



**Styre:** Fakultetsstyret ved Det juridiske fakultet  
**Styresak:** 10/23  
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## **NEDLEGGING AV JUS271-2-D ENERGY LAW: HYDROCARBONS, RENEWABLES AND ENERGY MARKETS OG OPPRETNING AV JUS2310 ENERGY LAW: HYDROCARBONS, RENEWABLES AND ENERGY MARKETS OG 3510 ENERGY LAW: HYDROCARBONS, RENEWABLES AND ENERGY MARKETS**

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### **Bakgrunn**

I sak 76/22 til fakultetsstyret 27.9.2022 vedtok fakultetsstyret ny modell for engelskspråklege emne ved fakultetet der dei engelskspråklege emna som hovudregel skal finnast i to variantar med ulike emnkodar: Den eine versjonen av emnet skal ha læringsutbyteskildring i samsvar med bachelornivået i nasjonalt kvalifikasjonsrammeverk, og den andre versjonen av emnet skal ha læringsutbyteskildring i samsvar med masternivå i nasjonalt kvalifikasjonsrammeverk.

Som oppfølging av dette vedtaket har dei emneansvarlege for engelskspråklege spesialemne blitt bedne om å utarbeida nye emneskildringar. Emneansvarleg Ignacio Herrera Anchustegui har utarbeidd dei to emneskildringane som ligg ved

Som vedlegg følgjer saka slik ho vart presentert for studietvalet, inkludert ei oppsummering av skilnadene på bacheloremnet og masteremnet, samt emneskildringar for begge emna.

### **Handsaming i studietvalet**

Studietvalet handsama saka i sitt møte den 26.01.2023 og oversender saka til fakultetsstyret med følgjande uttale:

«Studietvalet oppfordrar fakultetsstyret til å leggja ned emnet JUS271-2-D Energy Law: Hydrocarbons, Renewables and Energy Markets etter studieåret 2022/2023 og i staden oppretta JUS2310 Energy Law: Hydrocarbons, Renewables and Energy Markets og JUS3510 Energy Law: Hydrocarbons, Renewables and Energy Markets som skal undervisast første gong haustsemesteret 2023, og til å vedta overgangsordningar og tal på vurderingsforsøk som skildra.»

På denne bakgrunn blir det sett fram følgjande:

### **forslag til vedtak:**

1. JUS271-2-D Energy Law: Hydrocarbons, Renewables and Energy Markets blir lagt ned etter studieåret 2022/2023.

2. Emna JUS2310 Energy Law: Hydrocarbons, Renewables and Energy Markets og JUS3510 Energy Law: Hydrocarbons, Renewables and Energy Markets blir oppretta og skal undervisast første gong haustsemesteret 2023
3. Overgangsordning for studentar som treng å gjennomføra vurdering i gamalt emne JUS271-2-D Energy Law: Hydrocarbons, Renewables and Energy Markets etter studieåret 2022/2023: Studentane avlegg i staden eksamen i nytt emne JUS3510 Energy Law: Hydrocarbons, Renewables and Energy Markets
4. Studentar har tre vurderingsforsøk samla både for det gamle emnet JUS271-2-D Energy Law: Hydrocarbons, Renewables and Energy Markets i kombinasjon med eitt av dei to nye emna, og samla for dei to nye emna i kombinasjon.

Karl Harald Søvig  
dekan

Øystein L. Iversen  
fakultetsdirektør

30.01.2023  
INTØ

Vedlegg:

1. Sak 3/23-7 til Studieutvalet
2. Emneskildring JUS2310 Energy Law: Hydrocarbons, Renewables and Energy Markets
3. Emneskildring JUS3510 Energy Law: Hydrocarbons, Renewables and Energy Markets

***Nedlegging av JUS271-2-D Energy Law: Hydrocarbons, Renewables and Energy Markets og oppretting av JUS2310 Energy Law: Hydrocarbons, Renewables and Energy Markets og JUS3510 Energy Law: Hydrocarbons, Renewables and Energy Markets***

I sak 76/22 til fakultetsstyret 27.9.2022 vedtok fakultetsstyret ny modell for engelskspråklege emne ved fakultetet der dei engelskspråklege emna som hovudregel skal finnast i to variantar med ulike emnkodar: Den eine versjonen av emnet skal ha læringsutbyteskildring i samsvar med bachelornivået i nasjonalt kvalifikasjonsrammeverk, og den andre versjonen av emnet skal ha læringsutbyteskildring i samsvar med masternivå i nasjonalt kvalifikasjonsrammeverk.

