ATHENS SEMINAR

10 and 11 November 2025

Part A: Climate Change/Climate Crisis

General Report

I. The regulatory framework

"[T]he questions posed [to the International Court of Justice on the obligations of States with regard to climate change] represent more than a legal problem: they concern an existential problem of planetary proportions that imperils all forms of life and the very health of our planet. International law ... has an important but ultimately limited role in resolving this problem. A complete solution to this daunting, and self-inflicted, problem requires the contribution of all fields of human knowledge ... Above all, a lasting and satisfactory solution requires human will and wisdom - at the individual, social and political levels - to change our habits, comforts and current way of life in order to secure a future for ourselves and those who are yet to come"[1].

While fully aware of the truth of this statement which concludes the recent advisory opinion of the ICJ, in this first seminar of the Hellenic Presidency of ACA-Europe we will attempt to examine the legal aspects of climate change. Our questionnaire on Part A "Climate Change/Climate Crisis"[2] is divided into two sections: the presentation of the regulatory framework in force in different countries [international law, European law and national law] and the application of this regulatory framework by judges. As the Leitmotiv indicates, we will attempt to address issues concerning the effectiveness and relevance of the traditional tools and methods available to judges when they are called upon to rule on disputes relating to the above-mentioned challenge.

[1]ICJ advisory opinion of 23 July 2025; see also the questions raised by the UN General Assembly.

[2]The first seminar is devoted to two topics: "Climate change/Climate crisis" and "Hypertourism". The second topic of the questionnaire [Part B], namely "Hypertourism", is the subject of a separate general report.

Co-funded by
the European Union

I.A.1. International law

According to the United Nations Framework Convention on Climate Change (UNFCCC), the global nature of climate change requires intergovernmental efforts to address its adverse effects. The starting point for the first part of our questionnaire, which focuses on climate change -or, from a less optimistic perspective, on climate crisis- is therefore devoted to international law. In its advisory opinion of 23 July 2025, the ICJ, in response to questions on the obligations of States in relation to climate change, defined the most directly relevant applicable law. This law obviously includes treaties relating to climate change, namely the UN Framework Convention [Rio de Janeiro, 1992][3], the 1997 Kyoto Protocol[4] and the Paris Agreement, adopted in 2015[5].

The three main legal instruments are in force in all countries that responded to our questionnaire. Part of the most directly relevant law are: the UN Convention on the Law of the Sea [see the advisory opinion of 21 May 2024 of the International Tribunal for the Law of the Sea], the Vienna Convention

[3]See article 2 of the UNFCCC [objective]: "The ultimate objective of this Convention and any related legal instruments … is to achieve … stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system"; article 3 [principles]: "The Parties should protect the climate system for the benefit of present and future generations, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities ..."; art. 4 [commitments]: The Parties shall: (a) develop, periodically update, publish and make available to the Conference of the Parties national inventories of anthropogenic emissions by sources and removals by sinks of all [GHGs] not controlled by the Montreal Protocol, using comparable methodologies, (b) prepare, implement, publish and regularly update national programmes containing measures to mitigate climate change, (e) prepare for adaptation to the impacts of climate change, (f) take into account climate change considerations in their social, economic and environmental policies and actions; art. 7: [Conference of the Parties: supreme body of the Convention]; Art. 12 [communication to the Conference of the Parties of information concerning the implementation of the Convention].

[4]The Kyoto Protocol, a related legal instrument within the meaning of article 2 of the UNFCCC, commits industrialised countries and countries in economic transition to limit and reduce their GHG emissions from 1990 levels, in accordance with agreed targets, during the commitment period [2008-2012 and 2013-2020].

[5]The Paris Agreement, a related legal instrument within the meaning of the UNFCCC, aims to strengthen the global response to the threat of climate change by: (a) Keeping the global average temperature rise well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C, b) Strengthening the capacity to adapt to the adverse effects of climate change and promoting resilience to such change, c) Making financial flows consistent with a pathway towards low-carbon developmentgreenhouse gas emissions and resilient to climate change [art. 2]; as nationally determined contributions all Parties shall undertake and communicate ambitious efforts [art. 3]; the Parties shall pursue global emission peaking so as to achieve a balance between emissions and removals in the second half of the century; the next nationally determined contribution of each Party shall represent an improvement over its previous nationally determined contribution and shall reflect its highest possible level of ambition; when communicating their contributions all Parties shall provide the information necessary for clarity, transparency and understanding; all Parties should endeavour to formulate and communicate long-term low greenhouse gas emission development strategies [art. 4]; the Parties should take measures to conserve and enhance greenhouse gas sinks and reservoirs including forests [art. 5]; each Party shall undertake adaptation planning processes and implement measures, including establishing or strengthening relevant plans, policies and/or contributions; each Party should submit and periodically update a communication on adaptation [art. 7].

Co-funded by
the European Union

for the Protection of the Ozone Layer and the Montreal Protocol, the Convention on Biological Diversity, the Convention on Desertification, as well as the main human rights treaties[6] specifically mentioned in the reports of certain countries.

Among other instruments of international law relating, even indirectly, to issues raised by climate change and in force in national legislation, several countries cited: the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal; the Bern Convention on the Conservation of European Wildlife and Natural Habitats; the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); the Stockholm Convention on Persistent Organic Pollutants; the Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management; the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; the Convention on Environmental Impact Assessment in a Transboundary Context; the Convention on cooperation for the protection and sustainable use of the river Danube; the Convention on the Protection of the Black Sea; the Convention on the Protection and Use of Transboundary Watercourses and International Lakes; the Convention on the Transboundary Effects of Industrial Accidents; the Convention on Long-range Transboundary Air Pollution; the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade[7].

With regard to access to information and public participation, two aspects of paramount importance in this case [see below], all countries [with the exception of Türkiye] answered in the affirmative to the question concerning ratification of the Aarhus Convention[8].

I.A.2. EU legislation

[6]Examples include the European Convention on Human Rights, see the judgment of the European Court of Human Rights in the case of Verein Klimaseniorinnen Schweiz and others v. Switzerland.

[7]See the responses from Albania, Bulgaria, Croatia, Greece, Hungary, Ireland, Lithuania and Sweden.

[8]Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters; see article 1, which defines the purpose of the Convention: In order to contribute to the protection of the right of everyone, in present and future generations, to live in an environment adequate to ensure his or her health and well-being, each Party shall guarantee the rights of access to environmental information, public participation in decision-making and access to justice in environmental matters.

Co-funded by the European Union

EU climate change law forms the common basis for national legislation in EU Member States and in candidate countries [Albania, Montenegro, Serbia, Türkiye], as well as in the UK [see details below]. Indeed, (a) national laws on climate and environmental protection, (b) national legislation on the wide range of standards and norms, concerning the GHG emissions trading system, energy efficiency and renewable energy sources, (c) rules on public participation and public access to information, (d) national planning documents (strategies, action plans, etc), and (e) national governance systems either apply or draw inspiration from European legislation, which plays in this area a par excellence unifying role.

In the "European Green Deal", presented in December 2019[9], the Commission reiterated its commitment "to tackle climate and environmental challenges" and announced a "new growth strategy" in response to these challenges. Two regulations, binding and directly applicable in Member States, Regulation (EU) 2021/1119 known as the "European Climate Law"[10], and Regulation (EU) 2018/1999 on the Governance of the Energy Union and Climate Action, which establishes a mechanism to ensure the achievement of the Union's objectives, form the core of the legal arsenal.

(A) The **European Climate Law** (Regulation (EU) 2021/1119) sets a binding target for the EU to become climate neutral by 2050 (in line with the long-term temperature goal set out in the Paris Agreement). It also sets a binding target for a net reduction in GHG emissions in the Union by 2030 [reduction in net GHG emissions of at least 55% by 2030 (the Commission is also invited to propose the Union's target for 2040)]. Under the Regulation, the EU institutions and Member States shall take the necessary measures, at Union and national level respectively, to enable the collective achievement of the climate neutrality objective [achieving a balance between GHG emissions and removals by 2050 at the latest and striving to achieve negative emissions thereafter]; in this regard, priority must be given to rapid and predictable reductions and to enhancing removals by natural sinks.

[9]See the "Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions".

[10]Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality, adopted following the Commission's communication "The European Green Deal".

Co-funded by
the European Union

Regulation (EU) 2021/1119 also provides a framework for progressing towards the global adaptation goal, as defined in the Paris Agreement; EU institutions and Member States are called upon to make steady progress in strengthening adaptive capacity, increasing resilience and reducing vulnerability to climate change. Member States must adopt and implement national adaptation strategies and plans, taking into account the EU strategy; national strategies and plans must be based on robust analyses of climate change and vulnerabilities and be guided by the best available and most recent scientific data; this requires regular updating. Adaptation policies must be consistent and produce beneficial effects for sectoral policies.

The European Climate Law emphasises the importance of science in climate policy and calls on each Member State to establish a national climate advisory body responsible for providing expert scientific advice to the competent national authorities. It also provides, in accordance with the principles of the governance mechanism established in Regulation (EU) 2018/1999 [see below], for an assessment of both Union progress and measures and national measures; if the Commission finds that the measures adopted by a Member State are incompatible with the objective of climate neutrality or do not ensure improved adaptation, it may issue recommendations to that Member State.

(B) The other pillar of the EU's legislative framework, Regulation (EU) 2018/1999, lays the foundation necessary for reliable, inclusive, cost-effective, transparent and predictable governance of the Energy Union and climate action, to ensure the achievement of the objectives set out in the European Climate Law, in particular the climate neutrality objective[11], in line with the Paris Agreement. The **governance mechanism**, as described in this regulation, is based on long-term strategies, integrated national energy and climate plans, national progress reports drawn up by Member States, and monitoring arrangements established by the Commission.

Each Member State shall notify the Commission of a **national energy and climate plan** [the first national plan had to be notified by 31 December 2019 at the latest, subsequent plans shall be notified by 1 January 2029 at the latest and every ten years thereafter]. The main sections of the national plans are listed in the regulation. They must include: an outline of the procedure followed to establish the

[11] For amendments to Regulation (EU) 2018/1999 by the European Climate Law, see article 13 of Regulation (EU) 2021/1119.

Co-funded by the European Union

national plan; a description of the national targets and contributions; a description of the policies and measures planned and the investments needed to achieve the targets and contributions; an assessment of the impact of the planned policies and measures. The plans cover the five dimensions of the Energy Union, namely energy security, energy efficiency, decarbonisation, research, innovation and competitiveness, and the internal market; they are based on data and assumptions "robust and consistent". Following the process described in the Regulation, each Member State prepares and submits its draft national plan to the Commission; the Commission assesses the drafts and may make recommendations [on the level of ambition of the targets, on policies and measures, on the interactions between existing and planned policies and measures and their consistency]; each Member State shall take due account of any recommendations made by the Commission. A similar procedure is provided for updating the national plan.

In addition, each Member State shall establish and communicate to the Commission its **long-term strategy**, covering a period of 30 years, in line with the Union's climate neutrality objective; updates to the strategies are also planned. The long-term strategies shall cover: (a) all reductions in emissions and increases in removals by greenhouse gas sinks; (b) emission reductions and enhanced removals in different sectors; (c) expected progress in the transition to a low-carbon economy; (d) where possible, the expected socio-economic impacts of decarbonisation measures; (e) links with other general objectives, planning and other long-term policies, measures and investments at national level. The Commission supports Member States in preparing their strategies and assesses whether the long-term national strategies are suitable for collectively achieving the general and specific objectives of the Energy Union.

Public information and participation are among the important issues addressed by the governance mechanism. The mechanism established ensures that the public has an effective opportunity to participate in the preparation of national plans and long-term strategies; thus, each Member State must make its national plan available to the public and ensure that the public can participate, at an early stage and effectively, in the preparation of the draft plan and in the preparation of long-term strategies. The concern for participation is at the origin of the multi-level dialogue on climate and energy as defined in the regulation: each Member State shall establish a dialogue in which local authorities, civil society organisations, the business community, investors and other relevant stakeholders, as well as the general public, can actively engage and discuss the different scenarios

envisaged for energy and climate policies. The governance mechanism is therefore designed by the European legislator as a structured, transparent and iterative process between the Commission and the Member States.

(C) Two other important regulations are also part of the mandatory and directly applicable framework: (a) **Regulation (EU) 2018/841** on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework (LULUCF); it defines Member States' commitments in this sector and establishes rules for accounting for emissions and removals related to LULUCF activities, which are essential for verifying compliance with commitments (under article 14, "Member States shall submit to the Commission a compliance report containing the balance of total emissions and total removals on each land accounting categories" and "the Commission shall carry out a comprehensive review of the compliance reports provided"). (b) Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement, which was amended by Regulation (EU) 2023/857 following the European Climate Law; under article 1, this Regulation lays down obligations on Member States with respect to their minimum contributions for the period 2021 to 2030, to fulfilling the Union's target of reducing, by 2030, its GHG emissions by 40% compared to 2005 levels, in the sectors covered by article 2 of the same regulation [art. 2 defines the scope of the regulation].

In accordance with the aforementioned regulations concerning the European Climate Law and the Governance Mechanism [Regulations (EU) 2021/1119 and (EU) 2018/1999] and to implement the principles, guidelines and measures contained therein, the 27 Member States of the Union have adopted national legislation and governance mechanisms, which will be presented below. The United Kingdom and the candidate countries [Albania, Montenegro, Serbia and Türkiye] have also already adopted or are preparing to adopt laws and governance systems, in line with European legislation, or to adapt the existing regulatory framework in these countries following their commitment to the duties and obligations of international law [see below sections I.B.2. / I.B.3. / I.B.4. / I.B.5. of the questionnaire].

Co-funded by
the European Union

(D) In addition to the above-mentioned regulations, numerous directives concerning climate change issues are the subject of national rules; the directives and their incorporation into national legislation have been set out in detail in the responses to the questionnaire[12]. These include:

(a) **Directive 2003/87/EC** establishing a scheme for greenhouse gas emission allowance trading within the Union [subsequently amended several times; see, inter alia, Directive (EU) 2023/958 "as regards aviation's contribution the Union's economy-wide emission reduction target …", Directive (EU) 2023/959]; it establishes a GHG emissions trading system (EU ETS) and provides for emissions reductions in order to achieve the levels of reduction that are considered scientifically necessary to avoid dangerous climate change and to contribute to the achievement of the Union's climate neutrality objective and the objectives of the Paris Agreement; it also establishes rules for the issuance of GHG emission permits by the competent authorities.

(b) **Directives on energy efficiency**: -Directive (EU) 2023/1791 which aims to contribute to the implementation of the European Climate Law and to the security of energy supply; it enshrines the principle of the primacy of energy efficiency; it sets a binding EU target for final consumption and stipulates that Member States must set an indicative national contribution in order to collectively achieve the binding EU target; it lays down special rules applicable to the public sector, which is called upon to play an exemplary role, etc. [deadline for transposition of most articles: 11 October 2025]; -the previous Directive 2012/27/EU [Directive subsequently amended several times (see Directive (EU) 2018/844, Directive (EU) 2018/2002, Regulation (EU) 2018/1999) and repealed by Directive (EU) 2023/1791 mentioned above].

(c) Directive (EU) 2018/2001 on the **promotion of the use of energy from renewable sources** [subsequently amended several times, see, inter alia, Directive (EU) 2023/2413]: it sets a binding EU target for the overall share of energy from renewable sources in gross final energy consumption in 2030 (at least 42.5%); it requires Member States to set national contributions in their national plans, in accordance with Regulation (EU) 2018/1999, in order to collectively achieve the binding overall

[12]See, in particular, the following reports: Albania, Austria, Bulgaria, Cyprus, Croatia, Estonia, France, Ireland, Latvia, Lithuania, Montenegro, Portugal, Czech Republic, Romania, Slovenia, Sweden, Serbia, United Kingdom.

target; it establishes rules on financial support for electricity produced from renewable sources; it defines sustainability and GHG emission reduction criteria for biofuels, bioliquids and biomass fuels.

(d) Directive 2010/31/EU on the **energy performance of buildings** [subsequently amended, see Directive (EU) 2018/844 and Regulation (EU) 2018/1999].

(e) Directive 2009/30/EC: **minimum specifications for petrol, diesel and gas oil** for health and environmental reasons, introduction of a mechanism to monitor and reduce greenhouse gas emissions [Directive subsequently amended].

(f) Directive 2009/31/EC on the **geological storage of carbon dioxide** [Directive subsequently amended several times].

(g) Directive 2003/4/EC on **public access to environmental information** and Directive 2003/35/EC providing for **public participation** in the drawing up of certain plans and programmes relating to the environment.

I.B.1. Constitutional principles and provisions

In most countries, there are rules or principles at the constitutional level: a) for environmental protection[13], b) for health protection[14], and c) for the protection of young people or other population groups[15]. Rules of constitutional value that explicitly refer to climate change are still rare[16]. However,

[13]See responses to the questionnaire: Albania / Austria / Belgium / Bulgaria / Croatia / Cyprus / Czech Republic / Estonia / France / Germany / Hungary / Italy / Latvia / Lithuania / Luxembourg / Malta / Montenegro / Netherlands / Poland / Portugal / Romania / Slovakia / Slovenia / Spain / Sweden / Serbia / Switzerland / Türkiye / United Kingdom.

[14]See responses to the questionnaire: Albania / Belgium / Bulgaria / Croatia / Cyprus / Czech Republic / Estonia / France / Germany / Hungary / Italy / Latvia / Lithuania / Luxembourg / Malta / Montenegro / Netherlands / Poland / Portugal / Romania / Slovakia / Slovenia / Spain / Sweden / Serbia / Switzerland / Türkiye / United Kingdom.

[15]See responses to the questionnaire:Albania / Austria / Bulgaria / Croatia / France / Germany / Hungary / Ireland /Italy / Latvia / Lithuania /Luxembourg / Montenegro / Poland / Portugal / Romania / Spain / Sweden / Serbia / Slovenia / Switzerland / United Kingdom.

[16]See responses to the questionnaire: Montenegro, Luxembourg; cf. Sweden / United Kingdom.

Co-funded by the European Union

there are explicit references to: a) solidarity between generations and/or the rights of future generations[17]; b) vulnerable groups[18]. Constitutions mainly enshrine substantive rules[19]; often, procedural rules are also enshrined[20].

As explained in detail below, the constitutional rules refer to: the principle of sustainable development; the State's commitment to combating climate change and working towards climate neutrality; a healthy environment that is ecologically suited to the needs of present and future generations; solidarity between generations; the right of future generations to live in a balanced and healthy environment; the establishment of a sustainable balance between nature conservation and the satisfaction of the needs of present and future generations; the rational use of natural wealth and/or resources and/or the restoration of these resources; the obligation of public authorities and/or individuals to preserve the environment and biodiversity; the right to environmental protection; the right to a healthy environment; the right to protection of human health; guarantees for the implementation of substantive rights, such as the right to information on the state of the environment and/or natural resources, the principle of public participation and the right to seek redress from the administration or the courts.

Thus: The Constitution of **Albania** contains specific provisions[21] for a healthy and ecologically sound environment for present generations and future generations; for the rational use of forests, water and

[17]See responses to the questionnaire: Albania / Austria / Belgium / Bulgaria / France / Greece / Hungary / Latvia / Lithuania / Luxembourg / Malta / Poland / Portugal / Sweden / Türkiye.

[18]See responses to the questionnaire: Albania / Austria / Croatia / Hungary / Ireland / Lithuania / Poland / Portugal / Sweden / Serbia.

[19]See responses to the questionnaire: Albania / Austria / Belgium / Bulgaria / Croatia / Cyprus / Czech Republic / Estonia / Germany / Hungary / Ireland / Italy / Latvia / Lithuania / Luxembourg / Malta / Netherlands / Poland / Portugal / Romania / Slovakia / Slovenia / Spain / Sweden / Serbia / Switzerland / United Kingdom.

[20]See responses to the questionnaire: Albania / Bulgaria / Cyprus / Czech Republic / France / Latvia / Portugal / Slovakia / Spain / Serbia / Türkiye / United Kingdom.

[21]According to article 54: Children, young people, pregnant women and new mothers are entitled to special protection from the State. Every child has the right to be protected from violence, abuse, exploitation and labour, particularly below the legal minimum age, which could harm their health and morality or endanger their life or development. According to article 59: The legislature shall define the State's social objectives: a) to guarantee employment under appropriate conditions for all persons capable of working; b) to meet the housing needs of citizens; c) to ensure the highest possible level of physical and mental health; d) to provide education and vocational training in accordance with the abilities of children, young people and the unemployed; e) to guarantee a healthy and ecologically balanced environment for present and future generations; f) to guarantee the rational use of forests, water, pastures and other

Co-funded by the European Union

natural resources on the basis of the principle of sustainable development; for the protection of cultural heritage; for the protection of health; for the right of everyone to be informed about the state and protection of the environment; for the protection of children, young people, pregnant women, maternity, the elderly and people with disabilities. In **Austria**, the Federal Constitutional Law on Sustainability, Animal Welfare, Comprehensive Environmental Protection, Securing Water and Food Supplies and Research (Bundesverfassungsgesetz über die Nachhaltigkeit, den Tierschutz, den umfassenden Umweltschutz, die Sicherstellung der Wasser- und Lebensmittelversorgung und die Forschung) refers to future generations. The Federal Constitutional Law on the Rights of Children (Bundesverfassungsgesetz über die Rechte von Kindern) also refers to intergenerational justice and vulnerable groups. According to the Constitution of **Belgium**, in exercising their respective powers, the federal state, communities and regions shall pursue the objectives of sustainable development in its social, economic and environmental dimensions, taking into account solidarity between generations; everyone has the right to lead a life in accordance with human dignity; to this end, legislation guarantees economic, social and cultural rights, taking into account the corresponding obligations, and determines the conditions for their exercise; these rights include, in particular, the right to social security, health protection and social, medical and legal assistance, as well as the right to protection of a healthy environment. In **Croatia**, the Constitution does not explicitly mention climate change, but general provisions on environmental protection provide a constitutional basis for climate-related legislation and policies. The Constitution contains substantive rules; procedural guarantees are mainly established in ordinary legislation. There is no explicit reference to solidarity between generations or the rights of future generations; however, the protection of vulnerable groups, in particular children, young people, mothers and persons with disabilities, is explicitly mentioned. In the Constitution of the **Republic of Cyprus**, following an amendment in 2024, Article 7A provides that everyone has the right to a safe, clean, healthy and sustainable environment; the protection of the natural environment is an obligation of the State, which is required to take preventive or repressive measures or restitution measures within the framework of the principle of sustainability. The Constitution of the **Czech Republic** provides for the protection of the environment and human health,

natural resources on the basis of the principle of sustainable development; g) to provide care and assistance to the elderly, orphans and persons with disabilities; h) promoting the development of sporting activities; i) ensuring medical rehabilitation, specialised education and social integration for persons with disabilities, as well as the continuous improvement of their living conditions; g) protecting the national cultural heritage. Article 55 guarantees all citizens the right to equal treatment in state health care and the right to health insurance in accordance with the law. Article 56 provides that everyone has the right to be informed about the state and protection of the environment.

particularly in the Charter of Fundamental Rights and Freedoms. The main provisions are as follows: everyone has the right to health protection; everyone has the right to a favourable environment; the State shall ensure the prudent use of its natural resources and the protection of its natural wealth; everyone has the right to complete and timely information on the state of the environment and natural resources; no one may endanger or cause damage to the environment, natural resources, the wealth of natural species or cultural monuments beyond the limits set by law. The right to property also entails obligations; property must not be used in a manner that infringes on the rights of others or is contrary to the public interest protected by law; its exercise must not harm human health, nature or the environment beyond the limits set by law.

In **Estonia**, the Constitution stipulates that national wealth and natural resources must be used sustainably; everyone has a duty to preserve the environment and repair any damage they have caused to it; furthermore, everyone has the right to protection of their health. According to the **Finnish Constitution**, nature and its biodiversity, the environment and the national heritage are the responsibility of everyone. The public authorities shall endeavour to guarantee everyone the right to a healthy environment and to ensure that everyone has the possibility to influence decisions affecting his own living environment [art. 20]. The first part of art. 20 has been used as a guideline in the adoption of laws and in judicial decisions; the second part is also taken into consideration by Parliament when adopting laws and serves as a guideline for judges when the applicant's locus standi is not sufficiently clear. There is no explicit reference to the climate in this provision, but climate protection follows from its interpretation. There is no explicit reference to vulnerable generations or groups; however, one provision mentions the Sami people, as an indigenous people, who have the right to preserve and develop their own language and culture; the Sami people are a vulnerable group in the context of climate change due to the impact on the Arctic in Lapland. In **France**, the Constitutional Council ruled that it follows from the preamble to the Environmental Charter that the preservation of the environment must be pursued on an equal footing with the other fundamental interests of the Nation and that choices designed to meet the needs of the present must not compromise the ability of future generations to meet their own needs (CC, 12 August 2022, Law on emergency measures for the protection of purchasing power, No. 2022-843 DC). It subsequently deduced from Article 1 and the seventh paragraph of the preamble to the Environmental Charter, a right for future generations to live in a balanced environment that respects health (CC, 27 October 2023, Association Meuse Nature Environnement et autres, No. 2023-1066 QPC). In the **Greek Constitution**, the

protection of the environment (natural, cultural and urban) and the protection of health, young people and other vulnerable groups are among the values to be safeguarded and the objectives to be achieved[22]. There is no explicit reference to climate change, intergenerational solidarity or the rights of future generations in the text of the Constitution itself, which nevertheless enshrines the principle of sustainable development. Based on the wording of the constitution, the jurisprudence of the hellenic Council of State has defined the objective of protection as ensuring, in an effective and efficient manner, the conservation of the ecological balance and natural resources, as well as the preservation in perpetuity of monuments and other elements of historical, artistic and cultural value, in the interest of future generations. According to the Fundamental Law of **Hungary**: natural resources, in particular arable land, forests and water resources, biological diversity, in particular indigenous plant and animal species, as well as cultural values, constitute the common heritage of the nation; the responsibility for protecting and preserving them for future generations lies with the State and with each individual; the State recognises the right of everyone to a healthy environment; everyone has the right to physical and mental health; the State must ensure that the agricultural sector is free from genetically modified organisms; it must ensure access to healthy food and drinking water. Protection for vulnerable groups is also provided for: the State must take special measures to protect families, children, women, the elderly and people with disabilities.

In **Ireland**, there are no explicit provisions in the Constitution on environmental protection in general or on climate change. However, environmental protection is the subject of important legislation, such

[22]Under article 24 of the Constitution: The protection of the natural and cultural environment is an obligation of the State and a right for everyone. To safeguard the environment, the State is obliged to take special preventive or repressive measures within the framework of the principle of sustainability. The protection of forests and forest areas is regulated by law. The change of use of forests and forest land is prohibited, unless their exploitation for agriculture or their use for another purpose is a priority for the national economy and imperative to satisfy the national interest. Monuments, sites and other traditional elements are protected by the State. Furthermore, land use planning and the development of urban plans for cities and other urban areas are subject to State regulation and control, with the aim of promoting their development, ensuring their functionality and guaranteeing the best possible living conditions for their inhabitants; landowners are obliged to contribute to the creation of urban infrastructure. Under article 21 of the Constitution: The family, marriage, motherhood and childhood, as well as certain other vulnerable groups of the population such as the seriously ill and disabled persons, are protected by the State. The State shall ensure the health of citizens and take special measures for the protection of youth, the elderly and the disabled. Under article 117 of the Constitution: Forests and forest land that have been destroyed (in the past) or are destroyed by fire or that have been otherwise stripped or are stripped of their vegetation shall continue to preserve their character despite their illegal clearing; their reforestation is mandatory and their use for any other purpose is prohibited. The expropriation of forests and forest land belonging to natural persons or legal entities (under public or private law) is only permitted for the benefit of the State and for reasons of public utility; the change of use of forests and forest areas expropriated for the benefit of the State is prohibited and they retain their character.

Co-funded by
the European Union

as the 1992 Environmental Protection Agency Act and the 2015 Climate Change and Low Carbon Development Act. As noted in the national report, Irish courts have sometimes explored the possibility of inferring environmental rights from the guarantee of individual rights [article 40.3 of the Constitution]; however, in the case Friends of the Irish Environment v. Irish Government [2020], the Supreme Court ruled that such an autonomous constitutional right was not enshrined. The Constitution does not explicitly recognise the right to health; nevertheless, the courts have recognised rights such as physical integrity, personal autonomy and dignity under article 40.3 of the Constitution (Ryan v. AG [1965]; McGee v. AG [1974]). Article 45 of the Irish Constitution contains social policy guidelines that refer to the promotion of health and welfare; this article also refers to the protection of young people and vulnerable persons, but these principles serve as guidelines for the Oireachtas (Parliament). In **Latvia**, the preamble to the Constitution stipulates that everyone must take care of themselves, their loved ones and the common good of society, acting responsibly towards others, future generations, the environment and nature; it also states that Latvia, while affirming its status based on the principle of equality within the international community, protects its national interests and aims to promote sustainable and democratic development in a united Europe and world. The Constitution contains separate articles on the protection of the environment in general, the protection of health and the protection of certain groups of the population. Under these articles, the State protects the right of everyone to live in a favourable environment by providing information on environmental conditions and encouraging the preservation and improvement of the environment. The State protects human health, as well as marriage, the family, the rights of parents and the rights of the child. According to the relevant provisions of the Constitution of **Lithuania**: the State ensures the protection of the natural environment, fauna and flora, and areas of special value; it ensures the sustainable use of natural resources, as well as their restoration and increase; the destruction of natural resources, water and air pollution, radioactive impact on the environment, and the destruction of fauna and flora are prohibited in accordance with the law; the State and every person must protect the environment from harmful effects; the State also ensures the health of individuals and guarantees medical assistance and services to everyone in the event of illness; it encourages physical culture and sporting activities within society; the family, motherhood, fatherhood and childhood are under the protection of the State. According to the Constitution of **Luxembourg**: The State guarantees the protection of the human and natural environment by working to establish a sustainable balance between nature conservation, in particular its capacity for renewal, and the preservation of biodiversity, and the satisfaction of the needs of present and future generations. The State undertakes to combat climate

change and to work towards climate neutrality. It recognises animals as living, non-human beings endowed with sensitivity and ensures the protection of their welfare.

