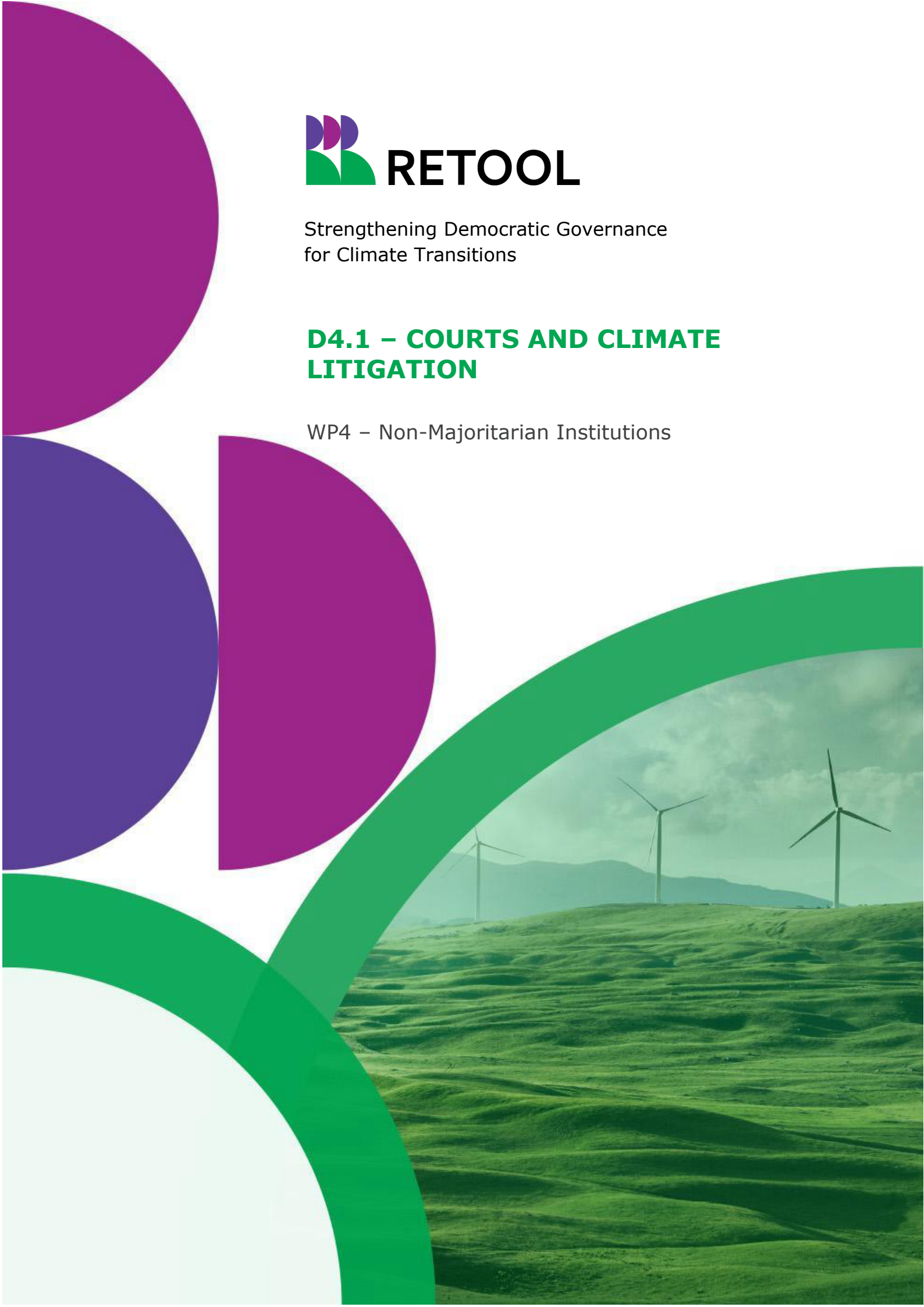




Strengthening Democratic Governance
for Climate Transitions

D4.1 – COURTS AND CLIMATE LITIGATION

WP4 – Non-Majoritarian Institutions



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EC Summary Requirements

1. Changes with respect to the DoA

The Grant Agreement envisaged in-depth qualitative research on at least three cases, selected to capture variation in legal systems, types of plaintiffs and outcomes. In practice, this qualitative component was conducted through a single, in-depth national case study of Ireland, which itself draws on ten climate-related judgments and pending proceedings before the Irish courts, involving a range of plaintiffs and outcomes (see Section 3.4). This adaptation allowed for greater analytical depth within the timeframe and resources available for Task 4.1 than would have been possible across three separate national contexts and reflects Ireland's role as the shared national case study used across several RETOOL work packages, which supports cross-work-package triangulation and synthesis. Variation across legal systems is instead captured through the two systematic mapping datasets described in Section 3, which cover litigation before the courts of all EU Member States and the CJEU.

