

# WEBINAR

## Latest legal developments in European climate change

15 DECEMBER 2025, 10:00 - 13:00 CET

*Training of Lawyers in various areas of EU law*  
**#TRAVAR**



Co-funded by the EU

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Damien Meadows, Advisor on EU climate action at European Commission

**Recent EU policy developments in the field of climate**

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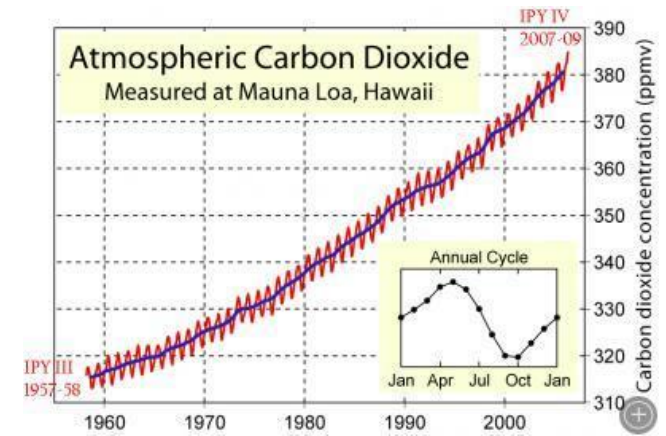
# The scale of the climate challenge



*"This generation has altered the composition of the atmosphere on a global scale through ... a steady increase in carbon dioxide from the burning of fossil fuels"*  
Lyndon Johnson, 1965

*"Notre maison brûle et nous regardons ailleurs ... il est temps, je crois, d'ouvrir les yeux. ",* Jacques Chirac, 2002

*"Our house is on fire. I am here to say, our house is on fire."*, Greta Thunberg, 2019



Atmospheric concentrations of CO<sub>2</sub> at Mauna Loa were 427ppm on 7 December 2025

- ICJ Advisory Opinion on States' legal obligations in respect of climate change
- The EU is committed to effective multilateral action, and ratified the UN Framework Agreement on Climate Change (UNFCCC), the Kyoto Protocol, its continuation through the Doha amendment and the 2015 Paris Agreement
- In 2025, the EU has been updating its economy-wide European Climate Law, and has submitted a longer term Nationally Determined Contribution under the Paris Agreement

# European Climate Law



The European Climate Law, **Regulation (EU) 2021/1119**, set out a binding objective of climate neutrality in pursuit of the long-term temperature goal of the Paris Agreement:

- Union-wide greenhouse gas emissions and removals regulated in Union law shall be balanced **at the latest by 2050**, reducing emissions to **net zero** and aiming for -ve emissions.
- The relevant Union institutions and the Member States shall take the necessary measures at Union and national level, respectively
- In order to reach the climate-neutrality objective ... the binding Union 2030 climate target shall be a domestic reduction of net greenhouse gas emissions (emissions after deduction of removals) by **at least 55% compared to 1990 levels by 2030**.

Commission proposal to amend the European Climate law (COM(2025)524) to establish a binding Union target for **2040** of 90% below 1990 levels

General approach agreed by Council on 5 November, including a possible limited contribution towards the 2040 target of high-quality international credits under Article 6 of the Paris Agreement of 5% of 1990 EU net emissions from 2036, postponement by one year of ETS2

European Parliament Plenary adopted a similar position on 13 November, interinstitutional agreement reached on 10 December.

Preparing legislative measures to deliver the 2040 target: ETS July 2026 + rest by end 2026

Omnibus packages affecting environment legislation in parallel e.g. CSRD and CSDDD



# Harnessing market forces to reduce emissions



Union policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Union. It shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that **the polluter should pay** (Treaty on the Functioning of the European Union, Article 191)

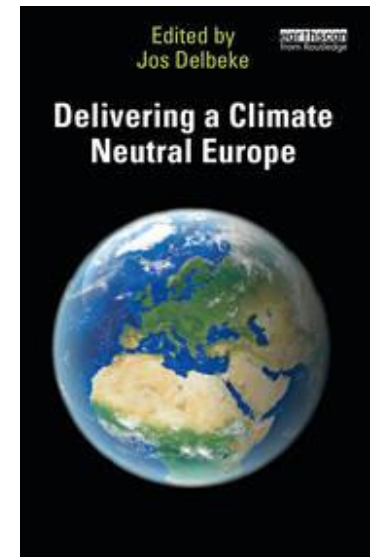
*“Carbon emissions must have a price. Every person and every sector will have to contribute”,* Commission President Ursula Von der Leyen

*“The key is to change incentives for the marketplace... If it’s free to pollute then you’re never going to have companies making all the myriad decisions that are required in order for the entire system to move in a better direction... What you have to do is have a market mechanism to make it work more efficiently”*

20 years’ experience of actual carbon pricing, around 50% reductions achieved by 2024 below 2005 levels, economy-wide action, importance of complementary measures and funding.

*“Given the need for urgent economy-wide emission reductions, Member States should be able to act to reduce greenhouse gas emissions that are within the scope of the EU ETS also through policies other than emission limits adopted pursuant to Directive 2010/75/EU”,* recital 12 of Directive (EU) 2023/959

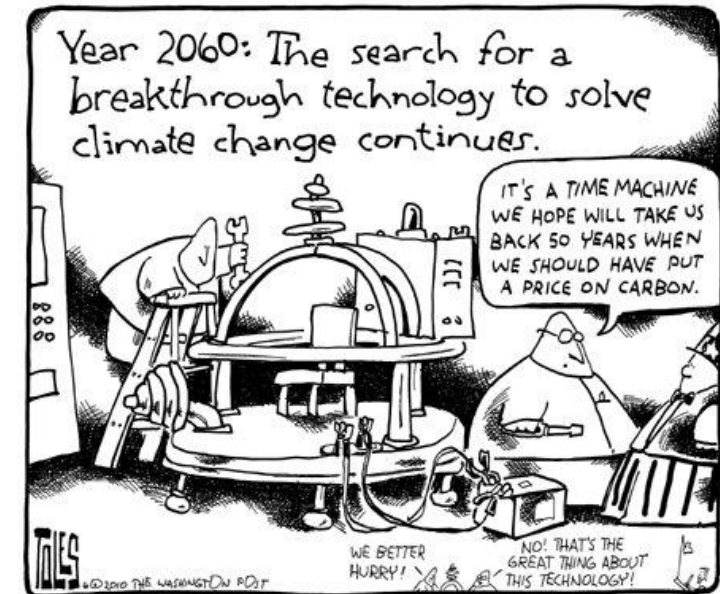
CO<sub>2</sub> & cars Regulation, Energy Performance of Buildings Directive (EPBD), Renewables Directive etc



# EU carbon pricing / 'EU ETS'



- **Environmental outcome:** caps emissions from >10,000 installations across EU and from all airlines' flights within Europe. 30+ countries, around half Europe's greenhouse gas emissions
- **Market-based approach:** Companies can emit and buy, or reduce emissions and benefit
- Working to advance **action by third countries** and regions e.g. Chinese ETS, Turkey, Brazil, India, Korea, Canada, Mexico, New Zealand, US State-level action etc
- €40 billion ETS **Innovation Fund**, €57 billion ETS **Modernisation Fund**, auction revenues shall be used to tackle climate change, **Social Climate Fund** (Carbon Market Report, COM(2025)735)
- **Progressive inclusion of aviation**, equal treatment on routes/ level-playing field, enforced effectively (current application within EEA, departing flights to UK and Switzerland), proposal to come July 2026
- Separate '**ETS2**' adopted in relation to emissions from road transport, housing and additional sectors, to be applicable from 2027/28 (ongoing legal process for European Climate Law states 2028)
- Inclusion of 50% **maritime emissions** from 2024 (EU's '**fair share**' of emissions), which is now also included in the EU's Paris Agreement NDC, 99% compliance by volume in September 2025



# Recent EU policy developments in the field of climate



Should environmental impact assessments include the assessment of downstream greenhouse gas emissions e.g. from oil extraction projects ('scope 3 emissions')?

- R (on the application of Finch on behalf of the Weald Action Group) (Appellant) v Surrey County Council and others (Respondents), judgment of 20 June 2024
- Norway v Greenpeace and Nature and Youth Norway (E-18/24), judgment of 21 May 2025
- Greenpeace Nordic and others v. Norway (Application no. 34068/21), judgment of 28 October 2025

*“When identifying, describing and assessing the effects of the project, including the possible offset of effects, the extent to which the use of the extracted oil or gas will be subject to the EU Emission Trading System could be relevant” (para 24 of Commission observations in E-18/24)*



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Catherine Higham

**The European Court of Human Rights and Climate Litigation**

15 December 2025, 10:00 - 13:00 CET, Zoom



# Overview

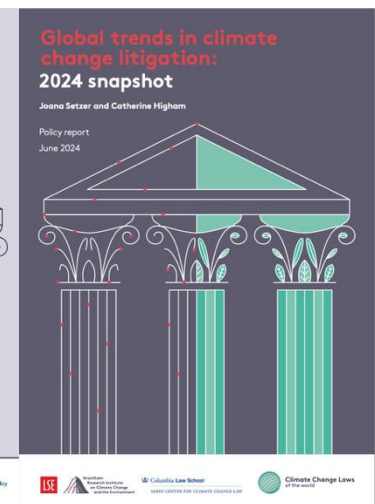
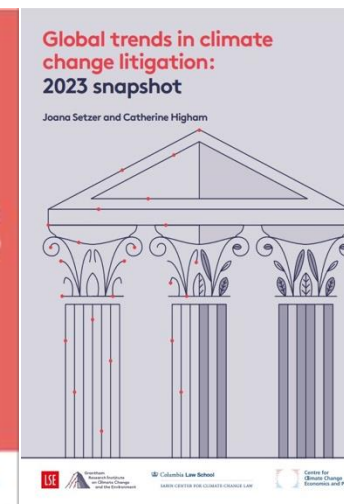
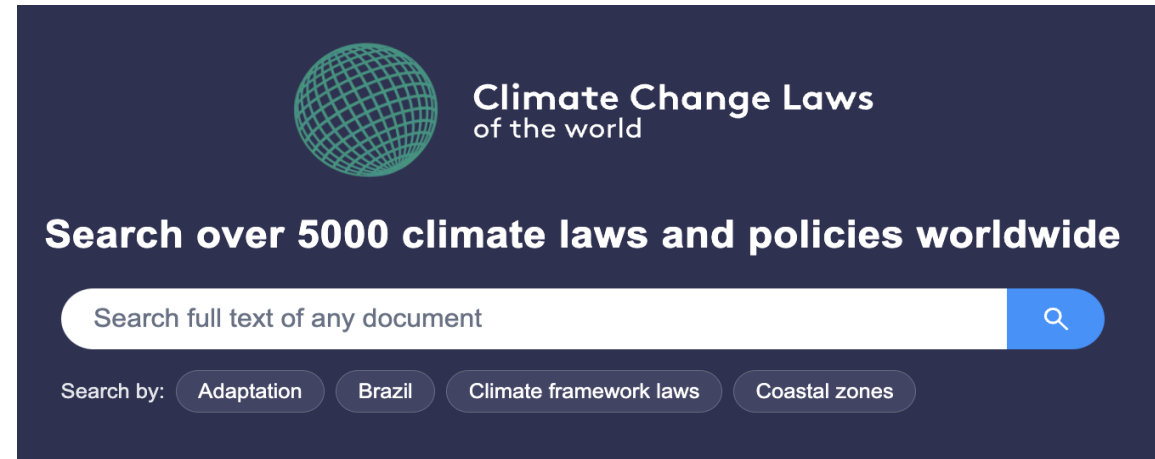


- Introducing the Grantham Research Institute
- European Committee on Legal Co-operation study on climate litigation
- Mapping Climate Cases in Europe
- Systemic Cases against Governments and the European Court of Human Rights
- Human Rights in Corporate Climate Cases

# Climate law and governance at Grantham Research Institute



- Understanding trends in governance approaches and legal interventions intended to address climate change
- Assessing their impacts in a variety of socio-economic, political and institutional contexts



# Context: European Committee on Legal Cooperation study on climate litigation



## **Climate litigation is proliferating in Europe**

A significant share of cases mentioning climate change are brought by civil society groups and individuals, often to influence wider climate governance. Engaging with their claims helps policymakers anticipate pressure points, reduce costly disputes, and improve legal certainty.