The Constitution of **Montenegro** contains provisions relating to: - environmental protection: everyone has the right to a healthy environment, the right to complete and timely information on the state of the environment, the opportunity to influence important decisions on environmental issues, and the right to take action to protect these rights legally; the right to environmental protection is recognised as a fundamental right; -sustainable and ecological development: this implies an obligation of the State to protect the environment from the adverse effects of climate change: -health protection; -the protection of young people and certain vulnerable groups of the population (including national minorities and ethnic communities). The constitutional provisions also contain procedural guarantees that enable the exercise and protection of these substantive rights, such as access to information, participation and access to justice. The Constitution does not directly refer to solidarity between generations or the rights of future generations; however, the Constitution defines Montenegro as a state that pursues social justice and ecological principles, which implies a certain level of social solidarity and protection of vulnerable groups, as well as the development of policies based on equal opportunities and respect for the rights of all citizens. In **the Netherlands**, the Constitution does not explicitly refer to solidarity between generations, the rights of future generations or vulnerable groups; there are provisions on fundamental rights, social rights (protection and improvement of living conditions) and public health. According to the Constitution of **Poland**: Everyone has the right to health protection; public authorities must provide care in particular for children, pregnant women, disabled persons and the elderly; public authorities must combat epidemics and prevent the negative consequences of environmental degradation on health; public authorities shall pursue policies that guarantee the ecological security of present and future generations; environmental protection is the duty of public authorities; everyone has the right to be informed about the quality of the environment; public authorities shall support citizens' activities aimed at protecting and improving the quality of the environment. In the Constitution of the **Portuguese Republic**, economic, social and cultural rights include: -the right to health, which includes the right to environmental health and the duty of the State to control the use of chemical and biological products; -the right to the environment and quality of life, which includes the right to a humane, healthy and ecologically balanced living environment; the State has a particular duty to prevent and control pollution and its effects, as well as harmful erosion, to promote the rational use

of natural resources, preserving their capacity for renewal and ecological stability, in accordance with the principle of solidarity between generations, and to promote the integration of environmental objectives into various sectoral policies; - the rights of children, young people, persons with disabilities and the elderly (the State shall take measures to promote their personal autonomy, integration and the prevention of their isolation or social marginalisation) [see also national laws on environmental protection[23]]. In **Romania**, the Constitution enshrines the right to a healthy and ecologically balanced environment; it stipulates that the State must ensure the protection and restoration of the environment and the preservation of ecological balance; it also contains provisions concerning the protection of health, children and young people. According to the Constitution of **Slovenia**, everyone has the right to a healthy environment. In **Sweden**, under one of the four fundamental laws (the Swedish Constitution), the public sector must promote sustainable development that leads to a favourable environment for present and future generations; it also stipulates that the personal, economic and cultural well-being of individuals must be the fundamental objective of public action; in particular, the authorities must guarantee the right to work, housing and education and promote social assistance, social security and good health conditions; they must promote the opportunity for everyone to participate in society, as well as the protection of children's rights. These provisions are considered to be rules that set objectives; they are programmatic in nature

[23]The national report mentions the following legislation: **Substantive rules**: -The Environment Act (2014), which defines sustainable development and refers to a model that meets the needs of the present without compromising the ability of future generations to meet their own needs; this law enshrines the principle of intergenerational solidarity: public policy on the environment aims to ensure that the various components of the environment are used and managed in a sustainable manner, contributing to balanced development and aiming to satisfy the needs and improve the quality of life of current generations, without compromising the satisfaction of the needs and quality of life of future generations. -The Climate Law (2021) refers to a just and sustainable future and the need to ensure environmental protection and respect for the biophysical limits of the planet that guarantee a safe and healthy future for current and future generations; this law stipulates that everyone has the right to climate balance under the conditions set out in the Constitution and international standards and that the right to climate balance includes the right to defend oneself against the effects of climate change, as well as the power to require public and private entities to fulfil their climate-related duties and obligations in order to protect existing and future ecological resources essential to the health, well-being and quality of life of current and future generations; the concept of climate justice, which includes intergenerational equity to ensure the protection of future generations, is introduced. **Rules of procedure**: -The 1995 Law on the Right to Participate in Proceedings and Popular Action enshrines popular action in environmental matters and establishes a favourable regime for such action in terms of inquisitorial procedure, appeals, extension of effects and free access to justice. -The Environmental Law (mentioned above) enshrines procedural rights, such as the right to participate and to have access to information; also noteworthy are the right to take action to defend subjective rights and legally protected interests, the right to bring public and popular actions, the right to demand prevention, cessation and redress for violations of environmental assets and values as soon as possible, and the right to demand the immediate cessation of any activity that constitutes a threat or damage to the environment, as well as the restoration of the previous situation and the payment of appropriate compensation, under the conditions provided for by law.

Co-funded by the European Union

and do not enshrine individual rights that can be invoked by individuals in court. The Basic Law also contains several rules that guarantee rights and freedoms individuals may invoke in court; one of these provisions (according to which no law may prescribe unfavourable treatment of a person on the grounds that they belong to a minority group – ethnic origin, skin colour, sexual orientation) serves as a basis for combating the unfavourable treatment of vulnerable minority groups. In **Serbia**, the Constitution contains rules concerning the protection of the environment in general (the right to a healthy environment and the right to timely information on the state of the environment), the protection of health (the right to healthcare and social protection) and the protection of minorities and vulnerable groups. It also enshrines the right of access to information of public interest, information relating to climate and environmental protection, the right of the public to participate in decision-making, the right to legal redress and the right to a fair trial.

As the **UK** does not have a written constitution, important national objectives are contained in ordinary legislation, which in this respect can take on a quasi-constitutional character; indeed, most climate change legislation commits the government to achieving climate change targets, in some cases to ensure that the UK meets its international obligations. UK national climate change laws do not explicitly refer to intergenerational solidarity, the rights of future generations or vulnerable groups, but many legal and policy frameworks reflect these ideas; for example, climate and environmental laws contain important provisions and principles relating to the disproportionate impact of climate change on vulnerable populations, and these principles are increasingly being incorporated into the UK's climate action plans.

I.B.2. National legislation to address climate change issues

International law [UNFCCC, Paris Agreement], European Union law, in particular Regulation (EU) 2021/1119 on the European Climate Law and Regulation (EU) 2018/1999 on the Governance of the Energy Union and Climate Action, as well as the directives mentioned above, form the basis for the national climate legislation which will be presented in detail below; this legislation establishes the legal framework for managing climate change issues.

The national regulatory framework sets targets to be achieved; establishes the legal system deemed necessary and appropriate to achieve these targets and to ensure a gradual transition to climate

Co-funded by
the European Union

neutrality by 2050; establishes the rules for improving each country's capacity to adapt, withstand and build resilience to the challenges of climate change; defines principles and guidelines for the strategies and policies to be followed; defines planning competences and procedures; provides for the development of carbon budgets; defines the outlines of sectoral policies and the principles for assessing the path to climate neutrality. More specifically:

Croatia's national report mentions: **(i)** Two laws containing substantive and procedural rules: **(a)** The 2019 Climate Change and Ozone Layer Protection Act establishes the general legal framework for mitigating the effects of climate change and adapting to its impacts, as well as monitoring systems for GHG emissions and emissions trading. • Substantive rules: the Act defines GHG emission reduction targets and prescribes reduction measures for all relevant sectors (transport, agriculture, energy, etc); it includes provisions on adaptation to climate change; it also prescribes measures for the protection of the ozone layer. • Procedural rules: it establishes a system for monitoring, reporting and verifying GHG emissions; it provides for public participation and consultation with interested parties in the decision-making process; it prescribes rules for the preparation of national reports and strategies (e.g. the low-carbon strategy); it provides for the coordination of climate policies, for the implementation of these policies and for the responsible special body. **(b)** The Air Protection Act also contains: •Substantive rules: provisions for GHG emissions from certain air pollutants (pollutants other than traditional); rules on inventories concerning emissions. •Procedural rules: it requires permits to be granted after an environmental impact assessment; it prescribes procedures for monitoring emissions and authorises the public disclosure of information; it provides for inspections and penalties. **(ii)** Documents that essentially define strategies: **(a)** The National Climate Change Adaptation Strategy defines measures to address the impacts of climate change in various sectors and provides for the development of action plans updated every five years. The issues addressed in the strategies are as follows: identifying risks and vulnerabilities, strengthening resilience, with priority given to the health, biodiversity, agriculture and water management, integrating the objective of resilience into national planning and natural disaster management measures, ensuring that the action plan is regularly updated, ensuring cross-sectoral coordination, procedures for consulting the public and stakeholders, and procedures for monitoring and evaluating action plans. **(b)** Croatia's Low Carbon Development Strategy (LCDS) for the period up to 2030 and beyond to 2050 aims to reduce GHG emissions and promote sustainable development in line with EU climate objectives; it defines sector-specific GHG reduction pathways (energy, buildings, transport, agriculture, etc), aligns with

European legislation on the promotion of renewable energy and energy efficiency, and proposes three possible development scenarios [including mitigation and ambitious mitigation scenarios]. Mechanisms for assessing the impact of policies, monitoring and continuously updating the strategy, and involving stakeholders in the development of new action plans and financial programmes are included in the rules of procedure.

The following laws are mentioned in **France's report**: **(i)** The 2015 law on energy transition for green growth [Law No. 2015-992 of August 2015]; its objectives are to reduce energy consumption and to use decarbonised and diversified energy sources; it led to the development of three different strategies, including the National Low-Carbon Strategy (SNBC). **(ii)** The 2019 Energy and Climate Law [Law No. 2019-1147 of November 2019]; it sets out the framework, ambitions and targets of national climate policy; it focuses on four main areas: the phasing out of fossil fuels and the development of renewable energies, the combat against energy-inefficient buildings, the introduction of new tools for steering, governing and evaluating climate policy, and the regulation of the electricity and gas sector. **(iii)** The 2021 law [Law No. 2021-1104 of August 2021] on combating climate change and strengthening resilience to its effects; it is structured around the five themes on which the Citizens' Climate Convention (CCC) debated and presented its proposals in June 2020: consumption, production and work, transport, housing and food; it also strengthens penalties for environmental offences. **(iv)** The 2023 law on accelerating renewable energy production [Law No. 2023-175 of March 2023]; this law aims to accelerate the development of renewable energies. The text is structured around four sections: planning renewable energies, simplifying procedures, mobilising already developed land to deploy renewable energies and better sharing the value generated by these energies; several measures are introduced to simplify environmental procedures and reduce the time taken to examine projects; a presumption of recognition of the imperative reason of major public interest (RIIPM), one of the three criteria allowing for derogation from the obligation to protect species, is established for certain renewable energy projects; in the same spirit and in order to save time and to secure projects, measures are being taken to reduce the risk of litigation.

According to **Greece's report**: **(i)** The main law of 2022, the National Climate Law, establishes a legal framework to improve the country's capacity for adaptation, resistance and resilience to the challenges of climate change and to ensure a gradual transition to climate neutrality by 2050. The policies and measures prescribed to mitigate the impacts of climate change are aimed at: -reducing

emissions and increasing greenhouse gas removals; -strengthening legal certainty for investments and citizens; and - ensuring a smooth transition of the economy and society towards climate neutrality. The law also sets intermediate targets for 2030 and 2040 [55% compared to 1990 and 80% compared to 1990, respectively]. The law provides for planning instruments [National Strategy and Regional Strategies] and the development of five-year sectoral carbon budgets [energy production sector (electricity and heating), transport sector, industry sector, building sector, agriculture and livestock sector, waste treatment sector and sector for activities related to land use, land use change and forestry]; an assessment of the path to climate neutrality is carried out every five years, taking into account the latest available scientific data, and may lead to a revision of the interim targets. **(ii)** The report also mentions: -the different regulatory régimes for promoting energy from renewable sources, energy efficiency, electric vehicles; -the introduction of a special tax to finance measures to combat climate change; -the establishment of a system for recording GHG emissions in the agricultural sector; -general legislation for the protection of nature and the environment, for land use planning and urban development, for the management of natural resources, water and water sources, and for assessing the environmental impact of projects and activities.

According to **Hungary's report**, the 2020 Climate Protection Act sets out criteria for national climate policy: this policy must be consistent with the State's international and European commitments, provide valid responses taking into account the Carpathian Basin as a whole, and address the challenges facing the country at national level in terms of the environment, the economy and society. Climate policy must also take into account the possibility of using carbon-neutral nuclear energy and must be based on the "polluter pays" principle, as well as on proportionate and realistic interventions. The same law sets out commitments to reduce emissions: the targets are to reduce GHG emissions by at least 40% by 2030 compared to 1990 and to achieve total climate neutrality by 2050.

The **Latvian report** mentions: **(i)** The law on Kyoto Protocol mechanisms: this law establishes the principles for Latvia's participation in Joint Implementation Projects, the Clean Development Mechanism and international emissions trading; it also regulates the management and use of state-owned units; it is part of the national legislation transposing Directive 2003/87/EC establishing an emissions trading scheme (and more specifically Directive 2004/101/EC amending this main directive, which enhances the cost-effectiveness of emission reductions). The main objective of the law is to promote climate change mitigation and adaptation efforts and to facilitate Latvia's

compliance with its GHG emission reduction commitments. **(ii)** The Climate Change Financial Instrument: this instrument supports projects that promote energy efficiency, renewable energy and adaptation to climate change; it is a national initiative, financed by revenues from emissions trading, which reinvests these funds directly in projects promoting energy efficiency, renewable energy and adaptation to climate change; the Emissions Trading System (ETS) sets the rules for emissions trading at EU level, but the use of revenues is left to the discretion of Member States -Latvia has created this special financing instrument. **(iii)** In addition to national legislation necessary to comply with EU secondary legislation, Latvia has also adopted specific legal instruments to address other issues relating to the energy efficiency obligation. In this regard, a tax on large electricity consumers aims to promote energy efficiency and the sustainable use of resources. The measure ensures that companies consuming more than 500 MWh per year must implement an management system compliant with ISO standards [ISO 50001 or ISO 14001]; this obligation functions as a "tax on inefficient use of resources" and companies that comply with the requirements are exempt from paying this tax. The above-mentioned legislation highlights Latvia's commitment to climate action, a commitment that goes beyond EU requirements through the adoption of national, financial and other measures that encourage energy efficiency efforts and sustainable business practices.

The **Lithuanian report** also mentions specific legal instruments adopted to combat climate change [in addition to national legislation incorporating EU secondary legislation]: **(i)** In 2021, the Seimas of the Republic of Lithuania [legislative body] approved the National Climate Change Management Programme, which aims to guide the country towards the goal of climate neutrality by 2050; this is a strategic framework that sets out objectives for climate change mitigation and adaptation. **(ii)** The Law on Financial Instruments for Climate Change Management and the regulations adopted under this law: they provide substantive and procedural rules for climate change management, with a focus on GHG emissions. -Monitoring and reporting of emissions: the Act requires the creation of a GHG registry and the establishment of procedures for monitoring and reporting emissions, in accordance with Lithuania's international obligations (such as those under the Kyoto Protocol and EU regulations). - Application of financial instruments: the law provides for mechanisms to finance climate action through the GHG emissions trading system and the allocation of revenues to projects aimed at reducing emissions and improving sustainability (such as energy efficiency and renewable energy projects). -Approval and supervision of projects: procedural rules are established to ensure compliance with the objectives of the law. -Powers and responsibilities: the roles and responsibilities

of the various public authorities and institutions involved in climate change mitigation efforts [Ministry of the Environment and other competent bodies] are defined.

The Netherlands' report cites the main provisions of the national climate law (Klimaatwet): **(i)** Rules concerning the climate plan: the plan contains measures to achieve the targets, the estimated contribution of renewable energy sources and savings in primary energy consumption, measures to stimulate the production and use of renewable energy and to encourage savings in primary energy consumption; it takes into account the latest scientific knowledge on climate change mitigation and technological developments to limit GHG emissions; it demonstrates the government's commitment to promote innovation; it takes into account global and European developments in the field of climate change mitigation, insofar as these developments are relevant to Dutch policy; it takes into account the consequences of the government's climate policy on the financial situation of households, businesses and public entities, on employment, including the training and education of employees, on economic development, on the implementation of a fair and feasible transition, and on the reliability of energy supply. **(ii)** Rules on the procedure for drawing up the climate plan: the Council of State, as an advisory body, is consulted. **(iii)** Rules on the content of the annual climate report: it contains an overview of the implementation of climate policy as set out in the climate plan, a presentation by each ministry of the main aspects of the implementation of climate policy falling within its remit, a presentation of the consequences of climate policy on departmental budgets, and the financial consequences of significant aspects of policies that deviate from the climate plan on households, businesses and public institutions; the annual report also covers how the annual climate and energy outlook will be integrated into the next review and assessment of progress against the climate plan; the above-mentioned annual report also covers progress in implementing the climate plan.

According to **Sweden's report**: **(i)** The climate goal is to achieve net zero GHG emissions in the atmosphere by 2045 and then move to negative emissions. **(ii)** The Climate Act came into force in 2018: this Act requires the government to draw up an action plan for climate policy every four years; the plan must include a description of Sweden's commitments within the EU and internationally. The Act also requires the government to pursue climate policies based on the climate targets adopted by Parliament and to report regularly on the progress of efforts and measures to achieve these targets. **(iii)** The Climate Policy Council: this body is responsible for assessing whether and to what extent

the government's policy is in line with the climate targets set by Parliament and the government. **(iv)** The latest climate action plan, presented in December 2023, covers all aspects of society's activities. In October 2024, the government commissioned a study to examine and analyse relevant policies for phasing out fossil fuels in a socio-economically efficient and cost-effective manner, thereby achieving the long-term national climate goal by 2045 and Sweden's commitments within the EU. In March 2025, the government proposed a new law on state aid for companies wishing to invest in new nuclear reactors. It should be noted that the expansion of offshore wind energy has recently suffered a serious setback in Sweden: numerous applications for the installation of new offshore wind farms have been rejected by the government, which believes that the development of wind farms could make it difficult to detect submarines and possible air attacks, thereby complicating Sweden's defence in the event of war.

In **Germany**, the Climate Protection Act (Klimaschutzgesetz) of 2019 sets national targets in line with the Paris Agreement and EU legislation; in some cases, it sets stricter targets than those required by the aforementioned instruments; it also sets specific sectoral climate protection targets and provides for the adoption of protection programmes by the federal government. In **Austria**, the Federal Environment Act (Umweltförderungsgesetz-UFG) contains rules on water management (rules on supply, improving the ecological status of waters, orderly treatment of waste water, including industrial waste water), on the protection of the environment and human health through the efficient use of energy and resources, on increasing the proportion of renewable energy sources or biogenic raw materials; it provides for other measures to reduce GHG emissions or pollutant emissions; the UFG provides for the creation of a commission to advise the competent federal minister and assist him or her in particular in the examination of funding applications and the development of guidelines and funding programmes (the competent federal minister, with the participation of the commission and a management agency, establishes evaluation standards for each area; these standards serve as a guide for the evaluation of submitted projects and are published in information sheets for each funding area). In **Ireland report**, several laws are cited, including the Climate Act 2015, amended in 2021. In **Italy**, the legislator has adopted specific legal instruments, in particular the national strategy for sustainable development and the ecological transition plan; these instruments define the strategy and policies on climate change; the strategic framework concerns decarbonisation, the circular economy, energy efficiency and the rational and equitable use of natural resources, and the overall objective of a more people- and environment-friendly economy; it provides

for the integration of national energy markets into the single market and takes into account the need to ensure affordable prices and security of supply. However, according to the report submitted, a comprehensive framework law on climate has not yet been adopted. In **Malta**, the Climate Action Act establishes the national legal framework for climate change mitigation and adaptation; it requires the development of a national climate change strategy and sectoral action plans; it provides for monitoring, reporting and verification obligations for data related to climate; a National Climate Action Council is responsible for advising on and coordinating policy implementation. In **Spain**, the 2021 Climate Change and Energy Transition Act sets emission reduction targets, provides for decarbonisation, contains standards for climate change adaptation and sustainable mobility, and defines what the legislator considers to be a just transition.

The target set by **Finland's** climate law is significantly more ambitious: to achieve carbon neutrality by 2035. The timetable is therefore much tighter than that of the Paris Agreement. In addition to the climate law, the national report mentions decrees such as the 2021 decree on subsidies for climate change adaptation in the land use sector. An ambitious target compared to the EU's common target is also set in **Portugal's** framework climate law: to achieve carbon neutrality by 2045 (instead of 2050). With this law Portugal has recognised the urgency of climate change. Every two years, the government is required to submit to Parliament a report on the national situation (the government is also required to present a green industrial strategy in 2024) and every five years it must set increasingly ambitious targets for reducing GHG emissions in order to achieve carbon neutrality[24].

The **Swiss report** cites the CO2 Act and Ordinance and the Climate Act, which were adopted to regulate GHG emissions reduction and protection against the effects of climate change. The **UK**

[24]The Climate Framework Act (Act No. 98/2021) consolidates the objectives, principles and obligations of different levels of government in relation to climate action and establishes new provisions on climate policy: •it defines climate rights and duties, thereby strengthening citizens' right to participation; •it introduces a new right to climate justice for all citizens, defined as the right to protection from the effects of climate change and the power to require public and private entities to fulfil their climate-related duties and obligations; •it establishes timetables for climate policy planning and assessment tools, for the development of five-year sectoral mitigation and adaptation plans, and a green industrial strategy to support the industrial sector in the climate transition process; •it defines new principles for economic and financial instruments, with a particular focus on the public budgetary process, green taxation and sustainable financing, in order to promote a just transition to a low-carbon economy; •it defines principles and standards for sectoral climate policy instruments, particularly in the areas of energy, transport, materials and consumption, the agri-food chain and carbon sequestration; •it provides for the suspension of coal-fired power generation after 2021; it stipulates that, from 2035, no cars running exclusively on fossil fuels may be sold; •it prohibits the use of natural gas for power generation from 2040.

report cites the following national instruments: **(i)** The Climate Change Act (2008 Act as amended) concerning the UK's net zero commitments under the Paris Agreement. This Act: (a) sets legally binding targets for reducing GHG emissions; commits the UK Government to reducing carbon emissions to net zero by 2050 [the world's first legally binding climate change mitigation target set by a country]; (b) provides for a carbon budgeting system; (c) establishes a Climate Change Committee, an independent body responsible for providing the UK Government and Parliament with evidence-based advice on mandatory carbon budgets; (d) requires the UK Government to develop a national adaptation programme to manage the unavoidable effects of climate change; (e) requires the Government to produce a climate change risk assessment report every five years (CCRA). **(ii)** Carbon budgets that set legally binding caps on maximum emissions over a five- year period: carbon budgets are determined 12 years in advance, under the 2008 Climate Change Act and secondary legislation; the UK's carbon budgets provide for gradual reductions, with the aim of achieving carbon neutrality by 2050 [there have been six carbon budgets (covering the period 2008-2037) and the UK will set the seventh]. **(iii)** The Energy Act 2013 reformed the UK electricity market and set out measures for its decarbonisation; it requires the relevant Secretary of State to ensure that the carbon intensity of electricity generation in the UK does not exceed the maximum permitted level. Under the Energy Efficiency Regulations (relating to the private sector in England and Wales), property owners must ensure that their rental properties meet a minimum energy efficiency standard (unless they are exempt); however, landlords are not required to spend more than £3,500 (including VAT) to improve the energy efficiency of their properties and meet the required standard; if they refuse to comply, fines of up to £5,000 may be imposed. **(iv)** The Environment Act 2021. This Act: (a) provides a legal framework for environmental protection in the UK; (b) empowers the government to set legally binding targets, including for air quality, water quality, biodiversity, resource efficiency and waste reduction; (c) provides for a supervisory body responsible for monitoring and enforcing environmental regulations [Office for Environmental Protection (OEP)]; (d) requires the development of environmental improvement plans, which outline the main steps to be taken by the government to achieve the objectives set; (e) makes a net positive biodiversity balance mandatory for most development projects, requiring a minimum 10% gain in biodiversity. **(v)** The 2004 Planning and Compulsory Purchase Act 2004 imposes an obligation on local authorities to ensure that their development plans contribute to mitigating climate change and adapting to it. The land use plan (in England and Wales) serves as a tool to guide decisions by authorities and initiatives by individuals regarding land use in a defined area. **(vi)** The 2008 Act on the construction of infrastructure projects

of national significance: as certain major infrastructure projects are likely to have an impact on climate change, this Act imposes obligations on the Government; for example, the Secretary of State must carry out a sustainability assessment of the policy set out in a National Policy Statement (NPS), and this statement (the NPS) must provide justification for the policy set out; the justification must include a demonstration of whether and how the policy takes into account the government's policy on climate change mitigation and adaptation. **(vii)** The National Planning Policy Framework is a key UK government document that sets out planning policies for England and how they should be applied by local planning authorities and decision-makers. The NPPF is not binding; however, under common law and statutory principles, a planning decision-maker must take into account all legally relevant considerations. The NPPF is an important factor to be taken into account in planning decisions, particularly those that have an impact on the environment. This instrument highlights the need for local authorities to adopt an approach that promotes action to mitigate and adapt to the effects of climate change.

Albania, Montenegro and Serbia, candidate countries for EU membership, have also adopted legal instruments specifically addressing climate change, including regulations aimed at harmonising their national law with the aforementioned EU secondary legislation. **Albania**, for example, has adopted a new law on climate change [Law No 155/2020], which entered into force in January 2021. The main objective of this law is to create a comprehensive legal and institutional framework to help reduce GHG emissions and accelerate adaptation to climate change, thereby contributing to global efforts in this area. In **Montenegro**, the Law on Protection against the Negative Effects of Climate Change (2019) aims to prevent and mitigate the effects of climate change; it is accompanied by strategic documents such as the low-carbon development strategy and the climate change adaptation plan. Montenegro is harmonising its legislation with EU directives, particularly in the areas of GHG emissions trading (EU ETS), monitoring, reporting, air quality monitoring and waste management. At the institutional level, the relevant ministries and agencies, such as the Ministry of Sustainable Development and Tourism (Directorate-General for Climate Change), the Ministry of Economy, the Ministry of Agriculture, the Environmental Protection Agency and other agencies, are responsible for coordinating and implementing climate change policy. In 2021, **Serbia** adopted the Climate Change Act, which regulates the GHG emissions limitation system, the adoption of the low-carbon development strategy and the climate adaptation programme, monitoring and reporting, the issuance, withdrawal and modification of GHG emission permits to installation operators, the granting of

approvals for the monitoring plan of aircraft operators, monitoring, reporting, verification and accreditation of verifiers, administrative fees, supervision and other issues important for limiting GHG emissions and adapting to climate conditions. Under this law, the National Council for Climate Change was established. Other documents have also been adopted, including the Republic of Serbia's low-carbon development strategy for the period 2023-2030, with projections up to 2050. The Climate Change Adaptation Programme for the period 2023-2030 was also adopted. In **Türkiye**, according to the national report, the legislative framework on climate change is currently being developed; the nature, content and scope of the planning are not yet clearly defined. For harmonisation with EU legislation under Chapter 27, "Environment and Climate Change", a presidential circular entitled "Action Plan for the Green Deal" was published in the Official Journal in 2021.

