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First European Environmental law forum conference environmental law and energy and climate law as instruments to achieve sustainable energy

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First European Environmental Law Forum Conference

Environmental Law and Energy and Climate Law as Instruments to Achieve Sustainable Energy

Groningen 4 and 5 September 2013

Call for Presentations

Building upon the experience gained in Leipzig (Germany) in 2011, the *Groningen Centre of Energy Law*, in cooperation with the *Hasselt University* and the *Helmholtz Centre for Environmental Research*, organises a conference to bring together the disciplines of environmental law and energy law in order to explore and develop a workable legal concept of sustainable energy within the European Union. This conference represents the second step in the road for the establishment and functioning of the European Environmental Law Forum, which aims at supporting the intellectual exchange, the development and the implementation of Environmental Law in Europe.

We are all aware of the risks of conventional energy production for the environment and human health. This notwithstanding, as Bryn Cartledge wisely wrote in 1993, “few governments can give absolute priority to minimizing the adverse environmental impact of energy generation” (Energy and the Environment, p. 1). Focusing on the European Union, the Union itself and each of its Member States has to balance economic welfare, social welfare and environmental welfare, i.e. they have to find ‘sustainability’. Whereas sustainability features prominently in the environmental and energy provisions across the European Union, it is still a vague concept. For one, the definition of



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sustainable energy has been interpreted in two overlapping but distinct manners. It can be taken as a green concept, where the environmental and social impact of energy production, distribution and consumption is to be reduced. It is also seen as a concept related to the notion of ‘ensuring security of supply’, a concept that is not, per se, aimed at a reduction of the environmental and social impact of the energy sector, but will include renewable energy production. There is thus a *definition problem*.

Moreover, there is an *implementation problem*. The transformation towards a low carbon economy by 2050 will mean an EU-wide general overhaul of the energy infrastructure in Europe for decades to come. On- and offshore renewable energy installations and saving facilities, as well as EU-wide interconnecting grids and smart grids, need to be planned, coordinated and erected, which may cause severe environmental impacts. Moreover, biofuels and biomass have come under severe critique when competing with agricultural food production as well as for their adverse environmental effects. Finally, there is an urgent need for reform to enhance the effectiveness of the EU ETS as the central instrument in EU climate policy which is currently experiencing a too low price signal for driving the technology transition in the energy sector. The political debate has already started with the discussion on options for reforming the EU ETS. Legal issues arising from this context will need to be examined closely.

I. Sustainable Energy as the Central Concept

In order to make sustainable energy systems work, public planning and steering of private investors’ choices and inputs of energy sources might be needed. From a legal perspective, public planning and steering means that the transition to sustainable energy presents also a *framing problem*. We are to consider the great role of the institutional settings, and, in particular, the role of and sound integration of:

- energy and capacity markets, competition and state aid regulations;
- general aims and principles on security, environmental soundness and affordability of energy supply;
- environmental law; and
- land use planning law.

We observe a great variety of activities in particular at the Member State level concerning all four areas. However, approaches differ considerably from state to state and often appear as not being smoothly coordinated. The policy and legal settings are continuously changing, e.g. in the Netherlands and Germany, and much is still in an incremental stage.

Against this backdrop the need for professional exchange and in particular also comparative exchange about different national and regional approaches and experiences, and of course about the common European regulatory framework is apparent. Presentations from environmental and energy and climate lawyers, environmental scientists and scholars with a background in law and economics are welcome. Within the overarching theme presented above the following 3 subthemes have been identified: 1) Defining Sustainability: General Aims and Principles of Sustainable Energy; 2) Enabling 'Sustainable' Energy Transition: Managing Conflicts of Competence and Environmental Effects; and 3) Incentivising 'Sustainable' Energy Transition: Promoting the Development and Management of Sustainable Energy Sources and Related Infrastructures between State Control and Open Markets.

Further information about the conference subthemes and about the conference in general (e.g. conference venue, hotel accommodation, registration form, conference dinner) can be found on the webpage of the Groningen Centre of Energy Law (www.gcel.nl) and on the EELF website (available from March 2013).

Applications

Environmental, energy and climate lawyers, environmental scientists and scholars with a background in law and economics interested in participating to the conference can submit an abstract of approximately 600 words to Lorenzo Squintani (l.squintani@rug.nl) by the **15th of May 2013**. A selection of papers based on the conference proceedings will publish in JEEPL. Information about the publication of papers based on the conference proceedings are available on the webpage of the Groningen Centre of Energy Law and of the EELF website.

Any question concerning the conference can be addressed to Prof. Dr Hans H.B. Vedder (H.H.B.Vedder@rug.nl) or, preferably, Lorenzo Squintani LLM (L.Squintani@rug.nl).