2. Dissemination and uptake

This deliverable is for publication for the wider public and for use within the project consortium.

3. Short summary of results

This report examines the contribution of climate litigation to democratic climate governance in the European Union (EU). Combining a systematic mapping of climate litigation before the courts of EU Member States and the Court of Justice of the European Union (CJEU) with an in-depth case study of Ireland, it analyses how litigation shapes accountability, participation, representation, deliberation, expertise, effectiveness and justice within climate governance. The findings show that climate litigation has become an established feature of EU climate governance. While high-profile cases have attracted considerable attention, most climate litigation does not ask courts to make climate policy. Instead, it asks them to determine whether governments are complying with the climate laws and commitments they have already adopted and, where necessary, to require their implementation. Courts generally exercise restraint, ensuring that governments comply with statutory, constitutional and administrative requirements while leaving policy choices to democratically elected institutions. The report finds that the principal contribution of climate litigation in the EU lies beyond the outcomes of individual cases. The prospect of judicial scrutiny encourages public authorities to improve climate planning, strengthen administrative decision-making, and better integrate scientific evidence and legal analysis into policy processes. Litigation therefore promotes institutional learning, transparency and the rule of law, while enhancing accountability and creating opportunities for participation by individuals and civil society organisations. At the same time, the report identifies persistent challenges, including barriers to access to justice, unequal legal resources and growing political resistance to judicial oversight. Overall, it concludes that climate litigation should be understood as a complementary component of democratic climate governance that reinforces accountability, supports effective implementation of climate law, and strengthens the resilience and legitimacy of democratic responses to climate change.

4. Evidence of accomplishment

This report.

Preface

The overall goal of the RETOOL project is to advance our understanding of how to address the twin challenges of responding to the climate imperative while strengthening and reinvigorating democratic governance. The project has four overarching objectives: (i) To deepen our understanding of the relationship between democratic governance and the climate imperative by developing a novel analytical framework and creating new empirical underpinnings, including important new open-access datasets; (ii) To understand how a variety of democratic institutions across the EU are responding to the climate challenge, including learning lessons from history and studying new and innovative democratic practices; (iii) To contribute to reinvigorating democratic governance in Europe by developing and synthesising new knowledge and insights on climate democracy, and presenting them in a range of high-impact formats; and (iv) To serve as a bridge between academic research on climate democracy innovations and policymakers and practitioners, as well as civil society and the wider public. RETOOL brings together an international and interdisciplinary consortium, with partners from Western Europe (Ireland, UK, Belgium, Austria), Northern Europe (Finland), Eastern Europe (Estonia), and Southern Europe (Italy, Greece), combining expertise in political science, political sociology, deliberative democracy, environmental law, European studies, and public administration. The consortium includes a democracy practitioner foundation (Praxis), and all partners are closely associated with practitioner and civil society networks and involved in hands-on activities. RETOOL will be undertaken by a mature, settled consortium that has significant experience of working together, with six of our nine partners core members of the EU-funded Jean Monnet Network GreenDeal-NET.

Consortium Partner	Acronym	Country	Logo
Dublin City University	DCU	IR	
Vrije Universiteit Brussel	VUB	BE	
Università degli studi di Trento	UNITN	IT	
Universiteit Gent	UGent	BE	
Universität für Bodenkultur Wien	BOKU	AT	
University of Eastern Finland	UEF	FI	
HOLISTIC S.A.	HOL	EL	
Praxis Think Tank	PRAXIS	EE	
London School of Economics and Political Science	LSE	UK	

Executive Summary

Climate litigation has become an increasingly prominent feature of climate governance across the European Union (EU). While landmark judgments requiring governments to strengthen climate action have attracted significant attention, less is known about litigation's broader contribution to democratic governance. Existing scholarship has focused primarily on legal doctrine, litigation outcomes and judicial reasoning, with comparatively limited attention to the ways in which litigation shapes democratic institutions. This report addresses that gap by examining how climate litigation contributes to democratic climate governance within the EU.

The report maps climate litigation before the Court of Justice of the European Union (CJEU) and the courts of EU Member States, identifying trends in the types of cases brought, the parties involved, the legal arguments advanced, and the responses of courts. It also presents an in-depth case study of Ireland, based on an expert focus group and ten semi-structured interviews with judges, legal practitioners, civil society representatives, and academics. The findings are assessed using RETOOL's analytical framework, which examines how climate litigation contributes to democratic governance across seven dimensions: accountability, participation, representation, knowledge and expertise, deliberation, effectiveness, and justice.

