

CILG The Climate Show, #12 Martha Roggenkamp

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Transcript

00:00:04 Linnea Nordlander

Hi and welcome to the Climate Show, a podcast that explores the law and politics of climate change. This podcast is brought to you by the University of Copenhagen.

00:00:16 Linnea Nordlander

We are Beatriz Martinez. Linnea Nordlander and Alessandro Monti. And we are your host at the climate show.

00:00:29 Beatriz Martinez

The production and consumption of energy linked to fossil fuels is responsible for around 2/3 of all anthropogenic greenhouse gas emissions. Reductions of these emissions in line with the cause of the Paris Agreement will require a transition to renewable energy sources.

00:00:44 Alessandro Monti

The energy crisis resulting from the conflict in Ukraine and the consequent disruptions in the supply of Russian gas have led to energy becoming one of the main topics in the public debate. There is a risk that the need for energy security might undermine efforts to decarbonize the energy sector.

00:01:00 Linnea Nordlander

For today's episode, we sat down to speak with Professor Martha Roggenkamp when she was here with us in Copenhagen about the way in which energy law has been evolving to support the green transition.

00:01:13 Beatriz Martinez

Professor Roggenkamp is a prominent legal scholar in the field of energy law and was the first ever Professor of energy law in the Netherlands, working until 2004 at the Energy Law Institute of Leiden University and since then at the University of Honghai.

00:01:28 Beatriz Martinez

She is a creditor of the book Energy Law in Europe, which is a must have book for all energy lawyers. Martha is a friend of our faculty with whom we hold a long-standing collaboration through the Advanced and LM on energy law of the North Sea Energy Law Partnership between the universities of Copenhagen, Gronningen, Oslo and Aberdeen. Martha, it is our great pleasure to welcome you to the climate show.

00:02:00 Beatriz Martinez

How are you?

00:02:01 Martha Roggenkamp

Thank you very much. I'm very fine and very happy to be here. And actually also to be invited. Thank you.

00:02:07 Beatriz Martinez

So let me begin with your question. Some of our listeners might already be familiar with the field of energy. But for many, it might still be unclear what exactly this discipline entails. Could you provide us with a brief overview of what energy law is as a legal discipline and describe its different components and how it relates to other fields of law?

00:02:28 Martha Roggenkamp

Thank you. Bea, I think that's an interesting question because the energy law is actually a completely new academic discipline and I think many people do not actually know what energy law is. But in my opinion it is a legal framework governing the entire energy chain, so that is energy production, energy transmission supply and also energy consumption. And the legal framework is, of course, the public law legal framework. Predicaments involves contractual law, all aspects, and it of course has ramifications with energy or with climate and environmental law, consumer protection law, etc. But it is a continuous it is a field that is continuously evolving, so it is not a Status quo, but we need. To see what happens also in real life. And then adapt energy law.

00:03:16 Beatriz Martinez

And this is something that you have seen throughout your very successful and prolific career as a legal scholar, because this field, as you said, has been changing and evolving dramatically. So could you give us a little bit more information on how is energy law adapting to the challenges of climate change and the need to stay on track with the Paris Agreement commitments?

00:03:36 Martha Roggenkamp

Yes, that is an interesting question. Also, this has been an gradually evolving issue starting of course with the D Q2 protocol and. Due to emission reductions, new legal regimes governing. But at the same time, the need to introduce more renewable energy sources and let us not forget also the need for more energy and savings and energy efficiency measures and all these elements together, should actually jointly enable countries to meet the Paris goals. But it is a challenge because renewables do not create a stable energy supply and we need new techniques also to arrange for that.

00:04:21 Alessandro Monti

Martha, as you know, we are currently experiencing an unprecedented energy crisis and many people who have traditionally taken energy and electricity for granted. Are now faced with skyrocketing energy prices and perhaps even a serious risk of energy rationing. These concerns are leading to the situation where several countries are actually postponing their phase out of fossil fuels in order to safeguard their energy security. Would you say there is a double edged sword here when it comes to promoting the transition to greener energy?

00:04:54 Martha Roggenkamp

Yes, I did. I think that is the case because on the one hand with the high price of fossil fuels, there could be a trend towards the use of more renewable energy sources. But the renewable energy sources often do not guarantee. Energy apply at the same level, and for that we need fossil fuels, but maybe also nuclear energy sources. So this is a constant balance. And also, depends very much on each state what kind of resources they have available. You have countries where you have a lot of hydropower. Which can be very profitable and very secure, but other countries haven't so it depends on the energy sources available that we need to balance fossil fuels and renewable sources, indeed.

00:05:40 Alessandro Monti

And Speaking of energy sources, one of the sources that is very much at the center of attention now is gas, because Europe has traditionally relied on Russian gas. And now going towards winter, we are facing the risk of not having enough to warm our houses. So how can European countries safeguard energy and gas storage in this?