- Addressing Parliamentary Assembly Recommendation 2213 (2021) on climate liability + Bureau on Legal Cooperation recognised the distinct legal and evidentiary characteristics of climate litigation (compared to environmental)
- Climate litigation databases + questionnaires



# Climate litigation is expanding, growing in complexity, and maturing

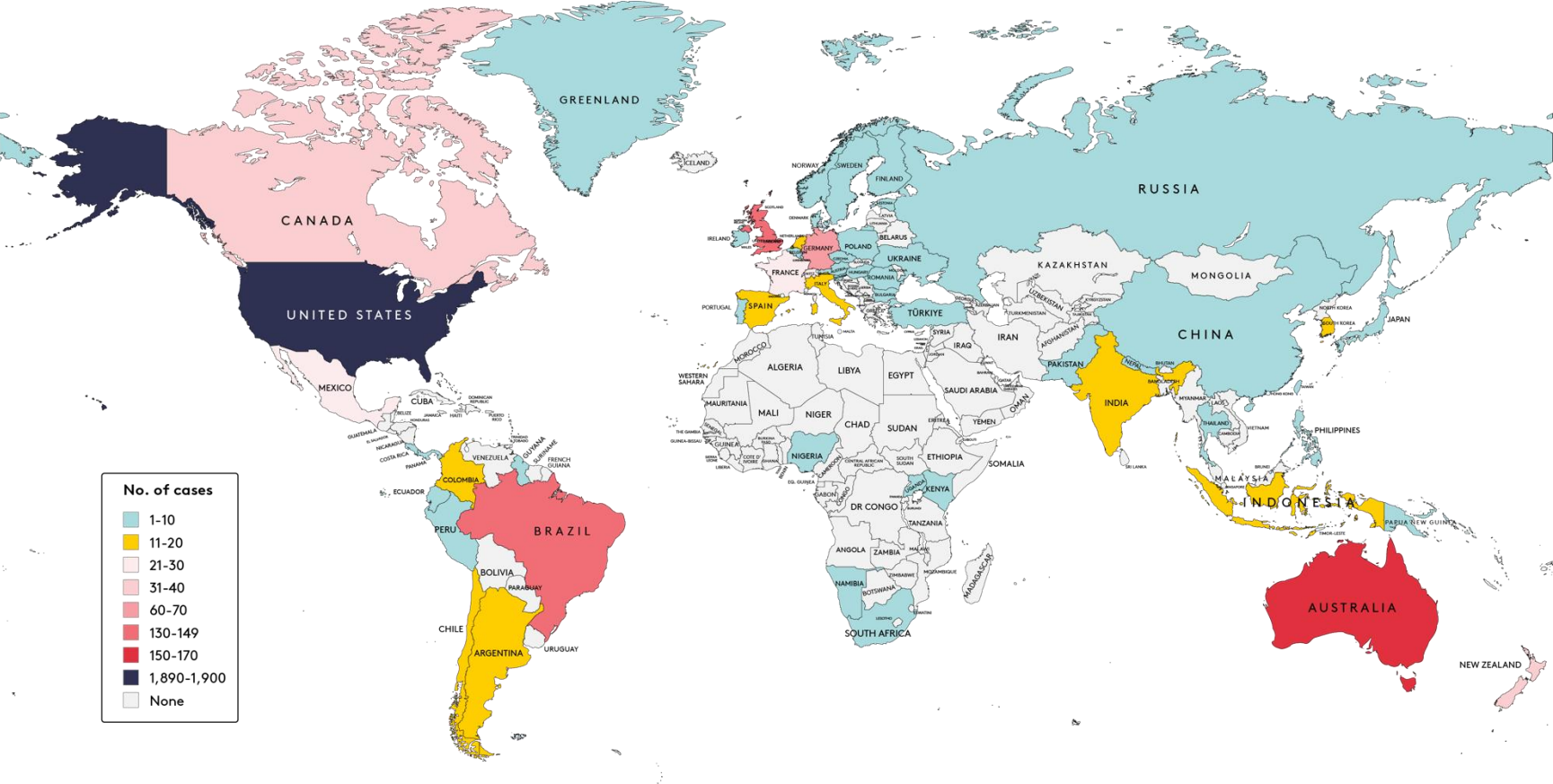
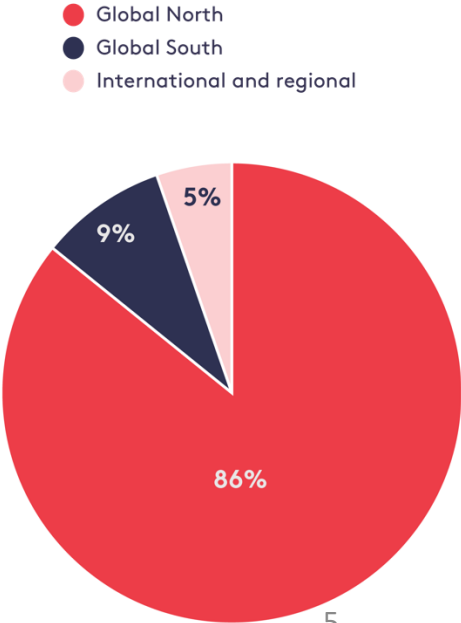
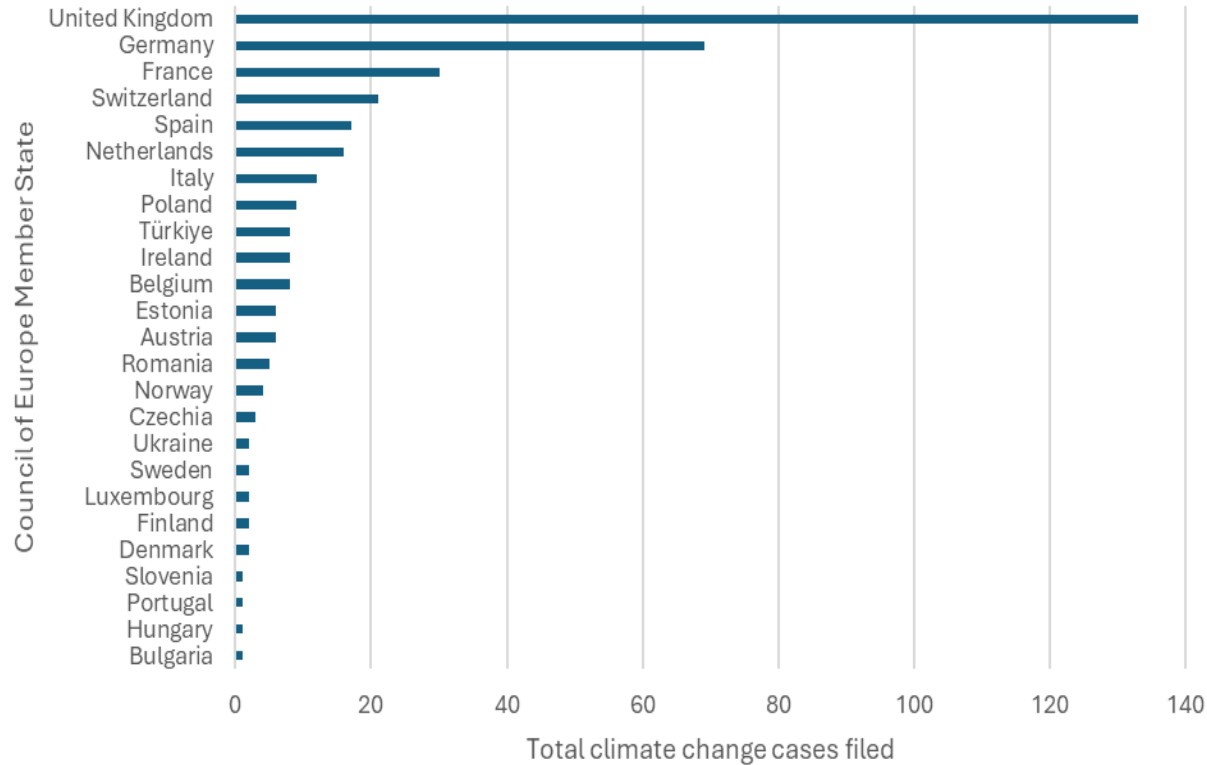


Figure 1.3. Geographical distribution of case filings (to end of 2024)

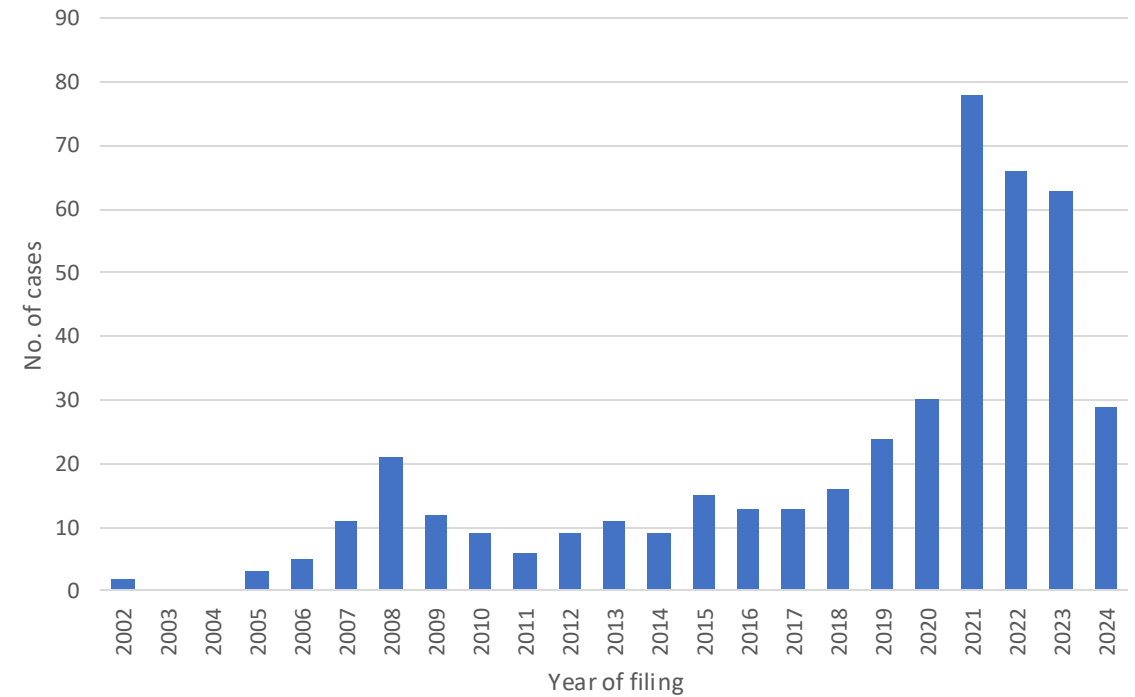


Source: Setzer J and Higham C (2025) Global Trends in Climate Change Litigation: 2025 Snapshot.  
Data: Sabin Center for Climate Change Law, data downloaded on 15 May 2025.

# Numbers in Europe



*Figure 1: Distribution of climate change lawsuits in CoE member states (excluding states in which no such cases have been recorded)*



*Figure 2: Number of climate change lawsuits filed in European domestic and regional courts*

# Diverse array of legal strategies

- Early cases often focused on challenging individual projects - such as coal plants, pipelines, or infrastructure approvals
- Recent years have seen a rise in systemic and accountability-driven litigation.
- In many of these more recent cases, different strategies overlap and evolve, with litigants increasingly experimenting with hybrid approaches, for instance, combining project-level challenges with human rights arguments.



# Framework cases against governments



Early cases include the landmark *Urgenda* litigation in the Netherlands

13 new cases filed in 2024, + 120 filed around the world since 2015

More than 50% of cases filed in Europe



Ambition – absence, inadequacy or design of a government's policy response

Implementation – enforcement of climate measures to meet targets or plans

# The European Court of Human Rights Climate Docket

- First case filed in 2019 (*Carême v. France*)
- Now at least 13 cases concerning 33 member states
- 3 heard by the Grand Chamber in April 2024



# KlimaSeniorinnen v Switzerland (April 2024)



Swiss Government's climate policies violated human rights.

States are obliged to protect their citizens from the “serious adverse effects” of climate change. They should have

- target timeline to achieve net-zero carbon emissions (or a specific reduction)
- intermediate GHG emissions targets
- show compliance with these targets
- update targets based on best available evidence
- act in good time

The  
conomist

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Britain | Court out?

## The ECtHR's Swiss climate ruling: overreach or appropriate?

A ruling on behalf of pensioners does not mean the court has gone rogue



# *Carême* and *Agostinho*: Limiting the Court's role



- Victim Status and the issue of the *actio popularis*
- A special approach to extraterritorial jurisdiction?
- Exhaustion of domestic remedies



# Reliance on *KlimaSeniorinnen* before domestic courts

The judgment has already been relied on in numerous instances of domestic climate litigation against states, including:

- Czechia [\*Klimatická žaloba ČR v. Czech Republic\*](#)
- Finland [\*Finnish Association for Nature Conservation and Others v. Finland\*](#)
- Ireland [\*Community Law and Mediation Centre and Others v. Ireland\*](#) and [\*Coolglass Wind Farm Ltd. v. An Bórd Pleanála\*](#)
- Spain [\*Greenpeace v. Spain II\*](#)
- Sweden [\*Anton Foley et al. v. Sweden\*](#)

# Procedural Obligations: *Greenpeace Nordic v Norway* (October 2025)



There are procedural obligations on governments when considering fossil fuel exploration and production. States should consider:

Quantified emissions from BOTH production and combustion in and outside the country

Compatibility with the states obligations to take effective measures against climate impacts





# Human Rights: Strengthening Corporate Climate Cases in Europe



- **From rights to private duties:** Landmark public-law holdings establish that foreseeable climate risks engage legal obligations, assessable against science-based metrics like carbon budgets. Corporate cases read these as *interpretive anchors* for private duties.
- **National/EU legislation** (e.g. CSRD; evolving CSDDD transposition) is codifying expectations on disclosure and human-rights/climate due diligence, extending along value chains and into financed emissions (e.g. *Notre Affaire a Tous v Total*)

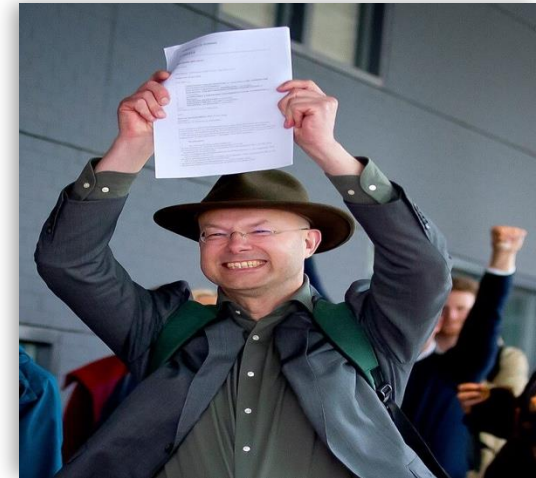
# Framework litigation against corporates: *Milieudefensie v Shell (No 1)*



**Court ruling:** Shell must reduce greenhouse gas emissions by 45% from 2019 levels. Significant portion must come from Scope 3 (covering nearly all emissions from oil and gas companies).