The mapping indicates that climate litigation has become an established component of climate governance across the EU. The cases examined largely concern the implementation, interpretation and enforcement of existing legal obligations. The findings suggest that courts have generally exercised restraint, focusing on whether governments have complied with statutory, constitutional and administrative requirements while leaving the substance of climate policymaking to democratically elected institutions. Overall, the mapping suggests that climate litigation operates primarily as a mechanism through which existing democratic commitments are implemented and enforced.

The Irish case study suggests that climate litigation can strengthen democratic governance by enhancing accountability. The findings indicate that litigation contributes to greater transparency in government decision-making, supports the implementation of climate legislation, and reinforces the rule of law by requiring public authorities to act within their legal obligations. The case study further suggests that climate litigation typically arises only after other avenues of political engagement have been exhausted, positioning judicial review as one component of the broader system of democratic accountability.

A central finding of the report is that the contribution of climate litigation often extends beyond the immediate outcomes of individual cases. While judicial decisions can clarify legal obligations and, in some instances, require governments to revise climate policies, litigation also generates wider institutional effects. Public authorities increasingly appear to anticipate potential judicial scrutiny when preparing climate plans, conducting environmental assessments and making administrative decisions. In this way, litigation may promote institutional learning, encourage more robust legal and scientific analysis, and strengthen administrative decision-making even where legal proceedings are not ultimately initiated. These indirect and anticipatory effects indicate that the influence of climate litigation is cumulative and extends beyond the courtroom.

The findings further suggest that climate litigation contributes differently across the various dimensions of democratic climate governance. Its strongest contribution lies in strengthening accountability by reinforcing compliance with legal obligations and encouraging transparent public justification of climate decisions. Litigation also creates additional opportunities for participation by enabling individuals and civil society organisations to challenge governmental action and by stimulating wider public debate. The analysis suggests that courts contribute to the integration of scientific expertise into decision-making through evidential requirements and judicial scrutiny, while also supporting deliberative governance by requiring governments to explain and justify their decisions. By contrast, litigation has made a more limited contribution to distributive justice. Most cases focus on procedural fairness rather than on the broader question of how the costs and benefits of the climate transition should be distributed equitably among different groups.

The findings also highlight significant challenges. Access to climate litigation remains constrained by financial costs, procedural complexity and inequalities in legal resources. The analysis indicates that, in several jurisdictions, increased judicial scrutiny has generated political resistance, including proposals to restrict

standing, modify judicial review procedures or limit the application of climate legislation. These developments suggest that climate litigation has itself become an important site of democratic contestation, reflecting broader constitutional debates concerning the appropriate relationship between courts, governments and legislatures in responding to climate change.

Overall, the report indicates that litigation is one element of a broader governance framework that supports the institutional conditions under which democratic climate action can take place. Its principal contribution appears to lie in strengthening accountability, supporting effective implementation, promoting transparent and reasoned decision-making, and safeguarding the rule of law while maintaining the primary responsibility of legislatures and governments for determining climate policy.

The report concludes that climate litigation should be understood not only as a mechanism for resolving disputes, but also as an institutional practice that can contribute to the resilience and credibility of democratic climate governance. Strengthening access to justice, improving the implementation of climate legislation, investing in legal and administrative capacity, and recognising the broader governance effects of litigation will be important to ensuring that courts can continue to support effective, accountable and democratic climate action across the EU.

Table of Contents

1	Introduction	9
2	Conceptual Foundation	10
2.1	Defining Climate Litigation.....	10
2.2	Existing Literature on Climate Litigation in the EU.....	10
2.3	Analytical Framework	13
3	Methodology	14
3.1	Research Design	14
3.2	Dataset on Climate Litigation before the Courts of EU Member States.....	15
3.3	Dataset on Climate Litigation before the CJEU	16
3.4	Case study: Ireland	17
3.5	Limitations of the Study	19
4	Mapping Climate Litigation in the EU	20
4.1	Climate Litigation before the Courts of EU Member States.....	20
4.1.1	Types of Plaintiffs and Defendants.....	20
4.1.2	Legal Bases and Claims	21
4.1.3	Litigation Outcomes and Emerging Patterns.....	24
4.2	Climate Litigation before the CJEU	25
4.2.1	Types of Plaintiffs and Defendants.....	25
4.2.2	Legal Bases and Claims	27
4.2.3	Litigation Outcomes and Emerging Patterns.....	29
4.3	International Dimension.....	30
5	Case Study: Ireland	31
5.1	Context and Background	32
5.2	Accountability	33
5.3	Participation and Representation	35
5.4	Knowledge and Expertise	37
5.5	Deliberativeness	38
5.6	Effectiveness	40
5.7	Justice.....	42
5.8	Lessons learned	44
6	Courts and Climate Governance	45
6.1	Courts as Institutions of Democratic Climate Governance	46
6.2	Accountability and the Rule of Law	47
6.3	Participation, Representation and Democratic Legitimacy.....	48
7	Findings and Recommendations.....	49
7.1	Main Findings	49
7.2	Recommendations.....	50
	Bibliography.....	52