00:06:05 Martha Roggenkamp

Thank you very much. It's interesting because when we started to liberalize the European. Market in the end of the 1980s, early 1990s, there was an abundance of gas in Europe with gas from UK gas from Denmark, gas from the Netherlands, and this has now rapidly changed with a lot of countries actually facing down the gas sector for whatever reason. So that makes our dependency on Russian gas become more serious and of course, than the European Commission issued rules with regard to gas storage, and that is very relevant for those countries who have gas storage facilities available. Like the Netherlands, like Germany, also France. And what I think is interesting note to note is that this, this idea that we need to sell the gas storage. With to 80% of their capacity by October this year has led to an enormous interest in buying gas from different countries outside Russia, and an enormous increase of the gas prices. And now we see that the gas storages has been sold more or less to the extent required. We see the gas prices are going down again. So again, the political issue has played an important role and maybe not always equally good in this respect.

00:07:29 Alessandro Monti

At the political. Level there is much that can be done also domestically in order to foster this, and perhaps you could share your experiences from the Netherlands on what has been done there to ensure energy storage.

00:07:46 Martha Roggenkamp

Thank you very much. It's for the Netherlands. I mean, it's an interesting case because when we discuss the gas and holding in the 1960s. The aim of the Dutch government was to produce the gas as quickly as possible and as much as possible and as a result of that, exporting it to a number of countries like Germany and also Belgium and France. So these countries, like the Netherlands, at least the Dutch households, are depending on foreign and gas. The decision to terminate production from the flowing and gas field in 2023 due to the earthquakes there and the impact it has on the people living in the crowding area, has been very serious. And on the one hand, you want to protect the people living there and try to afford the earth. We also need the gas and the Netherlands is now in a completely different position than two or three years ago when other Member States could rely on Dutch gas to supply them in times of crisis, and now we are just one of the others and we need to depend on others again. Inside

Europe, to supply our gas supply. So the decision to terminate gas production has now. A little bit relieved in the sense that the gas field is not going to be completely closed. It will produce the minimum level so that it's necessary we can start producing again that's a political decision and in that regard, I think it's interesting to make a comparison with Denmark where they decided. Last year, as I recall, to terminate gas, oil and gas production, not to issue any new licences. And they even included that decision in the law. And I'm wondering whether the current energy crisis will lead to a change in Danish politics and Danish views on this issue. But then in Denmark they also have to change the law to enable actually new oil and gas production in the future.

00:09:50 Alessandro Monti

Definitely, and that could be challenging. But Speaking of this to North Sea countries, the Netherlands and Denmark, they've been cooperating together with other North Sea countries for a while and lately with the signing of the SBL Declaration in May 2022. So what's your take on this cooperation is it? By giving some fruits, what are the prospects and what can be done there?

00:10:15 Martha Roggenkamp

Well, first of all, North Sea cooperation is not new. We were already cooperating when we developed our oil and gas production, for example, the supervisory authorities, they cooperated with the common view on on offshore safety issues. When we developed or started to develop offshore wind, the Northeast state met again to see how we could actually work together on offshore wind developments and more importantly also the offshore grid. Instead of each wind farm being connected to its national member State can maybe the wind farms also be connected between the Northeast state? So I think the SBA Declaration is a very good initiative. It's not the first one. We have one previously. It's the first step, but it's a political one and. What we do see is. Where the obstacles are are in the legal frame. How are we creating a legal framework so that we can enable these cross-border connections that we can enable offshore energy hubs that we can enable joint development of green hydrogen and that goes beyond just as back declaration and needs more than that.

00:11:29 Alessandro Monti

And there is more than just political cooperation across North Sea countries. In fact, academic cooperation has been ongoing from way earlier than this political cooperation. So what has been going on there?

00:11:44 Martha Roggenkamp

Where the academic cooperation has been going on since the end of the 1980s, when I met, for example, Anita Runner at the University of Oslo and when the EU at that time the EC launched its Erasmus exchange program and we created with a number of universities. An Erasmus exchange program on energy law, which was actually quite successful but. When on the EU? Level they changed the Erasmus exchange from a program approach to an institutional approach. We could not continue with that program and then after a couple of years, we developed the Advanced Energy Law master by the North Sea Energy Law Partnerships. So that is done with Copenhagen, but also the University of Oslo. And the University of Aberdeen. And this is a joint degree with this 4th universities for professionals and it has been a challenge to establish because it is a joint degree and a joint degree is never easy to establish. If you have 4 universities that you need to align in the same in the same

approach. But it can be also a first step to other new initiatives covering North Sea energy law developments. Thank you.

00:13:05 Beatriz Martinez

Before we wrap up, is there anything else that you would like to say or raise that we haven't addressed today?

00:13:13 Martha Roggenkamp

Well, I think it does a lot, but one thing that I think is relevant for any form of cooperation. You need to be able to work with friends if you don't have a good personal relationship with the one to work with, it is extremely difficult to establish very challenging cooperation agreements and so, and I'm very pleased to say that at least with the Moissanite Law Partnership. We have 4 staff members that actually are friends and then it works.

00:13:47 Beatriz Martinez

I couldn't agree more with that. Thank you, Martha. Thank you so much for taking the time to be with us today. We really enjoy having you in our climate show and we are very, very happy to continue working with you in the future, thank you very much and happy that the climate show is becoming a little bit an energy law show.

00:14:15 Alessandro Monti

Thank you for listening to this episode. If you would like to read more about Professor Roggenkamp's work, check out the link in the show notes. You can also find the link. To the advanced LLM. In energy of the North Sea Energy Law Partnership there.

00:14:27 Alessandro Monti

Stay tuned for our next episode.