



EU FORUM OF JUDGES FOR THE ENVIRONMENT  
UE FORUM DES JUGES POUR L'ENVIRONNEMENT

### **Questionnaire EUFJE annual conference 24-25 October 2022 - Climate law and litigation**

Climate change litigation (or 'Climate litigation') is on the rise, both within the jurisdictions of EU member state countries and around the world. Climate litigation is a complex phenomenon that has been brought on many grounds, and courts play an important role in how the law can respond to climate change.

The purpose of this survey is to understand what developments are occurring in climate litigation at the EU Member State/European level, and how national courts are responding to these cases.

#### **I. Qualitative questions**

[In this series of videos filmed for COP26](#), seven judges reflected on how the courts have addressed climate change, from both local and global perspectives.

We would appreciate if you could answer the following **questions**, providing your views on the overall opportunities and challenges regarding climate litigation in your country.

1. How has judicial decision-making on climate change issues evolved in your country over the last decade?
2. Before which type of courts is this type of litigation brought and by which type of plaintiffs?
3. What are the opportunities to this type of litigation in your country?
4. What are the challenges to this type of litigation in your country?
5. What is the average length of proceedings (including on appeal and cassation)?
6. Which type of remedies are being ordered by the courts? What are the arguments for not ordering such remedies?
7. Do the courts have powers to ensure and follow-up the enforcement of judgements in climate cases? Are there specific difficulties in this regard?
8. What are the most useful norms, legal principles or practices available to judges to ensure effective climate action by governments and businesses?

## II. Case identification and data collection

There are two connected databases tracking climate litigation across the world:

- [Climate Change Laws of the World](#) maintained by the Grantham Research Institute at the London School of Economics - covers national-level climate legislation and policies globally, and climate litigation outside the US; and
- [Climate Change Litigation](#), maintained by the Sabin Center at Columbia University - contains climate litigation in the US and outside the US.

In this survey, we would appreciate if you could *please identify climate litigation cases from your country that might be currently missing from these databases.*

To fall within the scope of the databases, cases must satisfy two key criteria:

- (i) Cases must generally be brought before judicial bodies (though in some exemplary instances matters brought before administrative or investigatory bodies are also included)
- (ii) Climate change law, policy, or science must be a material issue of law or fact in the case. Cases that make only a passing reference to climate change, but do not address climate-relevant laws, policies, or actions in a meaningful way are not included.

If there are any cases missing, please provide information following this general format:

*XX (Side A) v. YY (Side B)*

[Case number](#) (if available)

[Names of the plaintiffs and defendants](#), including the type (governments, corporations and/or individuals)

[Filing Date](#)

[Status](#) (whether the case is pending or decided)

[Jurisdiction](#) (court or tribunal before which the case was filed)

[Principal Laws](#) (the primary laws invoked in the case)

[Summary](#) (relevant dates, parties, court; the legal reasoning from plaintiffs, defendants, or for court decisions; what is specifically being asked for; what the remedies are; whether the decision is being appealed; whether the decision has been implemented)