List of Tables

Table 1. Application of the RETOOL analytical framework to climate litigation	14
Table 2. Relative prevalence of legal basis in climate litigation in EU Member States.....	24
Table 3. Relative prevalence of EU legal instruments invoked in climate litigation before the CJEU.....	28

1 Introduction

This report is part of Work Package 4 of the RETOOL project, which examines the contribution of non-majoritarian institutions to democratic climate governance. Task 4.1 focused on courts and climate litigation, analysing how judicial decision-making contributes to the governance of the climate transition across the European Union (EU). Over the past two decades, climate litigation has become an established feature of climate governance all over the world.¹ Individuals, civil society organisations, businesses and public authorities increasingly rely on courts to challenge climate-related decisions, clarify legal obligations and ensure the implementation of climate law. While much of the existing literature has examined the growth of climate litigation and its legal and constitutional implications, comparatively less attention has been paid to the systematic empirical analysis of climate litigation across the EU, particularly before the Court of Justice of the European Union (CJEU), and the significance of climate litigation for democratic governance. Against this background, this report examines climate litigation as a mechanism of democratic climate governance in the EU. Rather than assessing climate litigation solely by reference to the outcomes of individual cases, the report applies the RETOOL project’s analytical framework² to examine litigation’s contribution to democratic climate governance. In doing so, it also draws attention to a related set of cross-cutting themes — accountability, implementation, transparency, institutional learning and the rule of law — which recur throughout the analysis but are distinct from the RETOOL framework’s own dimensions, introduced below. It also considers how courts interact with legislatures, governments, public authorities, and civil society within the EU’s multilevel system of climate governance.

The report therefore pursues four interrelated objectives:

- to map climate litigation before the CJEU and the courts of EU Member States, identifying the principal actors, legal claims, procedural features, and emerging trends;
- to examine, through an in-depth case study of Ireland, the impacts of climate litigation and the perspectives of key actors;
- to analyse the contribution of climate litigation to democratic climate governance using the RETOOL framework, with particular attention to accountability, participation, knowledge and expertise, deliberation, effectiveness, and justice; and
- to assess how litigation shapes interactions among courts, legislatures, governments, public authorities, and civil society within the EU’s multilevel system of climate governance.

To pursue these objectives, the report examines climate litigation before the domestic courts of EU Member States and CJEU through two original datasets. This analysis is complemented by an in-depth case study of Ireland based on a focus group and interviews with judges, practitioners, civil society representatives and academics.

The report is structured as follows. Section 2 outlines the conceptual foundation underpinning Task 4.1, by defining climate litigation, reviewing the existing literature and explaining how the RETOOL framework is applied. Section 3 outlines the methodology used across Task 4.1, including the construction of two datasets and the design of the Irish case study. Section 4 presents the findings of the systematic mapping of climate litigation before the courts of EU Member States and the CJEU. Section 5 uses the Irish case study to examine the impacts of climate litigation across the different dimensions of democratic climate governance. Section 6 synthesises the findings from the mapping and case study through the RETOOL analytical framework, identifying the broader contribution of climate litigation to democratic climate governance. Section 7 concludes

¹ See generally Joana Setzer and Catherine Higham, *Global Trends in Climate Change Litigation: 2026 Snapshot* (GRI 2026); United Nations Environment Programme, *Global Climate Litigation Report: 2025 Status Review* (2025).

² Alice Brawley-Chesworth et al., RETOOL Project, *D2.1 Analytical Framework* (2024) <https://retoolproject.eu/sites/default/files/2024-11/D2.1%20Analytical%20Framework.pdf> accessed 3 July 2026.

by summarising the principal findings and presenting recommendations.