I.B.3. Climate action plans / level, content and nature of planning

In their reports, all countries confirm that they have a specific action plan for climate change[25]. In most cases, this strategic planning is at national level; mainly, but not exclusively, it sets out guidelines for the policies to be followed. In line with the approach of Regulation (EU) 2018/1999 on climate action governance, national action plans contain: projections and estimates for the country, based on climate change scenarios; an assessment of the impact of climate change on economic and social activities and on the environment; the identification of priorities for mitigation and adaptation measures; guidelines for integrating adaptation policies into various general sectoral policies; the definition of principles for coordination between national, regional and local authorities, as well as principles for the distribution of tasks and responsibilities, etc. More specifically:

In **Belgium**, due to the federal structure of the state and the multiple areas affected by climate policy, national planning responsibility is divided between the regions and the federal government; several bodies and decision-making processes are involved in coordinating policies at different levels of government [Interministerial Conference on the Environment (CIE); Coordination Committee for International Environmental Policy (CCPIE); National Commission]; the federal government and the regions (Flemish Region, Walloon Region, Brussels-Capital Region) are also responsible for national

[25] See the following reports: Albania / Austria / Belgium / Bulgaria / Croatia / Cyprus / Czech Republic / Estonia / France / Germany / Hungary / Ireland / Italy / Latvia / Lithuania / Luxembourg / Malta / Montenegro / Netherlands / Poland / Portugal / Romania / Slovakia / Slovenia / Spain / Sweden / Serbia / Switzerland / Türkiye / United Kingdom.

emission reduction targets [for detailed information, the report refers to the respective websites]. In **Croatia** [as in several other countries] planning is carried out at national level; it sets out the strategic framework for adaptation to climate change (up to 2040, with a perspective up to 2070), through an approach that promotes multi-level action and coordination; it also emphasises the importance of implementing the action plan at regional and local levels and calls on the authorities to develop specific action plans and risk management strategies adapted to local conditions. Key elements of the strategic plan include: projections of future climate scenarios for Croatia, based on appropriate models and after assessment of potential impacts and vulnerabilities; sectoral measures, including proposed adaptation strategies in the areas of agriculture, water management, biodiversity conservation, health protection and infrastructure management; a description of the process for monitoring and evaluating the action plan and coordination between national, regional and local authorities to ensure effective implementation; methods for ensuring the involvement of stakeholders and the public in climate change adaptation planning, in order to guarantee the principles of transparency and inclusiveness. The planning is mainly strategic in nature; it is a policy planning document that sets national objectives and guidelines for sectoral and local adaptation, without imposing binding obligations on private or public actors. The strategy defines priorities, including: •reducing dependence on fossil fuels, •promoting renewable energy and energy efficiency, •modernising infrastructure and buildings, •encouraging green investments and sustainable agriculture, •improving the resilience of public health systems, •preparing for climate-related emergencies (floods, droughts), • protecting vulnerable population groups(elderly people, children, rural communities), •promoting education and public awareness, •involving regional/local actors in climate planning. These policy priorities are not binding rules, but are intended to guide legislators and local strategies. However, certain elements of the strategic framework are directly related to legislation (laws and related regulations) that is binding in nature. Examples include: the Climate Change and Ozone Layer Protection Act (2019), which establishes obligations for GHG monitoring and national targets; the Environmental Protection Act, which provides for mandatory procedures for environmental impact assessments, including climate risks; the Air Protection Act, which sets emission limits and obligations for polluters; the legislation on the civil protection system, which imposes obligations on national and local authorities with regard to climate risk management. Monitoring is organised through action plans, sectoral programmes and the integration of the strategic framework into binding legislation: ministries and other national authorities are responsible for transposing these guidelines into concrete regulatory or financial measures. The **Czech Republic** has

also opted for planning at national level. Specific plans to combat climate change have been adopted: in October 2015, the government approved the climate change adaptation strategy and in January 2017 the national action plan, which is the document implementing the national strategy. The action plan contains a list of adaptation measures and defines the corresponding tasks, including responsibilities for implementation, prescribed deadlines, the estimated cost of implementing the measures and sources of funding. In March 2017, the government approved the Czech Republic's Climate Protection Policy (CPP), which includes targets and measures to reduce GHG emissions. A mid-term review of the CPP took place in 2021 and, based on this review, an update was prepared in 2024. The plan sets out policy guidelines and does not contain any binding rules.

Specific action plans for climate change are provided for in **Finland's** Climate Act, namely: a) long-term action plans; b) a national action plan on adaptation to climate change; c) medium-term action plans; d) action plans for the land use sector. Action plans must be drawn up at national level, but it is also possible for municipalities to have their own plans. The plans are not legally binding, but they indicate what needs to be done to achieve the objectives (if, for example, the government needs to take legislative action). **France** has a national low-carbon strategy, the second version of which is currently in force (SNBC 2 adopted in April 2020). SNBC 3 is currently being developed and aims to raise reduction targets in order to reflect the European climate ambition defined by the "Fit for 55" package. France also has a multi-year energy programme (PPE), which sets out ambitions for reducing energy consumption and developing carbon-free energy production methods. The PPE is in force for the period 2019-2028. A new programme is currently being developed for the following period (2025-2035). The National Climate Change Adaptation Plan (PNACC) deals with measures at the national level, with the specific territorialisation of adaptation falling under the remit of regional plans for development, sustainable development and territorial equality (SRADDET). The 3rd National Climate Change Adaptation Plan (PNACC-3), to prepare the country for the 2100 deadline, was published on March 2025. Carbon budgets, set by decree (in accordance with the Environment Code), are binding; in 2022, France set the target of a gross reduction in its GHG emissions of at least 50% in 2030 compared to 1990. The SNBC 2 set the 2nd, 3rd and 4th carbon budgets, covering the periods 2019-2023, 2024-2028 and 2029-2033. In addition to these binding rules, the SNBC includes cross-cutting and sectoral policy guidelines.

In **Greece**, pursuant to Regulation (EU) 2018/1999 on governance, the current National Energy and Climate Plan was ratified in December 2024, following a consultation procedure (the previous National Plan was published in the Official Journal in December 2019). The 2022 National Climate Law, adopted pursuant to Regulation (EU) 2021/1119 [European Climate Law], provides for multi-level planning: the National Strategy for Adaptation to Climate Change; Regional Strategies for Adaptation to Climate Change; Municipal Plans for Emission Reduction; Strategic Development Plan for the Islands [GR-eco islands]. The National Strategy is drawn up by the Ministry of Climate Crisis and Civil Protection, submitted to the National Council for Adaptation to Climate Change for its opinion, and then approved by the Council of Ministers and published in the Official Journal. The National Strategy is defined as a policy document intended to set out guidelines; before its approval by the Council of Ministers, the text is subject to a consultation procedure. It covers a period of at least ten years, is subject to an evaluation process at least every five years, and may be revised. It contains and takes into account: an analysis of the Strategy's objectives and guidelines, based on international conventions and EU objectives [a reference framework], an assessment of climate change in the country, based on various scenarios, an analysis of the vulnerability of economic sectors and society, an assessment of the impact of climate change on economic and social activities, an assessment of the sustainability of the natural environment and urbanised areas, and an initial estimate of the economic cost of these impacts; the identification of priority sectors for adaptation measures [health, tourism, agriculture and livestock farming, forestry, energy, infrastructure and transport, urban areas, biodiversity protection, protection of aquatic resources and coastal areas, and protection of cultural heritage are included in the priority sectors]; the integration of climate change adaptation policies into various broader policies; the international dimension of adaptation policy; the importance of awareness-raising, education and research initiatives. Regional Strategies are planning instruments that determine the measures and actions necessary for climate change adaptation at the regional level. They cover a period of at least seven years, are subject to an evaluation process at least every five years, and may be revised. Municipal emission reduction plans, developed and approved annually by the competent bodies of each municipality, determine and prioritise the measures necessary for emission reduction, following an assessment of the carbon footprint and a detailed analysis of energy consumption and emissions for various facilities and infrastructure, including sports and cultural facilities, public utility infrastructure and means of transport; the plans define the objectives to be achieved. The preparation of Emission Reduction Plans and their annual updating is a necessary condition for the evaluation of projects submitted by municipalities for the purpose of

Co-funded by
the European Union

receiving state funding [projects concerning the energy or climate change sectors]. The Strategic Development Plan for the islands aims to transform the islands' development model and facilitate the transition to climate neutrality. In addition to these planning instruments (adopted pursuant to Law 4936/2022), planning instruments relating to spatial planning have also been adopted (General Spatial Planning Framework, Peripheral Frameworks adopted for each of the country's regions, Sectoral Spatial Planning Frameworks: for industry, tourism, the development of renewable energy sources, etc.). These planning instruments also contain, to varying degrees of specificity, guiding principles related (directly or indirectly) to climate change. The plans define both guidelines for the policies to be followed and binding measures. The National Energy and Climate Plan provides, among other things, policy guidelines and measures with the aim of: saving energy consumption and increasing energy efficiency; promoting energy produced from renewable sources, based on the best available technologies and the best practices to avoid impacts on biodiversity, the natural environment and the landscape; to ensure the gradual reduction in the use of fossil fuels and the gradual increase in energy produced from renewable sources, while ensuring security of supply; the gradual substitution of natural gas with products such as biomethane or green hydrogen, particularly in industry and transport; the promotion of public transport use; the improvement of the carbon footprint of buildings and infrastructure in urban areas; the reduction of greenhouse gas emissions from waste management; increasing greenhouse gas absorption; promoting synergies between various policies aimed at mitigating the effects of climate change and improving air quality. Planning at the national level is not limited to defining guidelines for the policies to be followed; it also provides for concrete measures and sanctions to ensure compliance with these measures. Regional planning instruments also essentially define guidelines for the policies to be followed; however, these guidelines must be taken into account when drawing up other plans at regional level, as well as when the competent bodies exercise their powers to grant or refuse various permits and other administrative acts. In addition to the planning provided for in the National Climate Law, the spatial planning and development plans, based on the principle of sustainability, also contain guiding principles for policies to be followed and concrete measures; these plans can serve as a legal basis for public authorities to consider issues related to climate change.

In **Hungary**, the National Assembly adopted (2018) the 2nd National Climate Change Strategy (NCCS-2), which contains commitments until 2030, with a view to 2050. The NCCS-2 includes: an assessment of the expected impacts and socio-economic consequences of climate change in Hungary,

as well as the climate vulnerability of ecosystems and various sectors; the national roadmap for decarbonisation with targets, priorities and lines of action for reducing GHG emissions by 2050; the national adaptation strategy and the partnership plan for raising awareness of climate change. Its main objectives are: -the prevention of risks related to climate change, -risk mitigation, -the presentation of objectives aimed at raising awareness to prevent climate change and adapt to its impacts, defining guidelines for necessary action in the sectors of human health, agriculture and rural development, water management, forestry, nature conservation, energy infrastructure, tourism, urban development and disaster management. In addition, the local government of the Hungarian capital, Budapest, also adopted in 2021 a climate strategy that sets out policy directions and targets to be achieved. In **Ireland**, planning for climate change measures is mainly at national level, coordinated by the relevant ministry; it also includes sectoral plans and elements for implementation at regional/local level through local authorities and structures. The planning framework goes beyond setting general guidelines; it includes binding legal obligations (under the Climate Action and Low Carbon Development Act 2015, as amended by the Act 2021). This framework imposes concrete commitments, including: legally binding five-year carbon budgets and sectoral emission caps; the mandatory preparation and implementation of climate action plans, which must be updated at least every five years; sector-specific adaptation strategies; the creation of the Climate Change Advisory Council (CCAC), an independent advisory body with oversight functions; annual progress reports to the Oireachtas, with corresponding obligations for public transparency and accountability. **Italy** also has a National Climate Change Adaptation Plan (PNACC); this plan, approved in December 2023, implements the National Adaptation Strategy (SNAC) at national and local levels. It analyses climate trends in Italy, identifies potential impacts and vulnerabilities by sector, and proposes governance and adaptation measures. Nineteen sectors are covered: transport, energy, water resources, agriculture, forestry, sea fishing, aquaculture, geological, hydrological and hydraulic disturbances, continental aquatic ecosystems, marine and terrestrial ecosystems, urban agglomerations, cultural heritage, health, tourism and socio-economic impacts. In the PNACC, measures are planned at three levels: -political, legal, social, management and financial measures likely to change lifestyles and raise awareness of the potential impacts of climate change; these measures concern governance and information and aim to strengthen administrative, technical, institutional and legislative aspects; -measures which concern the use of ecosystem services provided by the natural environment to improve the resilience of territories; -technological measures aimed at improving the resilience of

buildings, facilities, infrastructure and networks. The PNACC takes into account all international and European commitments.

In **Estonia**, the government has adopted a national action plan entitled "General Principles of Climate Policy until 2050". The plan is limited to defining general policy guidelines; it sets long-term targets for reducing GHG emissions and guidelines for adapting to the impact of climate change and ensuring necessary preparedness and resilience. The principles and guidelines of the action plan must be taken into account when developing, updating and implementing cross-sectoral and sectoral strategies and national development plans. The action plan must also be taken into account when granting permits for activities and projects with an impact on the environment and when issuing other administrative acts to guide the exercise of discretionary power by the authorities. In **Latvia**, the National Energy and Climate Plan 2021-2030 (updated in July 2024) and the Strategy for Achieving Climate Neutrality by 2050 (adopted in January 2020) are national-level planning documents. Other national planning documents, also related to climate change issues, include the Environmental Policy Guidelines 2021-2027 (document adopted in 2022) and the Latvian National Development Plan for 2021-2027. Policy planning forms the basis for the future development of the national legal framework; legislation takes into account the objectives and solutions set out in the planning documents. In **Lithuania**, the National Climate Change Management Programme includes strategic planning and binding legal provisions. The plan covers a wide range of areas: 1. Policy guidelines: promoting the transition to renewable energy sources, including wind, solar and biomass energy; reducing dependence on fossil fuels by improving energy efficiency and encouraging the use of cleaner alternative energies; supporting green investments through financial mechanisms and programmes; modernising infrastructure, in particular through the renovation of buildings and construction regulations that promote energy efficiency; facilitating the transition to low-emission modes of transport (electric vehicles; improvement of public transport). 2. Support for vulnerable populations: taking into account the social aspects of the green transition so that vulnerable groups are not affected disproportionately by climate change policies (measures to ensure affordable access to clean energy and improve resilience to climate-related events). 3. Climate crisis management: addressing the effects of climate change, such as extreme weather events, floods and droughts. The National Climate Change Management Programme is primarily a strategic document that outlines Lithuania's approach and guidelines for achieving climate neutrality. Binding legal rules are established in other related legislation; these rules are designed to ensure the effective implementation of the climate action plan

(e.g. the Law on Financial Instruments for Climate Change Management creates mechanisms such as the emissions trading system and describes the means of financing projects related to energy efficiency and renewable energy). Thus, the climate action plan incorporates both non-binding policy guidelines and binding legal instruments to ensure a comprehensive and enforceable approach to combating climate change.

In **Luxembourg**, the Climate Act establishes a framework for climate policy and provides for the development of a strategy for adapting to the effects of climate change over a period of at least 50 years; the strategy is developed every 10 years and, if necessary, updated every five years. Planning is limited to defining guidelines for the policies to be followed. As noted in the national report, thanks to two legal instruments, the Climate Pact and the Nature Pact, the country is in an excellent position to facilitate the coordination of adaptation measures at all levels of governance; indeed, a number of measures are aimed at local authorities and the general public. However, the main elements of the implementation of the strategy and action plan are primarily aimed at ministries and the administration. In 2020, **Portugal** adopted the National Energy and Climate Plan (PNEC 2030). The country has committed to achieving carbon neutrality by 2050 in order to help limit global warming to 1.5 °C. The neutrality target is also enshrined in the framework law on climate, which provides for the possibility of bringing this date forward to 2045. The main binding measures of the Portuguese framework resulting from the Climate Framework Law and the objectives and policies defined in the National Energy and Climate Plan 2030 (PNEC 2030) are as follows: -National emission reduction targets: Carbon neutrality by 2050. Intermediate targets: legally binding national targets for GHG emission reductions compared to 2005: -A reduction of at least 55% by 2030. -A reduction of between 65% and 75% by 2040. -To achieve a share of at least 47% of energy from renewable sources in gross final energy consumption by 2030. -To achieve the target of a 35% reduction in primary energy consumption by 2030 (energy efficiency target), compared to the European reference scenario. -Carbon budgets: they set five-year limits for total GHG emissions; these budgets are proposed by the government and approved by the Assembly and become binding for the period in question. The first budget covers the period 2023-2025 and the next one covers the period 2026-2030. -Ban on fossil fuel exploitation: ban on the granting of new licences or authorisations for the exploration or exploitation of hydrocarbons (oil and natural gas) and the granting of licences for new coal-fired power stations; restrictions on the exploitation of metal mineral deposits in marine protected areas;

elimination of environmentally harmful subsidies. Although detailed in the PNEC 2030, these policy objectives often translate into binding rules and mechanisms (auctions, efficiency obligations).

In **Germany**, in addition to the long-term strategy provided for in Article 15 of the European Governance Regulation [see EU Regulation 2018/1999 above], there are climate protection programmes at national (federal) and state (Länder) level; they define the measures to be taken in order to achieve climate protection targets (limitation of annual GHG emissions). In **Austria**, the national climate change adaptation strategy, adopted by the Council of Ministers, includes, in addition to the section on key information and the general context, an action plan with specific recommendations for policies to be followed. The action plan does not contain any binding regulations, but progress in implementing the Austrian climate change adaptation strategy is systematically recorded and evaluated. In **Bulgaria**, the strategy and action plan are intended to serve as a reference document, establishing a framework for climate change adaptation measures and priority guidelines until 2030 and 2050. They define the framework for national policy for the envisaged period of action, in line with European Union policy and the international treaties to which the Republic of Bulgaria is a party. Climate change mitigation and adaptation measures have been implemented in Bulgarian municipalities. In the **Republic of Cyprus**, planning is carried out within the framework of the integrated national energy plan for the period 2021-2030. The guidelines for the policies to be implemented define the various objectives: reducing the use of fossil fuels, promoting renewable energies, supporting green investments, improving infrastructure, protecting vulnerable groups and managing crises related to climate change. Binding rules are laid down in laws (e.g. Law 107/2022 and Law 106/2022), in line with the EU's binding targets. In **Malta**, the Low Carbon Development Strategy (2021-2050) complements the National Energy and Climate Plan (NECP) and sets out sectoral actions in the areas of energy, transport, buildings and waste. The action plan mainly provides strategic and policy guidance. In **the Netherlands**, planning is carried out at national level and includes the climate plan (Klimaatplan) drawn up every five years and an annual climate report (Klimaatnota); the climate plan and climate report form the basis for policy-making and do not contain binding rules. In **Poland**, planning is carried out at national and regional level. The Action Plan to combat climate change is the National Energy and Climate Plan for 2021-2030 (NECP), which is adopted and updated by the government in accordance with the obligation laid down in Regulation (EU) 2018/1999; these documents contain both provisions defining policy guidelines and binding rules. Local policy is mainly implemented through municipal environmental protection programmes.

In **Romania**, planning is either at national level (National Energy and Climate Plan; various documents concerning national strategies) or at regional level (for a list of these plans, see the report). In **Slovakia**, planning is carried out at national level. The action plan for the implementation of the climate change adaptation strategy was approved by the government in August 2021. The plan contains guidelines for the various policies to be followed: improving the implementation of adaptation policies and legislation; strengthening skills, control mechanisms and sanctions; increasing transparency and public participation in the preparation and implementation of specific projects; establishing an effective and functional system for the collection, processing and dissemination of data and information; improving education, information and public awareness on climate change issues and climate change adaptation; establishing a financing system for climate change adaptation projects. The plan does not contain any legally binding regulations. In **Slovenia**, strategic planning is national; the two main documents of this type are the National Energy and Climate Plan, adopted by the government, and the Resolution on Slovenia's Long-Term Climate Strategy until 2050, adopted by parliament. These documents do not contain any directly binding rules. In accordance with the Environmental Protection Act, urban municipalities (depending on the number of inhabitants), as well as other municipalities, may also adopt action plans. **Spain** also has a National Integrated Energy and Climate Plan (2023-2030). In **Sweden**, the climate policy framework is defined at national level; at regional and local level, county administrative boards and municipalities often have their own climate strategies and action plans. Planning includes both policy guidelines and binding rules (e.g. the requirements imposed on the government by the Climate Act).

Following the ratification of the Paris Agreement in 2016, **Albania** developed a national climate change strategy and action plan in 2019 [see above]. **Montenegro** has instruments for action against climate change, but the planning, adaptation and implementation process requires further institutional capacity building and harmonisation with EU climate and energy frameworks. The priority sectors for adaptation are agriculture, water, health and tourism; planning is carried out at national level through strategic plans and action plans harmonised with international standards. Planning is not limited to defining policy guidelines, but also includes binding rules and concrete measures, with clearly defined responsibilities and implementation deadlines. In **Serbia**, the government adopted the Climate Change Adaptation Programme for the period 2023-2030 in December 2023, the action plan for the period 2024–2026 [it includes 25 measures], as well as the financial and institutional framework for implementing and monitoring the plan. The above-mentioned programme sets out the

policy guidelines: establishment of a green infrastructure; support for vulnerable groups, in particular the elderly, the rural population, certain categories of workers, children, pregnant women, people with chronic diseases and people with disabilities; reduction of GHG emissions; adaptation to climatic conditions, etc. This programme assesses the effects of climate change on human health and safety, agriculture and forestry, transport infrastructure, energy, urban planning and development, and biodiversity. For crisis management, the programme refers to the law on disaster risk reduction and emergency management. The measures in the action plan relate in particular to: changes in legislation; the development of guidelines and methodologies for including environmental aspects in public policies and plans; training for the public sector and the media in the field of climate change; improving the climate change monitoring system; support for local governments; strengthening green infrastructure; financial support for climate-related activities, etc.

In **Switzerland**, planning is organised at cantonal (= regional) level, which makes it more complex. The **UK**'s action plan to combat climate change applies at the national level and combines centralised government policies and strategies, while recognising the importance of regional and local action. At the national level, this involves climate change legislation (the Climate Change Act 2008), as well as policies (the Clean Growth Strategy 2017) and strategies (the UK Net Zero Strategy 2021). While the UK's strategy is primarily defined at the national level, the devolved administrations of Scotland, Wales and Northern Ireland have significant powers to design and implement policies specific to their regions. Local authorities also have an important role to play in implementing national strategies. Local authorities are involved in decisions on urban planning, energy efficiency, waste management and transport. Many cities, such as London, Manchester and Bristol, have developed their own climate action plans, which align with or complement national strategies. The action plan contains several binding rules; these rules are incorporated into key legislation and frameworks that hold the government accountable for reducing emissions and transitioning to a low-carbon economy. The most notable of these binding rules are contained in the Climate Change Act 2008 (as amended); under this Act, the government is legally committed to achieving carbon neutrality by 2050.

I.B.4. Authorities' obligation to adopt measures [preventive measures, repressive measures, restitution measures]

According to the responses to our questionnaire, public authorities have a genuine obligation to adopt positive measures or refrain from certain actions in relation to climate change. These measures are mainly preventive, but also include repressive measures and, where appropriate, restitution measures. Even when the obligation of public authorities to adopt positive measures or refrain from certain actions is not explicitly stated, the following may serve as a legal basis for such an obligation[26]: **(a)** the objectives, rules and principles enshrined in the constitutions of different countries, according to varying formulations [namely: environmental protection, the principle of sustainable development, the rational use of natural resources, the right to a healthy environment, solidarity between generations, the right of future generations to live in a balanced environment, the commitment to combat climate change and work towards climate neutrality, the protection of health, the protection of vulnerable groups, etc (see above, point I.B.1)], **(b)** international law on climate change[27], **(c)** relevant EU law, and **(d)** national legislation, including legislation adopted to implement international and European law, but also more general legislation (e.g. legislation on environmental protection or human rights)[28]. The following responses can be cited in particular:

In **Germany**, climate protection programmes provide for the adoption of specific measures; different measures are planned depending on each programme. In **Austria**, according to the special climate protection law (Klimaschutzgesetz, KSG), the federal government and the federal states are required to develop measures to ensure compliance with emission ceilings in the sectors concerned; the measures defined must be implemented immediately. In accordance with this obligation, various types of measures have been planned (use of heating systems in line with climate targets, ban on the sale of plastic bags, subsidies for repairs and reimbursement ['repair instead of discard' initiative]). In **Croatia**, laws require the state and public sector bodies to adopt positive measures and avoid actions that could have a negative impact on the climate. The measures fall into several categories: development of long-term national strategies (low-carbon development strategy, climate change adaptation strategy, action plans); integration of climate objectives into all sectoral policies, including

[26]See the following reports on this subject: Germany, Austria, Bulgaria, Cyprus, Croatia, Spain, Estonia, Finland, France, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Slovenia, Sweden and the United Kingdom; see also: Albania, Montenegro, Serbia, Switzerland and Türkiye.

[27]See the recent opinion of the ICJ [State obligations in relation to climate change].

[28]See developments in ECHR case law.

energy, transport, agriculture and land use planning; the State must align national development with EU climate objectives and international obligations; concrete mitigation measures for GHG reduction are required (monitoring and reporting of GHG emissions / adoption of measures to limit emissions in key sectors / promotion of renewable energy, energy efficiency and sustainable mobility / encouragement of green investment and low-emission technologies); resilience strategies must be developed in the areas of agriculture, water management and urban planning; civil protection plans must be prepared to deal with extreme weather conditions and disasters. The adoption and implementation of these measures is mandatory. In **France**, according to the provisions of the Environmental Charter, which is part of the constitutional framework, "Public policies must promote sustainable development. To this end, they shall reconcile the protection and enhancement of the environment, economic development and social progress"; the Council of State ruled (CE, 19 November 2020, Commune de Grande-Synthe et al., No. 427301) that the provisions of national and European law create an obligation to act in accordance with the provisions of the United Nations Framework Convention on Climate Change and the Paris Agreement.

In **Greece**, the case law of the Council of State, based on the rules of the Constitution, has defined the objective of protection: to ensure, in an effective and efficient manner, the conservation of the ecological balance and natural resources, as well as the preservation in perpetuity of monuments and other elements of historical, artistic and cultural value, in the interest of future generations. This objective shapes the characteristics of protection: (a) the Constitution imposes on all competent State bodies (the legislature, the administration and the judiciary, within their respective spheres of competence) a genuine obligation to take all necessary and appropriate measures, whether preventive or repressive, to safeguard the natural environment and cultural heritage, as well as to protect human life and health; (b) this duty forms the basis of the rules which, within the framework of the principle of proportionality, limit the right to property and the freedom of action of individuals or communities; (c) the protection of the environment and cultural heritage and health protection also define the policies and activities of public authorities; (d) environmental protection is not only an obligation for the State, but also a right for everyone. Under constitutional rules, EU law and international law, as well as national climate legislation, the following measures may be adopted: (a) Preventive measures: strategic planning at national, regional and local level; integration of the strategy against the effects of climate change into the principles and guidelines of policies concerning various sectors of the economy; various concrete measures and policies for reducing emissions or for adapting the

organisation of public authorities, as well as the economy and society, to the effects of climate change; the development and adoption of sectoral carbon budgets; the promotion of energy from renewable sources; the mandatory assessment of the impact of various projects on climate change factors; the gradual phasing out of fossil fuels, etc. (b) Enforcement measures: administrative controls to ensure the implementation of mandatory measures and penalties for violations. (c) Restitution measures: An important restitution measure provided for in the Constitution (article 117) is the mandatory reforestation of forests and forest land destroyed by fire or illegally cleared of vegetation. The financing of actions aimed at adaptation measures, the restoration of ecological damage, and the development of action programmes to address environmental degradation in certain regions particularly affected by adverse effects can also be classified as restorative measures.

In **Ireland**, the main source of legal obligations in relation to climate change is the Climate Action and Low Carbon Development Act, which requires public authorities to take positive measures to mitigate and adapt to climate change. The measures established are mainly preventive, designed to avoid or reduce emissions and climate impacts through proactive planning and regulation; penalties for violations of the legislation are among the repressive measures; some restitution measures are mainly aimed at adaptation and ecosystem restoration. In **Italy**, climate change legislation includes a range of preventive, repressive and restorative measures. Preventive measures aim to reduce emissions and adapt to the effects of climate change, while repressive measures, including penalties, aim to ensure compliance with regulations. Remedial measures, often in the form of environmental restoration or compensation for damage, are also part of the legal framework. **Latvia**'s report mentions the relevant principles, namely the polluter pays principle, the precautionary principle, the prevention principle and the assessment principle, which requires that the consequences of any activity or measure likely to have a significant impact on the environment or human health must be duly assessed before the activity is authorised or implemented. In **Lithuania**, the legal system (the Constitution, the Climate Change Management Act, and several other legal instruments) requires public authorities to take positive measures to mitigate and adapt to climate change. Most of the measures are preventive and aim to reduce emissions, promote sustainability, and ensure the country's adaptation to the effects of climate change. Enforcement measures may apply in specific cases of non-compliance, while restitution measures are associated with adaptation projects that aim to remedy the effects of climate change.

Furthermore, in **Serbia**, preventive measures are set out in the climate change adaptation programme for the period 2023–2030 and in the accompanying action plan (development of a legislative framework, development of green infrastructure, training and education in the public sector, introduction of sustainable agricultural practices, etc). Enforcement measures are explicitly defined in the Climate Change Act (economic offences and misdemeanours, fines for those responsible). Restitution measures are provided for in the Climate Change Act and aim to restore ecosystems; they are defined more precisely in the Climate Change Adaptation Programme for the period 2023-2030 (afforestation and reforestation, infrastructure restoration, groundwater recharge, etc.). The report submitted by the **United Kingdom** cites several examples: •The Climate Change Act imposes a number of positive obligations on the British government, such as the obligation to set carbon budgets every five years, the obligation to assess the risks associated with climate change, the obligation to prepare policies to meet carbon budgets, the obligation to prepare an annual report on UK emissions, etc. •The Planning Act requires local authorities to ensure that, as a whole, the local planning scheme contributes to climate change mitigation and adaptation. •The Energy Act requires the Secretary of State to ensure that the carbon intensity of electricity generation in the UK does not exceed the maximum permitted level. •The Energy Act requires the body responsible for regulating the electricity and natural gas markets to protect the interests of current and future consumers, including their interests in achieving net zero emissions targets. •The Natural Environment and Rural Communities Act imposes a similar obligation on public authorities. These measures are primarily preventive in nature; the existing regime also provides for certain penalties and other regulatory measures for cases of non-compliance.

Three more specific topics related to the obligation to adopt measures [preventive, repressive or restitutionary] are examined below.

•In the area of climate change, what mechanisms are available to individuals to defend themselves against illegal action by public authorities, in particular against their failure to comply with the obligation to adopt the measures provided for (preventive, punitive, restitutionary)? Is there a right to request the adoption of such measures and, if so, under what conditions? Is the legal enforcement of this right regulated?

There is no specific set of procedures, applicable to legal proceedings, devoted exclusively to climate disputes (type of appeal, conditions of admissibility or substance, means of evidence, powers granted to the judge, etc)[29]. However, the general régime applicable to litigation, depending on the organisational structure of each country's judicial system [see section II.B of this questionnaire for more details], and especially the régime for environmental disputes, are applicable[30]. The three components of the Aarhus Convention, access to information, public participation in decision-making and access to justice in environmental matters, are particularly highlighted in several national reports[31] [for access to information and participation in decision-making, see I.B.5 below].

