

# EUFJE Annual Conference: Climate Litigation in Europe

**Dr Joana Setzer, Harj Narulla and Catherine Higham**

Grantham Research Institute on Climate Change and the Environment  
London School of Economics

# About the Grantham Research Institute

## Purpose

The Institute's purpose is to accelerate the transition, and remove obstacles, to a sustainable, inclusive and resilient world.

## History

Founded in 2008 as a world-leading multidisciplinary centre for policy-relevant research and training on climate change and the environment.



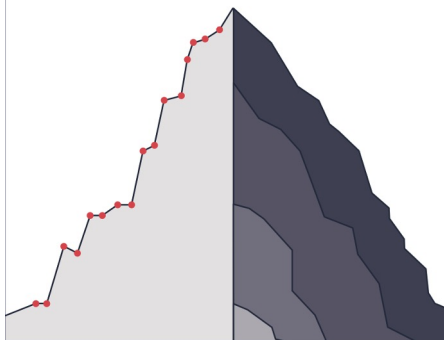
# Global Trends in Climate Change Litigation

## Global trends in climate change litigation: 2019 snapshot

Joana Setzer and Rebecca Byrnes

Policy report

July 2019



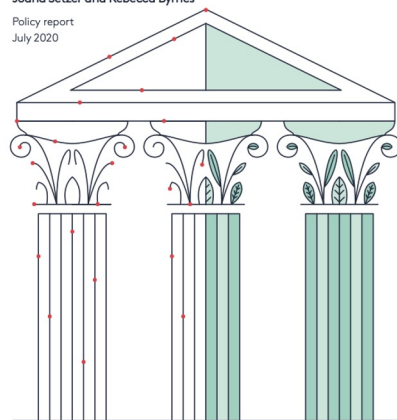
LSE Grantham Research Institute on Climate Change and the Environment  
COLUMBIA LAW SCHOOL  
SARIN CENTER FOR CLIMATE CHANGE LAW  
UNIVERSITY OF LEEDS  
Centre for Climate Change Economics and Policy

## Global trends in climate change litigation: 2020 snapshot

Joana Setzer and Rebecca Byrnes

Policy report

July 2020



LSE Grantham Research Institute on Climate Change and the Environment  
COLUMBIA LAW SCHOOL  
SARIN CENTER FOR CLIMATE CHANGE LAW  
Centre for Climate Change Economics and Policy

## Global trends in climate change litigation: 2021 snapshot

Joana Setzer and Catherine Higham

Policy report

July 2021



LSE Grantham Research Institute on Climate Change and the Environment  
COLUMBIA LAW SCHOOL  
SARIN CENTER FOR CLIMATE CHANGE LAW  
Centre for Climate Change Economics and Policy

## Global trends in climate change litigation: 2022 snapshot

Joana Setzer and Catherine Higham

Policy report

June 2022



LSE Grantham Research Institute on Climate Change and the Environment  
COLUMBIA LAW SCHOOL  
SARIN CENTER FOR CLIMATE CHANGE LAW  
Centre for Climate Change Economics and Policy

# Databases

## Climate Change Laws of the World

Use our database to search and browse climate laws, policies and litigation cases globally.

Search for countries, legislation and policies and litigation cases



Climate laws and policies

2898



Climate litigation cases

2099



Featured country

[India](#)

[Indonesia](#)

[European Union](#)

[China](#)

[HOME](#)

[U.S. LITIGATION](#)

[NON-U.S. LITIGATION](#)

[SEARCH](#)

[ABOUT](#)

[CONTACT](#)

## Climate Change Litigation Databases

U.S. CLIMATE CHANGE LITIGATION

NON-U.S. CLIMATE CHANGE LITIGATION

This site provides two databases of climate change caselaw. Cases in the databases are organized by type of claim and are searchable. In many cases, links are available to decisions, complaints, and other case documents.