**Impact:** Court-mandated decarbonization could reshape stakeholder dynamics and value chain interactions.

**Appeal Court:** agreed with the District Court that Shell had an obligation to reduce its CO2 emissions. However, it disagreed with the lower court's imposition of a specific percentage by which those emissions should be reduced.



# Thank you!



## Access the 2025 report

<https://www.lse.ac.uk/granthaminstitute/publication/global-trends-in-climate-change-litigation-2025-snapshot/>

## Access the Climate Change Laws of the World database:

<https://climate-laws.org>

Catherine Higham

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Patrycja Pogodzinska, Anna Sekula, EU Agency for Fundamental Rights (FRA)

**The EU Charter and climate change litigation**

15 December 2025, 10:00 - 13:00 CET, Zoom

# FRA's mandate



## FRA Regulation - Council Regulation (EC) No 168/2007

- Provide assistance and expertise on fundamental rights issues to the European Union institutions and the Member States when they implement European Union law
- Collect, record, analyse and disseminate relevant, objective, reliable and comparable information and data on fundamental rights issues in the EU
- Promote dialogue with civil society, in order to raise public awareness of fundamental rights and actively disseminate information about its work

# FRA's work on the EU Charter of Fundamental Rights



- Data collection, analysis and research
- Development of tools and material
- Providing expertise and support to EU institutions
- Capacity building for NHRIs
- Cooperation with EJTN and bar and law societies
- Community of Charter experts
- Online [EU CharterXchange](#)



# EU Charter of Fundamental Rights

- It is a legally binding instrument of **EU primary law**
- It binds EU institutions, and Member States only when implementing EU law
- It is a catalogue of modern rights and principles – one of the key sources of fundamental rights in EU law, next to its (unwritten) general principles



(2012/C 326/02)

## PREAMBLE

## TITLE I

DIGNITY

## TITLE II

FREEDOMS

## TITLE III

EQUALITY

## TITLE IV

SOLIDARITY

## TITLE V

CITIZENS' RIGHTS

## TITLE VI

JUSTICE

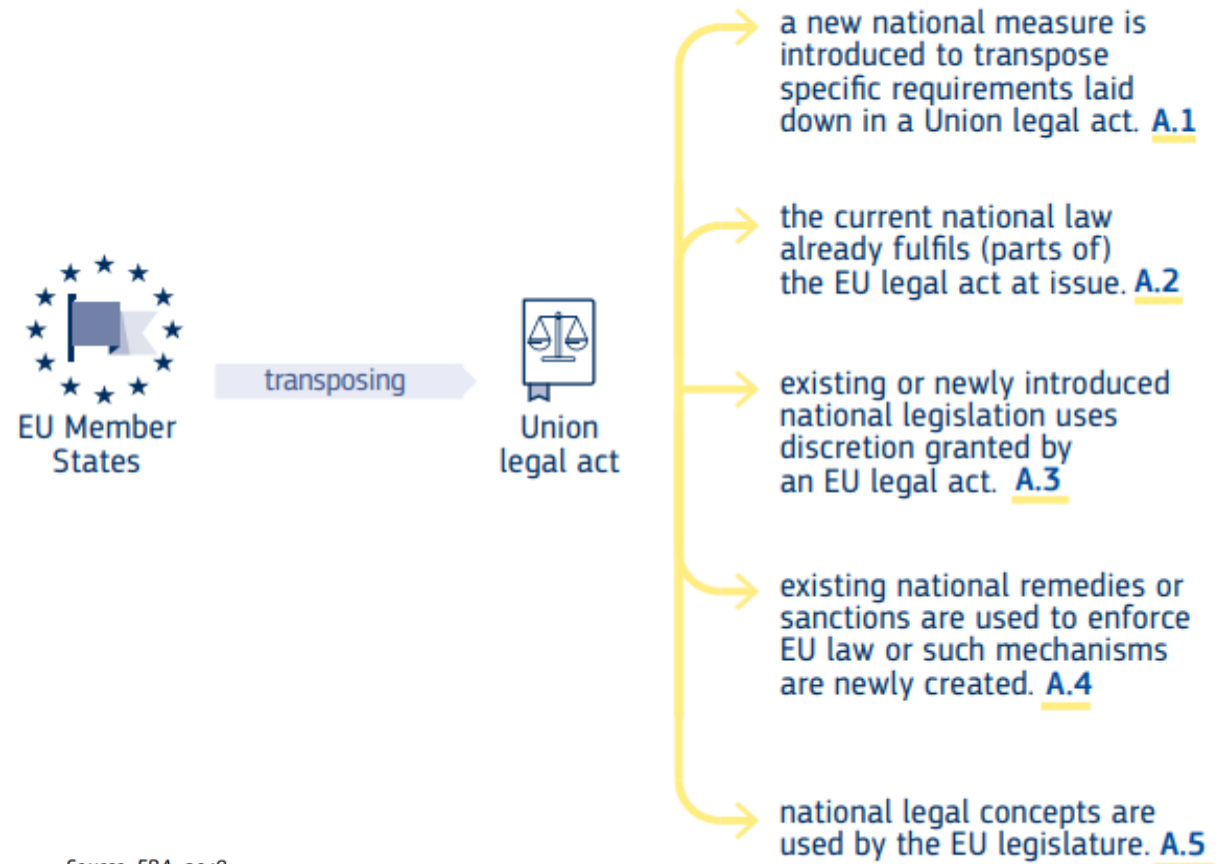
## TITLE VII

GENERAL PROVISIONS GOVERNING THE INTERPRETATION AND APPLICATION OF THE CHARTER

# Article 51 of the Charter - Field of application

1. The provisions of this Charter are addressed to the institutions, bodies, offices and agencies of the Union with due regard for the principle of subsidiarity and to the Member States only when they are implementing Union law. They shall therefore respect the rights, observe the principles and promote the application thereof in accordance with their respective powers and respecting the limits of the powers of the Union as conferred on it in the Treaties.

Figure 7: Situations of Charter application in response to a Union legal act



Source: FRA, 2018

## EU Treaties

- **Article 3(3) TEU** includes, among the objectives of the EU, sustainable development and a high level of protection and improvement of the quality of the environment.
- **Article 11 TFEU** sets out a legal duty to integrate environmental protection requirements into policies and activities of the European Union, in particular with a view to promoting sustainable development.
- **Article 191 TFEU** outlines the objectives of EU policy on the environment, which include preserving, protecting and improving the quality of the environment, protecting human health and promoting measures at the international level to deal with regional or worldwide environmental problems, in particular combating climate change.



## Article 37 of the EU Charter of Fundamental Rights – environmental protection



- Provides that *a high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development.*
- It is a **principle** in the sense of the Charter:
  - it does not establish an individually justiciable right to environmental protection
  - it informs the interpretation and application of EU law and the Charter provisions guaranteeing individual rights.
- To date, Article 37 rarely invoked by the CJEU
- The application and interpretation of Article 37 continue to evolve within the context of EU law and environmental principles.

## Article 47 of the Charter – Right to an effective remedy and to a fair trial

- Provides that *Everyone whose rights and freedoms guaranteed by the law of the Union are violated has the right to an effective remedy before a tribunal in compliance with the conditions laid down in this Article.*  
*Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law. Everyone shall have the possibility of being advised, defended and represented.*  
*Legal aid shall be made available to those who lack sufficient resources in so far as such aid is necessary to ensure effective access to justice.*
- The right to an effective remedy is also a general principle of EU law, and applies to the Member States when they are implementing Union law – for all rights guaranteed by Union law (Case 222/84 Johnston [1986] ECR 1651)

The CJEU has dealt with climate change through actions for annulment and preliminary references.



**Article 37 (environmental protection):**

- Recognizes environmental protection as an EU policy goal.
- Seen as a policy principle, rather than a directly enforceable right.
- interpretative potential remains significant, supporting environmental objectives embedded in other Charter rights and in EU law.

**By contrast, Article 47 has emerged as a crucial procedural safeguard, strengthening access to justice in environmental matters.**

- Provides a key procedural safeguard for access to justice in environmental matters.
- Helps fill Aarhus Convention gaps on standing and judicial protection.
- Promotes broader access to review environmental measures, ensuring transparency and accountability.
- Rights-based arguments (Arts. 16, 17, 37, 47) strengthen EU climate policy by embedding it in the constitutional rights framework.

However, Article 51 limits the Charter's scope to EU institutions and Member States when implementing EU law.

## Carvalho and Others v Parliament and Council (CJEU, 2021)



### Key legal issue:

Could individuals directly challenge EU climate legislation before the CJEU under Article 263(4) TFEU, invoking Charter rights

### CJEU Findings:

- Mere allegation of Charter rights violations does not meet the “individual concern” test under Art. 263(4) TFEU.
- Fundamental rights (e.g. under Art. 47 Charter) do not guarantee unconditional access to annul EU acts.
- Effective judicial protection (Art. 47) must respect Treaty limits on admissibility.
- Associations (like the Sami group) also lacked standing—did not meet criteria for collective representation.

### Outcome:

- Appeal dismissed for lack of individual legal standing.
- Reinforced limits of individual access to EU Courts in *climate litigation*, despite reliance on Charter rights.
- Confirms strict interpretation of standing rules, limiting use of the Charter to expand climate accountability via direct actions.



## Key legal issues:

- Whether an environmental NGO could rely directly on EU law to challenge a national authority's decision approving vehicle software potentially breaching EU emissions law
- Whether denying standing under national law violated the right to effective judicial protection under Article 47 of the EU Charter, read with Article 9(3) Aarhus Convention.

## CJEU findings:

- Art 9(3) Aarhus Convention requires MSs to provide access for the public, including environmental NGOs, to challenge acts violating environmental law.
- Under Art 47, procedural rules must ensure an effective remedy—they cannot make access to justice practically impossible.
- National laws that exclude certain categories of environmental acts (like vehicle approvals) or impose overly strict standing criteria breach these obligations.

## Outcome:

- EU law precludes a national legal framework that prevents environmental NGOs from challenging vehicle type approvals contrary to EU law.

# Ilva (C-626/22) and the EU Charter of Fundamental Rights



## Key legal issues:

- Whether Italian rules allowing prolonged operation of the Ilva plant, despite serious pollution and health impacts, were compatible with the Industrial Emissions Directive when read in light of Articles 35 (health) and 37 (environment) of the EU Charter.

## CJEU findings

- The Court held that the IED must be interpreted in conformity with Articles 35 and 37 of the Charter, requiring a high level of protection of human health and the environment when issuing, updating, or maintaining permits.
- The Charter reinforces strict application of the IED.
- On that basis, authorities must carry out thorough, up-to-date assessments of actual emissions and health risks and cannot lawfully maintain or extend permits where serious and significant risks persist, even for economically important installations.

## Outcome:

- National courts must interpret and, where necessary, disapply national measures that systematically defer compliance if this undermines the Charter-based guarantees of health and environmental protection.
- Aligns EU environmental law with human-rights-based approaches seen in the Cordella v Italy case before the ECtHR.

## Key legal issues:

- Whether the 2019 Federal Climate Change Act (KSG) - by establishing inadequate emission reduction targets and no post-2030 reductions - violated constitutional rights to human dignity, life and physical integrity, freedom of occupation, and property, under the German Basic Law Act, in particular rights of future generations

## Findings and outcome:

- Parts of the German Federal Climate Change Act (KSG) incompatible with fundamental rights because insufficient GHG emissions reduction targets
- Article 20a of the Basic Law obliges the legislature to protect the climate and ensure climate neutrality

## Role of the EU Charter – Article 51(1) considerations:

- “[i]t is true that the Federal Climate Change Act **might be regarded in some respects as implementing EU law within the meaning of Article 51(1)** first sentence of the EU Charter of Fundamental Rights.” (para 151) – Effort Sharing Regulation
- However, full constitutional review under the German Basic Law possible - higher national rights standards can be applied as long as they do not undermine the effectiveness or primacy of EU law (ref. to Åkerberg Fransson, C-617/10, para 29).

