

## ACCESS TO RESOURCES ON THE NCS

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### I **Jurisdiction**

#### 1 International law

1.1 Exclusive rights for the coastal state within functional limits. LOSC art. 77

1.2 Extent of the continental shelf. Delineation towards adjacent states . LOSC art.76 and art. 83

#### 2 EEA law

2.1 Primary legislation. The EEA-agreement

2.2 Secondary legislation. The licencing directive and the gas market directive II

2.3 Scope. Art. 126 EEA. Only the territory?

2.4 Property ownership. Art. 125 EEA

2.5 Resource management. Art. 1 EEA. Preamble 10 para

2.6 National implementation. Generally: EEA-Act. Petroleum sector: PA and PR

#### 3 National law

3.1 State ownership of petroleum deposits. PA sec. 1-1

3.2 Exclusive right for the state to resource management. PA sec. 1-1

3.3 Scope of the act. Overview. PA sec. 1-4. PA sec. 1-6

## II **The licence system**

### 4 Resource management

4.1 Aims. PA sec. 1-2 and sec. 4-1

4.2 Means. Optional models (state management, contractor system, licence system etc.)

### 5 Characteristic features of the Norwegian licence system

5.1 State control in successive stages

5.2 State organization of activities

5.3 State participation

## III **The exploration licence (PA chapter 2)**

### 6 General

(1) Purpose

(2) Scope and contents

(3) Licence award. PA sec. 1-3

### 7 Relationship to the production licence

## IV **The production licence (PA chapter 3)**

### 8 Introduction. Access to resources

### 9 Procedure

9.1 Opening and announcement of areas. PA sec. 3-1 and sec. 3-5

(1) Frontier areas

(2) Mature areas

9.2 Applications. Individual or group. Negotiating items (duration, area)

9.3 Award criteria. PR sec. 10

9.4 Licence award. PA sec 3-3

9.5 Administrative complaint? Administrative alteration? Law suit?

## 10 The licence group

10.1 The joint venture agreement. Legal basis. PA sec 3-3

10.2 The joint venture. Characteristics (expense fellowship, co-ownership)

10.3 The management committee (ManCom). Voting rules. JOA arts. 1-2

10.4 The operator. PA sec. 3-7. Appointment. Functions (internally and externally).

The “no gain – no loss” principle. JOA art. 4

## 11 State participation

11.1 The state direct financial interest (SDFI). PA sec. 3-6

11.2 Managed by Petoro. PA chapter 11

11.3 Petoro’s relationship to the

(1) state,

(2) other licencees,

(3) StatoilHydro,

(4) third parties

11.4 Petoro's veto right. PR sec 12.

In the JV: JOA art. 2, cf licence item 8.

In Petoro: PA sec. 11-7

11.5 Public authority? Public service? Business?

## 12 The scope of the licence

12.1 Functional scope. The licence activities. PA sec. 3-3

12.2 Geographical scope. The licence area. PA sec. 3-2. Relinquishment of area. PA sec. 3-14

12.3 Licence periods. Extension. PA sec. 3-9. Surrender. PA sec. 3-15

## 13 The obligations of the licensee

13.1 General requirements. PR sec. 11

13.2 Work programme. PR sec. 13

13.3 Miscellaneous conditions (environmental concerns)

13.4 Area fee. PA sec. 4-10 and PR sec 39

## 14 The rights of the licensee. PA sec. 3-3

14.1 Ownership of produced petroleum. Derogation: Petoro

14.2 Exclusive rights. Derogations: Joint operations. PA sec. 4-7. Rights for others to conduct activities. PA sec. 3-12

14.3 Production right. Derogations: Further licences and approvals are required

## V **Conclusions**

