

SECOND EACL ANNUAL CONFERENCE
CLIMATE LAW 10 YEARS AFTER PARIS

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EXIT LIABILITY

Groningen's Arbitration Aftershock
and the EU CCS Regime



Groningen, 1963 to 2024. Then the aftershock.

EUR 363.7 bn

state revenue, 1963 to 2024

EUR 64.7 bn

Shell and ExxonMobil

more than 1,400 earthquakes
M 3.6 Huizinge 2012, M 3.4 Zeerijp 2018

Closure, 19 April 2024

ICSID, Energy Charter Treaty

production, 2,200 bcm

1963

1991, first quakes

2012, M 3.6

2018, M 3.4

ExxonMobil v NL

Sept 2024

Shell v NL

Dec 2025

NAI ruling

not before 2028

about 20

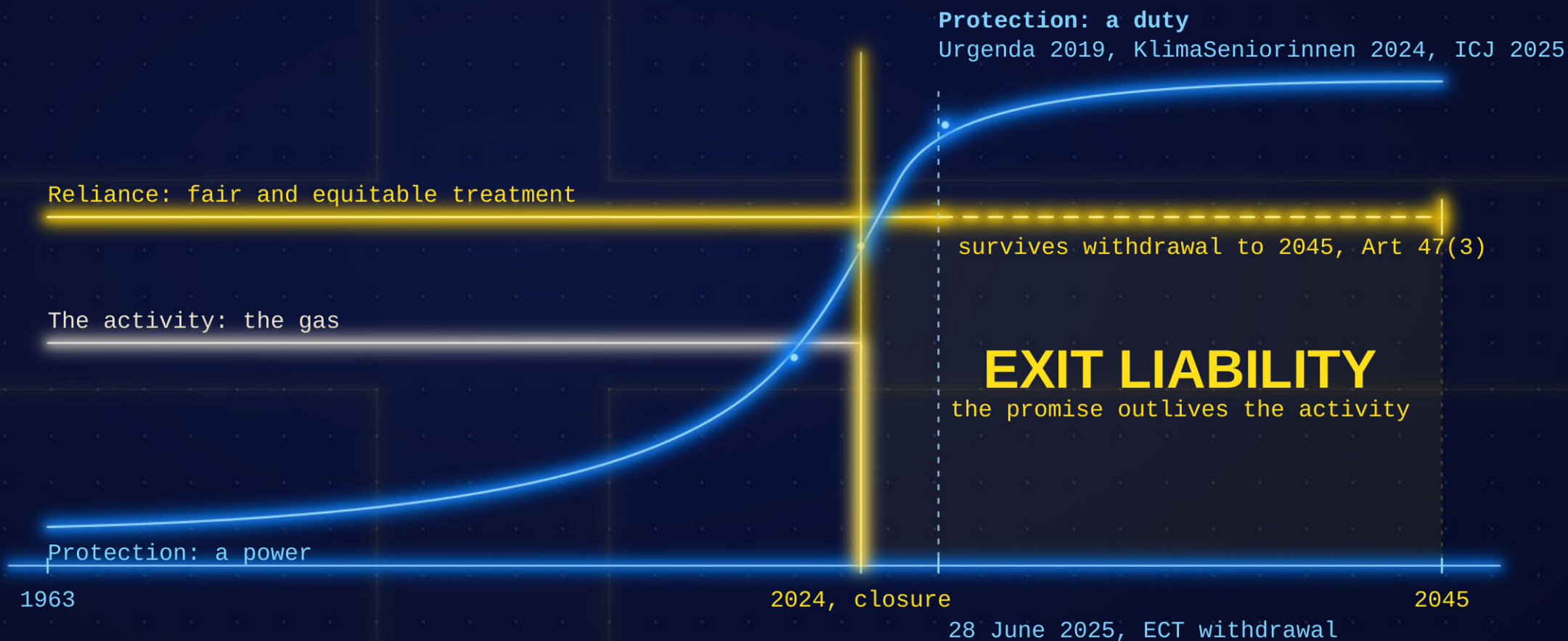
disputes pending

EUR 5.31 bn

paid under protest

Enquiry, Supreme Court, statute. Sued anyway.

Obligated to exit. Made to pay for exiting.



Exit liability: the compensation exposure a state incurs when it terminates, suspends, curtails or declines to prolong an energy activity that it once licensed, induced or mandated.

The storage regime legislates the same shape.

