

”Oslo Climate Law Group”

”Meeting the climate challenge: New legal instruments and issues in national and international energy and climate law”

Project report 2008

1. Project presentation

The project “*Meeting the climate challenge: New legal instruments and issues in national and international energy and climate law*” started in September 2006. The project is an activity of the Natural Resources Law Group at the Faculty of Law, University of Oslo. It is funded by the interdisciplinary research programme on climate and renewable energy (RENERGI) of the Research Council of Norway. The project leaders are professor Ulf Hammer (energy law) and professor Hans Chr. Bugge (environmental law - research group leader).

The principal objective of the project is to develop and maintain, at the Faculty of Law, a robust research group in the dynamic and intersecting fields of national and international energy and climate law. The group shall follow closely, and if possible contribute to, the further development of climate and energy law, and collaborate with national actors and recognized international partners and networks.

Its main elements are two interrelated studies at PhD/post-doc. level: The *PhD* study shall provide insight in the complex interface between climate and energy related legislation in international and EU law. In particular, it shall analyze the various new legal mechanisms to promote renewable energy, develop energy savings measures and reduce GHG emissions, and the relationship between them. The *post doc.* study – or studies - shall analyze certain legal aspects of the Clean Development Mechanism under the Kyoto Protocol, in particular environmental safeguards in the perspective of environmental integrity. It shall follow the further implementation and development of the CDM and discuss its potential as a post-Kyoto instrument.

In addition, several *master students* are linked to the project. They write master theses on relevant topics

The project has two formal *national partners* which contribute funding: Enova SF and Norway’s Pollution Control Authority (SFT), and *four international partners*: Pace Law School (Energy project, Richard Ottinger), and Centre for International Sustainable Development Law, Montreal (Marie-Claire Cordonier Segger), University of Bremen (Gerd Winter), and Katholieke Universiteit Leuven (Kurt Deketelaere).

2. Project activities.

The project organized two all-day seminars in Oslo:

- ”*Legal issues related to Carbon Capture and Storage (CCS)*” with national and international participation, on 8 February.
- ”*Kvotehandling og karbonmarked – et nytt rettsområde i utvikling*” (“*Emissions trading and the ”carbon market” – a new and rapidly evolving field of law*”) with national participants, on 28 May.

The PhD-student, *Catherine Banet* continued working on her project ”*Promoting sustainable energy by market-based instruments: design and trading rules for certificates used to promote renewable energy, increase energy efficiency and reduce greenhouse gases emissions.*” During 2008, she published 2 book chapters and contributed with presentations at 4 major international conferences and several national events. She was on maternity leave from August to December.

Dr. juris *Christina Voigt* started her post doc. project “*Safeguarding the Environmental Integrity of the Present and Future Climate Regime - the Example of CDM*” in January. She edited a book together with Hans Christian Bugge, published 4 international book chapters/articles and gave presentations at 9 major international meetings.

Research assistant *Froukje Maria Platjouw* completed her master thesis “*Reducing greenhouse gas emissions at home or abroad? A study on the Supplementarity Requirement for the Flexibility Mechanisms of the Kyoto protocol.*”

Research assistant *Sindre Løvgaard* completed his master thesis (in Norwegian) on *regulating off shore wind power installations in international and Norwegian law.*

Research assistant *Nina K. Hallenstvedt* completed her master thesis (in Norwegian) on *the framework for state aid to carbon capture and storage projects in light of the EC/EEA state aids rules.*

Research assistant *Eivind Junker* started work on his master thesis (in Norwegian) on *Climate – a national good, a free resource, or common heritage? An analysis of different regimes for regulating greenhouse gas emissions.*

The group contributed actively to establish an interdisciplinary research and teaching programme at the University of Oslo entitled *Environmental Change and Sustainable Energy*. Hans Chr. Bugge is member of its executive board and Christina Voigt is member of its scientific panel.

3. Publications and conference papers/presentations.¹

Catherine Banet

Book chapters/articles

Banet, Catherine: Bioenergy as integration of the sustainable development principle in energy policy. The particular case of EC biomass regulation", in Hans Christian Bugge, and Christina Voigt (eds.): Sustainable development in international and national law, Europa Law Publishing, 2008, p. 445-473.

Banet, Catherine: The use of market-based instruments in the transition from a carbon-based economy, in Don Zillman, Catherine Redgwell, Yinka Omorogbe, Lila K. Barrera-Hernandez (eds.): Beyond the carbon economy. Energy law in transition, Oxford University Press, 2008, ISBN 978-0-19-953269-8., s. 207-230.

Presentations

"The future of the carbon market: design and regulatory perspective.",
"Symposium on Climate and Energy Law", Copenhagen University, 25 April 2008.

"Achieving a common green certificates market between Norway and Sweden: benefits, conditions and constraints. A legal perspective", International Energy Workshop, International Energy Agency, Paris, 31 June 2008.

"Rettslige aspekter ved sertifikathandel sett i lys av forslaget til nytt fornybardirektiv og et eventuelt norsk - svensk sertifikatmarked" (legal aspects of trade in certificates in the light of the new directive on renewables and the possibility of a common Norwegian-Swedish green certificate market)
Norsk Energirett Seminar, Iceland, 18 September 2008.