## Key legal issues:

- Individual AF's class action alleging ECHR violations (Arts. 2, 3, 8, 14; P1-1) and corresponding EU Charter rights due to State's insufficient GHG reductions for 1.5°C limit
- Sought declaratory judgment of violation or orders for climate measures; Court ruled action inadmissible

## Findings and outcome:

- Case inadmissible: high individual harm threshold unmet - reasoning based on ECtHR's KlimaSeniorinnen standing thresholds;
- Specific performance claims exceed judicial role (separation of powers); declaratory relief requires arguable ECHR claim, unmet here

## Role of the EU Charter – Article 51(1) considerations:

- Inapplicable per Art. 51(1) – applies only when States implement EU law;
- Case concerns general climate policy, no EU law trigger (ref. to Åkerberg Fransson, C-617/10, paras 17-22).

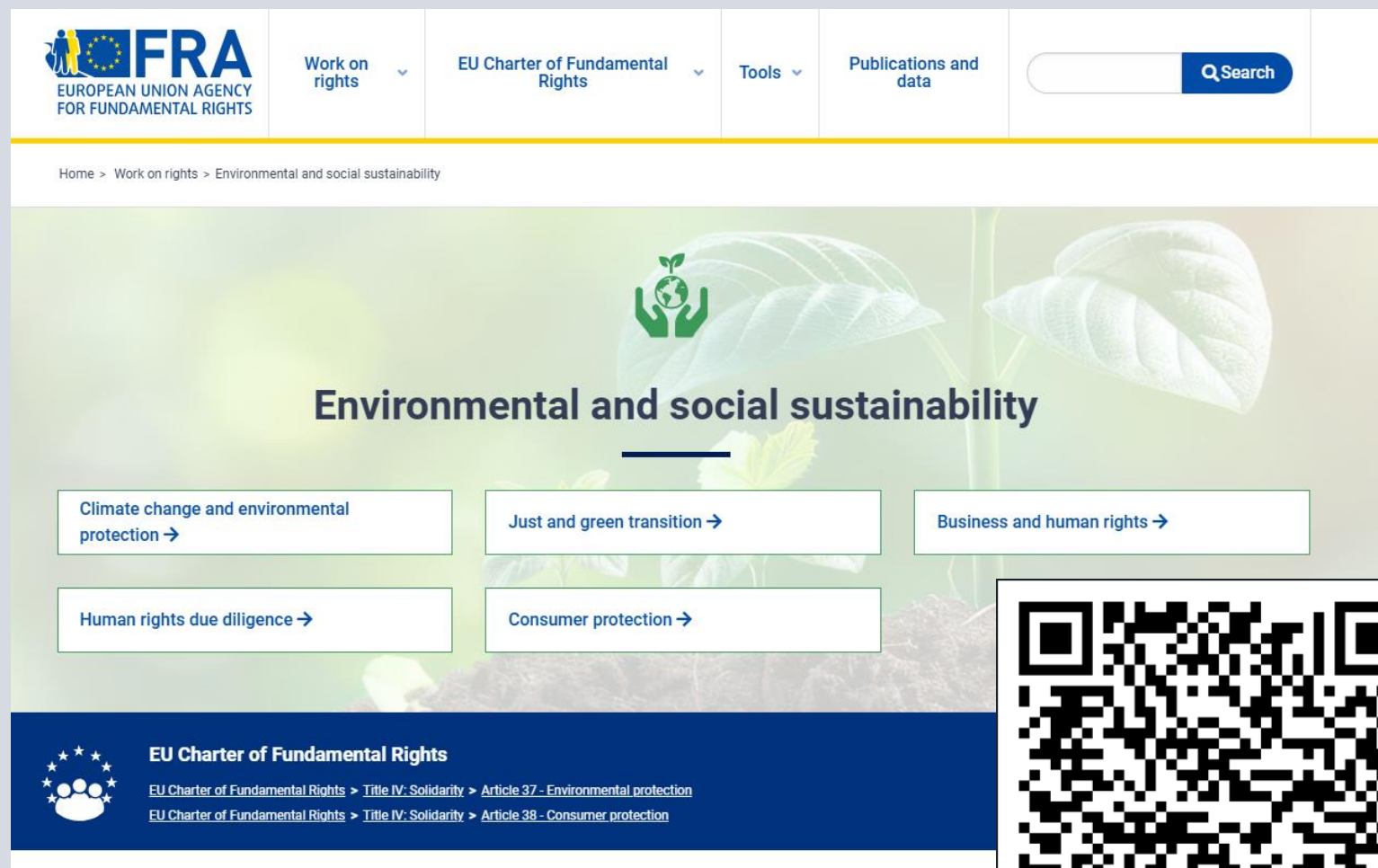


## Climate change - ECtHR and CJEU Case-Law (published on 15 December 2025)

- *This factsheet outlines key judgments of the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR) relating to the intersection of climate change and human rights.*
- *The issues examined include territorial jurisdiction, standards of protection, standing and victim status, and procedural guarantees in climate-related cases, including the rights of access to information.*
- *Prepared jointly by the European Court of Human Rights and the EU Agency for Fundamental Rights, this publication is intended to assist legal practitioners, policymakers, and researchers in understanding and applying the evolving human rights jurisprudence in the context of climate change within the European legal space.*

# FRA's ongoing projects – climate and sustainability

- Fundamental rights in the green and just transition
- Business and human rights:
  - Human rights and environmental due diligence



WWW@: [Environmental and social sustainability | European Union Agency for Fundamental Rights](#)

# Fundamental rights in EU climate and energy transition in housing

Transition in housing at an intersection of climate, energy and human rights:

- Buildings are responsible for 34% of all EU energy-related greenhouse gas emissions, 60% of air pollutants (PM2.5) from energy use emissions, and 40% of energy consumption in the EU
- 75% of all EU buildings are energy inefficient
- Buildings also important for climate adaptation
- The right to housing and access to energy are preconditions to the effective enjoyment of many other fundamental rights, including the right to health
  - With high energy prices and the cost-of-living crisis, 10.6% Europeans in 2023 experienced energy poverty – putting the effective exercise of the fundamental rights at risk for many
- **How to ensure EU climate and energy transition in housing compliant with fundamental rights?**

# Fundamental rights in EU climate and energy transition in housing

- Access to energy and the right to housing
- Fundamental rights in EU climate and energy governance
- Equal access and non-discrimination in energy renovations
- Participation and stakeholder engagement
- Accountability and governance

- Desk research in 30 countries (all EUMSs & AL, RS, MK)
- Legal analysis
- Fieldwork research in 10 Member States (BE, CZ, DE, EE, EL, ES, FR, PL, RO, SE): Selected programmes – energy renovations and energy poverty measures in housing

**Save the date: Online report launch on 29 January 2026**



# Relevant FRA research

- [Climate change - ECtHR and CJEU Case-Law, ECtHR-FRA Joint Factsheet \(2025\)](#)
- [Towards a fundamental-rights-compliant European Green Deal](#) (2025)
- [Enforcing consumer rights to combat greenwashing](#) (2024)
- [A Human Rights Approach to Due Diligence: Reflections on key principles](#) (2025)
- [Business and human rights – access to remedy](#) (2020)
- [Fundamental Rights Report 2024](#) – Chapter 1 Impact of the cost-of-living crisis and rising poverty in the EU
- [EU funds: Ensuring compliance with fundamental rights](#) (2023)
- See also FRA surveys findings, including i.a. on energy poverty, see e.g. [Being Black in the EU – Experiences of people of African descent](#) (2023), [Rights of Roma and Travellers in 13 European countries - Perspectives from the Roma Survey 2024](#)

## ***Forthcoming in 2026:***

- [Fundamental rights in EU climate and energy transition in housing](#) – 29 January 2026
- [Fundamental rights in corporate sustainability and due diligence](#) – research report (mid-2026)



WWW@: [Environmental and social sustainability | European Union Agency for Fundamental Rights](#)

# Charterpedia

<https://fra.europa.eu/en/eu-charter>

- National and European case law
- Relevant national constitutional provisions, EU law, international law
- Parliamentary debates
- Academic references



## Charterpedia

Charterpedia is an online tool maintained by the European Union Agency of Fundamental Rights (FRA). It provides easy-to-access information about the Charter of Fundamental Rights of the European Union and its provisions. It allows to track the concrete application of the Charter in the EU's Member States and offers regularly updated information providing guidance when concretely applying and interpreting the Charter.

Charterpedia information can be found within the section on the [EU Charter of Fundamental Rights >>](#)

### Who is Charterpedia made for?

Charterpedia is of obvious interest and value for legal practitioners, academic researchers, and other interested persons be it lawyers in private practice, judges, prosecutors, company lawyers, civil servants in the public administration working on fundamental rights, NHRIs, equality bodies, civil society organisations, academics and law students as well as anyone interested in fundamental rights.

### What does the Charterpedia include?

For each Charter Article, Charterpedia includes the official explanations of the Charter Articles, related European and national case law, related provisions in the text of national constitutions as well as in EU legislation and international law. It also contains references to academic analysis and related FRA publications.

### How and how often is Charterpedia updated?

The examples of Charter use at national level - such as national court decisions or examples how the Charter was referred to in national parliaments - are collected via the agency's multidisciplinary research network FRANET on an annual basis. The selection of examples is based on their relevance for the interpretation and application of the Charter.

Under "national constitutional law", those provisions are listed that are part of the main text of the national constitution and that reflect (at least in parts of) the respective Charter provision. Under "international law" and "EU law" preference is given to binding norms that are of relevance to the interpretation of the respective Charter provision. Where not much legally binding sources are available, Charterpedia provides examples of relevant soft law.

Different from national sources, the sections "international law" and "EU law" are not regularly updated (neither is the section "national constitutional law").

### What is the difference between the Charterpedia and the Case Law Database?

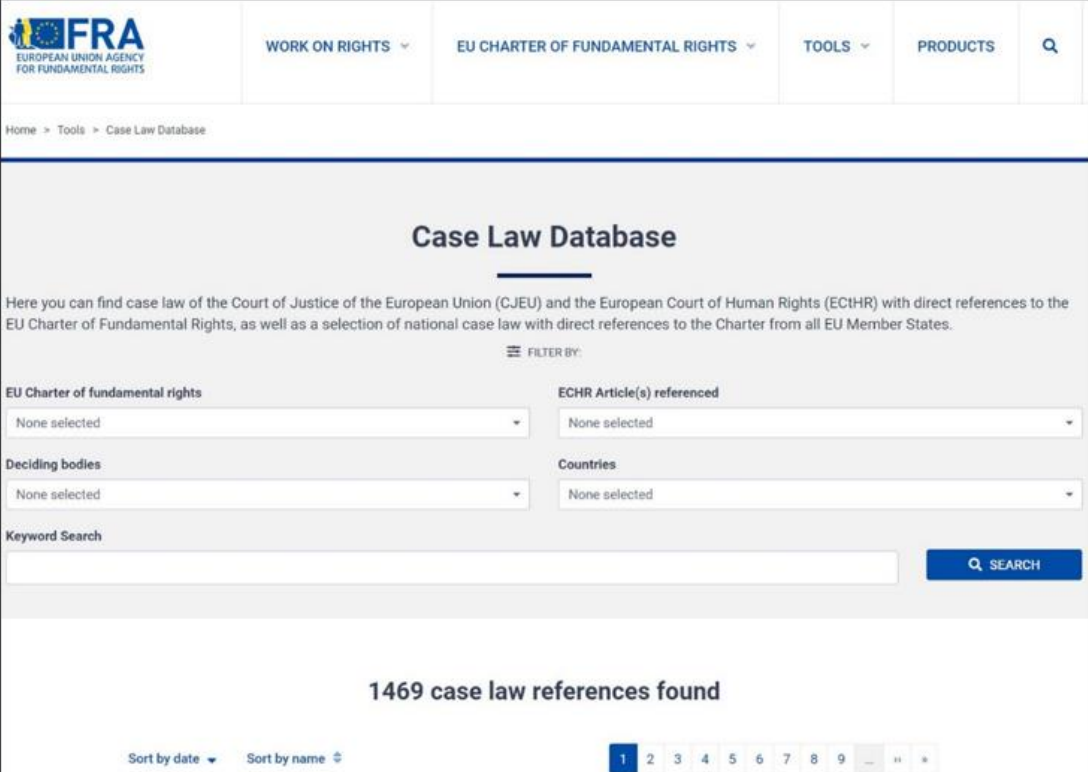
Although the Case Law Database and Charterpedia cover the same datasets, the Case Law database allows for more sophisticated searches for instance by deciding body or by country. It is intended for judges, prosecutors, court staff, lawyers in private practice, notaries, and other legal professionals..