# **EUFJE Conference Report: Climate Litigation in Europe**

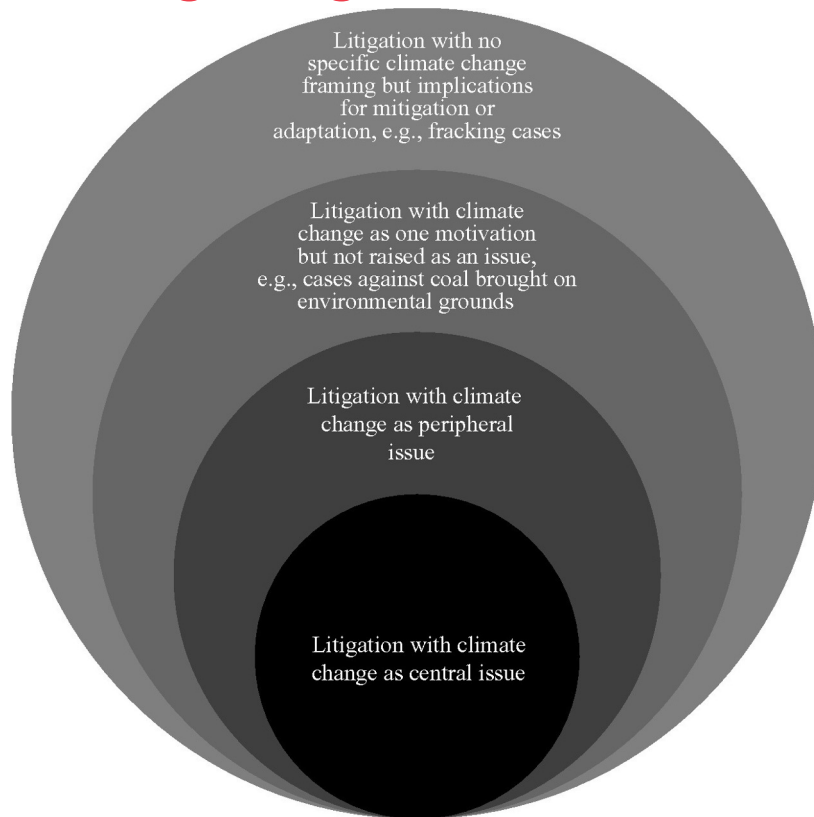
## **Defining Climate Litigation**

### **Part I: Trends in European Climate Litigation**

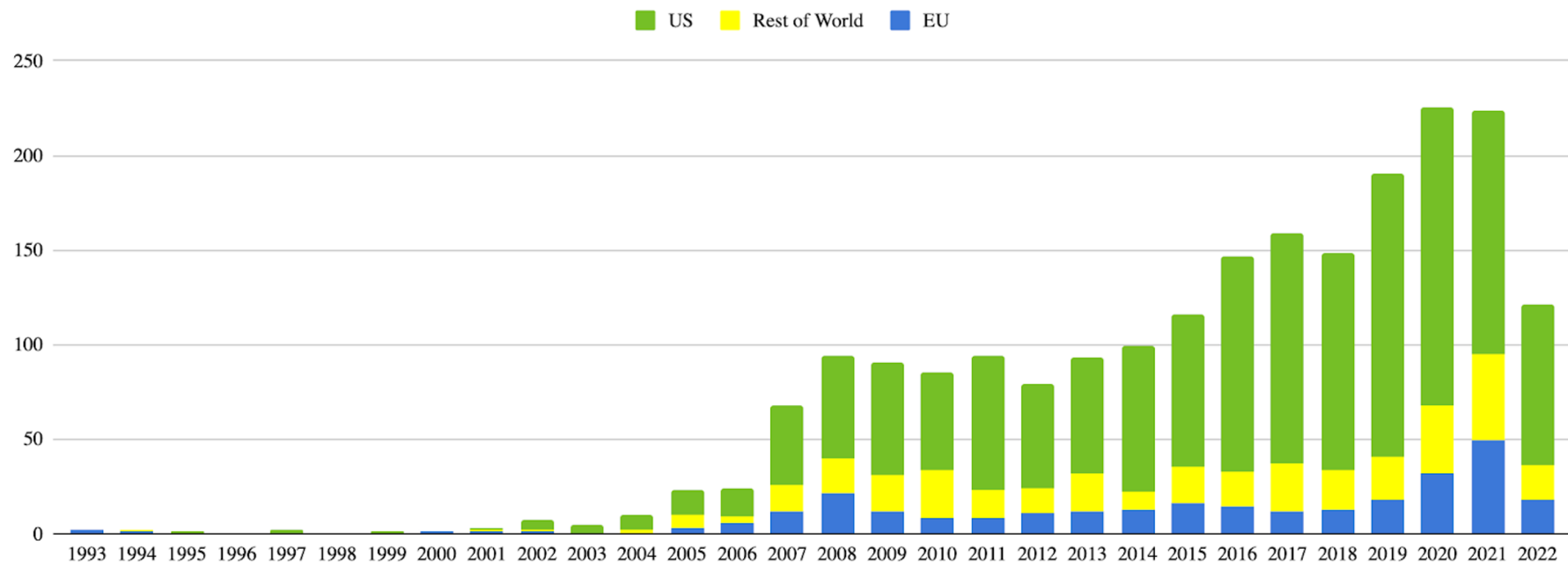
### **Part II: Common Issues across EUFJE Reports**