Some notable examples: In **Portugal**, the mechanism specifically designed for environmental protection is "popular action", a type of class action lawsuit. Such action can be brought under the right to a healthy and ecologically balanced environment, which is explicitly recognised in the Constitution; furthermore, the fundamental law on environmental policy (2014) guarantees everyone's right to full and effective protection of their rights and interests in relation to the environment. The Portuguese Constitution recognises popular action -in the form of locus standi- by citizens, who may exercise it either individually or through associations; this action may be exercised before the courts to defend environmental interests, without having to invoke a personal and direct interest or demonstrate a particular connection with the dispute (Law No. 83/1995). A popular action may be brought by any citizen exercising their civil and political rights (Law No. 83/95), as well as by associations and foundations to defend the general interest, provided that their respective statutes so provide. These associations are exempt from procedural costs. Local authorities may also bring an action to defend the interests of the municipalities for which they are responsible (Law No. 83/95). Under the Code of Administrative Procedure, this possibility is recognised for the public prosecutor in administrative proceedings. The report also mentions the right to refer matters to the ombudsman, the right to submit petitions, complaints and reports to public authorities, and the right to participate in administrative proceedings. According to the Framework Law on Climate, state and local

[29]See the following reports: Austria, Croatia, Germany, Greece, Hungary, Italy, Luxembourg, Malta, Poland, Spain, United Kingdom, Albania, Serbia, Türkiye, Switzerland.

[30]See in particular the following reports: Albania, Germany, Bulgaria, Cyprus, Croatia, Greece, France, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Montenegro, Poland, United Kingdom, Slovenia, Sweden, Serbia, Türkiye.

[31]See the following reports: Albania, Bulgaria, Croatia, Ireland, Lithuania, Sweden.

Co-funded by
the European Union

authorities are liable for non-compliance with their obligations in this area; as a result, citizens or organisations, depending on their legal status, may take legal action against the state or local authorities to ensure the implementation of climate policy. In **Bulgaria**, climate change is considered to be "a common concern of humanity"; the Constitution also grants natural or legal persons, associations and non-governmental organisations the right to bring legal proceedings against an individual administrative act if they can justify a "particular interest" or a "direct and personal interest" [the exceptions are listed in the law]. Applicants' access to the administrative court for environmental and climate cases is also based on the Code of Administrative Procedure (however, the Code of Administrative Procedure does not provide for collective redress in environmental cases). National, local or other public authorities may also be empowered to bring an action against an administrative act relating to the environment, strictly if this right is provided for by law. In civil law, persons or organisations affected by the violation of environmental legal rules may bring an action before the civil court, in accordance with the Code of Civil Procedure. In cases of disputes concerning the violation of environmental law, the Supreme Administrative Court applies the Constitution and common law, as well as European Union law or relevant international legal acts. In **France**, judges hearing cases apply general provisions, adapting them to take account of the specific issues related to climate change; two cases, the Grande-Synthe case and the Affaire du siècle (Case of the Century), are mentioned. French law also provides for a special status for approved environmental protection associations (resulting from the Environment Code), which are notably behind these decisions. Individuals, for their part, must demonstrate a direct and certain interest in order to challenge decisions taken by the administration in this area. In the Grande-Synthe case, the court ruled that the association had a direct and certain interest in challenging the decision taken by the administration; this condition was deemed not to have been met in the case of Mr Carême, who was standing for election as mayor of the municipality of Grande-Synthe. The decision was referred to the European Court of Human Rights, which upheld the assessment in light of the criteria it had established in this area (ECHR, 9 April 2024, Carême v. France, No. 7189/21). The **Cyprus** report emphasises two constitutional provisions, namely article 7A concerning environmental protection (see above I.B.1: everyone has the right to a safe, clean, healthy and sustainable environment; the protection of the natural environment is an obligation of the State, which is required to take preventive or repressive measures or measures of restitution within the framework of the principle of sustainability) and article 146, according to which any person whose legitimate interest -either as an individual or as a member

Co-funded by
the European Union

of a community- is directly and adversely affected by a decision, act or omission may bring proceedings before the competent court.

In **Ireland**, individuals have limited legal tools to ensure that the State complies with its climate obligations. In particular, they have the right of access to environmental information and the possibility of bringing judicial review proceedings. In environmental cases, the courts have applied the criterion of "sufficient interest" set out in Directive 2011/92/EU (on the assessment of the effects of certain public and private projects on the environment) (see, for example, Grace and Others v An Bord Pleanála [2017] IESC 10). NGOs are also empowered to bring actions for the protection of natural resources and the environment; the organisations Friends of the Irish Environment (FIE) and An Taisce frequently bring cases before the courts. NGOs can rely on the provisions of the Aarhus Convention and the Planning and Development Act, which grants standing to certain organisations that have been active in the environmental field for at least 12 months. Public institutions, including the Environmental Protection Agency (EPA) and local authorities, also have powers and are authorised to prosecute environmental offences and take enforcement action in the event of regulatory violations. In addition, the Attorney General, representing the State, may intervene, particularly when the public interest is at stake. Beyond the national courts, individuals and organisations can seek redress through European and international legal mechanisms (complaints to the European Commission, which may, following proceedings, refer the matter to the Court of Justice of the EU; for example, in Case C-261/18 Commission v Ireland, the CJEU ruled that Ireland had not properly carried out impact assessments under Directive 2011/92/EU). Individuals may also refer cases to the ECHR (see ECHR case law on this subject). In **Latvia**, under the Environmental Protection Law, the public has the right to challenge administrative acts or actions by a public authority or local government if they do not comply with environmental laws and regulations or if these acts are harmful to the environment. The law stipulates that any person may bring legal action not only if their subjective rights have been violated, but also if the administrative act or behaviour of the authority is likely to cause harm or damage to the environment ("actio popularis"). In **Lithuania**, under the Aarhus Convention, citizens have the right to challenge public decisions or actions that may violate environmental legislation, including regulations related to climate change. If a public authority fails to comply with its climate obligations, citizens can challenge these breaches in court. With regard to standing in environmental protection matters, the law allows citizens and non-governmental

Co-funded by
the European Union

organisations to take legal action in cases of violations of environmental regulations, including those related to climate change.

•Is there a right for individuals to ensure that private persons comply with similar obligations?

With regard to actions or omissions by private individuals (natural or legal persons) that violate climate law obligations, national reports confirm that there are no specific regulations or remedies in place. However, the general rules are applicable. It is possible to bring actions for damages, initiate criminal proceedings, request the administration to take measures against private individuals and then bring legal proceedings before the competent court to challenge the illegal decision or omission of the administrative authorities, ensure that the administration applies the polluter pays principle: these are all options and means available, in principle, to individuals against illegal actions or omissions by private individuals[32].

•Are there specific regulations governing ecological damage caused by climate change?

With the exception of Bulgaria, Poland and the United Kingdom, all other countries answered "no" to the previous question. Directive 2004/35/EC on environmental liability with regard to the prevention and remedying of environmental damage establishes a general framework based on the polluter pays principle, without making specific reference to damage caused by climate change[33]. However, responses to the questionnaire show that there are principles and rules in national, European and international legislation that can serve as a basis for civil or criminal liability for ecological damage. As noted, due to the absence of specific regulations on this subject -ecological damage caused by climate change- and especially due to the difficulties inherent in issues of proof and causality, legal action remains a delicate and uncertain undertaking. According to the reports submitted:

[32]See the following reports: Germany [on this particular issue, litigation was pending at the time of writing], Croatia, Greece, France, Hungary, Ireland, Italy, Latvia, Lithuania, Poland, Sweden, United Kingdom [several complaints have been filed in the UK by individuals against company directors for failure to comply with climate change obligations, two examples: ClientEarth v Shell and Others [2023] EWHC 218 (Ch) and McGaughey and Davies v Universities Superannuation Scheme Ltd and Directors [2023] EWCA Civ 873)], Türkiye.

[33]See, in particular, the reports from Cyprus, Greece, Latvia and Malta.

In **Bulgaria**, the Law on Liability for Prevention and Remediation of Environmental Damage (amended in December 2023) takes into account the polluter pays principle and the principle of sustainable development. It defines: -ecological damage and imminent threat; -the powers of the authorities and the rights and obligations of operators; -the procedures for selecting and implementing preventive and corrective measures; -the civil liability of operators and the organisation of the financing of the actions necessary for the prevention and remediation of ecological damage; -cooperation and exchange of information with the European Commission and Member States on ecological damage; - the competent authorities (Minister of the Environment, regional RIEW inspectorates, water management and national park directorates). In **Poland**, the Environmental Protection Act contains provisions on ecological damage, including damage related to climate change; provisions on the prevention, mitigation and repair of ecological damage are provided for; in addition, the régime for assessing the impact of new projects or significant developments, which includes potential ecological impacts, contributes to mitigating the adverse effects of climate change. In the **United Kingdom**, the Environment Act 2021 includes several provisions to address ecological damage caused by climate change; it provides for the obligation to set legally binding biodiversity targets and to carry out monitoring to assess the state of ecosystems and biodiversity; it authorises the Secretary of State to set long-term objectives by means of regulations[34].

According to **Croatia**'s report, national legislation and international commitments on environmental protection, which aim to prevent, mitigate and repair ecological damage, are relevant to damage caused by climate change (damage to ecosystems, biodiversity and natural resources). **Cyprus**' report notes that despite the absence of a separate specific legal instrument for ecological damage caused by climate change (due to rising temperatures, droughts, sea level rise, etc), the transposition of Directive 2004/35/EC, sectoral legislation (on water, biodiversity, land use, etc) and the policies set out in the national adaptation strategy and the NECP define a comprehensive legal framework. In **Greece**, the National Climate Law, the 2012 law adopted to transpose Directive 2008/99/EC on the protection of the environment through criminal law, and general environmental protection legislation, interpreted

[34]In the UK, several regulations aimed at improving environmental protection, reducing pollution and combating ecological damage caused by climate change have been adopted, including: the 2017 Habitats and Species Conservation Regulations, the 2021 Water Resources (Pollution Control) Regulations (England), the 2022 Net Gains in Biodiversity Regulations, the 2022 Producer Obligations and Responsibilities (Packaging Waste) Regulations, the 2023 Environmental Targets (England) Regulations, and the Extended Producer Responsibility (EPR) scheme for packaging (2023).

Co-funded by the European Union

in the light of the Constitution and international and European standards, can serve as a legal basis and interpretation tool for judges. The **Irish report** also notes that certain general environmental protection laws may apply indirectly to ecological damage linked to climate change. In **Italy**, climate legislation, budgetary laws on climate action financing and the national plan for adaptation to the effects of climate change, as well as the principles of sustainable development, prevention, precaution and polluter pays, codified in the national régime, apply to ecological damage caused by climate change. In **Lithuania**, the issue of ecological damage caused by climate change (e.g. loss of habitats due to drought or flooding) falls under the application of general environmental protection laws and EU legal instruments. The Environmental Protection Act establishes general obligations for public authorities, private individuals and legal entities with regard to the prevention of environmental damage (damage to water, soil, species, protected areas and habitats, air pollution, GHG emissions); it provides for liability (including financial liability) in the event of ecological damage, as well as restoration measures where possible; it covers both intentional damage and damage to the environment caused by negligence; it enshrines the polluter pays principle. The Law on Financial Instruments for Climate Change Management prescribes preventive measures by providing for the financing of various actions (adaptation, mitigation, reforestation). In **Portugal**, although there is no specific law for ecological damage caused by climate change, the rules laid down in the 2021 Basic Climate Law and the 2008 Legal Regime on Liability for Environmental Damage are applicable. In **Slovenia**, the Environmental Protection Act provides for polluter liability for environmental damage, with a limitation period of 30 years starting from the date on which the cause of the damage occurred; the polluter is primarily responsible for preventing damage and must implement corrective measures in the event of damage; he may also be asked to reimburse the costs of preventive and corrective measures if he fails to comply with this obligation; the interested public (including non-governmental organisations and legal or natural persons whose legal interests are affected by the damage) has the right to request measures in accordance with the provisions of the Act[35].

I.B.5 Division of responsibilities / public participation / access to information

[35] See also the reports from **Romania** (despite the absence of specific regulations for environmental damage resulting from the effects of climate change, general rules and in particular the polluter pays principle apply to compensate those affected, e.g. farmers); **Montenegro** (no separate regulations for damage caused by climate change; however, the Environmental Protection Act, based on the polluter pays principle, requires all legal and natural persons to prevent and repair environmental damage); Türkiye (regulations on the monitoring of GHG emissions, ozone-depleting substances, fluorinated greenhouse gases and industrial emissions management).

•Division of competences

The powers and responsibilities of public authorities with regard to climate change are subject to specific regulations; a special ministry is primarily responsible for managing issues related to the climate crisis; often, this is the Ministry of the Environment; other ministries and local authorities are also responsible according to their respective areas of competence.

In **Austria**, in accordance with the law (Bundesministeriengesetz), a special ministry is responsible, among other things, for climate and environmental protection. In **Croatia**, the Ministry of Economy and Sustainable Development is responsible for the national climate strategy, emission reduction plans, and climate change adaptation plans; the Ministry of the Interior is responsible for disaster management and crisis coordination; the Ministry of Agriculture is responsible for adaptation and resilience in agriculture and forestry; the Ministry of the Environment and Nature Protection is responsible for the protection of ecosystems and biodiversity and the adaptation of natural ecosystems; The National Directorate for Civil Protection is responsible for disaster and crisis management. In addition, local authorities also have responsibilities in relation to climate change (emergency measures, urban action, local resilience). In **Cyprus**, the main responsibility lies with the Ministry of Agriculture, Rural Development and Environment, the authorities responsible for urban planning, local authorities and municipalities. In the **Czech Republic**, the Ministry of the Environment is responsible for the protection of natural water reserves and resources, air, nature and landscapes, the exploitation and protection of agricultural land, the protection of mineral resources, geological work and supervision of mining, waste management and assessment of the effects of projects and activities on the environment, hunting, fishing and forestry, and national environmental policy; the Ministry is also responsible for implementing climate-related measures. In **Estonia**, the Ministry of Climate is responsible for implementing green reform, planning climate policy, accelerating the development of renewable energy and coordinating renewable energy projects. The ministry, which is also responsible for other sectors (maritime, waste management, energy and transport), has a wide range of powers to effectively coordinate climate-related issues. In **Finland**, public responsibility for combating climate change lies with the national authorities and is shared between the ministries of the environment, agriculture and forestry, and labour and trade. In **France**, the Prime Minister is responsible for ecological planning and has at his disposal the General Secretariat for Ecological Planning (SGPE), which oversees the implementation of the public policy at the interministerial level. Each ministry is required to take climate change into account, but the lead ministry is the Ministry of Ecological Transition, Biodiversity, Forestry, Sea and Fisheries. In **Greece**, two ministries, the Ministry of Climate Crisis and Civil Protection, created in 2021, and the Ministry of Environment and Energy, have responsibilities relating to climate crisis management. In **Hungary**, environmental protection and climate policy fall within the remit of the Minister for Energy; there is a Deputy State Secretariat for Climate Policy within this ministry. The National Directorate-General for Disaster Management of the Ministry of the Interior and its regional units also have significant powers. In **Luxembourg**, issues relating to climate change fall within the remit of the Ministry of the Environment, Climate and Biodiversity, which is supported in its work by three administrations: the Environment Administration, the Nature and Forestry Administration, the Water Management Administration, and the Klima-Agence group. In **Ireland**, responsibility for combating the climate crisis is shared between several governmental and independent institutions, each with a role defined by national legislation; the government as a whole is required to pursue the national climate policy objective of achieving a climate-neutral

economy by 2050; the Minister for the Environment, Climate and Communications is primarily responsible for developing the national climate action plan, preparing the long-term national climate action strategy and coordinating the development of sectoral adaptation plans; specific sectoral responsibilities are assigned to other ministers (e.g. the Ministers of Transport, Agriculture and Energy), who are required to prepare sectoral emission caps (binding limits), contribute to the development of carbon budgets, implement measures within their remit and report annually on progress. In **Italy**, the government and certain related bodies have public responsibilities in the field of climate change; regional and local authorities also play an increasingly important role. In **Latvia**, the distribution of public responsibilities is regulated. Several institutions are responsible for managing issues related to the climate crisis, including protection against its effects and disaster management: a) the Ministry of Climate and Energy, the main institution responsible for developing and implementing climate policy, including mitigation and adaptation measures; b) the Ministry of Smart Administration and Regional Development, responsible for municipal participation in crisis prevention and adaptation measures; c) the National Fire and Rescue Service, the main institution responsible for disaster management, including natural disasters and climate-related crises; d) the Latvian Environment, Geology and Meteorology Centre, which collects and analyses climate, meteorological and hydrological data and issues alerts to the public and public institutions; e) the Ministry of Defence and National Armed Forces, responsible for national security aspects in emergency situations, including those caused by climate disasters; f) local municipalities, which implement local measures for crisis prevention, protection of residents and adaptation efforts. In **Lithuania**, the Ministry of the Environment plays a central role in coordinating climate change policy and implementation; the Ministry of Energy is responsible for energy-related climate targets and for preparing the national energy and climate plan; other ministries and government agencies contribute in their respective areas (transport, agriculture, etc.) to ensuring cross-sectoral climate action. **Malta's** Civil Protection Department (CPD) manages disaster preparedness and emergency response (extreme weather events and climate-related crises: floods, heat waves). In **Montenegro**, the main authority is the country's government, which oversees the Directorate for European Integration, International Cooperation and Climate Change, as well as the Environmental Protection Agency. In **the Netherlands**, since July 2024, a special ministry, the Ministry of Climate and Green Growth (Minister van Klimaat en Groene Groei), has been responsible for regulation and policy on climate-related issues. In **Poland**, the Ministry of Climate and Environment is responsible for managing these issues. In **Portugal**, the Ministry of Environment and Energy and local authorities are responsible for promoting public policies that ensure climate change mitigation and adaptation. In **Romania**, there is a central public authority for environmental protection that is responsible for climate change issues. In **Slovakia**, issues related to the climate change crisis and protection against its consequences fall under the remit of the Ministries of the Environment and the Interior. In **Slovenia**, the main role for climate change-related tasks is assigned to the Climate Policy Directorate, which is a unit of the Ministry of the Environment, Climate and Energy. The Directorate carries out strategic policy measures for reducing GHG emissions and adapting to climate change, prepares proposals for national legislation, monitors European and international legislation and ensures its implementation, and participates in international climate negotiations. In **Spain**, the Ministry for Ecological Transition and Demographic Challenge is responsible at the central level. In **Sweden**, the government assumes overall responsibility and several public bodies are assigned different areas of responsibility. In **Serbia**, the Ministry of Environmental Protection is responsible for climate change at the national level; it identifies the impacts of climate change on specific sectors and systems, as well as the necessary measures, and prepares the adaptation programme. In **Switzerland**, the Federal Department of the Environment, Transport, Energy and Communications (DETEC) and the designated departments or directorates in each canton have jurisdiction in this area. In **Türkiye** the Ministry of Environment, Urbanisation and Climate Change since 2021 [former Ministry of Environment and Urbanisation] is responsible for these

issues. In the **United Kingdom**, responsibility lies mainly with: the Department of Energy Security and Net Zero (DESNZ), the UK government department responsible for emissions reduction policy and for energy security and promoting climate change measures in the UK and internationally; the Department for Environment, Food and Rural Affairs (DEFRA), which is responsible for national adaptation policy and for developing the national adaptation programme to address the risks associated with climate change.

Several other organisations are also involved. They are responsible for: collecting and processing scientific data[36]; conducting comparative studies and surveys[37]; monitoring the implementation of measures and the achievement of objectives[38]; evaluating research on climate change[39]. The composition, operating rules, degree of independence and nature of powers assigned to these bodies vary widely.

It is often the case that national legislation establishes a complex system for organising and sharing responsibilities, with several entities and bodies having either advisory or decision-making powers. Political bodies, such as ministries or interministerial commissions, are in principle vested with decision-making powers; the administrative units of ministries are involved in preparing and evaluating decisions; bodies of an essentially technical or scientific nature are tasked with undertaking studies and research and are generally consulted by the government; bodies involving representatives of central government, local authorities, public or private institutions and civil society have mainly advisory powers and participate in the process of preparing and evaluating strategies and planning.

Thus: In **Austria**, the above-mentioned tasks are carried out by the Federal Environment Agency (Umweltbundesamt), GeoSphere Austria and the Federal Institute for Geology, Geophysics, Climatology and Meteorology. The Federal Agency and GeoSphere Austria have purely advisory

[36]Albania / Austria / Bulgaria / Croatia / Cyprus / Estonia / France / Germany / Ireland / Italy / Latvia / Lithuania / Luxembourg / Malta / Montenegro / Netherlands / Poland / Portugal / Romania / Slovakia / Slovenia / Spain / Sweden / Serbia / United Kingdom.

[37]Albania / Austria / Bulgaria / Croatia / Estonia / France / Germany / Ireland / Italy / Latvia / Lithuania / Luxembourg / Malta / Montenegro / Netherlands / Poland / Portugal / Romania / Slovakia / Spain / Serbia / United Kingdom.

[38]Austria / Bulgaria / Croatia / Cyprus / Estonia / France / Germany / Ireland / Latvia / Lithuania / Luxembourg / Malta / Montenegro / Netherlands / Poland / Portugal / Romania / Slovakia / Slovenia / Spain / Sweden / Serbia / Switzerland.

[39]Austria / Bulgaria / Croatia / Estonia / France / Germany / Ireland / Italy / Latvia / Lithuania / Luxembourg / Malta / Montenegro / Netherlands / Poland / Portugal / Romania / Slovakia / Slovenia / Spain / Sweden / Serbia / United Kingdom.

Co-funded by the European Union

functions and conduct research. The Agency's directors-general are appointed by the Minister for Climate and Environmental Protection following a public call for applications, in accordance with the Federal Act on Transparency in the Recruitment of Public Sector Employees (Stellenbesetzungsgesetz); the majority of the members of the supervisory board are also appointed by the relevant ministers. According to the GeoSphere Austria Act, the directors-general are appointed by the Minister for Education, Science and Research following a call for tenders; the organisation's board of directors has a say before any appointment or dismissal; this board of directors is composed of ten members, five of whom are appointed by the Minister of Education, Science and Research, one by the Minister of Climate and Environmental Protection, one by the Minister of Finance, two by the organisation's employee council and one by the Government of Lower Austria; a scientific council is also provided for, whose members are appointed for a period of three years by the Minister of Education, Science and Research, on the recommendation of the Ministry's Directorate-General (seven members) and the universities (two members); members of the federal government, secretaries of state, members of a provincial government, members of the National Council, the Federal Council or other similar institutions, political party officials or persons who have held one of these positions in the last four years may not be appointed to the board of directors or the scientific council.

In **Croatia**, the Environment Agency (CEA), the Institute for the protection of the environment and nature, the Academy of Sciences and Arts, the Ivo Pilar Institute of Social Sciences, the Institute for Research and Development of Sustainable Solutions, and the Ministry of Economy and Sustainable Development share the relevant competences. These bodies have civil servants, scientists and experts who enjoy guarantees of independence and must act in accordance with the rules of transparency, based on scientific data. In addition, the Climate Change Council includes elected representatives, scientists and NGOs among its members.

In **Finland**, the Environment Institute (SYKE) and the Natural Resources Institute (LUKE) collect data on climate change in collaboration with the Meteorological Institute. There is also a scientific panel on climate, composed of researchers, whose members are appointed by the government but which is an independent body in terms of its operation; it evaluates data and provides opinions and advice to the government. The Sami people (the indigenous people of Lapland) have their own panel.

In **France**: (A) The public body primarily responsible for implementing climate change measures is the Directorate- General for Energy and Climate (DGEC); this central government department is mainly responsible for policy in this area and for monitoring its implementation; it prepares the SNBC and monitors GHG emissions. The High Council for Climate (HCC) is an independent body responsible for assessing public action on climate change, its consistency with France's European and international commitments, in particular the Paris Agreement, the path to carbon neutrality in 2050 and compliance with carbon budgets; it is specifically designed to inform public action and provide a reference in terms of scientific expertise; It is composed of top-level scientists in all relevant fields and benefits from guarantees of independence. The Interprofessional Technical Centre for Studies on Atmospheric Pollution (CITEPA) is responsible for assessing the impact of human activities on the climate and atmospheric pollution. it produces reference data on the subject and develops solutions to promote emissions reduction, air quality improvement and adaptation to climate change. The Agency for Ecological Transition (ADEME) participates in the development of national and local ecological transition policies; it is responsible in particular for supporting research and innovation, including the dissemination and adoption of solutions and best practices in order to accelerate the ecological transition. (B) ADEME has a scientific council that guides its policy in this area by issuing opinions on its research and development strategy. Its opinions are communicated to the board of directors and the relevant ministers. It is composed of fifteen members from the worlds of research, education and the private sector. They are appointed for five years by order of the Minister for Ecological Transition and the Minister for Higher Education, Research and Innovation. CITEPA is composed of engineers and experts in environmental matters. It is a non-profit association whose purpose is to produce and disseminate reliable knowledge on air pollutants and greenhouse gases, to support public and private decision-makers, and to strengthen countries' capacities in the fight against climate change and air pollution. The HCC is composed of a maximum of twelve members chosen for a five-year term on the basis of their scientific, technical and economic expertise in the fields of climate and ecosystem sciences, greenhouse gas emission reduction, and climate change adaptation and resilience. (C) The DGEC and ADEME are executive bodies; the HCC is an expert and advisory body; CITEPA is an expert body.

In **Ireland**, the Climate Change Advisory Council (CCAC), an independent expert body under its statutory rules, is responsible for advising the government on climate policy, reviewing progress and carbon budgets, and publishing annual and periodic assessment reports. Under the Climate Action

and Low Carbon Development Act 2015 (as amended), the government is legally required to consult the CCAC before adopting or amending key instruments, including carbon budgets, sectoral emission caps and the National Climate Action Plan. The government is not obliged to follow the CCAC's advice, but if it decides to deviate from it, it must justify its decision. Other public bodies have regulated powers in the implementation of climate measures. The EPA, for example, has monitoring powers, powers to grant licences for emissions reporting and compiles national greenhouse gas inventories. In practice, the EPA is also consulted or involved in the development of climate-related regulations, particularly when technical data, emissions models or scientific expertise are required; although such consultation is not always legally required, the EPA's role as the national authority for environmental monitoring and reporting makes its contribution both necessary and commonplace. The EPA assists ministries in developing evidence-based policies by providing emissions inventories, projections and risk assessments (see the 1992 Environmental Protection Agency Act).

In **Italy**, the Institute for Environmental Protection and Research (ISPRA) is a public body that supports ministries and coordinates regional agencies. It has its own resources, staff and equipment. The composition and functioning of the Institute are designed to ensure its independence and the scientific rigour of its work.

In **Greece**, national legislation establishes a complex system of organisation and division of responsibilities, with several bodies that have either advisory or decision-making powers: political bodies [bodies with decision- making powers], administrative units and Ministries [bodies that participate in the preparation and in the evaluation of decisions], technical or scientific bodies [advisory bodies], bodies involving representatives of central government, local authorities, public or private institutions and civil society [bodies that essentially have advisory powers and participate in the process of preparing and evaluating decisions]. -An interministerial commission and a special council to the government, which are political bodies par excellence, are responsible for developing and adopting plans and major strategies. -The Organisation for the Natural Environment and Energy is a legal entity under private law under the supervision of the Ministry of the Environment; it is responsible for creating and maintaining a publicly accessible website that serves as a forum for dialogue. -The National Observatory for Climate Change Adaptation is designated as an information exchange network; three ministries (Climate Crisis and Civil Protection, Environment and Energy, and Internal Affairs), the National Meteorological Service, the Athens Observatory and other

Co-funded by
the European Union

scientific entities participate in it; the National Observatory is both political and scientific-technical in nature; it participates in the development of national policy, observes and assesses the country's resilience to the effects of climate change, and must provide credible information to the administration, various public and private sector bodies and private companies to assist them in developing policies and actions, as well as in integrating climate crisis-related hazards into their respective projects; It also contributes to raising awareness in society. -The National Council for Adaptation to Climate Change, described as an advisory body, is responsible for coordinating, monitoring and evaluating policies developed in this area. The Council is chaired by the Minister for Climate Crisis and Political Protection and includes representatives from various ministries, municipalities and regions, scientific bodies, industry and non- governmental organisations. The Council is responsible for further refining adaptation policies in line with international conventions and EU plans, clarifying the policies set out in the National Strategy for Adaptation to Climate Change, and providing advice on the development and updating of the National Strategy and regional plans. -The Scientific Commission on Climate Change participates in policy development to address climate change issues and adaptation measures; it must establish, based on scientific data, the necessity of the proposed policies.

In **Latvia**, the Ministry of Climate and Energy has concluded several agreements with various institutions, including scientific institutions, for the delegation of specific tasks; agreements have been signed with the public scientific institute "Institute of Physical Energy", the limited liability company "Environmental Investment Fund", the national forestry research institute "Silava", the public limited liability company "Latvian Centre for Environment, Geology and Meteorology" and the "Latvian University of Life Sciences and Technologies". These institutions are either public scientific entities (institutes and universities) that carry out scientific activities in accordance with the law, or 100% publicly owned companies (limited liability companies) that engage in commercial activities under private law. The operational independence of scientific institutes and universities is guaranteed by the principle of academic freedom. The governance of other institutions is generally ensured by a board that includes both appointed and elected representatives, who are often experts in their respective fields. The specific composition of these boards and the selection process for representatives may vary depending on the applicable laws and regulations. The powers assigned to these bodies vary; in general, they have advisory powers and provide expert advice, recommendations and strategic guidance on specific issues related to scientific research, policy and administration.