# Case law database

<https://fra.europa.eu/en/case-law-database>

Search tool of case law with direct references to the EU Charter of Fundamental Rights from

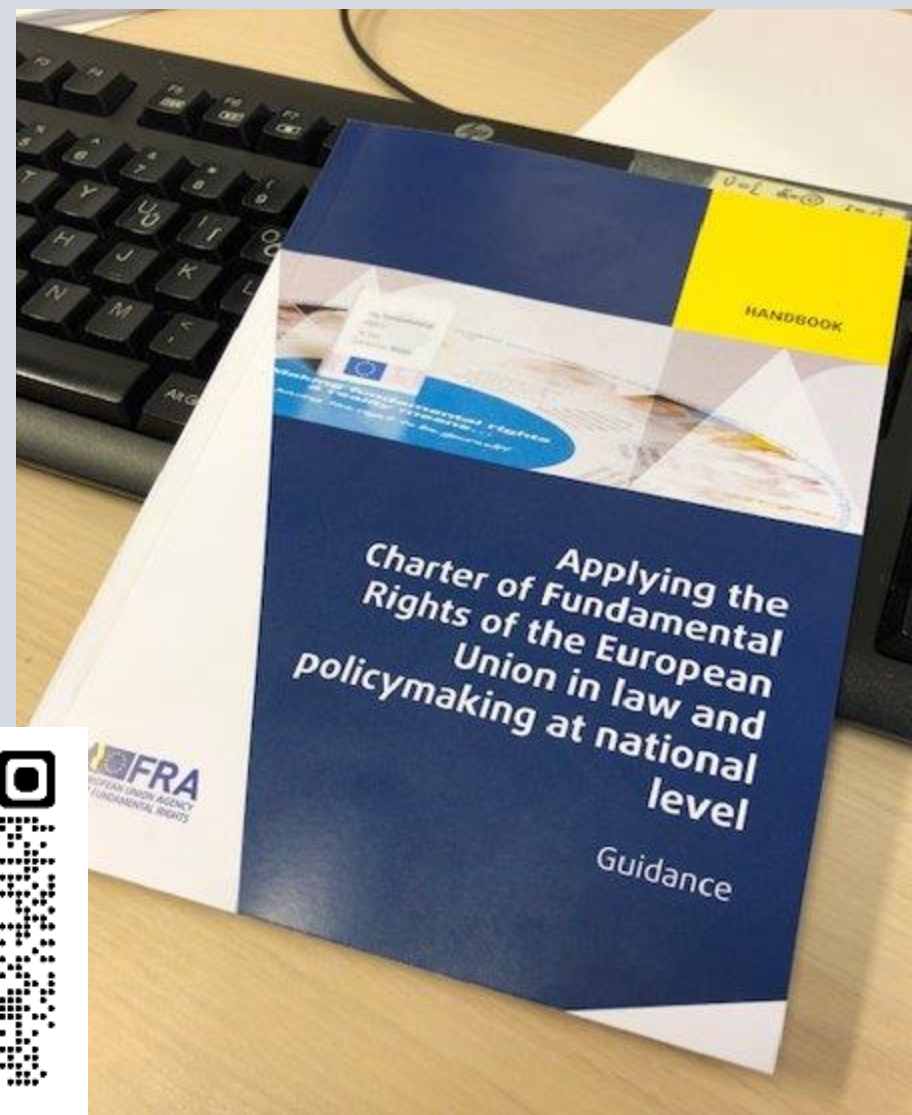
- Court of Justice of the European Union (CJEU)
- European Court of Human Rights (ECtHR)
- a selection of national case law from all EU Member States.



The screenshot shows the FRA Case Law Database search interface. At the top, there is a navigation bar with the FRA logo and links for 'WORK ON RIGHTS', 'EU CHARTER OF FUNDAMENTAL RIGHTS', 'TOOLS', and 'PRODUCTS'. Below this, a breadcrumb trail reads 'Home > Tools > Case Law Database'. The main heading is 'Case Law Database'. A descriptive text states: 'Here you can find case law of the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR) with direct references to the EU Charter of Fundamental Rights, as well as a selection of national case law with direct references to the Charter from all EU Member States.' Below this, there are four filter dropdowns: 'EU Charter of fundamental rights' (None selected), 'ECHR Article(s) referenced' (None selected), 'Deciding bodies' (None selected), and 'Countries' (None selected). A 'Keyword Search' field is also present. A blue 'SEARCH' button is located to the right of the search field. Below the filters, it states '1469 case law references found'. At the bottom, there are sorting options 'Sort by date' and 'Sort by name', and a pagination bar showing page 1 of 1469.

# Charter Handbook

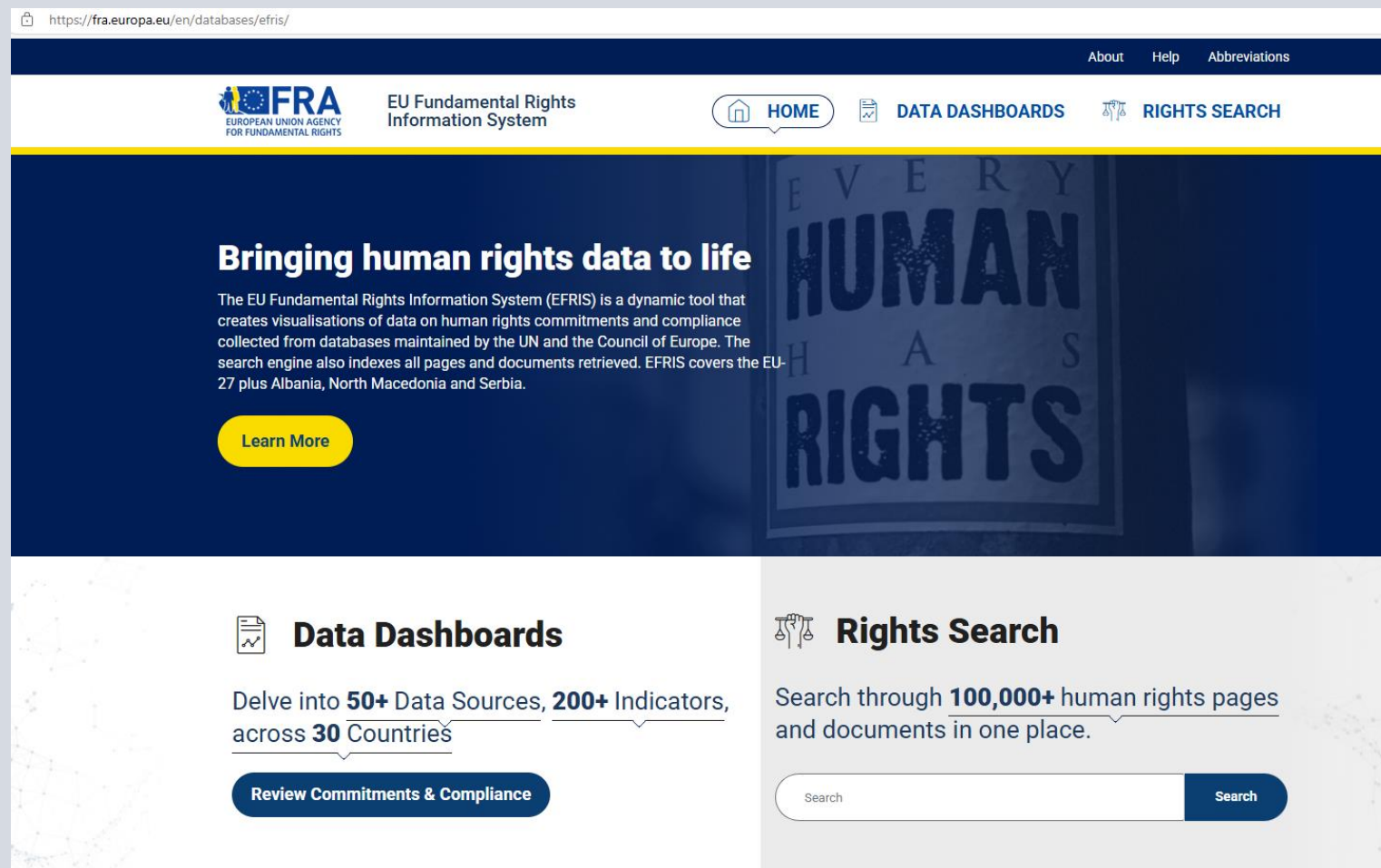
- <https://fra.europa.eu/en/publication/2018/applying-charter-fundamental-rights-european-union-law-and-policymaking-national>
- Based on CJEU case law
- Short & Concise
- Checklist for applicability of Charter
- Checklist for Charter compliance
- Available in all EU languages





# EU Fundamental Rights Information System (EFRIS)

<https://fra.europa.eu/en/databases/efris/>



The screenshot shows the homepage of the EU Fundamental Rights Information System (EFRIS). The browser address bar displays the URL <https://fra.europa.eu/en/databases/efris/>. The website has a dark blue header with the FRA logo and the text "EU Fundamental Rights Information System". Navigation links include "About", "Help", "Abbreviations", "HOME", "DATA DASHBOARDS", and "RIGHTS SEARCH". The main content area features a large blue banner with the text "Bringing human rights data to life" and a description of the system. Below this, there are two sections: "Data Dashboards" and "Rights Search".

<https://fra.europa.eu/en/databases/efris/>

About Help Abbreviations

**FRA** EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

EU Fundamental Rights Information System

HOME DATA DASHBOARDS RIGHTS SEARCH

## Bringing human rights data to life

The EU Fundamental Rights Information System (EFRIS) is a dynamic tool that creates visualisations of data on human rights commitments and compliance collected from databases maintained by the UN and the Council of Europe. The search engine also indexes all pages and documents retrieved. EFRIS covers the EU-27 plus Albania, North Macedonia and Serbia.

[Learn More](#)

### Data Dashboards

Delve into **50+** Data Sources, **200+** Indicators, across **30** Countries

[Review Commitments & Compliance](#)

### Rights Search

Search through **100,000+** human rights pages and documents in one place.

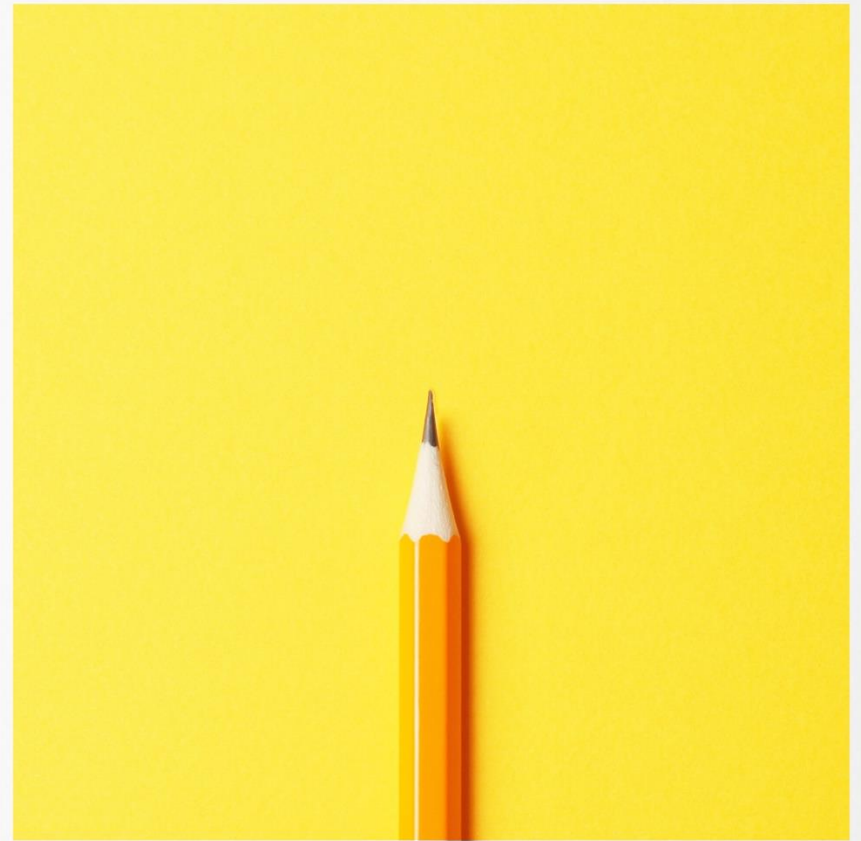
Search [Search](#)

## Overview of all FRA Charter materials

<https://fra.europa.eu/en/eu-charter/fra-charter-resources>



**Thank you!**



# Charter v ECHR

## LEGEND

No ECHR equivalent

More extensive  
than ECHR

EU contextspecific

Equivalent  
protection to ECHR

I Dignity (Articles 1-5)	1 Human dignity	2 Life	3 Integrity of the person	4 Torture; inhuman, degrading treatment	5 Slavery and forced labour		
II Freedoms (Articles 6-19)	6 Liberty and security	7 Private and family life	8 Personal data	9 Marry and found family	10 Thought conscience and religion		
	11 Expression and information	12 Assembly and association	13 Arts and sciences	14 Education	15 Choose occupation and engage in work		
	16 Conduct a business	17 Property	18 Asylum	19 Removal, expulsion or extradition			
III Equality (Articles 20-26)	20 Equality before the law	21 Non-discrimination	22 Cultural, religious and linguistic diversity	23 Equality: men and women	24 The child	25 Elderly	26 Integration of persons with disabilities
IV Solidarity (Articles 27-38)	27 Workers right to info. and consultation	28 collective bargaining and action	29 Access to placement services	30 Unjustified dismissal	31 Fair and just working conditions		
	32 Prohibition of child labour prot. at work	33 Family and professional life	34 Social security and assistance	35 Health care	36 Access to services of economic interest	37 Environmental protection	38 Consumer protection
V Citizens' rights (Articles 39-46)	39 Vote and stand as candidate to EP	40 Vote and candidate at municipal elections	41 Good administration	42 Access to documents	43 European ombudsman	44 Petition (EP)	45 Movement and residence
	46 Diplomatic and consular protection						
VI Justice (Articles 47-50)	47 Effective remedy and fair trial	48 Presumption of innocence; right of defence	49 Legality and prop. of offences and penalties	50 <i>Ne bis in idem</i>			
VII General provisions (Articles 51-54)	51 Application	52 Scope and interpretation	53 Level of protection	54 Prohibition of abuse of rights			



