce fossil gas for other purposes, and will not be incentivized to abate emissions. Reporting must take into account emissions data at the asset-level as well as aggregated on the level of the company and the region to avoid this risk of cherry-picking.

Finally, public authorities should only award products with a “low-carbon” label if they 1) effectively help our continent reach climate neutrality; which requires limiting all climate warming emissions along their value chains; and 2) do not further lock us into fossil fuel dependence.

We remain available to discuss these issues with you and your staff at your earliest convenience.

Yours sincerely,

Signing organizations

Name	Position	Organisation + logo
William Todts	Executive Director, T&E	
Helen Spence-Jackson	Executive Director, Europe, Environmental Defense Fund	
Sascha Müller-Kraenner	Executive Director, Environmental Action Germany (DUH)	 Deutsche Umwelthilfe
Ganni Vassallo	Policy Advisor, Bellona	
Chiara Martinelli	Director, Climate Action Network - Europe	
Adrien Assous	Executive Director, Sandbag	