Sometimes, as part of their mandate, these bodies may take decisions in specific areas, such as approving and signing contracts for KPFI projects.

In **Lithuania**, several bodies are responsible for tasks related to climate change, including collecting scientific data, conducting surveys, monitoring implementation and evaluating progress. Thus, the ministries responsible for defining policies, implementing climate measures and reporting to the European Commission work closely with other institutions. These include -Specialised Institutes (e.g. the Environmental Protection Agency) responsible for processing scientific data, conducting research and developing methodologies to monitor the impacts of climate change; they also support the implementation of national climate policies; -Research Centres (e.g. the Energy Institute): they conduct studies and comparative research and provide scientific information on climate change, its effects and possible mitigation strategies; they collaborate with government agencies to ensure that the latest scientific data is taken into account in policy-making; -Universities (e.g. Vilnius University, Kaunas University of Technology) which play a key role in climate change research and education, conduct independent scientific research and also collaborate with the government to provide expert advice on climate policies; -Statistical Agencies; Statistics Lithuania plays a crucial role in collecting, analysing and producing reliable data. These bodies are composed of civil servants, experts, scientists and academics and have both decision-making and advisory powers. Scientific bodies (research institutes and universities) operate with a high degree of independence.

In **Luxembourg**: -The Climate Platform is a forum for climate discussion, its mission is to propose research and studies, establish a multi-level dialogue, participate in the development of the national plan, and issue opinions, at the request of the government, on national policy. The members of the Climate Platform are appointed by the government for five years; it is chaired by a representative of the minister; It may call on experts or set up working groups. -The Climate Observatory is tasked with providing advice on projects, actions or measures likely to have an impact on climate policy, drafting an annual report on the implementation of climate policy and proposing research and studies. It is composed of seven to nine members, chosen from among individuals with expertise in the field. -The Luxembourg Institute of Science and Technology, a public institution, carries out innovation and scientific research activities (environmental technology, natural resources, ecosystems, energy systems).

Co-funded by
the European Union

In **the Netherlands**: The Netherlands Environmental Assessment Agency (Planbureau voor de Leefomgeving); the PBL is a research institute that provides strategic knowledge for policy-making; it publishes an annual report on climate and energy prospects that provides data on progress towards climate targets. The Scientific Climate Council (Wetenschappelijke Klimaatraad); the WKR advises the government and parliament, at their request or on its own initiative, on climate policy; it independently drafts scientific reports on climate policy; it is a multidisciplinary body composed of 10 members, appointed by the cabinet for a period of 4 years. The Advisory Department of the Council of State (Afdeling Advisering van de Raad van State) provides advice for the annual climate report and the climate plan every five years.

In **Poland**, the Institute of Environmental Protection-National Research Institute (IEP-NRI), under the supervision of the Ministry of Climate and Environment, has as its main mission to create a scientific basis, provide scientific knowledge to central and local government, and educate society on various ecological issues. It conducts research for economic development in the fields of environmental protection, sustainable development, combating climate change and the rational use of the environment and resources. The National Centre for Emissions Balancing and Management (NCBEM) is part of the Institute's structure; its mission is to administer the EU Emissions Trading System (EU ETS). The Institute's bodies, which have advisory powers, are the director and the scientific council; the director and deputy directors are appointed and dismissed by the minister; the members of the scientific council are also appointed by the minister.

In **Romania**, the main research organisations are the National Institute for Environmental Research and Development in Bucharest, as well as the two national marine institutes for research and development in this field (the Grigore Antipa Institute and the Danube Delta Institute); they work closely with the National Research Authority, which is chaired by a minister and has significant powers. An interministerial committee on climate change is chaired by the Prime Minister. The interministerial committee and research institutes mainly have advisory powers; the National Research Authority has decision-making powers.

In **Slovakia**, the relevant ministry cooperates informally with scientists and experts from the Slovak Academy of Sciences and universities, who play an advisory role; as noted in the national report, it is difficult to assert systemic independence in the area of climate change.

In **Slovenia**, the Climate Council is an independent scientific advisory body to the government. It provides expert opinions and recommendations on existing and proposed climate policy measures and their compliance with ratified international treaties and the EU legal framework in the field of climate change. Its mission is to monitor the implementation and review of Slovenia's long-term climate strategy, the National Energy and Climate Plan (NECP) and other strategic documents relating to climate change mitigation and adaptation objectives, based on scientific data; it contributes to the development of a comprehensive cross- sectoral approach; it participates in the development of regulations in the field of climate change, prepares an annual report on its activities, which is available to the public on the public administration website, and cooperates with scientific institutions and local communities. Rules of procedure, adopted by the government, define the Council's working methods and the remuneration of its members; the ministry responsible for climate change also provides the Council with administrative, technical and financial support. The government appoints nine independent experts to the Council for a six-year term, renewable once, on the recommendation of the ministry responsible for climate change. These experts must be specialists in the fields of GHG emission reduction and climate change adaptation; When selecting candidates, the natural and technical sciences as well as the social sciences and humanities must be represented; the government must also respect the principle of gender balance; four members of the Council are proposed by public universities, three by the Slovenian Academy of Sciences and Arts and two by non- governmental organisations; the President of the Council is elected by the members of this body.

In **Sweden**: -The Environmental Protection Agency carries out missions on behalf of the government in the field of the environment, in the country, in the EU and in other countries. -The Institute of Meteorology and Hydrology (SMHI) is an expert authority responsible for forecasting meteorological, hydrological and climatic changes. -The Agency for Water and Sea Management is the authority responsible for matters relating to the conservation, restoration and sustainable use of lakes, rivers and seas. The Environment Agency is headed by a person appointed by the government; it also has an advisory board consisting of up to ten members, all appointed by the government; although the Agency is organised as an administrative authority under the government and is therefore primarily accountable to it, it is independent in the exercise of its public authority (according to the general rules of the Instrument of Government). The same rules apply to SMHI and the Agency for Water and Sea Management. -The Climate Policy Council is evaluating the government's general policies, including the methods on which they are based. The Council consists of eight members,

including a chair and vice-chair; its members must have a high level of scientific expertise in areas relevant to climate transition; for new members, the Council submits proposals to the government, which then decides on their appointment. The authorities mentioned all have advisory powers; many of them also have decision-making powers.

In **Portugal**: -The Portuguese Environment Agency is the main responsible for implementing climate policy; it is a public institution with administrative and financial autonomy; it develops national climate change adaptation policies, monitors, controls and evaluates them, and supports the development of adaptation programmes and measures. Most of the members of the board of directors, the advisory board and the councils are appointed by the government on merit. -The Instituto Português do Mar e da Atmosfera (IPMA) is a public institute, with administrative and financial autonomy; it participates in the fulfilment of the missions of various ministries. Its structure includes the board of directors, the executive board, the scientific council, a joint committee, technical and scientific departments [Department of the Sea and Marine Resources (DRMM), Department of Meteorology and Geophysics (DMG), Department of Administration and Infrastructure (DAI)] and regional delegations. The Executive Board's members are appointed by the government. The Scientific Council comprises all those working in the institution; in principle they must hold a doctorate or equivalent degree and an entrance examination is organised; if they do not possess the qualifications required, they must prove the high level of their research activities [a level equal to or higher than that of an assistant researcher] or relevant teaching activities at the university. The President of the Council, the scientific director is elected by secret ballot by the simple majority of votes cast. -The Directorate General for Energy and Geology (DGEG) is a department of the central government. -The National Council for the Environment and Sustainable Development (CNADS) is an independent advisory body that assesses environmental and climate policies. The chair is appointed by the Council of Ministers, five to eight members are also appointed by the Council of Ministers, one member is appointed by the regional government of the Azores and one member is appointed by the regional government of Madeira. The Council includes three members appointed by environmental associations, two members appointed by the National Association of Portuguese Municipalities, two members appointed by industrial associations, two members appointed by professional associations, two members appointed by farmers' associations, two members appointed by socio-professional environmental associations, two members appointed by trade unions and two members appointed by the Council of Rectors. The Council may also include three co-opted members,

chosen among individuals recognised for their merit in the field of the environment, in accordance with the rules of procedure. -The Agência para o Clima is a public body with administrative and financial autonomy; it carries out its missions in coordination with members of the government. This body has strategic responsibility for climate change mitigation and adaptation, particularly for decarbonising the economy, promoting renewable energy and energy efficiency. It is responsible for coordinating and implementing policies such as the National Energy and Climate Plan. Its board of directors is composed of a chair, a vice-chair and two members; the members of the board of directors are appointed on recommendation of the government[40].

In **Albania**: a) The National Institute of Statistics (INSTAT) is responsible for collecting and processing scientific data; it provides the Ministry with all socio-economic and demographic data, as well as any other relevant information; b) the National Environment Agency is competent for the national inventory system; c) the relevant ministries collect and store data on activities, specific/thematic indicators and climate-related information; d) the Geological, Energy and Environmental Institute (IGJEUM), other research institutions and public or private universities carry out climate-related research or studies available to the Ministry or the National Environment Agency.

In **Montenegro**: The Centre for Climate Change, Natural Resources and Energy at the University of Donja Gorica brings together scientists and researchers responsible for collecting and analysing scientific data and preparing reports on climate change. The Institute of Hydrometeorology and Seismology is also responsible for collecting meteorological and climate data and preparing national reports. The Directorate for European Integration, International Cooperation and Climate Change, within the Ministry of Ecology, Spatial Planning and Urban Development, has civil servants and experts and participates in the analysis of scientific data and the preparation of reports.

[40]According to the report submitted for our seminar, the 17-member Climate Action Council was not yet in function because only five women had been appointed to this body and, as a result, gender parity had not been achieved. A legislative amendment was under discussion for adoption by Parliament, but the dissolution of Parliament in March 2025 prevented the process from moving forward. The Climate Agency was created in 2024, following the events surrounding the appointment of the members of the Climate Action Council. Its mission is to contribute to the definition and implementation of strategic objectives and priorities and to the formulation of public policies for climate action. It is also responsible for monitoring the development of economic and financial instruments in the field of climate change. It is committed to taking the necessary steps to ensure that Portuguese forests act as carbon sinks for approximately 13 megatonnes of CO_2 between 2045 and 2050, and to phasing out all direct and indirect public subsidies for fossil fuels by 2030.

Co-funded by the European Union

Several organisations and institutions are mentioned in **Serbia's** report: -The Hydrometeorological Service of the Republic of Serbia is responsible for tasks related to meteorological, climatological, agrometeorological and hydrological measurements and observations; the observation, analysis and forecasting of weather conditions and climatic, meteorological and hydrological changes. -The Environmental Protection Agency (EPA), as an administrative authority under the Ministry of Environmental Protection, provides national monitoring of air and water quality and is responsible for collecting and monitoring environmental indicators. -The National Council on Climate Change is responsible for observing the progress, development and implementation of national climate change policy, sectoral policies and other planning documents, and reviews compliance with international obligations in the field of climate change. -The Ministry of Environmental Protection is responsible for climate change issues at the national level. In accordance with the Climate Change Act, the Ministry is responsible for developing the climate change adaptation programme, identifying the impacts of climate change on specific sectors and systems, and defining climate change adaptation measures in sectors and systems to reduce negative impacts. The Act further stipulates that public policy documents in the sectors most affected by climate change, as well as planning documents from autonomous provinces and local autonomous units, must take into account the objectives of the adaptation programme. The authorities and organisations responsible for implementing the adaptation measures specified in the adaptation programme are required to submit a report to the Ministry each year on the adaptation measures implemented, as well as on events such as floods, extreme temperatures, droughts, and their effects.

In the **United Kingdom**, government departments, public bodies and independent research institutes are involved. •The Department for Energy Security and Net Zero (DESNZ) is a UK government department responsible for emissions reduction policy and for energy security and promoting measures to combat climate change. •The Department for Environment, Food and Rural Affairs (DEFRA) is responsible for national adaptation policy and for developing the national adaptation programme to address the risks associated with climate change. •The Committee on Climate Change (CCC) is an independent public body set up to advise the UK government on tackling climate change. •The Environment Agency is a public body under the remit of DEFRA, which supports sustainable development. •The Office for Environmental Protection is also a public body established to provide independent monitoring of the Government's progress on the environment. •The Natural Environment Research Council is the UK's leading agency for funding and managing research, training and

knowledge exchange in the environmental sciences, including climate change. •The British Centre for Ecology and Hydrology also conducts research on climate change and monitors the environment, with the aim of contributing to the development of government policy. In government departments, civil servants are politically impartial and they are responsible for implementing government policy and advising ministers; ministers are the political leaders and heads of government departments. Public bodies and research institutes operate with specialist staff from a range of scientific disciplines; they are independent from the government and do not have decision-making powers.

It should also be noted that in three countries, namely **Belgium** (legislation section of the Council of State), **France** (section of the Council of State responsible for giving an opinion on all draft laws and ordinances pursuant to article 39 of the Constitution, as well as for decrees when provided for by law) and **the Netherlands** (the Council of State, advisory department), the Council of State is consulted on all new legislation, including climate-related laws[41].

•Public participation

International and European legislation on climate change repeatedly emphasises the importance of access to information and the participation/consultation of the public and interested parties, particularly in the governance mechanism for climate action[42]. The Aarhus Convention on access to information and public participation has been ratified by all countries [except Türkiye]: (a) this convention, (b) Directives 2003/4/EC (on public access to environmental information) and

[41]In **Greece**, under the general rules on the Council of State, only draft decrees of a regulatory nature are submitted for opinion to a special section, which examines their conformity with the Constitution, European law, statutes and other norms. Furthermore, in **France**, the Economic, Social and Environmental Council (CESE) may be consulted by the government to give its opinion on draft laws, ordinances or decrees, as well as on proposed laws submitted to it in the field of the environment (pursuant to articles 69 and 70 of the Constitution). The Environment Code provides that the High Council for Climate (HCC) shall issue an opinion on the national low-carbon strategy and carbon budgets, as well as on related reports; it assesses the consistency of the low-carbon strategy with France's national policies and European and international commitments, in particular the Paris Climate Agreement and the goal of achieving carbon neutrality by 2050, while taking into account the socio-economic impacts of the transition on households and businesses, sovereignty issues and environmental impacts. In **Sweden**, the Council on Legislation examines and gives its opinion on draft legislation at the request of the government or a parliamentary committee; the Council is normally consulted on proposed amendments to laws that affect individuals' rights and freedoms, their personal and financial situation, or their obligations to the public.

[42]See, inter alia, the preamble and provisions of the United Nations Framework Convention, the Paris Agreement, Regulation (EU) 2021/1119 (European Climate Law), Regulation (EU) 2018/1999 on the Governance of the Energy Union and Climate Action, and the directives cited above.

2003/35/EC (providing for public participation in the preparation of certain plans and programmes relating to the environment), (c) international and European legislation on climate change, and (d) related national legislation, form the basis for public participation régimes in various countries. These régimes vary from one country to another. According to the responses to the questionnaire:

In **Albania**, climate change legislation guarantees public participation: the relevant ministries ensure that all interested parties, including local authorities, the private sector and the public, are involved in the development or updating of climate legislation and strategies. Furthermore, the public's right to participate in environmental decision-making is defined by specific legal acts. In **Serbia**, the Climate Change Act defines the "interested public" as the public that is affected or may be affected by the decision-making of the competent authority or that has an interest; under this law, the Ministry informs the public of the draft strategy, action plan and adaptation programme and allows them to give their opinion and make comments, in accordance with the legislation on the preparation and adoption of public policy documents. Furthermore, in accordance with the Public Administration Act and the Government Rules of Procedure, the procedure for drafting laws that significantly change the legal regime in a particular area or regulate matters of public interest provides for a public hearing. In **Austria**, in accordance with the Federal Law on the Rules of Procedure of the National Council (Geschäftsordnungsgesetz), a public review, in which independent institutions may also participate, is carried out when government bills are submitted to the National Council. In **Croatia**, the process of planning climate change measures and drafting regulations on this subject includes procedures for public participation, as well as the participation of various independent bodies, scientific experts, NGOs and stakeholders; public consultation on draft legislation, the possibility of submitting written contributions and organising meetings with all interested parties, the participation of various NGOs and experts in working groups and advisory bodies, public access to information on climate policies and regulations, and judicial review of the compliance of adopted rules with national, European and international law are all aimed at ensuring transparency, due consideration of scientific expertise, the validity of factual data and evidence provided. In **Estonia**, public participation is not mandatory for the adoption of laws and regulations, but involving interested parties, including non-governmental organisations, is considered good practice. Public participation in the development of plans and programmes depends on the plan or programme concerned; the rules of procedure are defined in numerous texts, some of which explicitly require public participation. The current climate action plan was adopted in the form of a Parliament decision; it should be noted that public participation is not

mandatory for the adoption of Parliament decisions; however, the draft decision was prepared by the Ministry of the Environment and broad participation by stakeholders was ensured during the drafting process. Prior public consultation is organised according to general rules; there are no specific rules for climate change issues. In **France**: The principle of public participation in environmental matters is enshrined in the Environmental Charter, the implementation of which is specified in the Environmental Code: all decisions with an impact on the environment are subject to public participation. This general framework applies to climate change action plans and legislation. Various documents, such as the National Low Carbon Strategy (SNBC) and the Multi-Annual Energy Programme (PPE), are mentioned in the list of plans and programmes providing for such participation. In **Greece**: Public participation is expressly provided for in the 2022 national climate law: - during the development of the National Strategy for Adaptation to Climate Change (mandatory public consultation procedure on a website prior to ratification of the National Strategy); - during the development of Regional Strategies (consultation procedure with the relevant social partners); - during the development of sectoral carbon budgets; - during the review of the intermediate targets of the path to neutrality; - during the monitoring of the implementation of plans at local level and during the review procedure for these plans. In addition, a 2019 law "on the organisation, functioning and transparency of the actions of the government, other collective bodies of government and the central public administration" contains the generally applicable rules. A public consultation procedure is open for all draft legislation on the website www.opengov.gr; to implement the principle of transparency in the functioning of the central administration, the law provides for consultation procedures and for the results of these consultations to be taken into account when preparing various public policies; the law also provides for the data and information taken into account in the preparation of public decisions to be made available to the interested public (in compliance with the duty of secrecy, imposed for the protection of personal data, etc). Special rules are also provided for in the legislation concerning the impact assessment of certain plans and programmes, public or private projects on the environment. In **Hungary**, during consultations, the public may comment on legislation in accordance with the general rules, as described on the website of the relevant ministry. In **Ireland**, in addition to consulting expert bodies, the climate governance framework incorporates mechanisms for public participation, in accordance with the obligations from the Aarhus Convention and relevant European environmental legislation. This participatory approach is particularly evident in the application of strategic environmental assessment procedures (Directive 2001/42/EC); under this régime, SEAs are mandatory for a range of plans and public programmes, including climate

action plans, when they are likely to have significant effects on the environment; the process includes a formal consultation phase, during which environmental authorities (such as the EPA), the public, NGOs and academic institutions have the opportunity to review and comment on the draft plan and the accompanying environmental report. In **Italy**, public participation in the development of climate action plans and legislation is provided for; this participation takes various forms (access to information, consultation processes, the opportunity to express opinions and provide contributions and comments to the debate); consultation processes are held for the updating of the national energy and climate plan, in accordance with EU rules. There is no provision for prior consultation with a court or other independent body when adopting climate change regulations; courts may review the legality of climate change regulations after they have been adopted; the review often focuses on the compatibility of the regulations with constitutional principles or EU law. In **Latvia**, the public is consulted during the development of policy planning documents (National Energy and Climate Plan 2021-2030, Latvian Strategy for Achieving Climate Neutrality by 2050, and others) or legislation; consultations with social partners, such as the Association of Local and Regional Governments, the Confederation of Employers, the Chamber of Commerce and Industry and others, also take place. In **Lithuania**, before the adoption of climate change regulations or laws, public consultation is often carried out, including with stakeholders such as NGOs, experts and industry representatives. Public participation in the development of climate action plans and legislation takes the form of public consultations, as an integral part of the process. More specifically: •National Energy and Climate Plan (NECP): the NECP development process involves integrating the objectives, targets and measures of various strategic documents, including the National Energy Independence Strategy and the National Climate Change Management Policy Strategy; these plans are generally subject to public consultation in order to gather comments and ensure transparency; however, the public consultation process is not defined in detail. •Other public engagement initiatives: Beyond formal consultations, Lithuania encourages public engagement through various initiatives, including workshops, information campaigns and collaborative projects aimed at involving citizens in climate change action and raising awareness. These activities promote the development of a sense of responsibility for environmental sustainability. •The country's alignment with EU climate policies also requires compliance with directives that encourage public participation; participation in the development of legislation and plans related to climate change facilitates the integration of diverse perspectives and expertise and enhances the effectiveness and acceptance of climate action. The right to participate in decision-making processes related to environmental issues, guaranteed by the Aarhus Convention, allows

citizens to express their concerns and give their opinions on measures that will have an impact on the environment. **Malta** provides for public participation in the development of climate action plans and legislation, mainly through public consultations and stakeholder engagement, in accordance with national legislation and international obligations (Aarhus Convention); during the consultation, individuals, NGOs and interested parties can submit comments. In the **Czech Republic**, there are no specific provisions for public participation in the development of climate policies and legislation. However, in 2022 the Government Council approved a methodology entitled "How to cooperate with NGOs in public administration policy-making"; it concerns the participation of NGOs in advisory bodies and working groups during the drafting of public administration documents. This guide aims to increase the effectiveness of NGO participation in governance at central level (ministries and other central administrative authorities). The methodology relates to the different phases of document preparation; for example, it requires the timely publication of calls for suggestions and comments; it prescribes frequent and regular communication during the drafting of the document and the publication of the outcome achieved as a result of the comments received; it also recommends using NGO proposals to prevent identified risks and undesirable impacts; according to the methodology, in the subsequent implementation phase, the authority responsible for drafting the document regularly informs the NGOs that participated in its preparation of the results already achieved and the steps to be taken, and is required to respond to their suggestions. Furthermore, the official participation of the organisation "Zelený kruh", an association of environmental organisations, in the interministerial consultation procedure during the preparation of new legislation, or the appointment, in accordance with the principles of transparency, of NGO representatives to working groups designated for the management of European funds, are examples of more active NGO participation. In **Portugal**, under the 2021 Basic Law on Climate, public consultation is mandatory before the adoption of regulations concerning the environment and climate; the following entities must be heard: (a) the autonomous regions; (b) the regional coordination and development commissions; (c) the National Association of Portuguese Municipalities; (d) the National Association of Parishes; (e) the Economic and Social Council; and (f) the National Council for the Environment and Sustainable Development. In addition, the "ConsultaLEX" portal publishes draft legislation and receives comments and contributions from civil society and specialist organisations. The Climate Change Act guarantees the public's right to participate in the development of climate legislation and plans; the State must ensure that open and transparent public consultations are organised and that contributions are duly taken into account before new regulations are adopted. The legislation also provides for mandatory public participation

in the assessment of projects likely to have an impact on the climate and the environment. In the **United Kingdom**, public consultations are generally held on draft laws and regulations with significant environmental, social or economic implications; this principle also applies to climate change regulations. Consultations provide an opportunity to gather comments from environmental groups, industry stakeholders, local authorities, experts and the general public. For example, in 2024 the UK government held a public consultation on a draft climate change bill and received nearly 17,000 responses from individuals and organisations in the UK[43].

•Access to information

To the question, "Is access to relevant information guaranteed?", the answer was [almost] unanimous[44]. According to national reports: the Aarhus Convention; the respective EU directives; constitutional provisions[45]; general laws on access to information; laws on access to environmental information and provisions for access to information contained in specific climate legislation constitute, depending on the specific features of national systems, the legal basis for this right. Here are a few examples:

Austria: access to relevant information is guaranteed by the Federal Act of 15 May 1987 on the obligation of the federal administration to provide information and an amendment to the Federal Act

[43]Furthermore: in **Montenegro**, the decision-making process on climate change includes public debates; in **Romania**, public participation in the decision-making process is provided for; according to the report from **Cyprus**, public consultation procedures are provided for when developing strategies and plans; in **the Netherlands**, the draft Klimaatplan is subject to online consultation; in **Poland**, the 2008 Environmental Protection Act allows citizens to participate in decision-making processes; in **Slovakia**, consultation is provided for under the Aarhus Convention and national legislation; in **Slovenia**, the public has the right to participate in the development of regulations and plans in accordance with general rules and under the Aarhus Convention; in **Spain**, public consultation is provided for, as well as individual consultation with the most important environmental organisations; in **Sweden**, the Environmental Code allows the public to participate in decision-making processes concerning the environment in certain cases; in addition, climate strategies are often subject to consultation with the parties concerned. In **Switzerland**, when drafting federal legislation, the consultation procedure (involving the cantons, political parties and interested parties) applies.

[44]See the following responses: Albania / Germany / Austria / Bulgaria / Croatia / Cyprus / Czech Republic / Estonia / France / Hungary / Italy / Ireland / Latvia / Lithuania / Luxembourg / Malta / Montenegro / Poland / Portugal / Romania / Slovakia / Slovenia / Spain / Sweden / Serbia / Switzerland ["rather yes"] / UK. See, however, the response in the Netherlands' national report: no, citizens do not have a legal right to obtain information on climate issues.

[45]See replies to the questionnaire: Albania / Cyprus / Czech Republic / France / Lithuania / Romania / Serbia; see also article 5A of the Greek Constitution.

on Ministries of 1986 (Auskunftspflichtgesetz), the Federal Act on Access to Environmental Information (Umweltinformationsgesetz, UIG) and, from 1 September 2025, the Federal Act on Access to Information (Informationsfreiheitsgesetz).

In **Croatia**, access to relevant information is guaranteed in accordance with national legislation and international obligations. Croatia is a signatory to the Aarhus Convention, which guarantees the public's right to access environmental information; this right is incorporated into national legislation, which provides a solid legal framework for access to relevant information related to climate change. The Law on the Right of Access to Information (Zakon o pravu na pristup informacijama), in line with EU regulations such as Directive 2003/4/EC, ensures that citizens and organisations can request environmental information from public authorities, including data on climate change policies, emissions, climate action plans and environmental impact assessments; the law requires public authorities to make information available in an accessible and understandable manner. Key climate change-related documents, such as the National Climate Change Adaptation Strategy, the National Energy and Climate Plan (NECP) and other climate action plans, are available to the public; these documents are accessible via the official websites of the relevant government bodies, such as the Ministry of Economy and Sustainable Development and the Croatian Environment Agency. The public has the right to review plans and strategies before they are finalised and to participate in consultations when these plans are open for comment. Citizens, NGOs and other stakeholders can submit requests for specific environmental information under the Freedom of Information Act; public authorities are required to respond to such requests, and any refusal must be justified. If the request for information is rejected, individuals or organisations have the right to appeal the decision and challenge it in the administrative courts, which guarantees a mechanism for access to justice. Environmental monitoring data and climate change reports are also available to the public. The Croatian Environment Agency (CEA) and the Ministry provide regular updates on greenhouse gas emissions, climate policies and sustainability goals to interested parties; these reports are generally published online and are freely accessible to citizens and organisations. As an EU Member State, Croatia is also required to comply with the EU Regulation on access to environmental information and to share relevant climate data with EU institutions; this facilitates access to European data on climate change, including emissions reports, adaptation strategies and energy transition efforts. The public's right to access information extends to the regulatory process: proposed climate change regulations and policies are subject to public consultation, promoting transparency and accountability

in decision-making. While the right to access environmental information is guaranteed, there are certain exceptions (provided for in the Aarhus Convention and legislation); information may be refused if it concerns matters of national security, commercial secrets or confidential personal data; however, these exceptions are strictly defined and refusals of access must be justified by the public authorities. In **France**, the Environmental Charter enshrines the right of any person, under the conditions and within the limits defined by law, to access information relating to the environment held by public authorities; the provisions of the Aarhus Convention are also directly applicable and contribute to public access to this information; finally, the provisions of the Environment Code transpose Directive 2003/4/EC; in addition, the Commission for Access to Administrative Documents (CADA) also ensures compliance with the disclosure of administrative documents relating to the environment. In **Greece**, the Climate Law [L 4936/22] contains provisions for access to relevant information; in addition, a general law of 2020 contains detailed regulations concerning the publication of laws, decrees and administrative decisions on a website, with a view to ensuring the transparency of the actions of public bodies and access to this information; this major innovation is considered a method of publicity that contributes to the visibility of administrative action. In **Serbia**, according to the Constitution, citizens have access to information as part of their right to a healthy environment (Everyone has the right to a healthy environment and to complete and timely information on the state of the environment); furthermore, in accordance with the Climate Change Act: The Ministry shall make reports on gas emissions available to the public in accordance with regulations governing access to information of public importance. Data relating to emissions, the state of the environment and any negative impacts and consequences, the results of checks and the supervision of inspections cannot be classified as commercial secrets. In the **United Kingdom**, when a consultation is launched, the relevant consultation documents are made available to the public; these documents generally provide key information on the proposed regulation, its potential impact and the reasoning behind the proposal. If a member of the public wishes to obtain information that is not made public, they may submit a request to the public body concerned under the Freedom of Information Act 2000; however, this right is subject to certain exceptions (matters of national security or other sensitive information). There is also an additional obligation under the Environmental Information Regulations 2004; these regulations require public authorities that hold environmental information to make it available to interested parties upon request.

