

The Center for Climate Change, Energy and Environmental Law is hosting an afternoon seminar on
SHALE GAS IN THE EUROPEAN UNION: CROSS-CUTTING ISSUES
on **Thursday 19 July 2018 at 13** (University sauna premises, Aurora building)

The seminar will focus on the following presentations:

1) Shale gas in the European Union- Frackmentation of EU Energy and Environmental Law?

Dr. Leonie Reins

Abstract

To adapt to newly emerging environmental and energy challenges, European energy and environmental law has undergone many revisions and changes throughout the past 30 years. The successful regulation of all environmental aspects of human activities, and the interaction between environmental and energy priorities, has proven to be challenging. The inclusion of the new title XXI on energy in the Lisbon Treaty changed the Union's competences and the legal basis to act in this regard. It still has to be seen if this new constitutional setup is better suited to combine energy supply security on the one hand and environmental protection concerns on the other.

One emerging subject in both such areas of law, which is testimony to this challenge, is the extraction of unconventional gas resources, such as shale gas, which is a possible response to both increasing energy demand in the European Union and dependence on gas imports from third countries such as Russia. The large scale and manipulative nature of hydraulic fracturing techniques elicits a mixed response due to a large realm of unknowns, not only about externalities but also concerning the ability of the technology to deliver. Characterised by uncertainties and promises to address climate change, shale gas extraction raises several technical, ethical and legal issues.

The presentation will 1. assess the existing legal framework for shale gas on a Union level, taking into account the regulatory experience gained in the United States; 2. analyse the new constitutional setup, both, horizontally as well as vertically, in the environmental and energy area, as well as 3. possible impacts of the technology on a common European energy policy. Further, the presentation will 4. discuss other cross cutting energy and environmental issues (such as CCS and nanotechnology), and 5. examine the status of the precaution and prevention principle in light of new technologies and scientific uncertainties. It aims at establishing how "new" technologies, such as shale gas, affecting both the environmental and energy area can be regulated in the future.

Leonie Reins is an Assistant Professor at the Tilburg Institute for Law, Technology and Society ("TILT") at Tilburg University in the Netherlands. Leonie obtained her PhD from KU Leuven,

Belgium. The monograph based on her dissertation is entitled “Regulating Shale Gas – The Challenge of Coherent Environmental and Energy Regulation” (Edward Elgar, 2017). Leonie obtained private sector experience whilst working for a Brussels-based environmental law consultancy, providing legal and policy services for public-sector clients such as the European Commission and the European Parliament.

Leonie’s research focuses on the intersections of energy and environmental law. She is particularly interested in the regulation of new technologies that are capable of mitigating, or providing means of adaptation to, global problems such as climate change and the associated risks and uncertainty that manifest themselves at the local level. Leonie regularly speaks at international conferences and her works have been published in journals such as *Energy Research & Social Science*, *Environmental Liability and Oil, Gas, Energy Law Intelligence (OGEL)*.

2) Landowners' role in future shale gas development

Meri-Katriina Pyhäranta

Abstract

The incentives for developing shale gas in Europe are mainly related to two energy policy goals: increasing the security of supply and using natural gas as a bridge fuel to diminish the use of other more polluting fossil fuels. According to the European Union energy policy, unconventional gas production has potential to play an important role in achieving these policy goals as long as sustainability aspects are taken into consideration.

Besides the transition into low-carbon energy production, unconventional gas production is part of another development taking place in the energy sector. Energy production is increasingly coming closer to population and more often taking place on someone's backyard and private land. Thus, this presentation will look at the challenges related to the competing interests of landowners and energy companies. It raises the question of how the costs and benefits of shale gas production should be distributed so that shale gas production would be (more) sustainable not only from environmental but also from social perspective.

Meri-Katriina Pyhäranta is a doctoral candidate at the UEF law school and is writing her PhD dissertation about shale gas regulation in the European Union. Her research studies whether balancing the costs and benefits between landowners and energy companies would promote more sustainable energy production in the European Union.

Meri-Katriina has obtained experience from the energy sector in both private and public sector. Before starting as a senior adviser at the Finnish Energy Regulator, she worked as an associate in one of the biggest business law firms in Finland. In 2016-2017 she pursued her research in the University of Texas at Austin as a Fulbright scholar.

We are pleased to invite you to follow the seminar, please register for the event **by 16 July** at [sirja-leena.penttinen \(a\) uef.fi](mailto:sirja-leena.penttinen (a) uef.fi)

For more information, please contact Sirja-Leena Penttinen ([sirja-leena.penttinen \(a\) uef.fi](mailto:sirja-leena.penttinen (a) uef.fi))