# WEBINAR

## Latest legal developments in European climate change

15 DECEMBER 2025, 10:00 - 13:00 CET

*Training of Lawyers in various areas of EU law*  
**#TRAVAR**



Co-funded by the EU

Jean-Marc Gollier

**Climate change and the legal profession**

15 December 2025, 10:00 - 13:00 CET, Zoom



# Table of content

- I. EU Sustainable regulation timeline**
- II. Lessons learnt from the Shell case**
- III. Scope 3 GHG emissions and “Serviced Emissions”**
- IV. Role of Lawyers in the Climate Change**

# EU sustainable regulation timeline

- **March 2018** – EU Communication on sustainable finance
- **July 2020** – Taxonomy Regulation applicable (prevent greenwashing, information standard)
- **2021, 2022, 2023** – phasing in SFDR (sustainable financial products / activity)
- **January 2024** – phasing in ESRS (sustainable reporting standards)
- **June 2024** – CSDDD (due diligence on the chain of activities / value chain)
- **20 November 2025** – draft new SFDR (new approach focused on products)
- **8 December 2025** – Trilogue agreement on the ‘Omnibus 1’ package

## Comments :

- ↳ a **reversed process**: it begins with the most abstract (finance) and it finishes with what gives substance to the disclosures (due diligence of the activity - CSDDD);
- ↳ An **extremely complex** and sometimes maladapted (but highly **needed**) network of regulations;
- ↳ An extreme **confusion caused by the ‘omnibus’ revision** (deregulation / simplification). **Only one** certainty in this turmoil: sustainability and due diligence along the chain of activity remain key drivers of EU business regulation. **The removal of climate transition plans from CSDDD is a major step back, but it remains in the CSRD, which demonstrates the importance of climate action by major private actors of our economy.**

# Lessons learnt from the Shell case

*Shell* ([De Hague, 12.11.2024](#)):

- “For the court, there is no doubt that the **climate problem is the greatest issue of our time.**” (7.25)
- “**Companies like Shell ... have their own responsibility in achieving the targets of the Paris Agreement.**” (7.27)
- “Shell has some influence regarding the scope 3 emissions (...) contrary to Shells argument, any reduction obligation regarding scope 3 emissions will not constitute a standard that creates liability of Shell for (lawful) acts of third parties. **Shells responsibility with regard to scope 3 emissions applies to its own actions.**” (7.99)

# Lessons learnt from the Shell case

## **Shell** ([De Hague, 12.11.2024](#)):

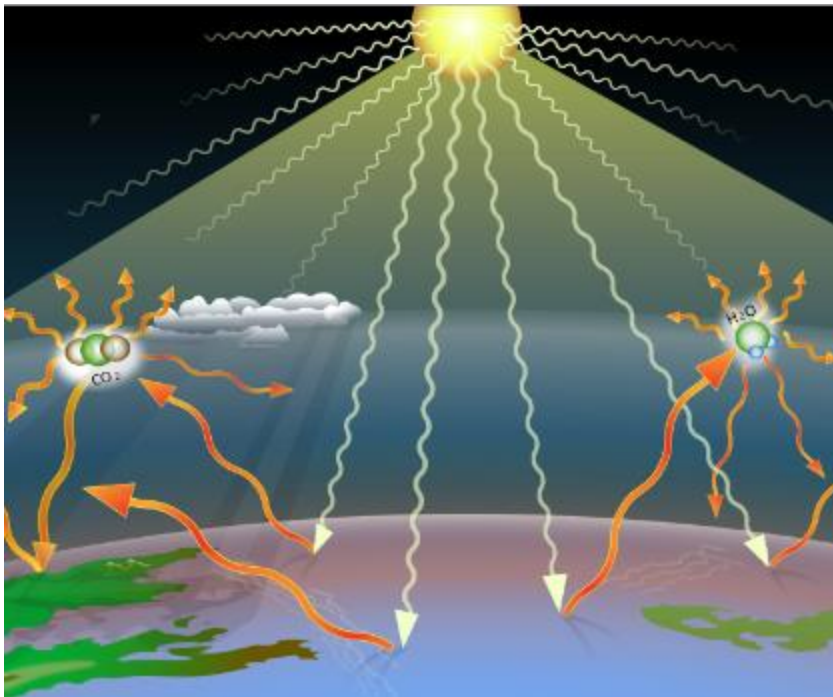
3.45 The table below shows Shells individual scope 1, 2 and 3 emissions over the period 2016-2023 in absolute numbers (in million tonnes of CO2 equivalent). By far the majority of emissions (about 95%) are scope 3 emissions. These are down from 1,551 in 2019 to 1,147 in 2023 (a 26% decrease).

	2016	2019	2020	2021	2022	2023	Target 2030	Target 2050
scope 1	72	70	63	60	51	50	50% relative to 2016	0
scope 2	11	10	8	8	7	7	50% relative to 2016	0
scope 3	1,545	1,551	1,305	1,299	1,174	1,147	No target	0



# GLOSSARY: “Greenhouse Gas(GHG)”

## Greenhouse Gases (GHG)



Source: Wikipedia « Greenhouse gas »

The gases listed in Part 2 of Annex V of Regulation (EU) 2018/1999 of the European Parliament and of the Council <sup>(13)</sup>. These include Carbon dioxide (CO<sub>2</sub>), Methane (CH<sub>4</sub>), Nitrous Oxide (N<sub>2</sub>O), Sulphur hexafluoride (SF<sub>6</sub>), Nitrogen trifluoride (NF<sub>3</sub>), Hydrofluorocarbons (HFCs), Perfluorocarbons (PFCs).

Source: Glossary of the ESRS (Commission Delegated Regulation (EU) 2023/2772 of 31 July 2023 supplementing Directive 2013/34/EU of the European Parliament and of the Council as regards sustainability reporting standards

# GLOSSARY: “Scope 1, 2, 3 GHG emissions”

Scope 1 GHG emissions	Direct <i>GHG emissions</i> from sources that are owned or controlled by the undertaking.
Scope 2 GHG emissions	Indirect <i>emissions</i> from the generation of <i>purchased or acquired electricity, steam, heat or cooling</i> consumed by the undertaking.
Scope 3 GHG emissions	All <i>indirect GHG emissions</i> (not included in <i>scope 2 GHG emissions</i> ) that occur in the <i>value chain</i> of the reporting undertaking, including both upstream and downstream <i>emissions</i> . <i>Scope 3 GHG emissions</i> can be broken down into <i>scope 3 categories</i> .

Source: Glossary of the ESRS (Commission Delegated Regulation (EU) 2023/2772 of 31 July 2023 supplementing Directive 2013/34/EU of the European Parliament and of the Council as regards sustainability reporting standards

# Scope 3 GHG emissions

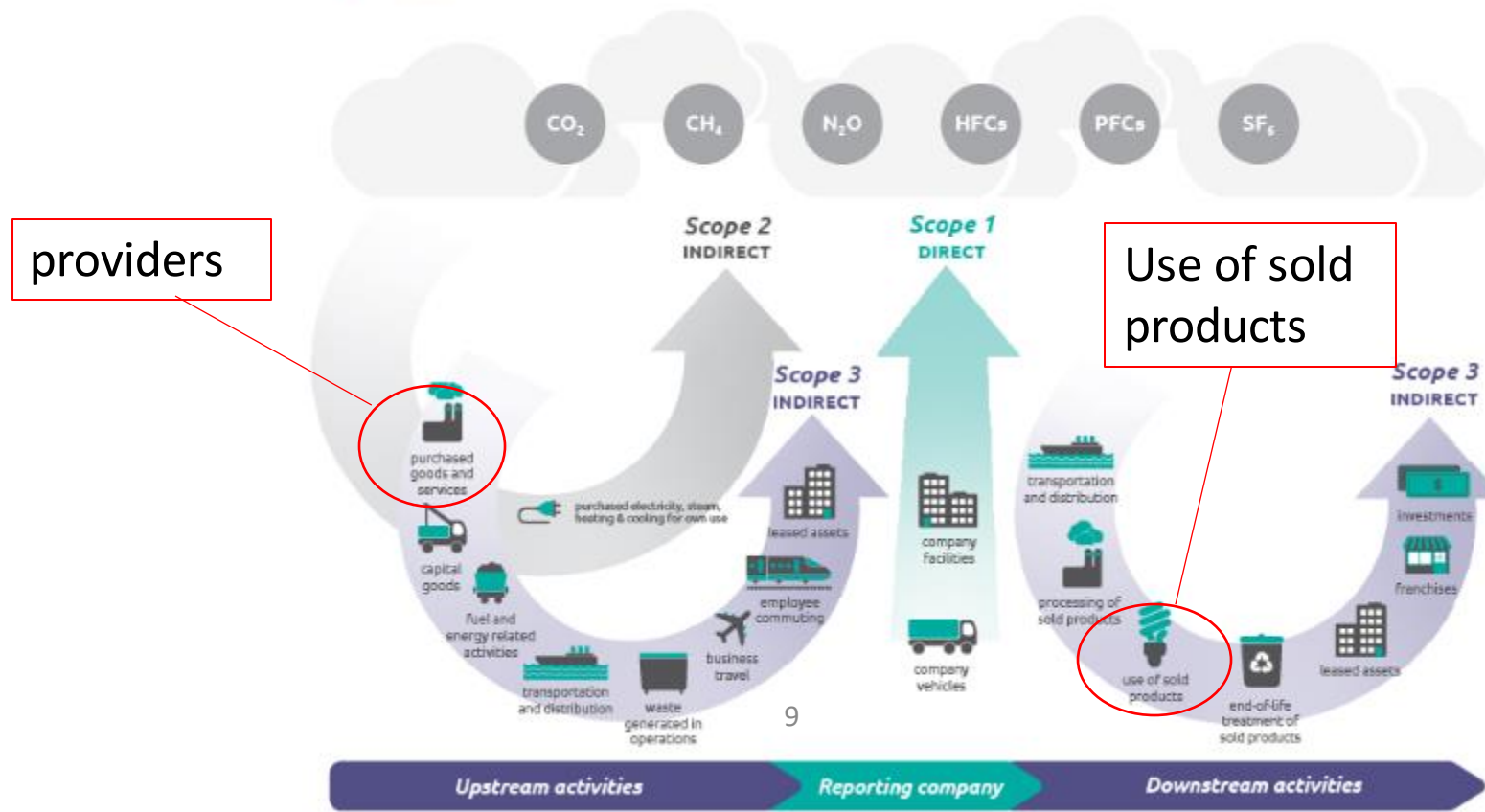
Table [5.3] List of scope 3 categories

Upstream or downstream	Scope 3 category
Upstream scope 3 emissions	<ol style="list-style-type: none"><li>1. Purchased goods and services</li><li>2. Capital goods</li><li>3. Fuel- and energy-related activities (not included in scope 1 or scope 2)</li><li>4. Upstream transportation and distribution</li><li>5. Waste generated in operations</li><li>6. Business travel</li><li>7. Employee commuting</li><li>8. Upstream leased assets</li></ol>
Downstream scope 3 emissions	<ol style="list-style-type: none"><li>9. Downstream transportation and distribution</li><li>10. Processing of sold products</li><li>11. Use of sold products</li><li>12. End-of-life treatment of sold products</li><li>13. Downstream leased assets</li><li>14. Franchises</li><li>15. Investments</li></ol>

- Source: GHG Protocol, [Corporate Value Chain \(Scope 3\) Standard](#) (2011)

# Scope 3 GHG emissions

Figure [1.1] Overview of GHG Protocol scopes and emissions across the value chain