I Types of cases where climate change issues have been raised.

Some participants either replied that their jurisdictions had not yet been seized of disputes directly involving climate change issues, or did not reply to the question.[46] Greece specified that in several cases concerning energy market regulation, the renewable energy sources regime, the fuel improvement regime, etc., the importance of measures to tackle climate change is taken into account by the judge, both in interpreting the applicable legal regime and in reviewing, in each specific case, the legality and, in particular, the proportionality of the decision challenged in court. Similarly, in **Slovenia** and **Hungary**, climate change issues have been raised indirectly in the judgment of other cases.

The administrative acts that most often give rise to this type of litigation are mainly Environmental Impact Assessments,[47] Strategic Environmental Assessments;[48] the granting of permits for the construction of power plants and land use plans;[49] authorisations for energy infrastructure, such as wind turbines;[50] and decisions on urban planning.[51] Cases may also arise where the inaction or failure to act on the part of the administration is called into question.[52]

The concrete examples given by participants cover almost all scenarios.[53] Here is a sample:

a) Cases related to energy sources:

Austria refers to a ruling by the Supreme Administrative Court which emphasised the long-term public interest in increasing the share of electricity generated from renewable energy

[46] Albania, Cyprus, Finland, Montenegro, Slovakia, Greece, Slovenia, Luxembourg, Türkiye, Hungary.

[47] Austria, Croatia, Bulgaria, Malta, Serbia.

[48] Croatia.

[49] Estonia, Ireland, Latvia, Lithuania, Malta, Romania.

[50] Germany, Latvia, Lithuania, Netherlands.

[51] Ireland.

[52] e.g. Spain, Czech Republic, France.

[53] The UK alone has recorded 89 cases relating to climate change.

Co-funded by the European Union

sources and ensuring the supply of affordable, high-quality energy to the population and the economy, as well as the positive effects on climate protection (ruling of 23 August 2023).

Similarly, **Bulgaria** mentions a 2018 ruling by the Sofia Administrative Court (upheld by the Supreme Administrative Court) which overturned a decision by the Energy and Water Regulatory Commission setting a threshold for net electricity production for wind energy producers commissioned before 2011.

In **Lithuania,** a case recently heard by the Supreme Administrative Court (2025) concerned a dispute over an oil extraction permit, which the Ministry of the Environment had refused to issue due to the protected status of the installation area, concerns about cultural heritage, the designation of the area as recreational land and alignment with the Green Deal policy. According to the Court, the Ministry had struck a fair balance between legitimate private interests and the public interest, and dismissed the appeal.

In **Poland**, permits for the construction or operation of coal-fired power plants and wind farms are often contested by local residents or environmental organisations. **Romania** refers to Greenpeace's appeal against the operation of the Rovinari power plant before the Bucharest Court in 2019. The lawsuit concerned the plant's operating licence for an indefinite period.

Croatia mentions the case of the Plomin C coal-fired power plant, which was brought before the High Administrative Court of the Republic of Croatia (2021) by environmental NGOs. Their appeal was directed against the authorisation granted to a coal-fired power plant in Plomin C. The project met with significant opposition and was ultimately abandoned.

Estonia reports a case concerning a shale oil production plant, and **France** mentions a ruling by the European Court of Human Rights (8 December 2022, Association française du gaz naturel pour véhicules, No. 464035) rejecting an appeal against the exclusion of combustion engines using biogas in favour of buses powered by electricity or electric- hybrid engines using hydrogen as a complementary energy source to electricity was considered free from manifest error of assessment.

b) Infrastructure

Austria provides several examples from case law. A recent case concerns the authorisation for the construction and operation of a third runway at Vienna International Airport, which was brought before the Supreme Administrative Court; the latter ruled that climate must be understood in a comprehensive manner, encompassing not only the effects on the local climate (microclimate), but also all aspects related to climate change (global dimension). The Court

ultimately dismissed the appeals as unfounded and confirmed the approval of the construction of the third runway (judgment of 6 March 2019).

Ireland refers to the judgment in Merriman v Fingal County Council (2017). The applicant argued that the provisions of the Fingal County Development Plan 2017-2023 relating to new road infrastructure would increase carbon emissions
and would be contrary to Ireland's greenhouse gas reduction obligations under national and international law. He claimed that the Council had failed to properly consider the impact of the proposed infrastructure on climate change and that the decision breached both the Strategic Environmental Assessment Directive and the Climate Action and Low Carbon Development Act 2015.

For its part**, the UK** refers to the case of R (on the application of Friends of the Earth Ltd and others) v Heathrow Airport Ltd (2020). In that case, the Supreme Court ruled that Heathrow could apply for planning permission for its third runway and found that the airport's expansion did not pose a problem in terms of climate change. The Court rejected the argument that the Secretary of State had to take the Paris Agreement into account when setting national policy under the 2008 Planning Act. According to the UK's response, this case confirmed that climate obligations must be interpreted strictly within the framework of national legislation.

France refers to a ruling by the Council of State on 27 March 2023, France Nature Environnement Bouches du Rhône, No. 450135) concerning the conversion of a coal- fired power plant to a biomass power plant. The Council overturned the contested decision on the grounds that the plant's operation relied on the consumption of very large quantities of wood from local forest resources, natural resources subject to special protection, so that the main environmental impacts of the power plant through its wood supply, and in particular the effects on local forests, should necessarily have been analysed in the impact assessment.

c) Environmental impact assessment when authorising a project:

In **the Netherlands**, in a case concerning a land use plan for the construction of 150 houses, the Administrative Litigation Section of the Council of State (AJD) ruled that the administrative authority should have explained why climate scenario W (global temperature increase of 2°C) had not been used. The AJD pointed out that the guidance note from the water agency, which advised the administrative authority, stipulates that climate scenario W should be used "as far as possible" because it helps to strengthen the resilience of the water supply network. This was also important in this case because of the floods that had hit the

region (ruling of 16 April 2025). In another case, the Rotterdam City Council wanted to redevelop a former transhipment port into a residential area with restaurants, business premises, an urban beach and a municipal park. The applicants argued that the City Council had not given sufficient consideration to the climate resilience of the project. The AJD found no indication in the studies taken into account that the consequences of heat stress in and in the immediate vicinity of the plan area were such that the municipal council should not have adopted the land use plan (ruling of 16 April 2025). **Serbia** mentions a case (9 February 2023) in which the complainant was an association challenging the act by which the public electricity company had been granted authorisation for the environmental impact assessment study. In its application, the complainant highlighted the shortcomings of the technical report on harmful emissions and the quantity of harmful substances and water discharged, in relation to the authorised concentration in terms of climate change. In its ruling, the Court accepted the request, annulled the contested act and referred the case back to the Ministry of Environmental Protection for a new decision, after the necessary studies had been carried out.

Türkiye refers to the legal proceedings brought against the positive environmental impact assessment (EIA) decision for the "Istanbul Canal project" and those brought against the decision approving the impact study for the "Sinop nuclear power plant".

According to **Ireland,** the inadequacy or absence of impact assessments is the most common reason in cases concerning climate change.

d) GHG emissions and global warming

The responses to the questionnaire highlight the seriousness and importance of the issue of greenhouse gas emissions, namely the release into the atmosphere of gases such as carbon dioxide and methane, which trap heat, amplifying the natural greenhouse effect and causing global warming. These emissions come mainly from human activities, including the burning of fossil fuels, agriculture and deforestation.

Several countries mentioned cases where this issue was raised. For example: **The UK** refers to the judgment in R (Finch) v Surrey County Council (2024) concerning an appeal against a decision authorising the extension of an onshore oil well. The appeal was dismissed by the High Court and the Court of Appeal. However, it was upheld by the UK Supreme Court, which ruled that planning authorities must take into account greenhouse gas emissions downstream of oil and gas projects when assessing their environmental impact, and not just

emissions at the site itself. This ruling significantly broadened the scope of environmental assessments for fossil fuel projects and strengthened the legal obligation to assess climate impacts at the permit stage.

Estonia refers to a case concerning a shale oil production plant. In this case, an environmental organisation challenged a building permit for the construction of a plant. The competent court emphasised the State's obligation to limit greenhouse gas emissions in the context of global warming climate. The competent court emphasized the state's obligation to limit greenhouse gas emissions in the context of global warming. According to the ruling, when authorising projects that have a significant impact on the climate, it must be verified that the planned activities are justified by an overriding interest and do not entail the need to excessively restrict individual freedoms or the public interest in the future in order to combat climate change. The more intensively and likely the planned activities compromise the achievement of climate objectives, the greater the interests justifying these activities must be. The Constitution obliges the Estonian state to contribute proportionately to the achievement of the Paris Climate Agreement objective. To this end, it is necessary to establish, at an opportune moment, a realistic and legally binding plan for the distribution of emissions by stage and by sector in order to achieve climate neutrality. The Supreme Court did not find any errors in the assessment of the plant's climate impact, but nevertheless revoked the building permit on other grounds.

Italy provides an example with the "Last Judgement" ("Giudizio Universale") case, a lawsuit against the Italian government that marked the beginning of climate change litigation in that country. The case was based on obligations arising from the Paris Agreement, certain EU provisions, Articles 2 and 8 of the European Convention on Human Rights (ECHR) and certain provisions of the Italian Civil Code relating to non- contractual liability. In 2024, the Court of First Instance in Rome dismissed the case as inadmissible. The applicants sought recognition of the State's obligation to take all necessary measures to reduce national CO2 equivalent emissions by 92% by 2030 compared to 1990 levels, or to adopt another measure, higher or lower, to be determined during the proceedings. According to the court's decision, the issues raised by the plaintiffs were matters of "policy orientation", consisting of determining the broad outlines of the State's policy on the sensitive and complex issue of climate change, and therefore the applicants did not have a protected right or interest on which to base their claim. As for the applicants' subsidiary claim – seeking to obtain an

Co-funded by
the European Union

amendment to the Italian National Energy and Climate Plan (NECP) on the grounds of non-compliance with the objectives set by the European legislator in Regulation (EU) 2018/1999 on the Governance of the Energy Union and Climate Action – it was considered that this was a matter that could be brought before the administrative courts.

Belgium refers to a ruling by the Brussels Court of Appeal (30 November 2023), according to which, 'in pursuing their climate policy, the Belgian State, the Brussels- Capital Region and the Flemish Region are not behaving as normally prudent and diligent authorities. This constitutes a fault within the meaning of Article 1382 (extended by the court to Article 1383) of the former Civil Code and infringes the fundamental rights of the individual plaintiffs, and more specifically Articles 2 and 8 of the ECHR, by failing to take all measures necessary to prevent the effects of climate change that are detrimental to their lives and privacy". The Court of Appeal "finds that, with regard to the climate policy they have pursued and implemented ... the Belgian State, the Flemish Region and the Brussels-Capital Region have violated Articles 2 and 8 of the ECHR and have committed faults ...". Finally, it orders the Belgian State, the Flemish Region and the Brussels-Capital Region "to take, after consultation with the Walloon Region, the appropriate measures to do their part in reducing the overall volume of annual GHG emissions from Belgian territory by at least 55% in 2030 compared to 1990".

France refers to two cases relating to global warming. Firstly, the ruling of the Council of State of 10 May 2023, Commune de Grande-Synthe et al.: brought before the Council of State by the municipality of Grande-Synthe and several associations, the Council of State, on the one hand, overturned the implicit refusal to take all necessary measures to reduce greenhouse gas emissions produced on national territory in order to ensure compliance with the greenhouse gas emission reduction targets set out in Article L. 100- 4 of the Energy Code and Annex I to Regulation (EU) 2018/842 of 30 May 2018, and, on the other hand, ordered the Government to take, before 30 June 2024, all measures necessary to achieve the target of reducing greenhouse gas emissions by - 40% in 2030 compared to 1990 levels, in order to comply with the Paris Agreement and the European commitments taken up by the French legislature (EC, 19 Nov. 2020, Commune de Grande- Synthe et al., No. 427301). Secondly, France refers to the "Affaire du siècle" (Case of the Century): Following a complaint by several associations, the Paris Administrative Court ordered the State, among other things, to take all necessary measures by 31 December 2022 to repair the ecological damage and prevent further damage, up to the amount of uncompensated greenhouse gas emissions under

the first carbon budget, i.e. Mt CO2eq54 (Paris Administrative Court, 14 October 2021, Association Oxfam France et al.).

The Supreme Administrative Court of **Finland** heard two cases directly related to the Climate Act. NGOs challenged the government's decision on the annual climate report presented to Parliament. In the first case (SAC 2023:62), the appeal was dismissed on the grounds that the government had not taken a decision on additional measures. The second appeal (SAC 2025:2) was also dismissed on the grounds that additional measures were being prepared and it was too early to assess whether they were sufficient.

Finally, the **Czech Republic** refers to the Klimatická žaloba case, which has already been brought before the Supreme Administrative Court twice in four years and is currently pending before the Constitutional Court. The applicants argued that by failing to take adequate measures to combat climate change, the government was violating various rights of the complainants. In June 2022, the Prague Administrative Court ruled in favour of the plaintiffs and ordered the administration to take urgent measures to mitigate climate change. The Court derived the obligation to combat climate change from the Paris Agreement and the European Climate Law, which sets a target of reducing GHG emissions by 55% by 2030 compared to 1990 levels, as the Czech Republic currently has no specific climate legislation. In February 2023, the Supreme Administrative Court overturned the first instance decision and referred the case back to the lower court. The Court found that the Municipal Court had not sufficiently justified its decision setting the 55% target by 2030. The Prague Municipal Court then dismissed the appeal. The plaintiffs again turned to the Court, which rejected their appeal. The plaintiffs have filed an appeal with the Constitutional Court and the case is pending.

In a more general context**, Germany** mentions two court rulings that clearly highlight the "time" and "space" aspects of climate cases. The first, which concerns a human rights lawsuit, was successful before the Federal Constitutional Court, which ruled that the federal government's climate protection targets were not ambitious enough. The Court concluded that this would constitute a disproportionate violation of human rights in the future, when civil

[54] 15Mt CO2eq corresponds to 15 million tonnes of carbon dioxide equivalent, a unit that measures the impact of greenhouse gases by converting them into CO2 equivalents. This notation is used to quantify and compare total greenhouse gas emissions (source: IA).

liberties would have to be restricted even further in order to ensure that international climate protection targets were met. The second is a landmark case involving a Peruvian farmer who also took legal action against an energy company operating coal-fired power plants in Germany. The plaintiff argued that greenhouse gas emissions from these power plants infringed on his rights by damaging environmental conditions for agriculture in Peru. While recognising the principle of global responsibility of energy companies for damage related to climate change, wherever it occurs, the court nevertheless dismissed the case.

This case law highlights the issue of solidarity between generations and solidarity between nations that lies behind climate issues and, more generally, environmental issues. In fact, nine other countries (apart from Germany) mentioned cases with a cross- border dimension (making a total of 10 out of 32 countries). A few examples: **Austria** indicates that the Environmental Impact Assessment Act (UVP-G) stipulates that the administrative authority conducting a project has certain obligation when the project is likely to have significant effects on the environment in another country or if another country likely to be affected by the impact of the project so requests. This includes the obligation for the administrative authority to inform that country of the project as soon as possible, as well as the possibility for that country to participate in the impact assessment procedure.

Croatian courts have dealt with environmental disputes with cross-border implications; the example of the Plomin power plant case is given.

Estonia mentions a ruling by the Administrative Court (No. 3-16-1472/92), which cancelled a wind farm project on the grounds that the administration had not previously assessed the impact it could have on neighbouring countries, namely Finland and Sweden.

Ireland refers to a Supreme Court ruling (Energia Group Holdings 2025) concerning compensation for renewable electricity producers, in the context of the fully integrated cross-border market covering both Ireland and Northern Ireland. Recognising the cross-border implications and the need for a consistent approach across the EU, the Supreme Court referred a question to the CJEU for a preliminary ruling.

The **UK, the Netherlands, Portugal, Luxembourg** and **France** are the countries that also provide case law examples of disputes with cross-border implications.

Co-funded by the European Union

II. The courts

But which courts deal with climate issues? Issues which, when the legality of a decision, action or omission by the administration is raised, fall within the scope of administrative litigation.

The responses to the questionnaire show that dual jurisdiction is still the predominant model in Europe. The vast majority of participants refer to two types of jurisdiction: administrative and civil.[55]

Even in countries where this distinction does not exist, specialised chambers do exist, e.g. in **Hungary,** where a Code of Administrative Justice has also been enacted, while in **Romania** administrative litigation is entrusted to the Tax Chamber of the Court of Cassation and to specialised chambers of the Court of Appeal and tax courts. In the **United Kingdom,** administrative disputes are entrusted to specialised courts operating within the civil jurisdiction system.

Within countries with dual jurisdiction, a distinction can be made between those where all administrative litigation – including climate and environmental cases subject to legality review and litigation concerning State liability- is entrusted to the administrative courts,56 and those where litigation concerning liability is entrusted to the civil courts.57

Portugal could be considered a special case, because although administrative justice has existed since 2004, environmental litigation is nevertheless entrusted to the civil courts.

According to the responses to the questionnaire, as a general rule, there are no special remedies or procedures for climate cases. Existing remedies and procedures appear to be sufficient to deal with this type of cases. **Germany**, **Ireland** and **Türkiye** refer to specialised sections of the competent courts, and **Greece** to the 5th section of the Council of State, which has jurisdiction over environmental cases.

The remedies available in climate cases and environmental cases in general are actions for annulment and liability actions, to which interim relief measures must be added, although in **Italy** the emphasis is on litigation concerning State liability. In **France,** the two

[55] e.g. France, Germany, Croatia, Belgium, Czech Republic, Sweden, Spain, Slovenia, Türkiye.

[56] e.g. Austria, France, Greece, Cyprus.

[57] e.g. Luxembourg, Montenegro, Sweden, Bulgaria, Finland, Romania, Croatia, Poland.

main actions are an action for annulment for failure to act and a liability action based on the damage caused by this climate inaction. According to **Luxembourg's** response, a draft law proposes that environmental litigation should be a full jurisdiction remedy (known in that country as a "recours en reformation").

The judges who deal with this type of litigation are professional judges, although Germany indicates that in the first instance and on appeal, two of the five judges in the panel are non-professionals, **Malta** states that an expert participates in the appeal panel, and **Sweden** states that in land and environmental courts, the panel is composed of both judges with legal training and technical judges, the latter being experts in certain fields such as water management or other scientific fields.

A significant number of countries (**9 out of 32 participants**) responded negatively to the question regarding the organisation of seminars or other training courses on climate change.
The majority of respondents replied that such training is offered, either as part of initial or continuing training provided by the School for the Judiciary,58 or by other similar bodies.59

In some cases, seminars are organised by the Supreme Court itself,60 or in collaboration with European bodies such as the Council of Europe or the European Commission61 while some countries responded that seminars for judges are organised by universities.62

As might be expected, the review of standards (laws or regulations) is a review of legality, although, according to **Austria's** response, the review of laws and regulations is a review that falls within full jurisdiction, without further explanation; obviously, this control (of legality) may even be exercised incidentally, in other disputes where the regulatory act applies.[63]

---

[58] e.g. Portugal, Greece.

[59] The Austrian Academy of Administrative Jurisdiction, the Hungarian Academy of Justice, the Slovenian Judicial Training Centre, the Judicial Academy of the Republic of Serbia, and the Office for Research and Training in Administrative Justice for Italy.

[60] Estonia, Poland.

[61] Croatia.

[62] Netherlands, Luxembourg.

[63] e.g. Albania, Czech Republic.

Ireland specifies that the review of legality consists of reviewing the competence of the authority that issued the act, the existence of procedural irregularities, and proportionality; the competent court also examines whether the administrative act is manifestly unreasonable. In addition, Ireland notes that the review may be more thorough in cases involving disputes concerning citizens' rights and freedoms. Proportionality is an element included in the review of regulatory acts carried out by courts in other countries, such as **Italy** and the **United Kingdom.**

The scope of the powers of the judge reviewing legality is a rather sensitive issue, which a few countries refer to. **Croatia**, for example, states that the judge may order specific measures, such as a new environmental assessment. **Poland,** for its part, emphasises that the court may require the administration to take a decision within a specified time limit and, in certain cases, may specify the content of that decision.

Obviously, countries that have a Constitutional Court emphasise that it is this court that is responsible for reviewing the constitutionality of laws.6465 It is important to note that some countries assert that the review of the constitutionality of laws is excluded.

These are **Switzerland, the Netherlands and the United Kingdom.** In the case of the **Netherlands**, it is the Constitution itself that does not allow such review (Art. 120), while in the **UK** states that the prevailing principle in its legal system is that of "parliamentary sovereignty". Nevertheless, there is a loophole: the **Netherlands** points out that it is possible to review the conformity of a law with human rights recognised by international treaties without rendering the law invalid; it is simply not applied to the dispute at hand. **On the other side of the Channel,** a law recognised by the competent court as contrary to the ECHR is subject to a "declaration of incompatibility", pursuant to section 4 of the Human Rights Act 1988. This declaration does not invalidate the law nor does it automatically amend it; it draws the attention of Parliament to the issue, which can then decide how to proceed with regard to the law.

Finally, under the **French** system**,** laws may be reviewed for constitutionality both a priori and a posteriori by the Constitutional Council, while ordinary courts may review compatible with European Union law or international law.

---

[64] e.g. Germany, Czech Republic, Latvia, Romania, Slovakia, Türkiye.

Co-funded by the European Union

In **Austria,** even the inaction of the legislature can be reviewed by the Constitutional Court if certain conditions are met.

III. Admissibility issues

Before examining the merits of a case, the judge reviews the admissibility of an appeal, i.e. the conditions that must be met for the case to be heard on its merits. Consequently, admissibility issues are of major importance in ensuring judicial protection.

Most countries responded that their legislation does not contain specific procedural rules for disputes relating to climate change or environmental protection, which does not preclude adaptations to the specific nature of environmental law.

In this regard, the **Netherlands** states that although the legislation does not provide for special procedural rules for climate change disputes, it does however provide for specific procedural rules, more generally, for environmental disputes, such as, for example, that the competent court for this type of dispute is the Administrative Jurisdiction Division (AJD) of the Council of State in the first and last instance (and not the district courts), or that the rules concerning entry into force differ from those governing other types of administrative acts.

In contrast, **Ireland** emphasises that the control of acts relating to the environment, climate issues and land use planning is subject to a set of specialised procedures dating back to a law passed in 2000; in 2004, prior authorisation to bring legal proceedings was abolished for environmental matters.

Among the conditions for admissibility in environmental matters in general, legal standing plays a crucial role. Actio popularis, i.e. the recognition of an interest in bringing an action solely to ensure compliance with the law and the public interest, without the applicant having any connection with the contested act, is not recognised by most States; the majority of them explain that, in principle, the right to bring an action is recognised in favour of a person (natural or moral) that is closely related to the contested act,[65] or, in the case of individuals, that a subjective right has been infringed;[66] **Sweden** refers to

[65] e.g. Czech Republic, Italy, Slovakia, Switzerland.

[66] e.g. Germany, Montenegro, Hungary.

Co-funded by the European Union

"individuals concerned", and countries such as **Bulgaria, Albania** and **Slovenia** refer to legitimate interests and rights.

Ireland refers to the 2019 Supreme Court ruling in Mohan v. Ireland, in which the Court held that: "standing is not, as a general rule, established by the mere desire to challenge legislation, ... It is now clear that there is no actio popularis (the right of a citizen to challenge the validity of legislation without demonstrating that it affects them or that they have an interest greater than that of being a citizen) in Irish constitutional law, although, of course, some jurisdictions allow such actions. On the contrary, in Irish law, it is necessary to demonstrate an actual or anticipated detrimental effect on the complainant."

In contrast, **Portugal** notes that the Code of Administrative Procedure provides that any person, whether or not they have a personal interest, may bring legal proceedings to defend the values and assets protected by the Constitution, such as (among others) the environment. In **Italy,** a concrete example of actio popularis can be found in environmental cases where citizens have brought legal proceedings to halt development projects likely to harm the environment.

For its part, **Latvia** answers in the affirmative to the question of the existence of an actio popularis and indicates that in 2022 the Supreme Court recognised that any claim brought by any person is admissible, provided that it includes reasoning in accordance with the Environmental Protection Act; In any event, the country's Supreme Court has ruled that caution should be exercised when applying the provision on popular action provided for in the Environmental Protection Act to cases in which the reference to environmental protection is insignificant or formal, or where the circumstances mentioned in the claim do not indicate a substantial risk of environmental damage.

In **the Netherlands**, the approach is similar, as the applicant must prove that the contested act has "significant consequences" for them. The Netherlands adds that the court may not annul the contested act if the legislation invoked is clearly not intended to protect the interests of the person invoking it. These are corrective measures designed to prevent, on the one hand, the court from being overwhelmed with cases that do not pose a serious risk of environmental damage and, on the other hand, to avoid annulments that would in fact be of no interest to the applicant.

In any case, all countries agree that the condition of interest in bringing proceedings is interpreted more flexibly when it concerns an action against an act (or failure to issue an act) relating to the environment or climate change.

Nevertheless, despite rather liberal case law, the requirement for a link, however tenuous, with the contested act remains. **The UK** points out that, even if the applicant does not need to prove that he is directly affected by the administrative decision, he must nevertheless prove a clear and identifiable link between himself and the contested decision. **France** gives the example of an individual whose appeal was not admitted on the grounds of lack of interest in bringing proceedings, as he claimed that he would suffer damage by 2040 and invoked his status as a citizen. In **Greece,** the Constitution (Art. 24), following the 2001 revision which sought to adopt the case law of the Council of State, stipulates that protection is "a duty of the State" and at the same time "a right of everyone", thus creating a "quasi actio popularis", without however completely eliminating the requirement of a certain prejudice in relation to the act. In any event, it seems difficult to define precise rules regarding the interest in bringing proceedings and the required link with the contested act, which**,** as **France** points out**,** is defined on a case-by-case basis.

The applicant's involvement in the administrative procedure preceding the adoption of the contested act is sometimes mentioned, under certain conditions, as one of the elements for recognising the interest in bringing proceedings.67

According to **Slovenia**, the applicant may challenge an act that is no longer in force if he or she can prove that a finding of illegality would prevent similar administrative measures in the future or improve the applicant's situation, for example by enabling him or her to claim compensation. This case law, which leads to the recognition of the illegality of an act that is no longer in force, is an exception among the countries that responded to the questionnaire.

Reference is often made to case law or legislation concerning NGOs or other associations or even groups whose statutory purpose is to protect the environment;68 NGOs, obviously, can bring legal action without having to prove that they have suffered personal harm; it is

[67] e.g. Slovakia, the Netherlands.

[68]e.g. Austria, Czech Republic, Lithuania, Sweden, Luxembourg, Albania, Estonia, Romania.

Co-funded by
the European Union

sufficient that environmental protection is their statutory purpose. The **Czech Republic** even mentions the recognition of a presumption in favour of NGOs' interest in taking action. Sometimes NGOs or various associations whose purpose is to protect the environment must meet certain conditions in order to be able to take legal action, such as being active in the field of environmental protection of more than two years,[69] be registered in a special register,[70] or have a certain number of members.71

With regard to NGOs, **Greece** cites a 2019 ruling by the Council of State which recognised the legal standing of the NGOs WWF Hellas and Greenpeace Hellas to challenge the legality of a permit for the operation of a large power plant in a region of the country. However, in the same case, it did not recognise the legal standing of the association Client Earth, which is based in the United Kingdom and aims to protect the environment "without geographical limitation". According to this judgment, it is not possible to recognise a universal interest in any association established for the protection of the environment, regardless of its headquarters and its connection with the specific act challenged, as well as the scope and effects of the act.

Apart from individuals and NGOs, environmental appeals may be lodged by other parties, such as the Environmental Ombudsman,72 various groups even without legal personality,73 or the Sami Council for **Finland**. Local authorities also have an interest in taking action; **France** gives the example of the cities of Paris and Grenoble, located in areas with a very high climate risk exposure index, which argue, without being contested, that global warming will lead to a significant increase in heat waves in their territory, as well as a significant increase in winter rainfall, increasing the risk of major flooding and subsequent inundations.

---

[69]Croatia.

[70]e.g. Finland, Serbia.

[71] 200 in Slovenia for groups of persons.

[72] Austria.

[73] e.g. Sweden, Portugal.

Co-funded by
the European Union

However, some specify that central administrative authorities do not, in principle, have the right to challenge an administrative decision issued by another central authority.74 The interest in bringing proceedings is not limited to individual acts but may also be recognised for the purpose of challenging a regulatory act, although in some countries, such as **Sweden,** it would appear that normative acts cannot be challenged by individuals. **Austria** indicates that in 2023, the Supreme Administrative Court ruled that recognised environmental organisations are not only entitled to request the review or annulment of an environmental regulation implementing EU law, but also have the right to request the adoption of such a regulation.

It is important to note that several countries refer to the influence of international law, in particular the Aarhus Convention, as well as the case law of the CJEU on their legislation or case law in this area.75

The **Netherlands** mentions that the CJEU ruled (case Stichting Varkens in Nood, C-826/18, 14 January 2021) that the requirement under national law for a member of the 'public concerned' to have previously participated in the administrative procedure in order to be able to bring an action before the national courts against an administrative act affecting the environment was contrary to the Aarhus Convention; This has led to a new approach in case law on this issue. Another consequence of this case law from the Court of Justice of the European Union is that "non-interested parties" who have participated in the preliminary proceedings may challenge the administration's decision before an administrative court, even though national legislation provided that only "interested parties" could appeal to the courts.