INDUCEMENT

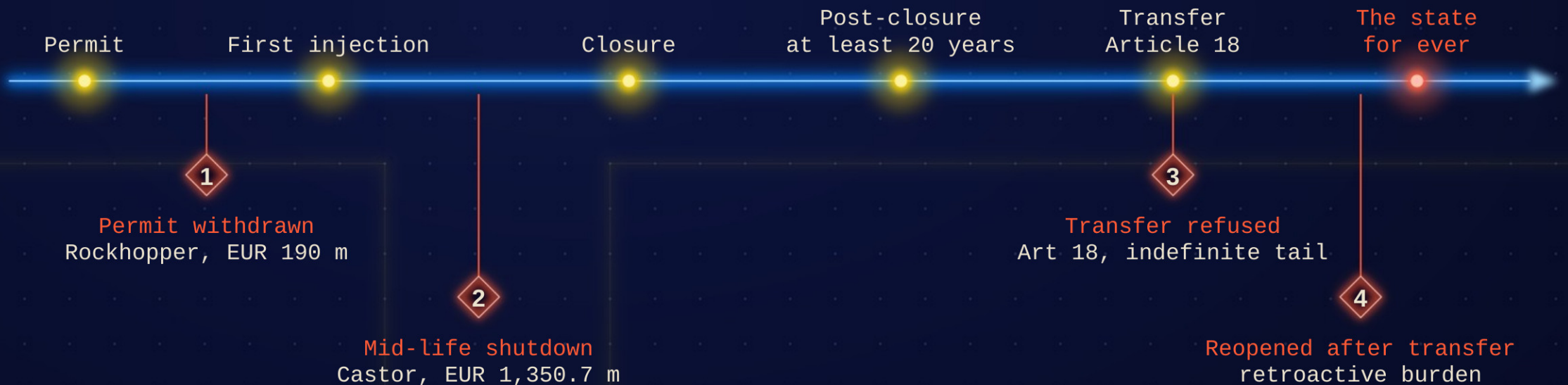
NZIA Art 23: 50 Mt by 2030
44 producers compelled

RELIANCE

Modernised ECT 2025: CO₂ storage protected
applied by 30 parties, Sweden among them; survival to 2045

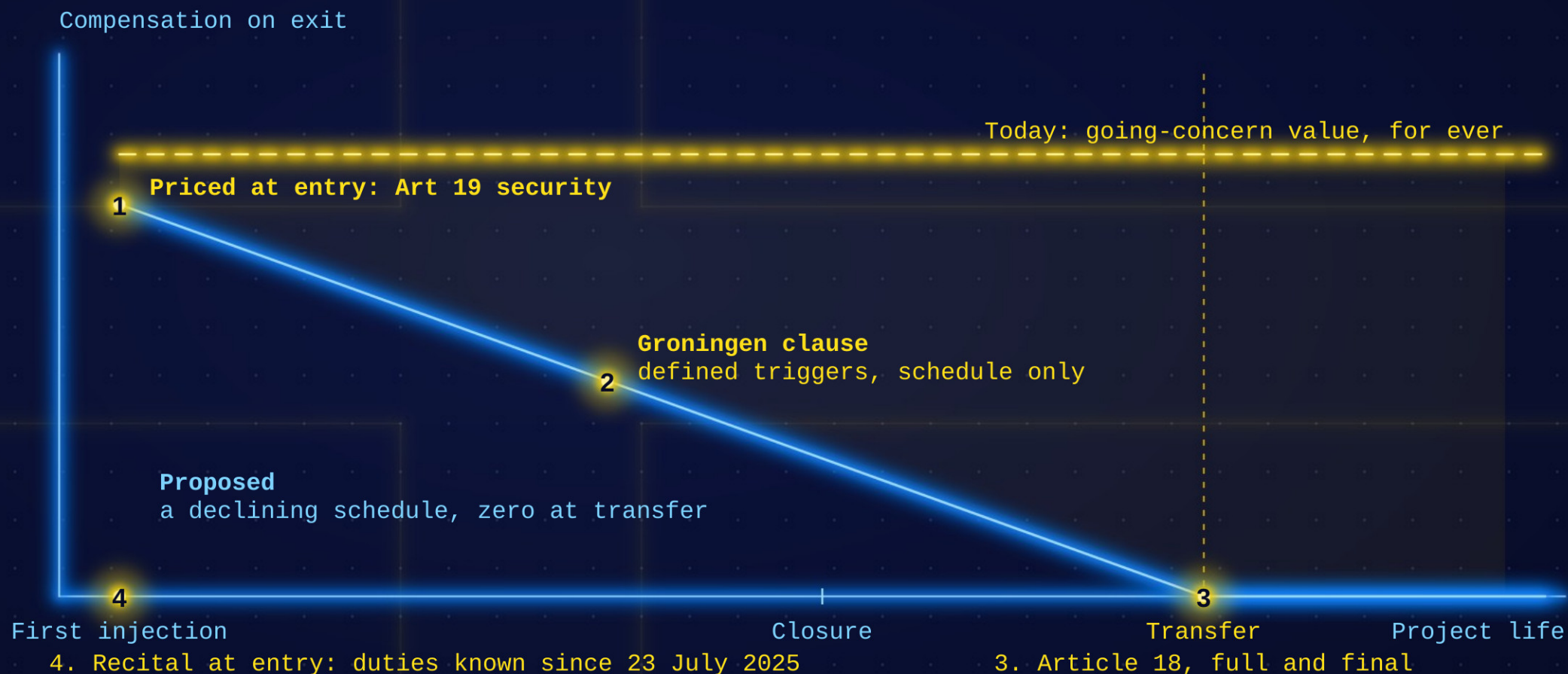
PERMANENCE

CCS Directive Art 18
the state holds the tail



Four endings. The state's position weakens at each.

Give reliance a term.



Inducement needs a credible commitment, not one that values the exit at perpetual operation.

Exit Liability: Groningen's Arbitration
Aftershock and the EU CCS Regime

Thank you.

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