

# 4 Pump Court hosts a well attended Ciarb YMG event on Renewable Energy Disputes

4 Pump Court was delighted to host the Ciarb YMG's event on Renewable Energy Disputes last week. The turn-out was fantastic and the discussions insightful. Moderator, Mark McMahon (Senior Associate, Stewarts) and panellists Lucy McKenzie (Senior Associate, Ashurst), George Fisher (Senior Construction Counsel, SSE Renewables) and **Anna Hoffmann** (Barrister, 4 Pump Court) grappled with pressing questions surrounding arbitration and renewable energy disputes:

How can foreseeable disputes be avoided? What impact does regulation have? What does arbitration offer as a dispute resolution mechanism and when might litigation be better suited? What are the biggest challenges in the expansion of renewable energy capacity in the transition to net zero? And what might we expect to see in terms of international energy treaties and linked disputes against the backdrop of the climate crisis?

Some key take-aways shared by the panel were:

- The actual capacity of (domestic and overall) renewable energy production is lagging behind stated ambitions. This gap is increasing as the industry, for example off-shore wind, is facing increasing cost pressures and we are seeing multiple cancellations of projects in US and Europe.
- Key drivers of disputes are supply chain issues, regulatory changes, cost changes / market shifts and the uncertainties of new technologies.
- Arbitration is the most suitable dispute resolution mechanism for many of these international projects (confidentiality, neutrality, expertise of Tribunal and enforceability (New York Convention) being some of the key advantages). However, litigation also has a role to play and even though it may not be so attractive to the individual dispute, having some visibility of how recurring issues may be decided could assist the market in resolving similar issues at an earlier stage.
- The road to net zero is likely going to involve many disputes but that does not have to be a bad thing – all large-scale change will bring some disruption and disputes. It is important that these disputes are resolved swiftly, effectively and fairly.