Som oppfølging av dette vedtaket har dei emneansvarlege for engelskspråklege spesialemne blitt bedne om å utarbeida nye emneskildringar. Emneansvarleg Ignacio Herrera Anchustegui har utarbeidd dei to emneskildringane som ligg ved. Skilnadene mellom bacheloremnet og masteremnet er markert med raud skrift i masteremnet.

Mål og innhald er i hovudsak likt i dei to emna, men som tillegg i masteremnet vil studentane også få ein introduksjon til energiinvesteringsregimet. Forventa læringsutbyte er tilpassa høvesvis studentar på 3. studieår (bachelornivå) og studentar på 5. studieår (masternivå).

Ut over dei 10 + 2 forelesingane som engelske val- og spesialemne i tråd med den nye modellen vil ha til rådighet, ønskjer emneansvarleg å tilby éi (eventuelt to) ekstra samlingar som del av undervisninga. Emneansvarleg er gjort kjend med at undervisning ut over det som er normert for engelskspråklege val- og spesialemne ikkje kan godskrivas i undervisningsrekneskapen.

Ingen av emna har obligatoriske arbeidskrav. Vurderingsforma i begge emna er ein kombinasjon av heimeeksamen og firetimars heimeeksamen, men ordlengda på heimeeksamen er ulik for dei to nivåa. Medan studentar på bachelornivå skal skriva maks 2000 ord, skal studentar på masternivå skriva minimum 2500, maksimum 3000 ord.

Litteraturlistene for dei to emna er ikkje klare enno, men emneansvarleg er gjort kjend med tilrådingane om mengd litteratur<sup>1</sup>, og vil utarbeida litteraturlister i tråd med dette og leggja desse fram for SU i tide til fristen for publisering av litteraturlister for haustsemesteret 2024.

### **Overgangsordning og tal på eksamensforsøk**

§3-2-4 i Forskrift om opptak, studier, vurdering og grader ved Universitetet i Bergen (UiB-forskrifta) seier: «Ved nedlegging av studieprogram, studieretninger og emner skal vedtaksorganet fastsette overgangstid for undervisning og vurdering. Studenter som er tatt opp til studieprogram som vedtas nedlagt, har rett til å fullføre dette i samsvar med vedtak om overgangstid. Ved nedlegging av emner skal det normalt avholdes vurdering i emnet i ett eller to påfølgende semestre etter siste undervisningssemester.»

I dette tilfellet er emna på masternivå så like at studentar som treng å gjennomføra vurdering i gamalt emne JUS271-2-D etter haustsemesteret 2024, i staden vil bli viste til å avlegga eksamen i nytt emne JUS3509 Energy Law: Hydrocarbons, Renewables and Energy Markets.

§ 6-8-1 i UiB-forskrifta seier følgjande om antall vurderingsforsøk: «Ved Universitetet i Bergen gjelder det ordinært en øvre grense på tre vurderingsforsøk for det enkelte emne. Begrensningen i antallet vurderingsforsøk gjelder også dersom emnet har skiftet emnekode, inngår med ulik kode i

flere studieprogrammer eller inngår i ny form i et studieprogram i tilknytning til en overgangsordning.

I medhald av dette gjeld at studentar har tre vurderingsforsøk samla både for det gamle emnet JUS271-2-D og kvart av dei to nye emna, og samla for dei to nye emna i kombinasjon. Ein student som tidlegare har nytta alle vurderingsforsøka i emnet på 3. studieår, kan ikkje få nye høve til å greia emnet ved å i staden melda seg til den andre utgåva av emnet på 5. studieår.

