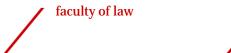
# Securing Energy Supply through developing Offshore Energy Infrastructure: The Nord Stream Pipeline

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#### Presentation Outline

- >Jurisdiction over Pipeline Development
- >Offshore Cross-Border Pipeline Development
- >Inter-State Agreement
- >Nord Stream Jurisdiction: UNCLOS & ESPOO Convention, Jurisdictional Issues
- >Role of Security of Supply
- >Future agreement?

### Jurisdiction over Pipelines

- Jurisdiction: Legislative, Enforcement,
   Adjudicative, etc.
- Legislative Jurisdiction in relation to various matters (e.g. construction, operation, taxation, etc.)
- > Jurisdiction of 'Host-State' generally



### (Offshore) Cross-Border Pipeline

- > Complicated jurisdiction
- > Multiple States
- > (Extent of States' jurisdiction may be unclear: Stems from content of international law)
- > Potential for overlapping jurisdiction and conflict



## Inter-State Agreements

- > Management mechanism
- > Treaty or non-treaty form
- > Defines jurisdiction of States
- > Negotiated balance of interests

#### Nord Stream

- > Maritime Areas of five States: RUS, FIN, SWE, DNK, DEU
- > Place of Incorporation: CHE
- > Complicated jurisdiction
- > No Inter-State Agreement
- > Why?



#### UNCLOS

- > Territorial Sea: Coastal State sovereign jurisdiction
- > EEZ/Continental Shelf: Freedom of other **States**
- > EEZ/Continental Shelf: Coastal State 'limited' jurisdiction
- > Route selection and environmental protection and preservation/pollution from pipeline



### Espoo Convention

- > 5 'Parties of Origin'
- > Contracting parties "under whose jurisdiction a proposed activity is envisaged to take place"
- > Requirement for consideration of no-action alternative
- > Requirement for consultation with Affected States



#### Jurisdictional Issues

- > Was there potential for refusal by a 'Party of Origin'?
- > What is the appropriate scope of environmental conditions?
- > Switzerland as party of origin? Relationship between UNCLOS and ESPOO?

## Security of Supply

- > Perhaps concern of securing energy supply diminishes significance of jurisdictional issues?
- > Russian security of supply
- > German/European security of supply

## Future Agreement?

- > In future: jurisdictional issues?
- > e.g. Pipeline Control Room based in Switzerland
- > Future inter-State agreement?