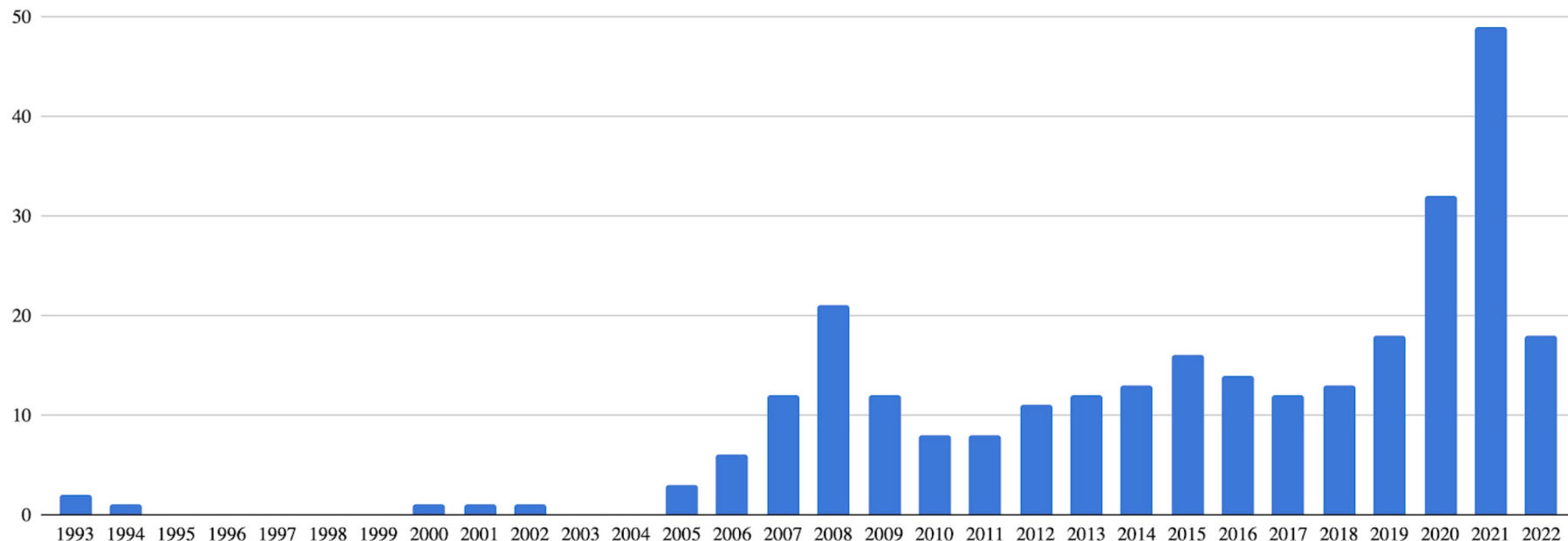
# Defining climate change litigation



# Cases filed globally over time

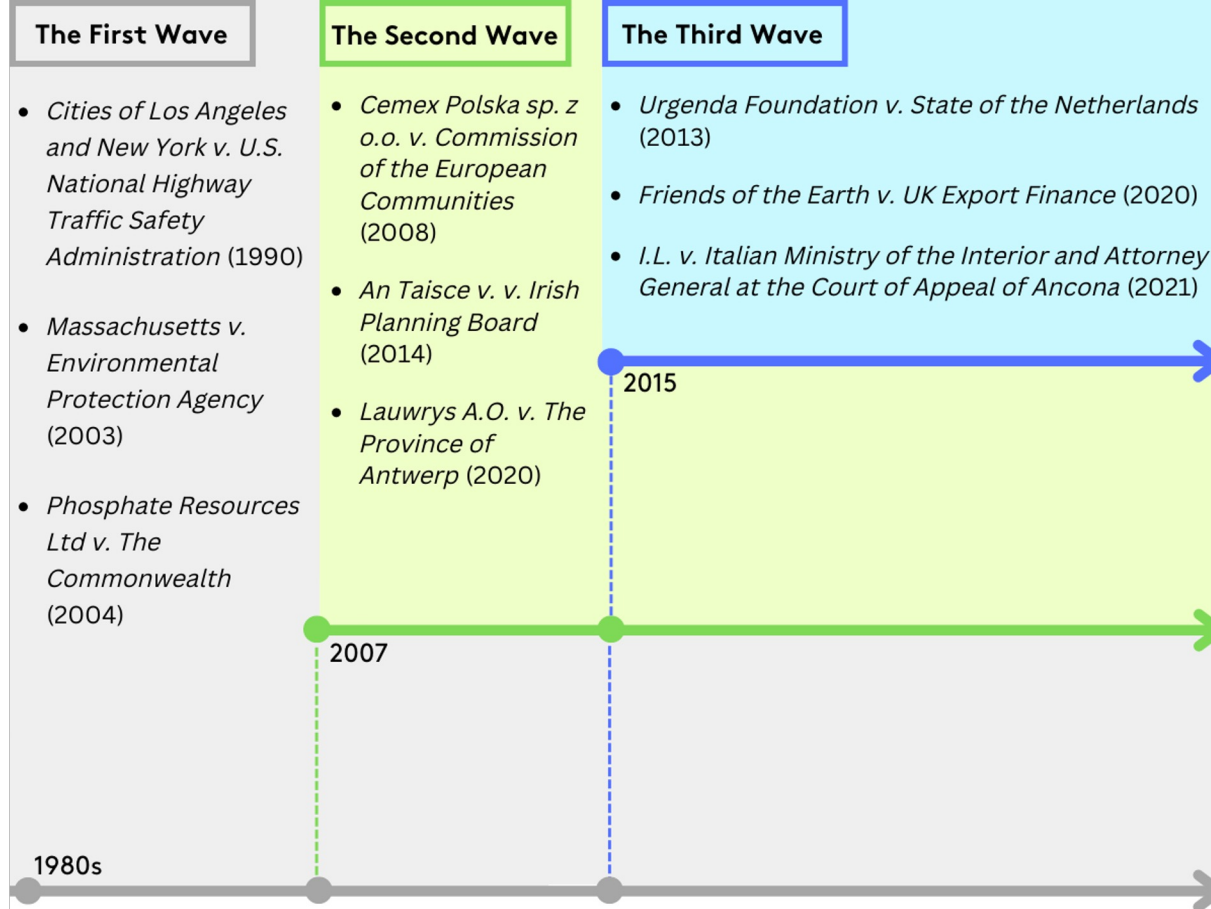


# Cases filed in European jurisdictions over time

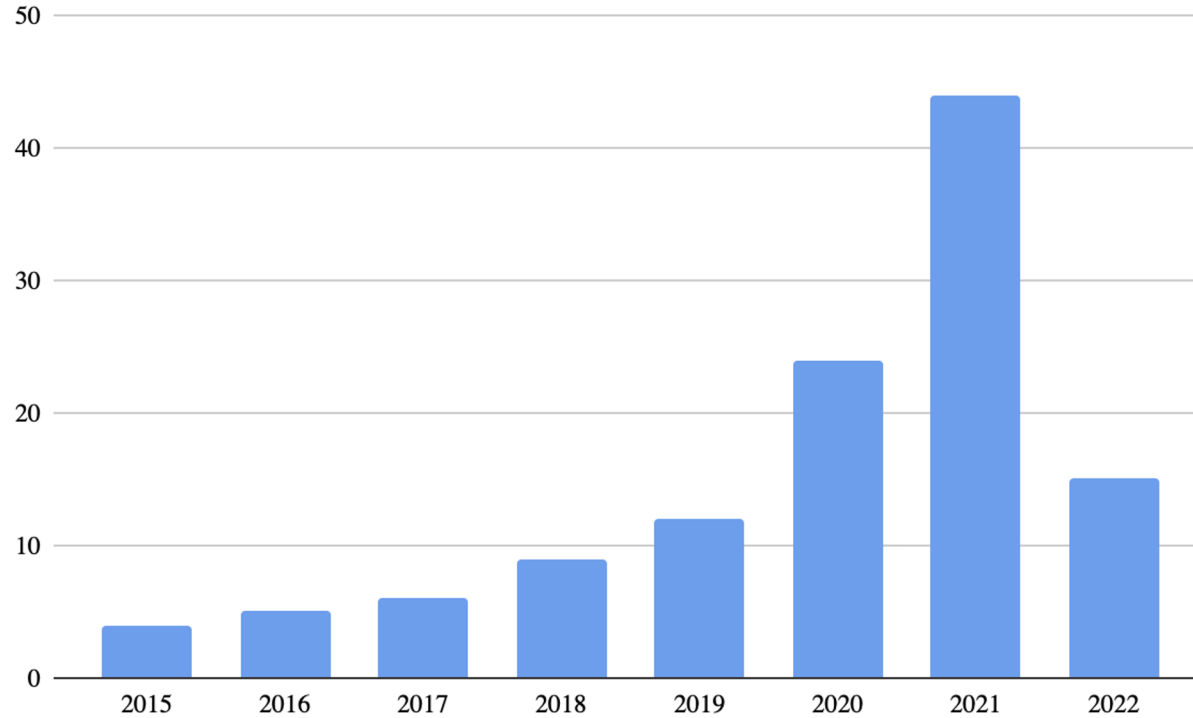








# Strategic cases in Europe



# Strategies used in European climate litigation

Strategy Type	No. cases using strategy
Enforcing climate standards	49
Government framework ( <i>Urgenda v Netherlands</i> )	39
Corporate framework ( <i>Milieudefensie et al. v. Shell</i> )	10
Climate-washing ( <i>FossielVrij NL v. KLM</i> )	9
Public finance ( <i>FOE v. UK Export Finance</i> )	4
Failure to adapt ( <i>ClientEarth v. Enea</i> )	3
Personal responsibility ( <i>ClientEarth v. Directors of Shell</i> )	3
Compensation ( <i>Luciano Lliuya v. RWE</i> )	2