It appears that, in general, the rules concerning proof of damage in environmental or climate matters do not differ significantly from the rules applied in other types of cases. In any event, in order to meet the obligations arising from international obligations, some indicate that, in practice, the rules of evidence are applied with a degree of flexibility and that a lower standard of proof may be sufficient.76

[74] e.g. Greece, Sweden.

[75] e.g. Austria, Ireland, Romania, Croatia.

[76] e.g. Lithuania, Slovenia.

In **France,** the burden of proof is unrestricted, whereas some countries, notably those with Anglo-Saxon[77]legal systems, refer to the "balance of probabilities". According to **Italy,** the claimant must prove a causal link between the act or omission and the damage with a high degree of probability, which may require the use of expert studies, reports from specialised bodies, etc. **Croatia**, on the other hand, refers to the precautionary principle, which leads to a lower threshold of probability, especially when the case involves scientific uncertainty.

Finally, some countries remind us that, in administrative matters, thanks to the inquisitorial system, judges play an active role in seeking the truth.[78]

Citizens often find themselves faced with inaction or omission on the part of the administration in taking the necessary measures to comply with the law. In such cases, they can challenge the failure to take action. Similarly, in climate litigation, an omission can also be challenged before the competent courts.

Greece lists the conditions that must be met in order to establish the existence of an omission that can be challenged before the courts, which are not well specific to this type of dispute: a) the Administration must have an obligation to take a decision or initiate action under national legislation or international obligations; b) the citizen must submit a request to the competent administration; and c) a period of three months, in principle from the date of submission of the request, must have elapsed for the omission to be apparent. Once an omission has been identified, the conditions of admissibility specific to each country apply. For example, the time limit for an action for annulment varies from 30 days in **Romania** to three months in **Portugal,** and eight weeks in **Ireland.** In the **UK,** the applicant must obtain authorisation to seek judicial review. In order for this authorisation to be granted, they must demonstrate plausibly that the administration had a legal obligation to act and that it failed to fulfil this obligation. In **Romania** and **Latvia,** before taking legal action, the applicant must first challenge the omission through administrative procedures, for example by lodging an appeal with the competent authority.

The system described by **Austria** is quite original in that it even considers the omission, inaction or delay of courts in reaching a decision: If an administrative authority

[77] Cyprus, the UK, Ireland, but also Croatia.

[78] Cyprus, Portugal.

fails to issue a decision within the legally prescribed time limit (generally six months), any party who considers that they are entitled to enforce the obligation to rule may lodge a complaint for failure to rule with the administrative authority, which must issue its decision within three months of the complaint being lodged. If the administrative authority fails to issue its decision within this period, it is required to forward the complaint to the administrative court of first instance, together with the administrative case file. In this case, the administrative court of first instance will rule on the case. If an administrative court of first instance does not rule within the time limit (which is also generally six months), a request for a time limit to be set may be submitted to the Supreme Administrative Court. The Supreme Administrative Court may order the administrative court to rule within the time limit it sets. However, the Supreme Administrative Court does not rule on the case itself, even if the administrative court of first instance does not issue a decision within the set time limit.

IV. Control

As might be expected, all participants agree on this point: judicial review cannot extend to censuring the political choices of the legislature or the administration[79].It is sufficient, as countries such as **Germany, Montenegro, Lithuania, Romania and Estonia** point out, that its choices comply with the Constitution and the country's international commitments, or, according to **the UK**, that they are not irrational, unreasonable or contrary to the country's legal obligations. **The Netherlands** refers to the standard set out in the Harderwijk judgment (judgment of 2 February 2022), which leads to a proportionality test. This means that the AJD assesses whether the contested decision is appropriate and necessary, and then whether it is balanced in the given circumstances. Whether the AJD takes these factors into account depends on the grounds for appeal invoked.

Similarly, in other countries, such **as Portugal, Romania and Slovakia,** the review of legislative acts insofar as they constitute an interference with constitutionally guaranteed individual rights, is carried out through a proportionality analysis. According to the case law of the **Greek** Council of State (C.d.E. 613/2002 Assembly), the judge reviewing abuse of

[79]Some countries, such as the United Kingdom , Hungary, Romania and Latvia, mention the principle of separation of powers

power may review a possible violation of the constitutional principle of sustainable development only if the evidence in the case file demonstrates hat the damage to the environment is irreversible and manifestly disproportionate to the benefits sought, or if the scale and impact of the damage threatening the environment are so considerable that they manifestly contravene the principle of sustainable development. In **France**, it is not for the judge to take the place of the public authorities in determining public policy or to order them to do so. The judge therefore simply orders measures to be taken, which are to be determined by the administration (C.d.E., Assembly, 11 October 2023, Association Amnesty International France et al.).

With regard to the review of technical assessments, which serve as the basis for administrative decisions on the environment or climate, it is normal for courts to feel ill-equipped to carry out such reviews; some countries refer to "deference" to experts and scientists.80

Cyprus refers to well-established case law in that country, according to which technical issues are not subject to review by the administrative courts, as they fall within the exclusive competence of the administration and are only examined in cases of bad faith or manifest violation of the law. For **Portugal,** the opinions of technical experts do not constitute irrefutable evidence. However, when issues of an essentially technical nature are at stake, the court must, in principle, follow the expert's opinion. **The Netherlands** describes the decision-making process of the administration and its relationship with judicial review: The administrative authority must gather the necessary information on the relevant facts and interests to be taken into consideration. When making a decision, it must balance the interests directly concerned, unless a limitation in this regard arises from a legal provision. Negative consequences of the decision for the parties concerned may not be disproportionate to the objectives pursued by the decision. A decision by an administrative authority must be based on valid grounds, which must be stated in the decision. It is therefore incumbent upon the administrative authority, where necessary, to provide scientific justification for the reasons why the decision was taken. According to the case law of the AJD (judgment of 17 March 2021), the administrative authority may rely on an expert opinion after verifying that this opinion has been prepared with the required care, that its reasoning is comprehensible and that the

[80] e.g. Croatia, UK, Ireland, Romania, Greece.

conclusions drawn from it are consistent with it. If a party has presented concrete evidence that contradicts the conclusions, the administrative authority cannot rely on the opinion without special justification. If necessary, the administrative authority will ask the experts it has consulted to respond to the comments made about the opinion. The administrative court assesses whether these conditions are met. If the response does not dispel the doubts, the court appoints an expert itself. In the field of environmental law, the AJD often relies on the opinions of experts from the Advisory Foundation for Administrative Jurisdiction (STAB). This is an impartial body of experts which, on request, advises the AJD and other courts on environmental disputes. Its opinions are mainly used for technically complex factual situations, such as measuring the harmful effect of an activity on the environment. Its advisers are engineers, technicians, chemists, biologists, etc. They conduct investigations and write reports. The STAB presents its findings in the form of an expert report to the AJD, which then gives the parties concerned the opportunity to respond to the report before the hearing.

However, as specified in **the R.U.**, expert evidence is not generally admissible in judicial review proceedings, which constitute the majority of appeals in cases relating to climate change. In such cases, where the issues raised concern manifest unfairness, expert evidence is generally not admissible or relevant due to the limited powers of the court. According to a Supreme Court ruling in the Spurrier case, courts must allow greater discretion to decisions involving or based on "scientific, technical and predictive assessments" made by persons with the appropriate expertise. The degree of this margin will of course depend on the circumstances, but where a decision relies heavily on the assessment of a wide variety of complex technical issues by persons who are experts in the field and charged with that task, the margin of discretion will be significant.

According to the **French** Council of State (CdE, 10 May 2023, Commune de Grande-Synthe et autres), when it comes to balancing conflicting interests and technical assessments in climate matters, the Government must justify the measures taken, as well as the measures that can still reasonably be adopted to produce effects within a sufficiently short timeframe, enable the curve of GHG emissions produced on national territory to be compatible with the achievement of GHG emission reduction targets. To determine whether this is the case, the judge takes into consideration all the evidence gathered during the adversarial proceedings, such as the data

provided by the High Council for Climate (HCC) and CITEPA,[81]to ensure, with a sufficient margin of safety and taking into account the uncertainties of forecasting and implementation, that the targets set by the legislature can be achieved.

It may happen that the experts called upon by the court disagree on a matter. In such cases, the case law of the High Court of **the United Kingdom,** The Queen on the Application of Neil Richard Spurrier v The Secretary of State for Transport v Heathrow Airport Limited, Heathrow Hub Limited, Gatwick Airport Limited, Arora Holdings Limited (2019), concerning the legality of the expansion of Heathrow Airport, emphasised that it is not for a court, in judicial review proceedings, to resolve conflicts of opinion between experts. Its role is to assess whether the public authorities had sufficient evidence to consider their assessment and the resulting decision to be reasonable and lawful.

Administrative courts may, however, review whether legal procedures have been followed.82 In **Latvia**, courts review whether technical assessments are based on sound scientific data and comply with the law, but they do not generally question technical assessments unless there has been a clear violation of legal obligations. **Lithuania** cites a case (No. eA-344-525/2023) in which the Administrative Court did not take into consideration the expert report submitted by the applicant because it did not meet the requirements of reliability and relevance to the subject matter of the dispute. In **Ireland,** the judge may always review whether the decision-making body was competent to make the decision, whether it followed fair procedures, whether it took relevant considerations into account and whether it made a reasoned decision based on appropriate expert evidence. In any event, it is clear that the judge cannot substitute himself for the Administration in assessing the facts when it comes to a complex assessment of a debatable technical issue.[83]

[81] Citepa is a non-profit association committed to ecological transition. Its mission is to produce and disseminate reliable knowledge on air pollutants and greenhouse gases, support public and private decision-makers, and strengthen countries' capacities in the fight against climate change and air pollution. https://www.citepa.org/qui-sommes-nous/

[82] e.g. Croatia, Portugal, UK, Ireland, Lithuania, Romania.

[83]e.g. Italian Council of State, No. 4990 of 2019.

Co-funded by the European Union

As a general rule, if the administrative judge feels the need for clarification on a particular point, he or she may order an expert opinion,84 or conduct a site visit,85consult studies submitted by the parties or provided by the Administration. The expert may give his or her opinion exclusively on the facts of the case, and not on legal issues.

The judge may question the parties and experts during the hearing. **France** specifies that the investigation of the case may be oral and adversarial (Article R. 625-1 of the Code of Administrative Justice); the oral hearing (which is not public), in addition to the written investigation, allows the panel responsible for the investigation at the Council of State to hold a hearing during which it hears the parties on any question of fact or law that it deems useful to examine.

The use by courts of an "amicus curiae", i.e. an authoritative figure in a particular field of activity, whom a court takes the initiative to hear as a "friend of the court" (and not as a witness or expert), to obtain their opinion on an issue with a view to ensuring a fair trial,86 can be very useful in resolving a dispute.

In **Ireland**, courts may invite or authorise third parties with relevant expertise, such as environmental NGOs, academic institutions or government bodies, to participate as amicus curiae. These contributions provide impartial perspectives, highlight technical or political contexts and help the court understand scientific complexities. The same applies in **Latvia and Lithuania**.

According **to the Netherlands**, in accordance with the Dutch Administrative Law Act (GALA), the AJD may, in cases heard by a panel or grand chamber, give persons other than the parties the opportunity to submit written observations within a time limit set by the chamber ("amicus curiae"). In a judgment of 2 August 2023, the Court made use of this option available to it under the law. The case concerned the retrofitting of cavity wall insulation. This type of insulation is one of several ways of reducing CO2 emissions and achieving climate targets. At the same time, retrofitting can have adverse effects on various protected bat species. It received 20 responses from individuals and 26 responses from various

[84]e.g. Greece, Albania, Bulgaria, Estonia, Finland, Italy, Romania, Latvia, Türkiye; Lithuanian courts may also call upon specialists in European or international law.

[85] Luxembourg

[86] Lexique des termes juridiques (Glossary of Legal Terms), ed. Dalloz, 16th ed., 2007.

organisations. These organisations included companies in the retrofitting sector, ecological research agencies, ministries, provinces, housing associations, the construction sector, associations and foundations involved in species protection, associations representing the interests of owners and associations representing the interests of municipalities.

Balancing the interests at stake in a case is a method used by judges to assess the legality of an administrative decision. In environmental and climate litigation, legitimate interests, protected by standards of the same level (e.g. by the Constitution) but nevertheless antagonistic, claim full application in a given case. It is the judge's responsibility to reconcile them, according to the term used by **Portugal,** because absolute respect for one of them would lead to the elimination of the others. A tool often used by judges to achieve this is proportionality review.[87]

Ireland's response seems to contradict this widespread notion of balancing by the judge. It appears that under Irish law, courts do not balance environmental protection, including protection against the effects of climate change, against private property or interests. Rather, their role is limited to reviewing the legality of decisions, policies or omissions by public authorities. It is up to the legislative or executive branch, not the judiciary, to determine how to balance competing interests such as environmental sustainability and the economic rights of individuals. In **France**, at least in this specific case, administrative judges verify compliance with climate obligations in terms of results rather than means. Balancing these objectives against other interests, particularly private interests, is considered to be the responsibility of the government.

Most often, antagonism arises between public interests on the one hand, such as the economic development of the country or environmental protection, and private interests on the other, such as property rights. that said, it should not be forgotten that the environment is like Janus: it has a subjective aspect, as it corresponds to the (subjective) right of everyone to a healthy environment, and an objective aspect, which reflects the duty of the state to take all measures capable of guaranteeing this healthy environment for the benefit of the community, society and even future generations.

[87] Latvia, Romania, Slovenia, Greece, Portugal.

For **Portugal**, in the event of a conflict between the fundamental right to a healthy and ecologically balanced environment, enshrined in Article 66(1) of the Constitution, and the right to freedom of economic initiative and private property, also guaranteed by Articles 61 and 62 of the Constitution, the search for a solution that best ensures human dignity must necessarily be a guiding principle for the resolution of the dispute. In the same vein, **Latvian** courts assess the long-term environmental and social consequences of these decisions concerning the environment and the climate crisis, as opposed to short-term economic gains.

In **Croatia**, judges have sometimes had to deal with conflicts between environmental protection, particularly with regard to climate change, and private property rights. Croatia gives two examples from case law; the first case concerns the Plomin thermal power plant. The Plomin coal-fired power plant project has been highly controversial due to its potential impact on the environment (increased CO_2 emissions and health risks). Environmental NGOs challenged the permit issued by the Administration. The interests at stake were the state's interest in energy development and the constitutional right to a healthy environment. The Zagreb Administrative Court overturned the ministerial decision. The second example is a decision by the Constitutional Court (U-I-2934/2022); the case concerned a legislative provision imposing a "collective contractual penalty" on landowners for violating environmental rules. The Court ruled that the legislation failed to strike a balance between environmental protection and property rights, emphasising the need to align environmental laws with constitutional guarantees.

In the **Czech Republic**, administrative courts regularly examine the balancing of various public and private interests, particularly when they are called upon to examine the conditions of derogatory regimes in the field of environmental protection. **Latvia** refers to the case of LLC "Sabiedrība Mārupe" (SKA-67/2020). The applicant companies sought the annulment of the greenhouse gas emission permit for a thermal power plant comprising combustion units. While the companies argued that their activities should be assessed separately in order to determine their emission allowances, the authorities maintained that the emissions should be aggregated, given the shared production facilities. The case concerned the balance between environmental protection, in particular climate change mitigation efforts, and the private interests of the companies, which sought to reduce their financial and regulatory burden by separating their activities. The Court ruled that environmental protection, particularly in terms of climate change mitigation, should take precedence over private interests. It

emphasized that, in accordance with national and European Union law, emissions from their combined activities had to be counted together for the purposes of emission allowances, regardless of the companies' efforts to separate their activities. The Court affirmed that reducing carbon emissions and other public interests outweigh companies' efforts to avoid regulation.

For **Malta,** the balancing act concerns, on the one hand, the protection of the environment, including aspects related to climate change, and, on the other hand, the protection of property rights. The courts have shown a tendency to enforce environmental laws and regulations, recognizing the general public interest in environmental conservation over certain private interests.

Another example is taken from the case law of the Supreme Administrative Court of **Lithuania** of 8 January 2025 (case no. eA-920-1188/2025), in which the Court examined an appeal by a private company against the refusal to issue a permit for the extraction of hydrocarbons (oil). The Court referred to the Green Deal, which constitutes a consistent position and policy orientation of the Lithuanian State, and held that the principles of the Green Deal must be integrated into decisions relating to the development of economic activities. After weighing up the private interest, which consists of an economic activity that may be harmful to the environment, against the public interest, which consists of protecting environmental and constitutional values, the Court concluded that the Administration had correctly assessed and balanced these interests.

In a ruling handed down by **Romania's** High Court of Cassation and Justice (No. 1191 of 1 March 2022) concerning a ministerial act setting hunting quotas, it was ruled (in cassation), with reference to constitutional provisions on environmental protection and the precautionary principle, that the need to preserve biodiversity and ecological balance took precedence; it was ruled that the ministerial order should be suspended given that the hunting quotas were established on insufficiently substantiated grounds.

A government decision granting an operating licence to a mining company was referred to the Supreme Administrative Court of **Sweden** (case HFD 2024 No. 36). Two Sami villages and several interest groups requested that this decision be overturned. The Court found that the Administration had relatively broad discretion, but that the survival of Sami culture should not be compromised. After examining the case file and the impact assessment, the Court concluded that it could not be established that the Sami villages

concerned would be forced to cease reindeer herding as a result of the creation of a mine, and the appeal was dismissed.

Serbia cites a case (U 21430/20, judged on 21 April 2023) in which the complainants challenged the decision approving the environmental impact assessment for a mobile phone company's base station project in a sensitive area with schools, churches and nurseries. The neighbourhood where the station was to be installed would require a detailed environmental impact assessment in order to identify all sources of radiation, all mobile phone masts and a transformer station located in the immediate vicinity. The Court overturned the authorisation granted for the environmental impact assessment and ordered the competent body, as part of a new procedure, to determine precisely the effects of the intensity of the electric field emitted by the base station and the exact consequences this could have on citizens' quality of life and health.

Finally, **the UK** cites the case of R (on the application of Friends of the Earth Ltd and others) c. Heathrow Airport Ltd [2020] UKSC 52, which concerned plans to build a third runway at Heathrow Airport. Two environmental organisations challenged the legality of the airport expansion project, arguing in particular that the greenhouse gas emission targets set by the Paris Agreement were not being met. The UK Supreme Court dismissed the appeal. This decision required a careful balance to be struck between the environmental interests and the economic interests associated with the expansion of Heathrow Airport. It was relevant that the challenge had been brought at an early stage of the project's development and that it would be possible, at later stages, to challenge the project on the basis of alleged non-compliance with emissions targets.

However, sometimes competing "public" interests arise. **Albania** refers to a Supreme Court ruling that must decide between the (public) interest of protecting and preserving the environment and a strategic investment in the energy sector, which is also in the public interest.

The **Czech Republic** gives the example of a ruling by the Supreme Administrative Court (ruling no. 2 As 207/2016-46) which concluded that the operation of wind turbines in the case in question, which promotes the reduction of CO2 emissions, had to give way to the protection of crows, as they represent a public interest and the presence of birds in the area in question is limited to occasional flyovers, so that their collision with the construction, which would result in their death or injury, is rather theoretical.

According to **Germany**, a significant number of proceedings have recently been brought against the construction of liquefied natural gas infrastructure. In several cases, the court hearing the case ruled that the overriding interest of a reliable energy supply outweighed the rather limited impact of the projects concerned on climate protection. The case law adds that emissions resulting from the subsequent use of the gas transported by consumers should not be attributed to the construction of the infrastructure projects concerned, but solely to subsequent consumption activities.

Latvia refers to the "Pienava wind" case (SKA-571/2022), which concerns a dispute between a company and the municipality over a wind farm construction project. The municipality requested that the project be cancelled on the grounds that its negative impact on the environment, particularly on the quality of the landscape, outweighed its benefits to the public. The company argued that the project was essential to increase renewable energy production, reduce greenhouse gas emissions and contribute to climate change mitigation. The case therefore raised the question of the balance between the public interest in protecting the environment and combating climate change and concerns about the potential negative impacts on local cultural heritage, the visual quality of the landscape and private interests. For its part, the Court emphasised that increasing the share of renewable energy, particularly wind energy, was essential to reducing greenhouse gas emissions and achieving climate neutrality. The court examined the project in the broader context of national and international climate objectives, recognising that the development of renewable energy was a key instrument in the fight against climate change. At the same time, the court analysed the potential negative impacts on the visual character of the landscape, local cultural heritage and, possibly, the economic interests of local landowners. Although the project could alter the landscape and affect neighbouring private properties, the court found that these impacts did not outweigh the substantial public benefits. The negative effects were deemed manageable through targeted mitigation measures, such as specific conditions for reducing and monitoring the visual impact, rather than through a total ban on the project.

In **the Netherlands**, depending on the circumstances of the case, and if a claimant invokes it, the court may take climate considerations into account. For example, the court may do so in its assessment of the necessity of these projects or in its (limited) review of the administration's balancing of interests. The court may also take this aspect into consideration if the administration has incorporated climate objectives into its own policy. Climate

considerations alone cannot override the need to comply with environmental standards relating to other aspects, such as air pollution, water pollution, odours, noise, safety, species protection, etc. Therefore, if applicants such as local residents refer to these aspects, the Council of State (AJD) will assess whether these environmental standards are being met. This means that failure to comply with these standards may result in the cancellation of the decision authorising a climate protection project, such as a wind farm, solar farm, CO2 storage facility, dyke reinforcement or high-voltage connection to meet increased electricity needs. Depending on the circumstances of the case, the assessment of other environmental aspects besides climate may or may not lead to the cancellation of the decision authorising a climate protection project. Similarly, Portugal provides an example of a case concerning the installation of a wind farm in a special protection area under the Birds Directive. Despite the fact that the impact assessment was not favourable to the farm, the Court, based on the provisions of Legislative Decree 140/99, concluded that since there was no alternative solution and given the compelling reasons of public interest related to the operation of the farm, it was possible to proceed with its installation.

According to the long-standing principle of administrative law, which aims to guarantee the absolute legality of administrative action, the annulment by the court of an unlawful administrative act takes effect ex tunc. However, things are changing and other principles are being called for, leading in a way to a change in perspective, which would justify the annulment of the act taking effect at a date later than that of its enactment.

On this subject, **France** notes that it is up to the administrative judge to take into consideration, on the one hand, the consequences of the retroactive effect of the annulment for the various public or private interests involved and, on the other hand, the disadvantages that would arise, in terms of the principle of legality and the right of individuals to an effective remedy, from limiting the effects of the annulment in time. (landmark ruling, C.d.E. Assembly, 11 May 2004, Association AC! et al.). Similar concerns, which take into account a variety of principles, such as the stability of administrative situations and the confidence of citizens in the administration, which may lead to the modulation of the effects of annulment over time, are valid for several other countries,[88] although for other countries,

[88] Croatia, Czech Republic, Ireland, Latvia, Italy, Lithuania, Greece, United Kingdom, Belgium, Luxembourg, Hungary.

such as **Germany, Montenegro** and **Sweden**, such modulation is not possible. In **Portugal,** only the Constitutional Court can limit the effects over time of a declaration of unconstitutionality or illegality.

For some participants, there are no specific rules for assessing factors contributing to climate change,[89] while others attempt to provide some answers, even though their jurisdictions have not yet had to deal with climate change issues.

For **Greece**, this assessment should be made on a case-by-case basis; however, it refers to recent rulings by the Council of State (C.d.E. 146-149/2025 Assembly) concerning the constitutionality of bioclimatic building construction rules, which could provide some guidance; in these cases, the judge referred to the principles governing the rational organisation of urban planning and to case law on the non-deterioration of living conditions.

In **Latvia**, in order to address the complex factors involved in climate change, the court takes an interdisciplinary approach, taking into account elements drawn from various scientific disciplines, economics, public health and environmental policy. Similarly**, Slovakia** and **Croatia** take a comprehensive approach to the elements of the dispute.

In **France**, factors relating to climate change are taken into account as a whole, including those arising from external circumstances that have had a significant impact on activities generating greenhouse gas emissions, such as the Covid-19 crisis or the crisis linked to the war in Ukraine.

According to the **UK** , the courts do not assess directly the factors contributing to climate change, but they examine whether public bodies have legally and rationally taken these complexities into account in their decision- making. The role of the courts is to ensure the legality of the procedure, its reasonableness and compliance with legal obligations. **Portugal** and **Romania** mention the consideration of the principles of precaution and proportionality. In the **Czech Republic,** the court assesses the complexity of factors related to climate change in a comprehensive manner, but does not directly assess the scientific causes of climate change. Like **Ireland,** it focuses on ensuring that relevant laws, international obligations and environmental protections are properly interpreted and applied in each case.

[89] e.g. Austria, Netherlands, Slovakia.

Co-funded by
the European Union

V. Interim measures

Given that, in principle, proceedings before a court (often an administrative court) do not suspend the enforcement of the contested decision, provisional measures are extremely important in administrative proceedings because they prevent the enforcement of the administrative act from having irreparable consequences.

There do not appear to be any specific provisions designed for climate litigation; the usual rules of administrative law therefore apply. Interim measures are intended to maintain the status quo and must not lead to any change in the factual situation.

A first condition for the judge to order such a measure is that the execution of the act will, if the act is annulled, lead to irreparable damage or, in any case, damage that is difficult to repair, in this case to the environment. This condition is found in all of the responses. A second condition is that the grounds invoked must be serious and capable of leading to annulment by the judge hearing the main proceedings. For some countries, it appears that these two conditions must be met cumulatively.90 For others, the risk of irreparable or difficult-to-repair damage is sufficient.[91]For **Cyprus**, provisional measures may be granted either if the grounds for annulment appear to be serious or if a risk of irreparable damage is proven, and for **Greece,** a finding that the action for annulment is manifestly well-founded may be sufficient to grant provisional measures. Some countries insist that ordering an interim measure is subject to a balancing of the interests at stake and, in particular, the general interest in safeguarding a healthy environment or the proper functioning of the administration.92

Although in principle the application for interim measures is subject to the lodging of an appeal in the main proceedings, in **Romania** the citizen may apply for suspension of the enforcement of the administrative act, provided that they request its annulment within the specified time limit.

---

[90] e.g. Croatia, Estonia, Ireland, Italy, Latvia, Lithuania, Türkiye, UK

[91] e.g. Greece, Montenegro, Spain, Poland, Czech Republic.

[92] e.g. Greece, Cyprus, Czech Republic, Ireland, Lithuania

Co-funded by the European Union

Austria and **Sweden** mention the possibility of suspending the enforcement of a court decision if an appeal against that decision is lodged with the Supreme Court; in **Latvia**, the court may, at the request of the applicant, order the immediate enforcement of all or part of its judgment. The **Slovenian** Constitutional Court may even suspend the application of a law if it is likely to have consequences that are difficult to remedy.

Apart from the suspension of an administrative decision, which appears to be the most common provisional measure mentioned by all participants, there are others such as injunctions, restoration orders, for **Croatia**, orders requiring the parties to take specific measures and refrain from certain conduct in the **Czech Republic,** orders to halt an ongoing operation or to provide a guarantee in favour of the applicant in **Estonia,** preservation orders to maintain the status quo, as well as specific measures provided for by laws relating to environmental protection or waste treatment for **Ireland,** the obligation to take preventive measures to avoid environmental damage for **Lithuania, and** ordering any necessary and appropriate measures to avoid damage for **Greece.**

Finally, the damage claimed may be individual damage affecting a right,[93]or damage affecting a collective asset (air quality, biodiversity, etc.). The likelihood of damage occurring is assessed by the judge on an overall basis, using scientific and technical evidence and expert testimony, taking into account the parties' allegations and the evidence they provide. The judge takes into consideration the principles governing environmental litigation, such as the "polluter pays" principle,94or the precautionary principle,95 which requires that necessary measures be ordered to prevent serious potential damage to the environment and health. The judge also assesses the urgency of ordering provisional measures to avoid irreparable consequences.96

[93] Austria refers to a ruling by the Supreme Administrative Court which held that the maintenance of a water installation ordered by an injunction is only possible if there is a right to use the water (ruling of 11 December 1990). Romania refers to the right to health or privacy

[94] Croatia.

[95] Romania, Ireland.

[96] Latvia, Croatia, Italy. For Austria, the question of whether there is an emergency must be assessed by experts.

Co-funded by the European Union

In **Türkiye**, the assessment of ecological damage involving technical issues is carried out by means of an expert report following an on-site visit and examination by experts.

In the **UK,** judges do not rule on ecological damage themselves; they use the evidence presented to assess whether the Administration has properly taken ecological and environmental risks into account.

VI. Civil liability of the State

The activities of the administration may cause damage to individuals. Compensation for climate-related damage can raise sensitive issues, e.g. with regard to the assessment of damage and the relationship between administrative action and the damage suffered, issues which are far from being resolved.

Only nine out of 32 countries responded that their courts have so far heard cases involving the civil liability of the state for damage attributed to climate change.97

The rules governing state liability for climate change-related damage are not specific to this type of litigation for many states, but rather general liability rules are applied.98To cite just two examples: in **Albania**, Law No. 8510/1999, "On the non- contractual liability of State administrative bodies" governs the matter, and in **Greece,** the provisions of the Civil Code on civil liability and the introductory law to the Civil Code on State liability are applied. Furthermore, according to the case law of the Council of Europe, administrative liability is based on the constitutional principle of equality before public burdens. The civil liability of the State is also guaranteed by the Constitution of the **Republic of Serbia (**Art. 35(2)).