**SU uttalar:**

Studieutvalet oppfordrar fakultetsstyret til å leggja ned emnet JUS271-2-D Energy Law: Hydrocarbons, Renewables and Energy Markets etter studieåret 2022/2023 og i staden oppretta JUS2310 Energy Law: Hydrocarbons, Renewables and Energy Markets og JUS3510 Energy Law: Hydrocarbons, Renewables and Energy Markets som skal undervisast første gong haustsemesteret 2023, og til å vedta overgangsordningar og tal på vurderingsforsøk som skildra.

*Vedlegg: Emneskildringar*

# JUS2310: Energy Law: Hydrocarbons, Renewables and Energy Markets

## Bachelor's level (Autumn 2023)

Ignacio Herrera Anchustegui

### Course Name

Energy Law: Hydrocarbons, Renewables and Energy Markets

### Course Teacher and Coordinator

Ignacio Herrera Anchustegui

### ECTS Credits

10

### Level of Study

Bachelor

### Full-time/Part-time

Full-time

### Teaching Semester

Autumn

### Place of Instruction

Faculty of Law, University of Bergen

### Objectives and Content

Energy is essential for all aspects of life in a modern society and the need for energy is growing. Energy production from fossil sources (like coal, oil and gas) is also one of the main drivers of climate change, and great efforts are made to bring about a shift from energy production based on fossil fuels to renewable energy sources, in order to stop or at least limit climate change.

Energy law is an important discipline as energy production and distribution is pivotal to the functioning of the society and economic and social development. All major countries have in the last decades reformed their energy legislation due to the influence of energy liberalization, climate change and the introduction of renewable energy solutions. Taking part of this course will give you the tools to understand the complex regulatory challenges that energy law has to deal with and prepare you for exciting job prospects.

The general question that the course seeks to answer is how legal regulation can contribute to an effective and sufficient energy production and consumption within sustainable limits. The course will present the main legal principles, systems and instruments used to influence energy production and consumption. Further, the course will give insight in basic principles for resource management, the relation between public interest and business and modern market instruments.

The course is divided into **two parts**. The first part will cover governance and regulation of **hydrocarbons** (oil and gas activities). The second part will be focused on the regulation of **electricity and renewable energy** in EU/EEA law.

Our study of energy law will follow the life cycle and energy value chain. During our course, we will study how energy production/extraction, transportation and consumption is regulated and the consequences of such rules for society, the industry and nature.

A central part of the system for governance of the energy sector is the regulation of access to energy resources on land as well as offshore. As offshore energy production is becoming more important for petroleum as well as renewable ocean and wind energy, the regulation of continental shelf and exclusive economic zone will be important, as well as environmental regulation of the oceans (OSPAR-treaty etc.). The question of jurisdiction over and ownership of energy resources especially on the continental shelf is thus an important part of the course.

The system for granting access to the petroleum and other energy resources for national and international companies, through different concession, licensing and contracting systems, and for organizing the State participation in the activity, is an important part of the course. This involves national as well as EU-regulation and will give the students understanding of the relation between EU/EEA law and national law. The license system and the use of joint venture agreements to secure state control as well as effective and secure activity, constitute examples of different techniques for governance of an important industry.

In the second part of the course, we will focus on the regulation of energy in the EU, by utilizing the regime of electricity (and some extent gas) as a case study. Generation, transport, distribution and retailing of electricity systems according to the EU/EEA Directives and Regulations will be studied. This includes rules related to the functioning of the internal electricity market, rules on the use of infrastructure to transport energy, as well as those provisions related to consumer rights, duties and their protection.