# Case outcomes in Europe

■ Favourable ■ Unfavourable ■ Withdrawn or settled ■ Neutral

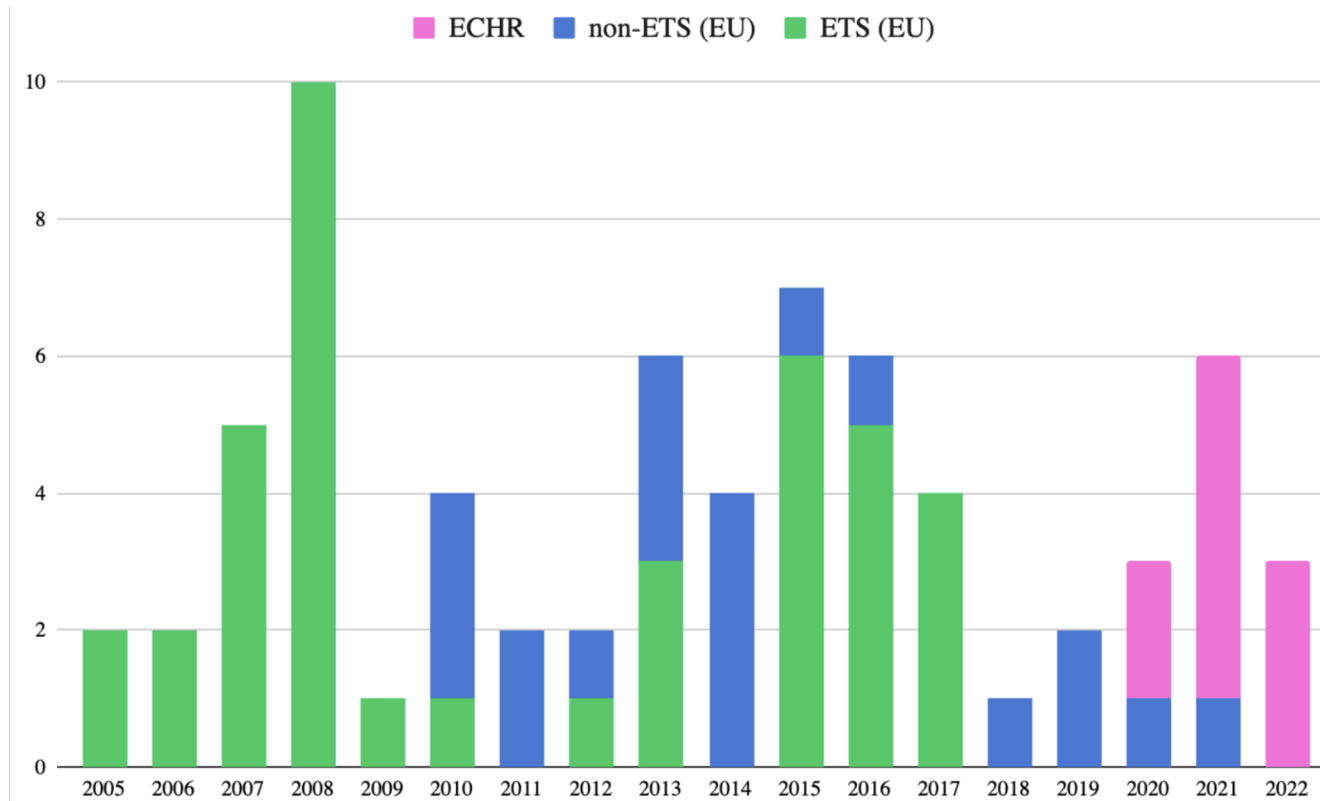


# Common Issues in National Reports

- ❖ Individuals, NGOs and corporations face issues with standing
- ❖ Principles of environmental law are central to climate action
- ❖ Administrative and constitutional cases continue to be important
- ❖ Key role of domestic climate laws and EU legislation
- ❖ Need for specialisation and training



# Cases before the CJEU and ECHR



# Future trends

- ❖ European Green Deal related litigation
- ❖ Personal responsibility cases
- ❖ Short-lived climate pollutants
- ❖ Forests and food systems



# Recommendations

- ❖ Supporting specialisation and training
- ❖ Using climate litigation materials made for judges
- ❖ Climate litigation themed judicial events and panels
- ❖ Collaborating with judicial associations in other jurisdictions
- ❖ Publishing case notes and articles



# Thank you!

**Access the conference report:** [here](#)

**Access the database:** <https://climate-laws.org>

**Email:** [j.setzer@lse.ac.uk](mailto:j.setzer@lse.ac.uk),  
[harj.narulla@gmail.com](mailto:harj.narulla@gmail.com),  
[c.m.higham@lse.ac.uk](mailto:c.m.higham@lse.ac.uk)