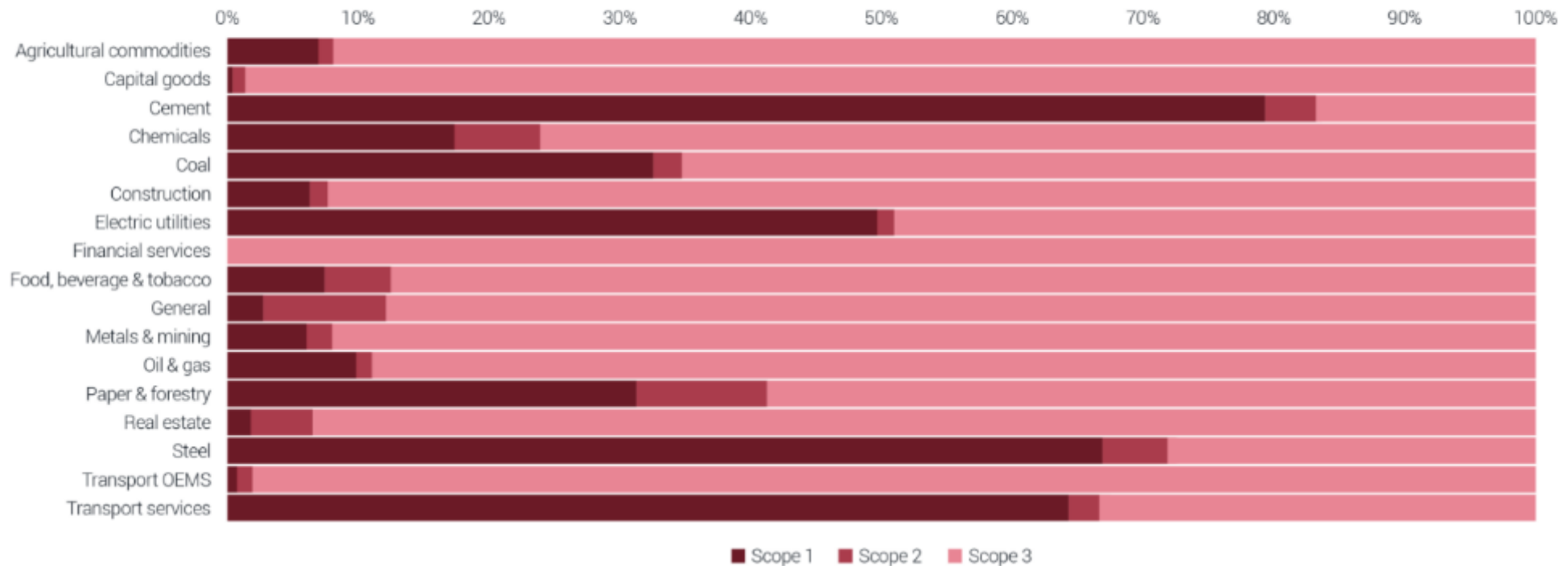


- Source: GHG Protocol, [Corporate Value Chain \(Scope 3\) Standard](#) (2011)

# Scope 1, 2 and 3 GHG emissions by Sector



Scope 1, 2 and 3 Emissions by Sector

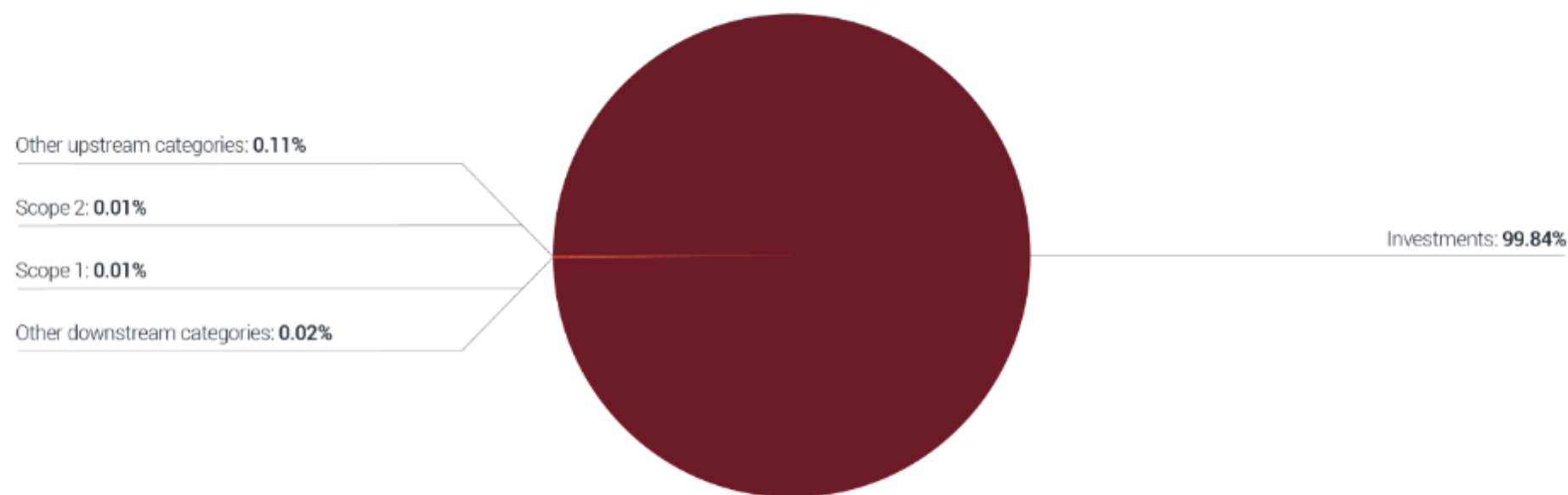


Source: [CDP Technical Note: Relevance of Scope 3 Categories by Sector, update 28 June 2024](#), p. 7



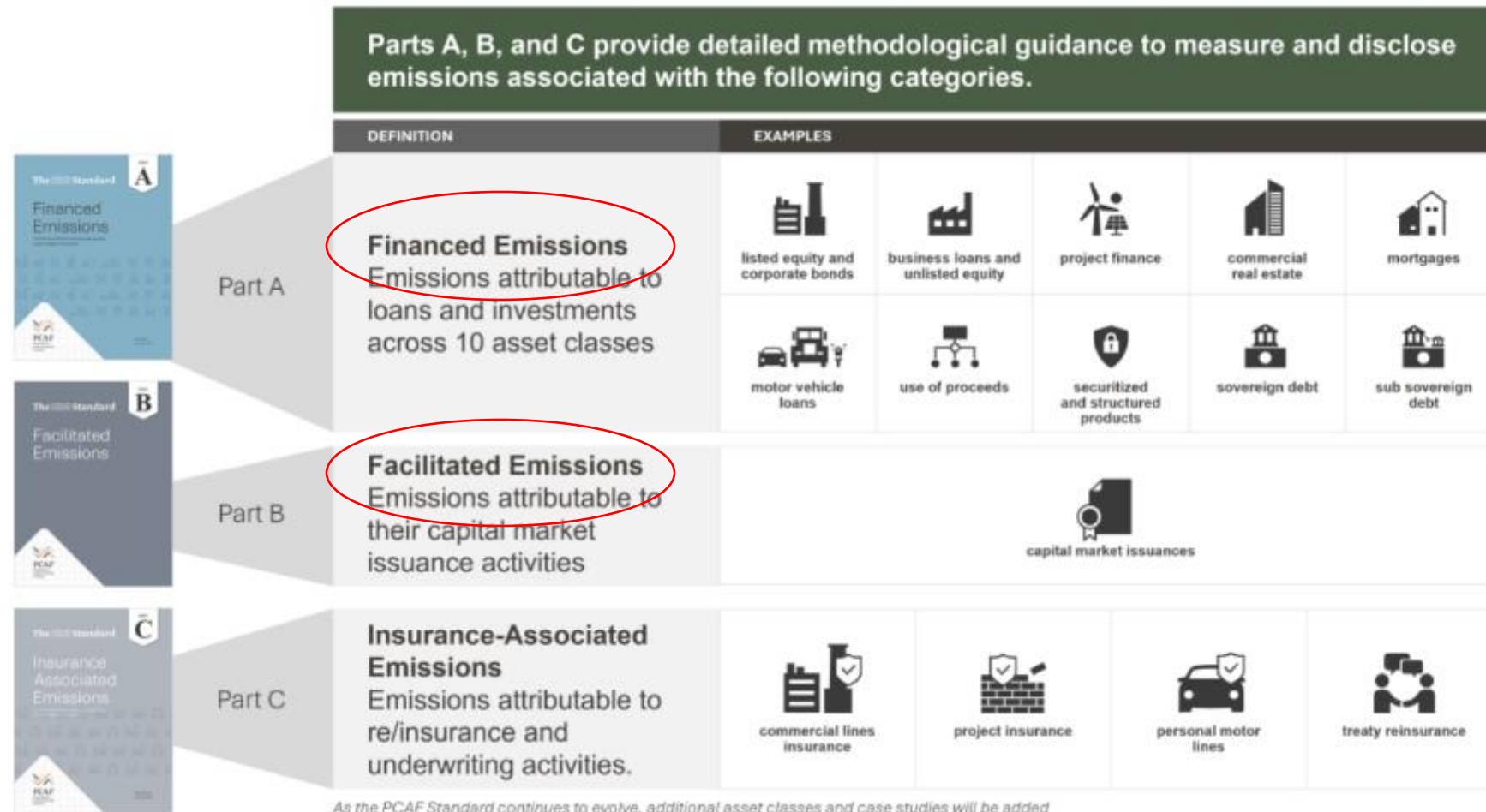
# Financial sector

Scope 3 Categories as % Total Scope 1+2+3 Emissions - Financial Services Sector



*\*For the Financial Services sector, emissions data for Scope 3 category 15 was obtained from a separate question (C-FS14.1a / 12.1.1 in 2024) in a sector-specific module.*

# Tools for Financial Sector: PCAF



Source: <https://carbonaccountingfinancials.com/en/standard#the-global-ghg-accounting-and-reporting-standard-for-the-financial-industry>



# PCAF “Facilitated Emissions”

## WHICH FACILITATING ACTIVITIES ARE COVERED

This Facilitated Emissions Standard is based on the facilitation activity of the bookrunners and managers in a capital market issuance. Although these financial institutions do not provide the capital directly, they play a key role in an issuer’s capacity to expand or transition. Crucially, this activity can include a material part of business activities. Therefore, the influence of financial institutions on Capital Markets and the associated financial flows can be substantial. If Capital Markets are to channel more financing into climate-friendly projects and businesses, all actors in these markets need to be as transparent as possible to the market and wider stakeholders about their role and the impact of these activities on climate change.

Source: <https://carbonaccountingfinancials.com/en/standard#the-global-ghg-accounting-and-reporting-standard-for-the-financial-industry>

# The case for “Serviced emissions”



## **Serviced Emissions (or Advised or Advertised)**

Serviced Emissions are the greenhouse gas (GHG) emissions arising from or impacted by client activities that are informed and/or enabled by the advice and/or services of a professional service provider.<sup>2</sup>

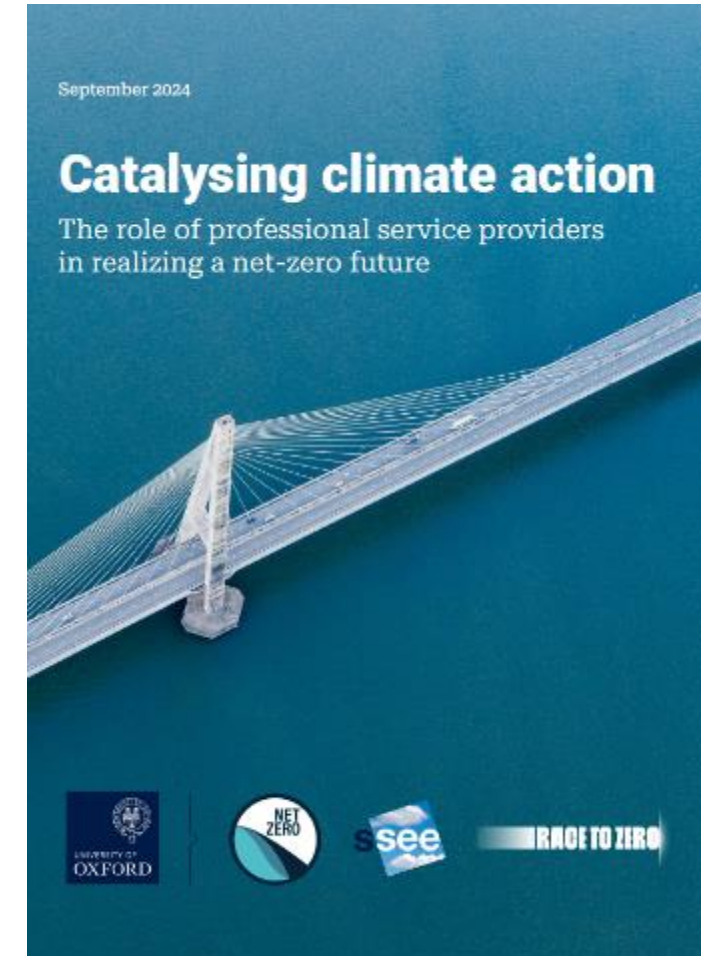


Source: <https://netzeroclimate.org/publications/catalysing-climate-action-the-role-of-professional-service-providers-in-realizing-a-net-zero-future/>

# The case for “Serviced emissions”



“The United Nations Secretary General recently called for a ban on fossil fuel advertising, suggesting that advertising and public relations (PR) companies disengage from their clients with heavy fossil fuel usage. To date, PSPs’ direct emissions have tended to be lower than those of firms in other industries. However, because services have an enormous influence on the overall economy, advancing best practices for service providers represents a tremendous opportunity to advance climate goals.”

