

## Work on the bill regulating shale gas extraction in Germany

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The German minister for the natural environment, Norbert Röttgen (CDU), has announced that his ministry is working on a bill regulating the extraction of shale gas. The bill is now being consulted at the ministerial level. After that it will be subject to public consultation and a vote at parliament in the first half of 2012. The aim of the bill is to impose stricter regulations concerning the extraction of shale gas for ecological reasons. According to the 8 February 2012 edition of *Ruhr Nachrichten*, a local newspaper, which quotes the Environment Ministry, the law is to impose a ban on the use of the hydraulic fracturing method in shale gas extraction, and extraction is to be banned completely in areas where potable water is drawn. At the same time, the Office for the Environment which reports to the Environment Ministry, is conducting research to check the environmental impact of the hydraulic fractioning method, the results of which are to be known also in the first half of 2012.

### Commentary

- Despite the legal expert opinion from the European Commission, according to which there is no need to introduce immediate legal changes concerning shale gas production in the EU, Germany decided to make an attempt to amend domestic law in this area. It cannot be ruled out that in the future this may be used as a model for developing EU standards or that Germany will be among such countries as France or Bulgaria, where shale gas extraction is banned.
- If the bill imposes a total ban on shale gas production or forbids the use of the hydraulic fractioning method for an indefinite term, as Mr Röttgen wants, it is very unlikely that it will be supported by the remaining part of the CDU and its coalition partner, the FDP. The German government has been avoiding taking a clear stance on the future of shale gas: it does not support extraction but it also does not wish to block the possibilities of its development, and is waiting for the development of technologies and the results of the drills in Germany and other countries (for example, Poland). One proof of this is the fact that on 8 February the CDU and the FDP rejected in the Bundestag the project proposed by the SPD, the Green Party and the Left Party, which envisaged the introduction of a two-year moratorium on the use of the hydraulic fractioning method.
- The situation may change radically if public protests in Germany intensify. The protests so far have been local and have taken place only in those federal states where shale gas

reserves are the largest and where the greatest number of drills have been carried out. It cannot be ruled out that as a consequence of opposition to shale gas expressed by the larger part of German society the CDU and the FDP will support the bill proposed by the Environment Minister or impose a moratorium on the use of the hydraulic fracturing method. This moratorium has been imposed so far only in North Rhine-Westphalia (where the local CDU leader is the federal environment minister, Norbert Röttgen).