The course will concentrate on basic principles and regulation systems. Central themes are:

- Introduction to energy law & energy policy
- Energy resources: ownership and management
- Licensing systems for energy production
- Upstream regulation of petroleum
- European regulation of electricity and gas: production, transmission and distribution
- Organization and functioning of energy markets
- European regulation of renewable energy sources
- Energy consumers: rights, duties and new roles
- Energy regulators: ACER and national entities

### **Learning outcomes**

At the end of the course, students will have:

- Gained a good overall knowledge related to the fundamental problems, concepts and principles of energy law;
- Understanding of the concepts of licensing, access to energy sources, safety and environmental aspects related to energy and the functioning of energy markets;
- Familiarity with the regulatory models utilized for the exploitation of hydrocarbons, particularly in the North Sea/Norway;
- The ability to identify key regulatory and legal issues connected to the generation, transport, distribution and retailing of electricity in Europe;
- The capability to critically discuss the rules applicable to foster the development of renewable energy sources;

- Practiced and learnt how to write a legal brief/legal opinion on a topic of energy regulation, thanks to the use of a home exam;

Students will also have developed certain skills and general competence, including:

- The ability to understand and engage with doctrinal, policy, and theoretical sources of different types, and to use those sources to present scholarly arguments in the fields covered by the course;
- The ability to apply academic knowledge and relevant work to practical and theoretical problems in the fields of energy regulation, and to make well-founded choices between different legal and policy alternatives;
- The ability to find, evaluate, and refer to information and scholarly ideas and to present them in an appropriate written manner;
- The ability to explain how electricity markets work;
- The ability to engage in debates and write reasoned responses to questions on legal and policy issues in the field of energy law;
- The ability to analyze and answer practical legal problems in the energy sector

#### **Required previous knowledge**

Two years of law studies.

#### **Recommended previous knowledge**

Good level of English language

#### **Credit Reduction due to Course Overlap**

Combined with JUS271-2-A, JUS271-2-B, JUS271-2-C or JUS271-2-D Energy Law: Hydrocarbons, Renewables and Energy Markets or JUS3510 Energy Law: Hydrocarbons, Renewables and Energy Markets this course will generate no new credits.

The course is designed to be complemented and combines successfully with:

- JUS2311/JUS3511 International Climate Law
- JUS2316/JUS3516 Law of the Sea and its Uses

#### **Access to the Course**

The course is available for students:

- Admitted to the five-year master programme in law;
- Granted admission to elective courses at the Faculty of Law;
- Exchange students at the Faculty of Law.

The pre-requirements may still limit certain students' access to the course.

#### **Teaching and learning methods**

Lectures, group workshops and possibilities to participate in specialized seminars/conferences. Ten (10) lectures and one additional seminar/workshop (1). Total eleven sessions (11).

#### **Compulsory Assignments and Attendance**

None

#### **Forms of Assessment**

The exam consists of two parts:

- Home exam: during the course the students shall write a paper of maximum 2000 words on a subject provided by the course supervisor. The home exam constitutes 40% of the final grade.
- School exam: Four-hour digital school exam. The school exam constitutes 60% of the final grade.  
[www.uib.no/en/education/87471/digital-examination](http://www.uib.no/en/education/87471/digital-examination)

**Exam language:**

Question paper and school exam: English

Answer paper and school exam: English

**Examination Support Material**

*Support materials allowed during school exam*

See section 3-5 of the Supplementary Regulations for Studies at the Faculty of Law at the University of Bergen.

*Special regulations about dictionaries*

- According to the Regulations for Studies, one dictionary is permitted support material during the examination. Bilingual dictionaries containing for example *both* Norwegian-English and English-Norwegian are considered as one dictionary;
- Bilingual dictionaries to/from the same two languages - for example Norwegian-English/English-Norwegian - in *two* different volumes are also considered as one dictionary (irrespective of publisher or edition);
- Dictionaries as described above cannot be combined with any other types of dictionaries;
- Any kind of combination which makes up *more than* two physical volumes is forbidden;
- In case a student has a special need for any other combination than the above mentioned, such combination has to be clarified with/approved by the course coordinator *minimum two weeks* before the exam. Students who have not been granted permission to have a special combination *minimum two weeks* before the exam will be subject to the [usual regulations](#) (Section 3-5) about examination support materials.