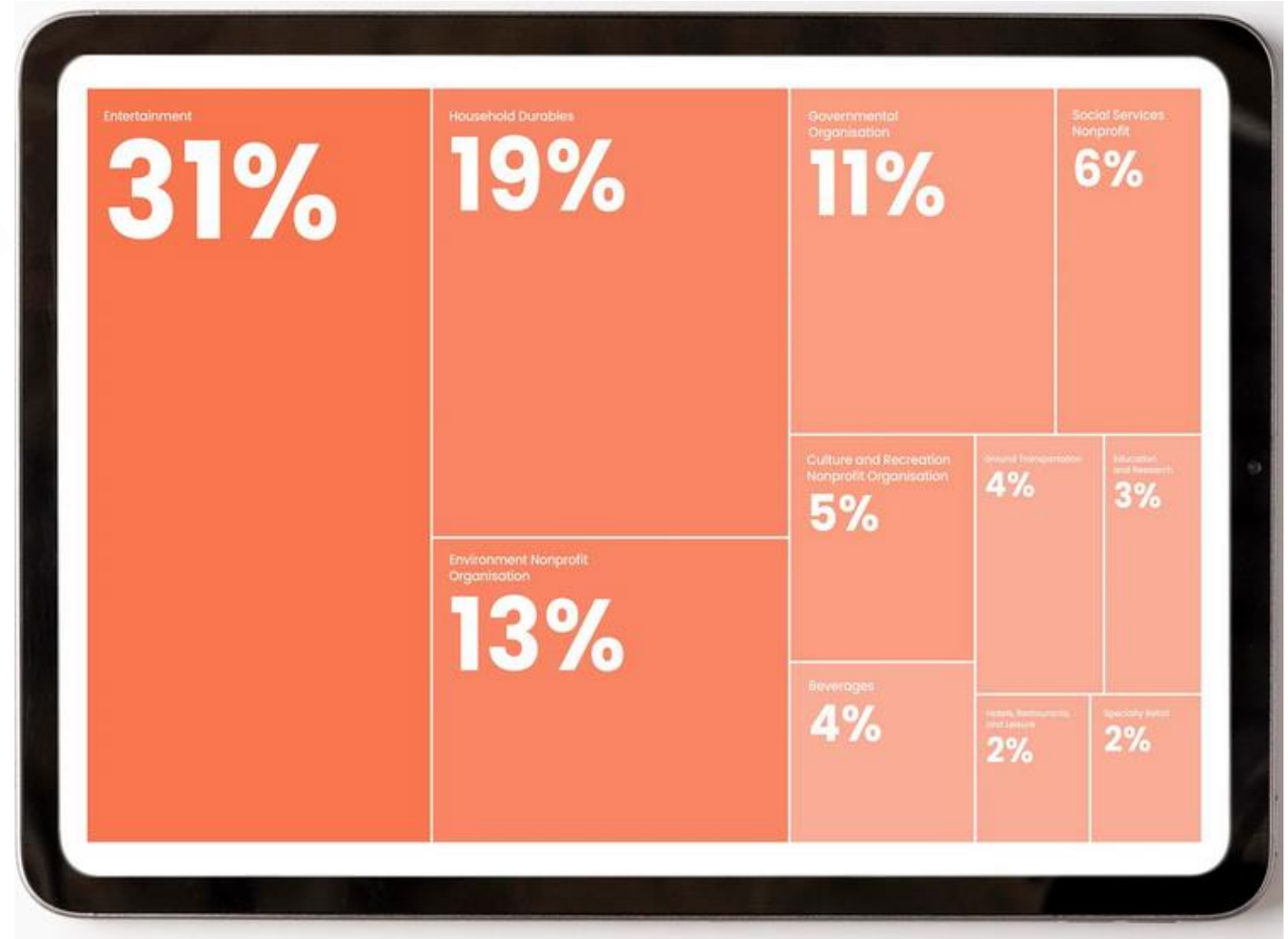


Source: <https://netzeroclimate.org/publications/catalysing-climate-action-the-role-of-professional-service-providers-in-realizing-a-net-zero-future/>



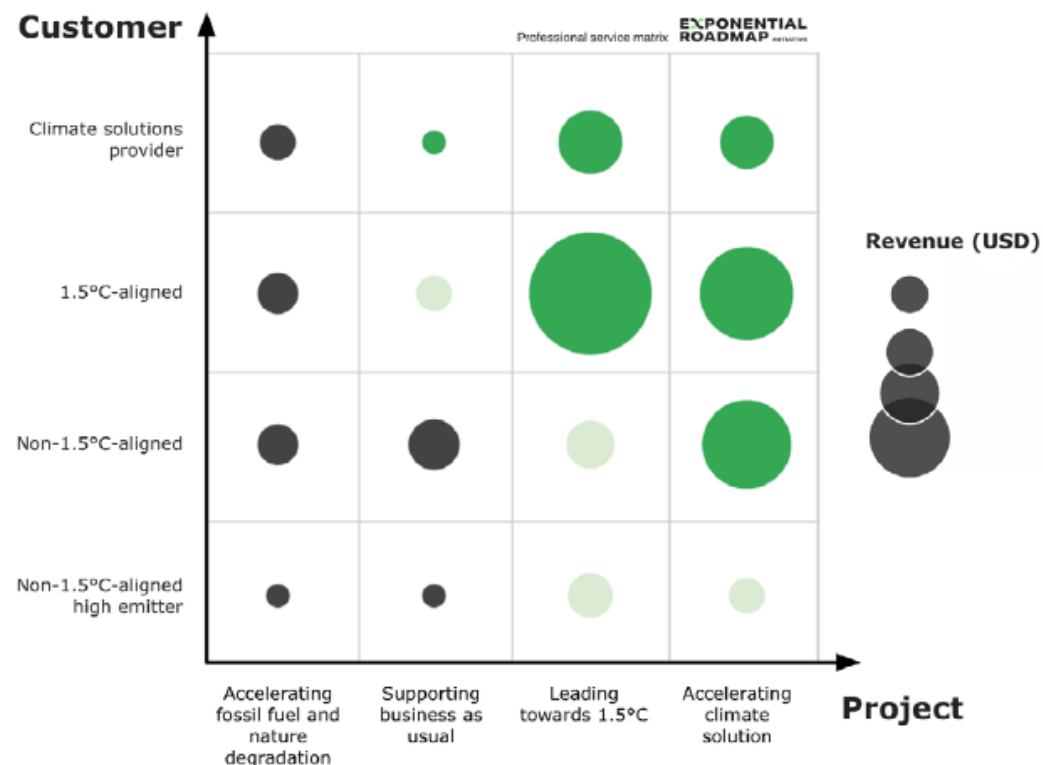
# The case for “Serviced emissions”

Report on your client mix while  
safeguarding confidentiality



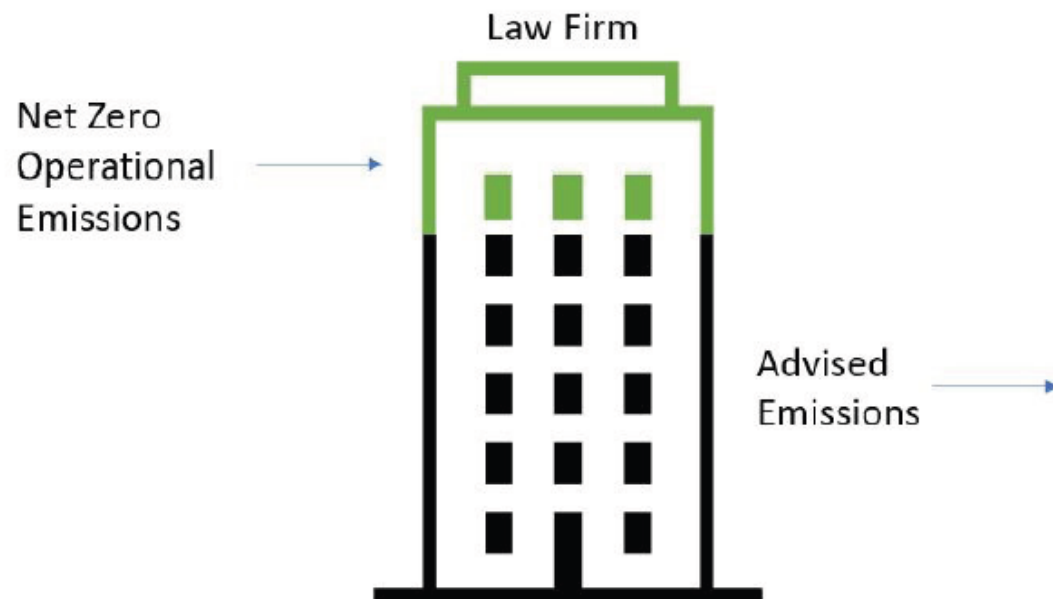
Source: <https://www.clientdisclosurereporting.org/>

# The case for “Serviced emissions”



**Fig 1. Example mapping of project portfolio.** Data point (circle) size represents project revenue. The dark green data points indicate a portfolio stronger aligned with the 1.5°C ambition (ideal state). The light green data points indicate a portfolio somewhat aligned with the 1.5°C ambition (can be improved). The grey data points indicate a portfolio with minimal or negative alignment with the 1.5°C ambition (potential divestment candidates).

# The role of Lawyers



1. The delta between operational emissions and downstream Advised Emissions of a law firm is completely unknown. Adopting an Advised Emissions methodology will bridge this gap.

## Classifying matters for climate impact:

LEGAL CHARTER 1.5 MATTER CLASSIFICATION TOOL

LEGAL CHARTER 1.5

Source: Measuring 'Advised Emissions' - A Framework for Assessing the Carbon Footprint of a Law Firm's Advice, Whitepaper L1, September 2023, Matthew Gingell, Oxygen House

<https://legalcharter1point5.com/>



# The sound of the courtroom

Box 1.4.

## **Facilitated or advised emissions: professional services firms in the spotlight for 2025?**

In 2023, Multnomah County in the state of Oregon made headlines when it became the latest in a string of US state and local governments to bring a climate case against the oil and gas industry (see discussion in Part II). However, this case stood out in part because of the choice of defendants, which included global management consultancy McKinsey and Company, Inc., in addition to oil and gas companies and industry bodies. In listing McKinsey among the defendants, Multnomah County argued that the company had advised more than 43 of the 100 biggest climate polluters over the course of decades, and that it had been directly involved in a campaign of misinformation and deception by the fossil fuel defendants.

Since then, other firms, including advertisers and law firms, have come under scrutiny because of their ties to emissions-intensive companies and industries. For example, in the Netherlands, in February 2025, Greenpeace's legal team issued a legal warning against law firm Loyens & Loeff over its role in facilitating the restructuring of Brazilian meat processing giant JBS, which is facing growing criticism for its contribution to greenhouse gas emissions. Greenpeace specifically references the concept of 'facilitated emissions', an idea that was first applied to financial firms but is now being used more widely, along with related concepts such as 'serviced emissions'.

Source: Setzer J and Higham C (2025), *Global Trends in Climate Change Litigation: 2025 Snapshot*. London: Grantham Research Institute on Climate Change and the Environment, London School of Economics and Political Science, p. 19

<https://www.lse.ac.uk/granthaminstitute/publication/global-trends-in-climate-change-litigation-2025-snapshot/>

# The sound of the courtroom

**A precedent:** McKinsey settlement in the US opioid crisis (2024): it is the “first time a management consulting firm has been held **criminally responsible for advice that it has given resulting in the commission of a crime by a client**,” US Attorney Christopher Kavanaugh, of the Western District of Virginia

Source: <https://www.justice.gov/usao-wdva/pr>

## Kun je grote vervuilers nog juridisch bijstaan?



Danny HoekzemaJasper Teulings

Nu banken als ING worden aangeklaagd, is het de vraag wanneer advocatenkantoren aan de beurt zijn. Is het nog juridisch houdbaar om bedrijven bij te staan die de klimaattransitie tegenwerken?

Source: FD, 28 January 2024,  
<https://fd.nl/opinie/1503351/kun-je-grote-vervuilers-nog-juridisch-bijstaan?>



# The Law Society on “Serviced Emissions”

- We commend the ambition from the UN Race to Zero in addressing this issue and recognising that professional service providers play an important role in the transition to net zero. In our climate change guidance we outlined how solicitors may use their role and influence to support the transition to net zero through their advice, and we provided some initial guidance on the issue of ‘advised emissions’ (referred to as ‘serviced emissions’ in the Draft Guiding Principles).
- While we support the spirit and intentions behind the document, we believe that **there are fundamental limitations** with the proposed Draft Guiding Principles on Serviced Emissions (hereafter the ‘Principles’).
- We also recognise that solicitors have a unique role and regulatory standards to uphold in relation to supporting the **rule of law** and **access to justice**, which are fundamental in supporting climate justice and the just transition to net zero. However, these important standards within the legal sector may also create tensions (see response to question 6 below) between principles for serviced emissions in limited circumstances, and therefore need to be considered if intended to apply to legal services.



1<sup>st</sup> May 2024