

***REGULATING THE ENERGY TRANSITION:  
ISSUES AT THE INTERSECTION OF ENERGY AND ENVIRONMENTAL LAW***

This workshop was held at All Souls College, University of Oxford, on Thursday, 30 June and Friday, 1 July 2016 with the aim of exploring the growing intersection between international/transnational energy and environmental law in light of the Paris Agreement and transitions in the energy system. The workshop was organized and supported by the Faculty of Law, University of Oxford, with co-sponsorship from the University of Minnesota Law School and Energy Transition Lab, and the American Society of International Law (ASIL) International Environmental Law Interest Group.



The workshop brought together leading academic thinkers and practitioners from both developed and developing countries, and from five continents, to consider questions at the cutting edge of law, policy and practice at the intersection of the environmental and energy fields in the light of the Paris Agreement reached in December 2015.

An important aim of the workshop was to examine the role of law in regulating the energy transition, with a focus on how that imperative brings together often fragmented and siloed areas of environmental and energy law at multiple scales. Panels addressed several aspects of that question including:

- the nature of the energy/environmental law intersection post-Paris;
- approaches for enhancing renewable energy in the grid;
- energy transition challenges in the developing world;
- regulatory approaches for implementing the energy transition;
- ensuring access to sustainable energy;
- environmental and corporate law tools for spurring the energy transition;

- energy technologies and their regulation; and
- emerging issues at the energy/environmental law intersection, including challenges from international economic law and the sharing economy.

Papers presented at the workshop adopted different approaches to exploring the energy/environmental law intersection. Some explicitly adopted, and advocated for, a holistic, integrated view of energy and environmental law in designing effective governance systems for the energy transition and in developing legal tools for implementation. Other papers emphasized that energy law and environmental law still offer quite distinctive approaches to the energy transition within their different respective fields, often overlaid with significant regulatory fragmentation. In addition, particular energy technologies – from renewables to storage to energy efficiency to the growing computerization of the grid – pose discrete challenges for legal frameworks, often dealt with through specific regulatory measures. Several papers took a close look at the legal and regulatory frameworks emerging for particular tools, approaches or technologies (e.g. wind farms, energy transport, social sustainability assessments, public participation), from the perspective of energy or environmental law.

While it is clear that the Paris Agreement is having an integrative effect for energy and environmental law (or is at least pushing in that direction) and that this integration will continue to be important as parties design, implement and update their Nationally Determined Contributions (NDCs), it is probably too early to discern the full contours of the “law of energy transition” at supranational, national, or subnational scales. Indeed, as the workshop presentations highlighted there is no consensus on what degree of integration across scales and areas of law would be desirable, and how such developments might interact with the many other areas of law and issues relevant to the energy transition, including disaster management, adaptation and resilience building, corporate and securities law, data protection laws and international economic law. The workshop served an important role, however, in mapping the dimensions of the energy/environmental law intersection in the energy transition and in identifying the challenges for future legal development in this area.