In other countries, alongside the general rules concerning State liability, special rules exist, mainly contained in environmental legislation. For example, **in Austria**, the civil liability of the state is guaranteed by the Constitution (Art. 23 B-VG). This rule is repeated in the Public Liability Act (Amtshaftungsgesetz, AHG). In addition to the provisions of the AHG, there are specific regulations on state liability in the field of environmental law. These include the B-UHG and the environmental liability laws of each of the nine Austrian provinces

[97] Croatia, Italy, the Netherlands, Poland, Serbia, Belgium, France, Austria, Bulgaria.

[98] e.g. Slovenia, Slovakia, Sweden, Montenegro, Luxembourg.

Co-funded by the European Union

(Landes-Umwelthaftungsgesetze). It is important to note that the B-UHG system applies regardless of fault. The B-UHG establishes a very comprehensive system to prevent environmental damage: in this sense, it contains provisions that oblige administrative authorities to take measures to protect the climate. For example, an authority that suspects that there is an imminent risk of environmental damage is required to impose measures to prevent the damage. In addition, the B-UHG introduced environmental complaints, which allow certain natural or legal persons whose rights may be infringed by the occurrence of environmental damage to request the competent administrative authority to take measures (by ordering corrective measures). The liability systems provided for in provincial environmental liability laws are essentially the same as those in the B-UHG.

Article 52(1) of the **Romanian** Constitution stipulates that "Any person whose rights or legitimate interests have been infringed by a public authority, by an administrative act or by failure to respond to a request within the legal time limit, has the right to obtain ... compensation for the damage suffered". In Romania, the liability regime for environmental damage is established by the Framework Law on Environmental Protection, as well as by Ordinance No. 68/2007 and other normative acts.

For **Bulgaria,** the fundamental legal provisions are contained in the Code of Civil Procedure and the Code of Administrative Procedure. Specific rules are found in the Law on Liability for the Prevention and Remediation of Environmental Damage and in the Law on Environmental Protection; for **France**, action for compensation for ecological damage is provided for in Article 1246 of the Civil Code. Compensation is mainly provided in kind; in **Croatia,** while judges apply general liability rules, they also take into account specific rules related to EU environmental law, international agreements and public law obligations when assessing claims related to climate change or environmental damage; **Finland** indicates that, in accordance with the Water Act, it is possible to claim compensation from the administrative authorities if the damage is caused by an activity requiring a permit.

With regard to issues relating to establishing a causal link between the damage and the action of the administration, it appears that, as a general rule, the legislation does not deviate from what is provided for in civil liability cases.

Italy's response is characteristic; according to the response given, determining causality in cases of ecological damage requires demonstrating a clear and direct link between a specific event or action and the resulting environmental damage. This involves assessing the

factual link between the alleged cause and the observed effect, taking into account both the chain of causation and the possibility of other contributing factors.

The Netherlands refers to 'attribution according to reasonableness' and **Portugal** mentions the well-known civil law theory of 'adequate cause' ('causa adequata').

According to **Slovenian** case law, it is particularly difficult to establish causality in cases involving compensation for environmental damage due to the long period over which the damage occurs. As a result, courts refer to theories aimed at facilitating the position of claimants, such as rules on the reversal of the burden of proof, the determination of causation on the basis of judicial discretion, the standard of probability in proving causation, and evidence using statistical methods. However, the presumption of causation only applies in cases where liability arises from a dangerous activity or a dangerous object (strict liability).

In **Sweden**, when dealing with a series of complex and difficult-to-understand events, the standard of proof has been relaxed in certain cases where the court has had to rule on issues for which it was not possible to provide complete evidence. The country's Supreme Court formulated the standard of proof such that the injured party satisfied the requirement for a certain alleged causal sequence if: 1) it is probable in itself given the circumstances of the case and 2) it appears clearly more probable than any other explanation of the damage provided by the opposing party. In **France**, with regard to State liability for ecological damage, the judge examines whether the State's wrongful failures contributed directly to the aggravation of the ecological damage for which the applicants are seeking compensation. To date, only the Paris Administrative Court has applied these principles derived from the Civil Code when State liability is at issue.

Specific rules govern liability in **Austria** for damage caused by the professional activities of operators, while **Croatia** specifies that expert studies and scientific models may be used to establish causality.

With regard to non-pecuniary damage, several States cite the absence of provisions allowing compensation to be awarded to the claimant on this basis (eleven, to which could be added six that did not provide any response). Twelve States answer the question in the

affirmative,[99]while two States[100] reserve their position because their courts have not yet had to deal with cases where this issue arises.

The "polluter pays" principle generally applies in environmental matters. As this principle is recognised by European Directive 2004/35/EC of 2004 on environmental liability with regard to the prevention and remedying of environmental damage, national legislation is normally that which transposes this directive.

For **Romania,** this principle is one of the fundamental principles of Ordinance 195/2005 on environmental protection; **Montenegro** states that this principle is established by the Environment Act and applies in the field of environmental protection, which includes damage that may be linked to climate change, and **Hungary** states that the Climate Act stipulates that national climate policy is based on this principle. For **Sweden**, one of the obligations under Chapter 2 of the Environmental Code is that any person who carries out or has carried out an activity or taken a measure that has caused damage or harm to the environment is responsible, until such damage or harm has ceased, for remedying it to the extent that this can be considered reasonable. For **Lithuania,** the "polluter pays" principle is recognised as a general principle of environmental law and applies generally to environmental protection issues. It is enshrined both in national legislation, such as the Environmental Protection Act, and in Lithuania's obligations under European Union law.

With regard to **Serbia,** the "polluter pays" principle applies to all disputes relating to environmental protection, in accordance with the decision establishing the national environmental protection programme (2010). In addition, Article 105 of the Environmental Protection Act stipulates that the polluter is liable for damage caused to the environment and bears the costs of assessing and repairing the damage.

For the **UK,** this principle is enshrined in Article 17 of the 2021 Environment Act, and for **Albania**, Law 10431/2011 in Article 12 enshrines the "polluter pays" principle, providing that: "Any natural or legal person whose actions or omissions contribute to environmental pollution shall be held financially liable for covering the costs resulting from the damage caused or the risk of environmental damage."

[99] Albania, Bulgaria, Italy, Latvia, Lithuania, the Netherlands, Poland, Portugal, Romania, Slovenia, Serbia and France.

[100] Luxembourg, Greece.

Ireland refers to a 1992 law on the Environmental Protection Agency and another from 1996 on waste management, enshrining this principle. It refers to the case of Cork County Council v. O'Regan & Anor. (2005), in which the defendants were found liable for dumping construction materials and other waste in an unauthorised landfill site. The court emphasised that the risk of environmental pollution due to improper waste disposal was sufficient to hold the defendants liable, even though no actual damage had yet been caused.

For **Greece,** this principle is enshrined in Presidential Decree 148/2009 transposing European legislation. Invoking the provisions of the directive and this decree, the Council of State, in a landmark ruling (C.d.E. 1492/2013), ruled that the responsibility for taking the preventive measures, as well as the remedial measures, necessary to prevent or remedy environmental damage lies with the operator of the activity that caused or is likely to cause the damage in question; liability is established regardless of any fault on the part of the operator, but on condition that a causal link is established between the activity and the damage. According to the case law of the Council of State, the polluter pays principle is included in the regimes concerning waste treatment and in other regulations relating to air pollution, pollution of water resources, etc. Together with the constitutional principles of prevention and precaution, it is one of the general principles of law applicable when the protection of human health or the environment is at stake.

Finally, **Portugal** provides an interesting perspective on this principle by citing a decision of the Constitutional Court (case no. 545/2024) concerning the eco-tax in the autonomous region of Madeira. This tax is levied by the autonomous region of Madeira (RAM) on non-reusable packaging for alcoholic beverages. The Court characterised the eco-tax as a genuine environmental tax intended primarily for non-fiscal purposes, in particular to encourage the use of reusable packaging and reduce waste, and not to generate revenue. The Court rejected the argument that the tax violated the principle of equality, finding that it was justified by the particular environmental challenges posed by the consumption patterns of these products and that it did not arbitrarily target certain undertakings, but applied to any operator placing such packaging on the market in Madeira. Finally, the Court recognised the impact of the tax on freedom of establishment, but considered it proportionate. It specified that the purpose of the tax revenue was to reduce waste production by encouraging reuse. The tax

was considered a less intrusive measure than possible total bans, offering economic operators a degree of flexibility while still achieving environmental objectives.

VII. Obligation to enforce court decisions

The enforcement of court decisions is so important that, according to the established case law of the European Court of Human Rights, it forms an integral part of the right to a fair trial.

In some countries, such as **Greece**, the Constitution enshrines the obligation of the Administration to comply with court decisions. In others, such as **Croatia**, this obligation is provided for by law. In **the UK,** however, the enforcement of court decisions normally relies on the good faith of the public authorities, as well as political responsibility and the possibility of bringing further legal action. In any event, in the High Court's judgment in R (ECPAT UK) v Kent CC, SSHD [2023] EWHC 2199 (Admin), the judge recognised the possibility of the courts to play an active role in monitoring compliance with court decisions in complex cases. In that case, the judge noted that "if the court does not retain some role, there is a serious risk that the parties will revert to positions where each accuses the other and that those positions will once again lead to deadlock". However, this type of ongoing supervision should remain exceptional.

National legislation contains provisions aimed at compelling recalcitrant authorities to comply with court decisions. In **Croatia**, when a court annuls an administrative act, the authority must adopt a new act in accordance with the court decision within a specified period (usually 30 days). If the administration fails to take the necessary measures within the prescribed period, the applicant may ask the court to initiate special proceedings to determine whether the authority has fulfilled its obligations. The court may order enforcement measures, including setting a new deadline and, in certain cases, imposing penalties or compelling the authority to act under threat of enforcement. In **Estonia,** in cases relating to climate change, the court may apply the same measures as in other administrative litigation cases, as the Enforcement Act allows enforcement proceedings even against public authorities. Consequently, if non- compliance with a court decision is brought to the attention of the court, the court may impose a fine of up to €32,000 on the Administration. In imposing the fine, the court takes into account the time that has elapsed since the judgment became final, as well as any other circumstances relevant to the imposition of the fine and the determination of its amount. If a reasonable period of time for the execution of the court

decision has elapsed since the imposition of the fine, but the decision has still not been executed, the court may impose a new fine. The imposition of the fine does not exempt the party that has failed to execute from its duty of execution.

In **Ireland,** when a court issues a mandatory order, injunction or declaratory judgment, public bodies are legally required to comply with it. If they fail to do so, the parties may apply to the court for further enforcement measures, such as an application for contempt of court where a public authority fails to comply with the decision, or a further application for an injunction or specific performance order.

In **Greece,** a special law (Law 3068/2002) defines the following procedure: A panel of three judges, formed within the court that issued the judgment in question, examines the request of the party to the dispute alleging administrative inaction; if it is found that the administration has not taken all necessary measures to comply with the court decision, the competent authority is requested to comply within a specified period; if, after this period has elapsed, the Administration still refuses to comply with the decision, the aforementioned body imposes a financial penalty; however, if the delay is justified in the circumstances, an additional period may be granted. If the Administration refuses to pay the financial penalty, the legislation provides for the enforcement of the decision imposing the penalty.

In **the Netherlands**, the Administrative Procedure Act stipulates that, in order to ensure the enforcement of its judgments, the administrative court may decide, in its judgment on the merits, that as long as the administrative authority does not comply, a penalty payment (to be set in the judgment) will be payable by the administrative authority. Procedures leading to the imposition of penalty payments or fines are also provided for in Romanian legislation.

In **Italy,** the administrative authority is required to enforce judgments and therefore to rectify the defective administrative act in accordance with the grounds for the court decision. If the administrative body fails to comply with the judgment, the applicant may bring an 'action for enforcement' before the competent administrative court in order to initiate 'enforcement proceedings' ('giudizio di ottemperanza') for the enforcement of the judgment. In enforcement proceedings, the judge has the power not only to order the administration to comply within a given period of time, but also to substitute itself for the administrative body (and adopt or rectify an administrative decision) or appoint an auxiliary (the commissario ad acta), who will act in accordance with the court's instructions and in place of the administration, taking all necessary measures to enforce the judgment. In Italian judicial practice, the second option

(i.e. the appointment of an auxiliary) is more common than the first (i.e. the direct substitution of the judge for the administration). It should be noted that enforcement proceedings may be brought in respect of any judgment (handed down by a civil or administrative court) which finds that an administrative decision is irregular or which directly annuls an administrative decision. Similarly, in **Luxembourg,** a 1986 law provides for the possibility of appointing a "special commissioner" responsible for taking, within a time limit set by the court, a decision in place of the competent authority and at the latter's expense.

In **Latvia**, if a party considers that a court decision has not been enforced or has not been properly enforced, it may refer the matter to the court that issued the decision. The court will examine the appeal to assess whether the necessary measures have been taken. The court may also impose a fine on the official responsible, to be paid from their personal funds. The court may impose this fine on several occasions. The minimum fine is EUR 50 and the maximum fine is EUR 5,000.

Finally, in **France**, the Code of Administrative Justice provides for a procedure for enforcing contentious decisions, consisting of an administrative phase, followed by a judicial phase, where the judge may impose enforcement measures through the courts. With regard to the enforcement of judgments in climate litigation, the examples given by France concern litigation "Grande-Synthe" and "The Case of the Century". In the first case, the Council of State, seized in the context of enforcement, ordered the Prime Minister to take all additional measures necessary to ensure that the rate of reduction in greenhouse gas emissions was consistent with the chosen reduction trajectory (CE 10 May 2023, Commune de Grande-Synthe). This litigation is ongoing. In the second case, the Paris Administrative Court, seized as the enforcement judge, considering the data available for 2021 and 2022, ruled that the ecological damage could not be considered to have been fully repaired by 31 December 2022, with the portion of the damage remaining to be repaired amounting to 3 or 5 Mt CO2eq, depending on the assumptions used. However, it did not consider that there were grounds for ordering additional enforcement measures, since the analysis of GHG emissions in the first quarter of 2023 compared to 2022 (-4.2%, or 5 Mt CO2eq) had already made it possible to repair the remaining damage (Paris Administrative Court, 22 December 2023, Association Oxfam France et al.). This dispute is also ongoing.

VIII. The obligation to act

In an opinion, which immediately became famous, delivered on 23 July 2025, the International Court of Justice (ICJ) ruled that the violation of climate obligations by States constitutes an "internationally wrongful act" for which they are liable. The Court explains that states have already made specific commitments under the Paris Agreement: they must reduce their greenhouse gas emissions and take action to limit global warming to 1.5 degrees Celsius. It added that climate protection is not only a commitment made under the Paris Agreement; it is also an obligation arising from a whole arsenal of international law. It is now considered illegal for a country not to take the necessary measures to protect the climate. If such an obligation has been recognised at the international level, what about at the level of national case law?

The **Czech** Republic refers to the Klimatická žaloba II case, in which it was explicitly stated that, in addition to the obligations arising from the Paris Agreement, there is a positive obligation on the State to make every effort to reduce greenhouse gas emissions beyond the obligations laid down in EU law, in line with objective national possibilities. These obligations are not formulated in terms of specific measures to be taken by state administrative bodies, but are explicitly mentioned as two obligations of the state arising from Article 8 of the ECHR, as set out in the Verein KlimaSeniorinnen Schweiz case.

In **Estonia,** in case no. 3-20-771/113, the Supreme Court ruled that the obligation to preserve the environment and natural resources provided for in the Constitution serves as the basis for recognising the State's obligation to limit greenhouse gas emissions in the context of global warming. The Constitution obliges the Estonian State to contribute proportionately to the achievement of the Paris Climate Agreement's objective. To this end, it is necessary to establish a realistic and legally binding plan for the distribution of emissions by stage and by sector in order to achieve climate neutrality.

In **Ireland**, which has a rich body of case law on this issue, the State's obligation to take positive measures to combat climate change, which stems from the 2015 Climate Action and Low Carbon Development Act, has been explicitly recognised by the courts. 1) The first case is Friends of the Irish Environment v. Irish Government [2020] IESC 49, in which the Supreme Court annulled the government's climate action plan for failing to comply with the obligation imposed by the 2015 Act. The Court held that there was "a clear legal obligation on the Government, when formulating a plan, to provide at least a realistic level of detail as to how it intended to achieve the National Transition Target (NTO)". 2) In

addition, the judgment in Friends of the Irish Environment v Minister for the Environment (Friends II) [2025] IEHC 61 recognises the right to demand compliance with the legal obligation to combat climate change. Following the Supreme Court's 2020 decision, the High Court, to which the case was referred again, clarified that: The Latin principle impossibilium nulla obligatio est (no one is bound to do the impossible) applies, which limits the level of detail that can be required of a plan. However, the 2015 Act (as amended) does not require a level of detail that is impossible to provide. The State's plan must go beyond mere "reasonableness"; it must be a plan that "ensures compliance with carbon budgets and sectoral caps". The case is pending before the Supreme Court. 3) In Coolglass v. An Bord Pleanála [2025] IEHC 1, concerning a decision by An Bord Pleanála to refuse the construction of a wind farm, the High Court noted that section 15 of the Climate Action and Low Carbon Development Act 2015 clearly stated that the Act imposed general obligations on the entire public sector to facilitate the implementation of radical and far-reaching measures to combat climate change. The court emphasised that, under EU law, national law must be interpreted in a manner that supports and implements European climate legislation, which contradicts a restrictive reading of section 15 of the Climate Action and Low Carbon Development Act 2015. The Court also stated that this interpretation must comply with the European Convention on Human Rights (ECHR), in particular Article 8, which imposes a positive obligation on the State to establish a legislative framework to protect human health and life from climate change and to apply it effectively. The Court found that, although Ireland has a legislative framework in place, it was not being complied with, which, according to the logic of the Klimaseniorinnen case, constitutes a violation of Article 8 of the ECHR. It specified that it sought to interpret the law in a manner consistent with the ECHR, and that an interpretation that would abandon climate objectives due to the council's failure to exercise its discretionary powers would be inappropriate and contrary to the obligations of the ECHR. The Court also noted that An Bord Pleanála did not act in a manner consistent with these obligations. The case is pending before the Supreme Court.

With regard to the **Netherlands,** the Urgenda case (judgment of the Dutch Supreme Civil Court of 20 December 2019) is well known. In this case, the Supreme Court ruled that the Court of Appeal was entitled to decide that the Dutch State was obliged to reduce its greenhouse gas emissions by 25% by the end of 2020, due to the risk of dangerous climate change that could also have serious repercussions on the rights to life and well-being of

residents of the Netherlands. The Supreme Court notes that the 2015 Paris Agreement explicitly states that the contracting parties aim to limit global warming to 1.5°C. Overall, there is broad consensus on the urgent need to reduce greenhouse gas emissions by at least 25-40% by 2020 by Annex I countries. The consensus on this objective must be taken into account in the interpretation and application of Articles 2 and 8 of the ECHR. According to the Supreme Court, the urgent need for a reduction of 25 to 40 per cent by 2020 also applies to the Netherlands individually. In the Urgenda judgment, the Supreme Court ruled that the district court's order, upheld by the Court of Appeal, does not constitute an injunction to take specific legislative measures, but leaves the State free to choose the measures to be taken to achieve the 25% reduction in greenhouse gas emissions by 2020. This is not affected by the fact that many of the possible measures to be taken will require legislation, as the State argues. After all, it is up to the State to determine what measures will be taken and what legislation will be adopted to achieve this reduction target. The Supreme Court also ruled that, given the exceptional circumstances (the threat of dangerous climate change and the clear need for urgent action), the State is required to do its part in this context. This obligation arises from Articles 2 and 8 of the ECHR. In this case, the Court of Appeal therefore ruled that the State is in any event obliged to reduce greenhouse gas emissions by at least 25% by 2020. The Supreme Court rejected the State's argument that it is not for the courts to make the political considerations necessary to rule on the reduction of greenhouse gas emissions.

Case law in **the UK** also recognises such a positive obligation on the state to act – and not just to refrain from causing harm – under UK domestic climate legislation. In R (Finch on behalf of the Weald Action Group) v Surrey County Council [2024] UKSC 20, the UK Supreme Court recognised the obligation for local councils to take into account downstream greenhouse gas emissions when granting planning permission for an oil extraction project. In R ((1) Friends of the Earth Limited (2) ClientEarth (3) Good Law Project and Joanna Wheatley v Secretary of State for Business, Energy and Industrial Strategy [2022] EWHC 1841 (Admin), the High Court recognised the Secretary of State for Business's duty to adopt policies that would enable the government's carbon target to be met and to provide detailed explanations of how those policies would enable that target to be met.

In **France,** the recognition of the State's obligation to act and take positive measures to combat climate change is clearly affirmed in the aforementioned Grande-Synthe and L'affaire du siècle case law. In addition, the Grande-Synthe case law established the

jurisprudential rule of trajectory control, which aims to ensure that GHG emission reductions are in line with the targets set, notably by the Paris Agreement.

Switzerland also cites several Federal Court rulings (from 2019, 2023 and 2024) that recognise the State's obligation to take positive measures, as does **Portugal**, which refers to a Supreme Court ruling of 19 September 2024.

With regard to the basis for the obligation to take action to address climate change, in **Croatia**, the Croatian courts have not yet developed a solid body of national case law specifically recognising climate obligations as deriving directly from the Constitution or national legislation. However, where it does exist, case law tends to refer to European Union law, the case law of the European Court of Human Rights (ECHR) and international environmental treaties, rather than constitutional provisions.

For the **Czech Republic**, the obligation to act is primarily an obligation under international law, while for **Estonia and Lithuania** it stems from the Constitution, national legislation and the country's international commitments.

For **Ireland,** the obligation to act against climate change is considered primarily as an obligation based on national law, arising in particular from the legal obligations imposed by the Climate Action and Low Carbon Development Act 2015, as amended. However, obligations under international law are often mentioned and cited when relevant; in contrast**,** for **the Netherlands,** this obligation arises primarily from international law. For France, taking action against climate change is an obligation based as much on national law as on European law, interpreted in the light of international law, the United Nations Framework Convention on Climate Change and the Paris Agreement.

As far as the latter is concerned, it is considered a binding legal instrument by several countries, such as the **Czech Republic** (see the Klimatická žaloba I case law), **Estonia and Latvia** (although no ruling has referred to it to date). For the **Netherlands**, the Paris Agreement is legally binding but has no direct effect.

For the **UK,** the answer is clearly no. In R (Friends of the Earth Ltd & Anr) v Heathrow Airport Ltd [2020] UKSC 52, the UK Supreme Court rejected the argument that the government had to take the Paris Agreement into account when developing national policy. This case confirmed that in the UK, climate obligations must be addressed strictly within the framework of national legislation. The **French** Council of State **(**Grande-Synthe ruling) considered that while the provisions of the United Nations Framework Convention

on Climate Change and the Paris Agreement required additional measures to have effect on individuals and were therefore not directly enforceable, they must nevertheless be taken into account in the interpretation of national law. Other countries have not responded, due to a lack of case law on this issue.[101]

IX. "Dialogue between judges"

In the modern era, national, international and European courts exchange ideas and influence each other, often informally. This "dialogue" between courts aims, through mutual understanding to prevent competitive tensions that could escalate into conflict and to harmonise approaches to legislation as much as possible.

At European level, this dialogue between national and European courts is organised by legislation. However, to date, no country has referred a preliminary question, or to be more precise, a "request for an advisory opinion" under Protocol 16, to the Court in Strasbourg concerning a case related to climate change.

Similarly, if we leave aside the EU candidate countries102or those that no longer belong to the EU (**the United Kingdom** since Brexit), which naturally cannot refer preliminary questions to the Court in Luxembourg, the other Member States have not yet turned to it for clarification on the meaning of European climate legislation, although some of them have referred cases concerning preliminary questions on environmental matters.[103]

The dialogue between judges is not limited to preliminary rulings; it is also evident in their mutual knowledge of case law solutions and references made in judgments to the case law of other courts. In this regard, **Austria** notes that the Supreme Administrative Court regularly refers to the case law of the ECHR or the CJEU in its decisions. For example, with regard to climate change, the Supreme Administrative Court has embraced the case law of the CJEU of 20 December 2017, C-664/15, Protect, and ruled that the status of party (and therefore the possibility of bringing an action before the Supreme Administrative Court) for environmental organisations may derive directly from the Aarhus Convention (judgment of 20

[101] Greece, Austria, Lithuania, Portugal, Romania.

[102] Such as the Republic of Serbia or Montenegro.

[103] e.g. Ireland, Italy, Latvia.

Co-funded by
the European Union

December 2019, Ro 2018/10/0010l). In **Ireland**, although explicit references to foreign case law in climate change judgments remain relatively limited, practice shows a growing openness to comparative and international perspectives. Irish courts sometimes refer to or draw inspiration from the case law of other national courts, particularly those in common law jurisdictions; they are actively engaged in European climate and environmental law, regularly referring to CJEU case law in judicial reviews involving European climate change directives and regulations. The courts regularly cite and apply CJEU judgments to interpret national legislation implementing European environmental directives. For their part, the courts of **Latvia** and **Lithuania** often refer to EU law and the case law of the CJEU and the ECHR in order to harmonise national law and European legislation. The **French** Council of State does not, as a general rule, cite foreign court judgments in its rulings. However, the conclusions of public rapporteurs regularly do so, as in the Grande Synthe case, where the public rapporteur cited numerous foreign judgments. Court decisions regularly cite judgments of the Court of Justice in areas where these decisions have the authority of res judicata for national judges in interpreting EU law. Judges may also refer to judgments of the European Court of Human Rights.

With regard specifically to national case law and its relationship with the landmark ECtHR case Verein Klimaseniorinnen Schweiz v. Switzerland, which establishes a direct link between a State's failure to take action on climate change and the violation of human rights, the majority of States have not yet had the opportunity to rule on this case, given that it is fairly recent (2024). However, some countries highlight differences and similarities with the ECHR.

The UK mentions that in the case of R (Friends of the Earth) v Secretary of State for Environment, Food and Rural Affairs [2024] EWHC 2707, the High Court of England and Wales carefully examined the Verein KlimaSeniorinnen decision. The case concerned the legality of the Secretary of State's third National Adaptation Programme (NAP3), which sets out how he intends to respond to the climate risks identified under the 2008 Climate Change Act. The applicants challenged NAP3 on four grounds, two of which were based on the ECtHR's decision in Verein KlimaSeniorinnen. The Court found that the UK legislative framework for adaptation under the Climate Change Act 2008 was significantly different from the Swiss framework criticised in Verein KlimaSeniorinnen and that it satisfied the positive obligations of the United Kingdom under the ECHR. The Court emphasised that,

while the Verein KlimaSeniorinnen judgment imposed a narrow margin of appreciation with regard to setting mitigation targets, this margin was wider for adaptation to them. In any event, to date, all human rights claims related to climate change have been rejected in the UK. The main difference lies in the divergent approaches of the courts to date. In light of domestic case law, an association such as Verein Klimaseniorinnen Schweiz, which the ECHR deemed admissible "even though it cannot claim to be itself a victim of a violation of the Convention", would probably not satisfy the "victim test" set out in section 7 of the Human Rights Act 1998.

The approach of the **Irish** courts does not entirely correspond to that adopted in the Verein KlimaSeniorinnen case, although recent developments, notably in Coolglass v An Bord Pleanála [2025] IEHC 1, indicate a growing convergence of principles, particularly with regard to State obligations and the relevance of human rights in environmental matters. Traditionally, Irish courts have been cautious in extending judicial review to the substantive adequacy of climate policy and have tended to rely on legal obligations rather than rights-based reasoning. However, in the Coolglass case, the High Court expressly based part of its judgment on Articles 2 and 8 of the ECHR, as incorporated into the European Convention on Human Rights Act 2003. The Court found that An Bord Pleanála's failure to take national climate targets into account constituted a breach of both its legal obligations and the State's positive obligations under Article 8 of the ECHR, citing the KlimaSeniorinnen case in support. In any event, while the Coolglass case marks a shift towards a more rights-based approach, it remains an exception in the field of climate litigation in Ireland, especially as the case is pending before the Supreme Court. Irish courts have not yet adopted the broader standing doctrine and stricter standards of justiciability of the KlimaSeniorinnen case law.

For its part, the case law of the **Lithuanian** courts has similarities but also differences with the Verein Klimaseniorinnen Schweiz v. Switzerland case. Similarities: Both the Lithuanian courts and the ECHR recognise the importance of climate change as a major issue with profound implications for human rights and environmental protection. In the Verein Klimaseniorinnen Schweiz case, the ECHR emphasised the positive obligation of the State to protect the environment, particularly where there are threats to human rights, such as the right to life (Article 2 of the European Convention on Human Rights) and the right to privacy (Article 8 of the ECHR). Similarly, Lithuanian courts consider environmental protection to be an essential constitutional value and refer to it when balancing private interests and public

and ecological interests. Differences: In the Verein Klimaseniorinnen Schweiz case, the ECHR played an active role in asserting that climate change constitutes a serious threat to human rights and that states must do more to address it in a way that does not disproportionately affect vulnerable groups. The ECHR has broadened its interpretation of human rights to require states to take more vigorous action on climate change. Lithuanian courts have not yet accepted such a direct link between climate change and the state's human rights obligations. It is true that Lithuanian courts have not yet heard a case where positive obligations under human rights law (as in the Verein Klimaseniorinnen Schweiz case) would be the central issue.

With regard to **French** case law, it preceded that of the ECHR but is fully consistent with it. In fact, the administrative judge sought to develop an original method of control that takes into account both the need to verify that the national climate governance put in place is likely to enable the objectives set for France by European and national legislators to be achieved (due to the long-term pollution caused by GHG emissions), without the judge substituting himself, in the choice of ways and means, for the margin of discretion that must remain in the hands of the public authorities.-

Co-funded by
the European Union