**Grading Scale**

A - E for passed, F for failed

**Course Evaluation**

According to the administrative arrangements for course evaluation at the Faculty of Law



# JUS3510 Energy Law: Hydrocarbons, Renewables and Energy Markets

**Master's level (Autumn 2023)**

Ignacio Herrera Anchustegui

## Course Name

Energy Law: Hydrocarbons, Renewables and Energy Markets

## Course Teacher and Coordinator

Ignacio Herrera Anchustegui

## ECTS Credits

10

## Level of Study

Master's

## Full-time/Part-time

Full-time

## Teaching Semester

Autumn

## Place of Instruction

Faculty of Law, University of Bergen

## Objectives and Content

Energy is essential for all aspects of life in a modern society and the need for energy is growing. Energy production from fossil sources (like coal, oil and gas) is also one of the main drivers of climate change, and great efforts are made to bring about a shift from energy production based on fossil fuels to renewable energy sources, in order to stop or at least limit climate change.

Energy law is an important discipline as energy production and distribution is pivotal to the functioning of the society and economic and social development. All major countries have in the last decades reformed their energy legislation due to the influence of energy liberalization, climate change and the introduction of renewable energy solutions. Taking part of this course will give you the tools to understand the complex regulatory challenges that energy law has to deal with and prepare you for exciting job prospects.

The general question that the course seeks to answer is how legal regulation can contribute to an effective and sufficient energy production and consumption within sustainable limits. The course will present the main legal principles, systems and instruments used to influence energy production and consumption. Further, the course will give insight in basic principles for resource management, the relation between public interest and business and modern market instruments.

The course is divided into **two parts**. The first part will cover governance and regulation of **hydrocarbons** (oil and gas activities). The second part will be focused on the regulation of **electricity and renewable energy** in EU/EEA law.

Our study of energy law will follow the life cycle and energy value chain. During our course, we will study how energy production/extraction, transportation and consumption is regulated and the consequences of such rules for society, the industry and nature.

A central part of the system for governance of the energy sector is the regulation of access to energy resources on land as well as offshore. As offshore energy production is becoming more important for petroleum as well as renewable ocean and wind energy, the regulation of continental shelf and exclusive economic zone will be important, as well as environmental regulation of the oceans (OSPAR-treaty etc). The question of jurisdiction over and ownership of energy resources especially on the continental shelf is thus an important part of the course.

The system for granting access to the petroleum and other energy resources for national and international companies, through different concession, licensing and contracting systems, and for organizing the State participation in the activity, is an important part of the course. This involves national as well as EU-regulation and will give the students understanding of the relation between EU/EEA law and national law. The license system and the use of joint venture agreements to secure state control as well as effective and secure activity, constitute examples of different techniques for governance of an important industry.

In the second part of the course, we will focus on the regulation of energy in the EU, by utilizing the regime of electricity (and some extent gas) as a case study. Generation, transport, distribution and retailing of electricity systems according to the EU/EEA Directives and Regulations will be studied. This includes rules related to the functioning of the internal electricity market, rules on the use of infrastructure to transport energy, as well as those provisions related to consumer rights, duties and their protection.

The course will concentrate on basic principles and regulation systems. Central themes are:

- Introduction to energy law & energy policy
- Energy resources: ownership and management
- Licensing systems for energy production
- Upstream regulation of petroleum
- European regulation of electricity and gas: production, transmission and distribution
- Organization and functioning of energy markets
- European regulation of renewable energy sources
- Energy consumers: rights, duties and new roles
- Energy regulators: ACER and national entities
- **Introduction to the energy investment regime**

### **Learning outcomes**

At the end of the course, students will have:

- Gained a **sound knowledge** related to the fundamental problems, concepts and principles of energy law;
- **Understanding and ability to critically discuss** the the concepts of licensing, access to energy sources, safety and environmental aspects related to energy and the functioning of energy markets;
- Familiarity with the regulatory models utilized for the exploitation of hydrocarbons, particularly in the North Sea/Norway;
- The ability to identify key regulatory and legal issues connected to the generation, transport, distribution and retailing of electricity in Europe, **as well as propose legally grounded solutions to technical or policy issues;**

