



Conference Summary

The conference ‘Climate Emergency: Law, Policy, and Adjudication in the EU’ was held in Lund on 9-10 May 2023, organized co-jointly by the EU Forum of Judges for the Environment (EUFJE) and Lund University with the support of the Lund Centre for European Studies (CFE) and the Association of Foreign Affairs (UPF).

The organizing committee of this conference was composed of Prof. Luc Lavrysen (President of the EU Forum of Judges for the Environment; President of Belgian Constitutional Court), Prof. Xavier Groussot (Professor of EU Law, Lund University), Prof. Sanja Bogojevic (Professor of Law, Oxford University; Visiting Professor of Environmental law, Lund University), and Dr. Meng Zhang (Postdoctoral Fellow in Climate Law, LUSEM, Lund University).



The main purpose of this conference was to better understand the legal implications of the climate emergency. As is well-known, in 2019, the European Parliament declared a global ‘climate and environmental emergency’. In the subsequent years, the EU has pledged to reduce 55% greenhouse gas emissions by 2030 and achieve climate neutrality by 2050, as laid out in the European Green Deal. Alongside legislative initiatives, climate litigation is ever-increasing across Europe, often led by civil society and NGOs, and employing a variety of legal arguments against both private and public actors to spur climate action. This shows a wide range of different actors – courts, policymakers, industrial sectors, and civil society – engaged with climate action in the face of climate emergency.

Particularly, EU’s climate ambition forms a natural part of Sweden’s climate package but, as for any Member State, this is translated into a particular, here Nordic, legal culture. Via the unique opportunity that Sweden hosts the EU presidency in 2023, this conference in Lund

aimed to reflect on key questions surrounding climate emergency and climate litigation in Europe. What are the legal implications of climate emergency for EU law, policy and adjudication? What role do civil society and NGOs play in this regard? What is the legal impact on private as well as public actors?



To figure those challenging questions out, this conference invited policy makers (Mr. Diederik Samsom, Head of Cabinet of Executive Vice-President of the European Commission Frans Timmermans), judges (Ms. Eleanor Sharpston, Former Advocate-General, Court of Justice of the EU; Mr. Frank Clarke, Former Chief Justice of Ireland; Ms. Natalia Kobylarz, Senior Lawyer, European Court of Human Rights; Ms. Larisa Alwin, Amsterdam Court of Appeal, Netherlands; and Prof. Christina Olsen Lundh, Judge, District Court of Vänersborg, the Land and Environment Court, Sweden); NGOs (Ms. Anna Rogalska Hedlund, Ms. Ida Edling, and Ms. Greta Frisk: organization Aurora in Sweden); National Human Rights Institutions (Ms. Brittis Edman, Swedish National Human Rights Institution; Ms. Jenny Sandvig and Ms. Hannah Cecilie Brænden, Norway’s National Human Rights Institution), and leading academics (Prof. Claire Dupont, Chair of the Scientific Committee, European Environment Agency; Dr. Åsa Romson, Swedish Environmental Research Institute; Prof. Jonas Ebbesson, Stockholm University; Prof. Lars J Nilsson, Member of the European Scientific Advisory Board on Climate Change; and Prof. Carl Dalhammar, Lund University) for inspiring and enlightening discussions.



Following the opening and welcome speeches delivered by Prof. Per Mickwitz (Pro Vice-Chancellor of Lund University), Prof. Jörgen Hettne (Director of the Lund University Centre for European Studies), and Prof. Luc Lavrysen, the conference included a keynote speech session and a round table discussion session on the first day, as well as three different thematic sessions on the second day. The thematic session I focused on the climate adjudication in the EU from the perspective of courts. The thematic session II discussed effects and implications of EU climate litigation, law and policy on the climate actions from energy-intensive industries. The thematic session III highlighted the role of civil society and grassroots activists in climate litigation, law and policy.



To briefly summarize lessons learned from this conference, there are some take-home pointers including that what counts as an ‘emergency’ has multiple legal meanings and we should be careful with its use. Moreover, participants and panelists discussed the need for ‘transformation’ – not only in an economic but also societal and legal sense – to ensure climate neutrality and considered who are the relevant participants in bringing about this transformation. Here, special attention was paid to lawmakers and courts. Particularly, with regard to the latter, this conference also discussed at length its role as ‘dialogue-enabler’ between different courts (eg. ECtHR and CJEU but dialogue with national courts and also further afield), as well as with lawmaker and litigants.

It is also worth noting that this conference is a Lund University Europe Day (May 9) Event through the unique opportunity that Sweden is hosting the EU presidency. The conference is not the end of the journey but the beginning of a new chapter in the battle against climate issues. More importantly, this conference demonstrated a solid step that accelerates a renewed momentum for joint efforts from multidimensional actors in the EU – policymakers, courts, private sectors, and civil society – in the ambitious transition towards a climate-neutrality EU!