"EC Regulation of GHG Emissions and Energy Certificates: Two Levels of Ambitions or some Fundamental Legal Differences?", ELRF/UCL conference on "Climate Change and Energy Security: Major Challenges of European Energy Policy", Bruxelles, 16 December 2008.

Hans Chr. Bugge

Book chapters

Bugge, Hans Christian: 'Klimarett': Et essay om et rettsområde i utvikling ('Climate Law': A new, evolving field of law), in: Miljørettlige emner: Festskrift til Ellen Margrethe Basse. Jurist- og Økonomforbundets Forlag, 2008 ISBN 978-87-574-1918-4. s. 81-102

¹ Only publications and papers/presentations by the project members that relate directly to this project are included here. The presentations listed are papers/presentations at major national and international conferences and seminars. Numerous papers presented at internal seminars and meetings, and lectures, are not listed.

Bugge, Hans Christian: Norwegian EIA and SEA Rules, and Norwegian Planning Law in: Helle Tegner Anker et.al (eds.): Legal systems and wind energy - a comparative perspective. Jurist- og Økonomforbundets Forlag 2008 ISBN 978-87-574-1817-0.

Presentations

“Carbon Capture and Storage and EC State Aids Rules”, Conference on “Carbon Capture and Storage - a Legal update”, University College, London, June 16, 2008

“Klimaeffektens rettslige aspekter - regulering, beskatning, erstatning”, (“The Legal Aspects of Climate Change”) Nordisk Juristmøte, (Nordic Lawyers’ Meeting), Copenhagen, August 22, 2008.

”The North-South Dimension in the Climate Policy of the European Union and Norway, Conference on Climate Law in Developing Countries post 2012: North and South perspectives, IUCN Academy of Environmental Law, Ottawa, September 26-28, 2008.

”CO2-håndtering. Rettslige spørsmål” (CCS – legal issues), Conference ”Miljøendringer og bærekraftig energi” (Environmental Change and Sustainable Energy), Universitetet i Oslo, November 11, 2008.

Ulf Hammer

Book

Hammer, Ulf and Roggenkamp, Martha (eds.): European energy law report 5, Intersentia 2008 (ISBN 978-90-5095-786-1), 209 s.

Book chapter

Hammer, Ulf: Norwegian regulation of wind turbines, i: Legal systems and wind energy - a comparative perspective. Jurist- og Økonomforbundets Forlag 2008, ISBN 978-87-574-1817-0. s. 269-275

Froukje Maria Platjouw

Book

Platjouw, Froukje Maria: Reducing greenhouse gas emissions at home or abroad? A study on the Supplementarity Requirement for the Flexibility Mechanisms of the Kyoto protocol.”, Publication Series of Department of Public and International Law, University of Oslo, No. 6, 2008.

Christina Voigt

Book chapters/articles

Voigt, Christina: State Responsibility and Climate Change Damages, (2008) 77 Nordic Journal of International Law Nr.1-2, 1-22.

Voigt, Christina: Climate Change and the Mandate of Sustainable Development, in: H. C. Bugge and C. Voigt (eds.) 'Sustainable Development in National and International Law, Europa Law Publishing (2008) 545-572.

Voigt, Christina: WTO Law and International Emissions Trading: Is there Potential for Conflict? (2008), in 1 Carbon & Climate Law Review, 52-64. Reprinted in (2008) 4 Environmental Liability, 136-147.

Voigt, Christina: Is the Clean Development Mechanism Sustainable? Some Critical Aspects (2008) 8 Sustainable Development Law and Policy 2, 15-21. Reprinted in (2008) 4 Environmental Liability, 136-147.

Presentations

“The Clean Development Mechanism in the Global Carbon Market: Environmental Integrity versus Economic Efficiency”, New Zealand Staff seminar University of Auckland, School of Law, April 17, 2008.

”Den grønne utviklingsmekanismen mellom miljøintegritet og økonomisk effektivitet” (The CDM between environmental integrity and economic efficiency), seminaret ”Klimavoter og karbonmarked: et nytt rettsområde i utvikling”, Oslo 28. mai 2008.

“The Ethics behind the Clean Development Mechanism? Ecological Integrity versus Economic Efficiency”, konferansen Global Environmental Integrity Group, Reconciling Human Existence and Ecological Integrity Berlin, Germany, July 17, 2008

“The Global Carbon Market – New Challenges to International Law”, Ottawa University, Institute of the Environment, Ottawa, Canada, September 25, 2008.

“The Deadlock of the Clean Development Mechanism: Caught between Sustainability, Environmental Integrity and Economic Efficiency”, konferansen Climate Change Law in Developing Countries post 2012: North and South perspectives, IUCN Academy of Environmental Law, Ottawa, Canada, September 27, 2008. : .

”Regulering av den grønne utviklingsmekanismen - Balansen mellom miljøintegritet og økonomisk effektivitet”. SFT, Miljørettsforum, Oslo, 14. oktober 2008.

“Responsibility for the Environmental Integrity of the CDM”, konferansen Climate Change and its Challenges for the International Legal System, British Institute of International and Comparative Law (BIICL), London, October 17, 2008.

“Loopholes in the US Lacey Act Amendment and the EU Draft Proposal”, seminar om tropisk tømmer, Miljøverndepartementet, Oslo, 24. November, 2008.

“Judicial Review of Executive Board Decisions”, CDM Seminar SN Power, Lysaker, 26. november 2008.