- The capability to critically discuss the rules applicable to foster the development of renewable energy sources;
- The ability to explain how electricity markets work and **critically assess the problems posed by the current market design**
- Practiced and learnt how to write a legal brief/legal opinion on a topic of energy regulation, thanks to the use of a home exam;
- **Familiarity with the complex rules related to investment regimes and investment protection in the field of energy**

Students will also have developed certain skills and general competence, including:

- The ability to understand and engage with doctrinal, policy, and theoretical sources of different types, and to use those sources to present scholarly arguments in the fields covered by the course;
- The ability to apply academic knowledge and relevant work to practical and theoretical problems in the fields of energy regulation, and to make well-founded choices between different legal and policy alternatives;
- The ability to find, evaluate, and refer to information and scholarly ideas and to present them in an appropriate written manner;
- The ability to engage in debates and write reasoned responses to questions on legal and policy issues in the field of energy law;
- The ability to analyze and answer practical legal problems in the energy sector

#### **Required previous knowledge**

Three years of law studies.

For students in the master's programme in sustainability: Three years of university studies.

#### **Recommended previous knowledge**

Good level of English language

#### **Credit Reduction due to Course Overlap**

Combined with JUS271-2-A, JUS271-2-B, JUS271-2-C or JUS271-2-D Energy Law: Hydrocarbons, Renewables and Energy Markets or JUS2310 Energy Law: Hydrocarbons, Renewables and Energy Markets this course will generate no new credits.

The course is designed to be complemented and combines successfully with:

- JUS2311/3511 Energy Law: Hydrocarbons, Renewables and Energy Markets
- JUS2316/3516 Law of the Sea and its Uses

#### **Access to the Course**

The course is available for students:

- Admitted to the five-year master programme in law;
- Admitted to the two-year master programme in law
- Admitted to the master's programme in sustainability
- Granted admission to elective courses at the Faculty of Law;
- Granted additional right to study following completed Master in Law degree at UiB
- Exchange students at the Faculty of Law.

The pre-requirements may still limit certain students' access to the course.

#### **Teaching and learning methods**

Lectures, group workshops and possibilities to participate in specialized seminars/conferences.

Twelve (12) lectures and one additional seminar/workshop (1). Total thirteen sessions (13).

### **Compulsory Assignments and Attendance**

None

### **Forms of Assessment**

The exam consists of two parts:

- Home exam: during the course the students shall write a paper of **minimum 2,500 and maximum 3,000** words on a subject provided by the course supervisor. The home exam constitutes 40% of the final grade.
- School exam: Four-hour digital examination. The school exam constitutes 60% of the final grade.  
[www.uib.no/en/education/87471/digital-examination](http://www.uib.no/en/education/87471/digital-examination)

### **Exam language:**

Question paper and school exam: English

Answer paper and school exam: English

### **Examination Support Material**

*Support materials allowed during school exam*

See section 3-5 of the Supplementary Regulations for Studies at the Faculty of Law at the University of Bergen.

### *Special regulations about dictionaries*

- According to the Regulations for Studies, one dictionary is permitted support material during the examination. Bilingual dictionaries containing for example *both* Norwegian-English and English-Norwegian are considered as one dictionary;
- Bilingual dictionaries to/from the same two languages - for example Norwegian-English/English-Norwegian - in *two* different volumes are also considered as one dictionary (irrespective of publisher or edition);
- Dictionaries as described above cannot be combined with any other types of dictionaries;
- Any kind of combination which makes up *more than* two physical volumes is forbidden;
- In case a student has a special need for any other combination than the above mentioned, such combination has to be clarified with/approved by the course coordinator *minimum two weeks* before the exam. Students who have not been granted permission to have a special combination *minimum two weeks* before the exam will be subject to the [usual regulations](#) (Section 3-5) about examination support materials.

### **Grading Scale**

A - E for passed, F for failed

### **Course Evaluation**

According to the administrative arrangements for course evaluation at the Faculty of Law