2 Conceptual Foundation

This section establishes the conceptual foundation for the analysis presented in the remainder of the report. Section 2.1 defines climate litigation for the purposes of this study, explaining the approach adopted to identify the cases included in the analysis. Section 2.2 reviews the existing literature on climate litigation, identifying the principal developments in the field and the gaps that this report seeks to address. Section 2.3 introduces the RETOOL analytical framework and explains how it is operationalised to assess the contribution of climate litigation to democratic climate governance.

2.1 Defining Climate Litigation

Climate litigation has no universally accepted definition.³ Existing scholarship adopts varying approaches depending on the purpose of the research, ranging from narrow conceptions limited to disputes directly concerning greenhouse gas emissions to broader understandings encompassing litigation in which climate change forms a material element of the legal dispute. The most widely used definition is that adopted by the Sabin Center for Climate Change Law, which defines climate litigation as “judicial and quasi-judicial proceedings involving material issues of climate change science, law or policy”.⁴ This broad definition has become the prevailing reference in climate litigation research and underpins both the work of the Sabin Center’s Global Climate Change Litigation Database and that of the Grantham Research Institute on Climate Change and the Environment at the London School of Economics (GRI) on global litigation trends.⁵ As explained in greater detail in Section 3.2, this report adapts this broad understanding of climate litigation, tailoring its application to the two datasets underpinning the analysis. The first dataset focuses on climate litigation before the courts of EU Member States. The second dataset focuses on proceedings before the CJEU that raise material questions of climate change law, policy or governance, irrespective of whether climate change is explicitly invoked by the parties. The latter approach reflects the distinctive characteristics of CJEU litigation, where climate-related disputes frequently arise through the interpretation and application of EU environmental, energy and climate legislation rather than through claims explicitly framed as climate litigation.

2.2 Existing Literature on Climate Litigation in the EU

Climate litigation has developed into a significant field of legal scholarship over the past two decades, reflecting the rapid expansion of climate-related disputes before domestic, regional and international courts. Early scholarship focused primarily on the emergence of climate litigation as a novel form of environmental litigation and on the legal questions raised by pioneering cases.⁶ More recent research has examined the growth of

³ Joana Setzer and Lisa C Vanhala, ‘Climate Change Litigation: A Review of Research on Courts and Litigants in Climate Governance’ (2019) 10 *WIREs Climate Change* e580, 3; Kate McKenzie, Gastón Medici-Colombo, Lennart Wegener, and Francesco Sindico, ‘Climate Change Litigation: One Definition to Rule Them All?’ in *Research Handbook on Climate Change Litigation* (Edward Elgar 2024).

⁴ Sabin Center for Climate Change Law, Climate Change Litigation Databases (Columbia Law School) <https://climatecasechart.com> accessed 12 July 2026.

⁵ Setzer and Higham (n 1).

⁶ Most saliently, Lisa Vanhala and Chris Hilson, ‘Climate Change Litigation: Symposium Introduction’ (2013) 35 *Law & Policy* 141; Hari M Osofsky and Jacqueline Peel, ‘The Role of Litigation in Multilevel Climate Change Governance: Possibilities for a Lower Carbon Future?’ (2013) 30 *Environmental and Planning Law Journal* 303; Jacqueline Peel and Hari M Osofsky, *Climate Change Litigation: Regulatory Pathways to Cleaner Energy* (Cambridge University Press 2015); Jacqueline Peel and Jolene Lin, ‘Transnational Climate Litigation: The Contribution of Private Law to Public Governance’ (2019) 37 *Review of European, Comparative & International Environmental Law* 6; Setzer and Vanhala (n 3); Jacqueline Peel and Hari M Osofsky, ‘Climate Change Litigation’ (2020) 16 *Annual Review of Law and Social Science* 21.

climate litigation across jurisdictions,⁷ the strategic use of litigation by civil society organisations and other actors, and the contribution of judicial decision-making to the implementation and enforcement of climate law.⁸

Europe has emerged as one of the principal centres of climate litigation globally. Research undertaken by the GRI has documented the rapid growth and diversification of litigation across the EU, while highlighting the increasing importance of rights-based claims, and challenges to governmental climate policies.⁹ Comparative studies have identified common trends in litigant strategies, legal arguments and judicial approaches, while also demonstrating significant differences between national legal systems.¹⁰

Alongside this growing body of work, doctrinal scholarship has examined the implications of landmark European judgments such as *Urgenda Foundation v State of the Netherlands*,¹¹ and *Verein KlimaSeniorinnen Schweiz v Switzerland*.¹² These decisions have generated extensive discussion concerning the role of

⁷ See e.g., Jolene Lin and Doug Kysar (eds), *Climate Change Litigation in the Asia Pacific* (Cambridge University Press 2020); César Rodríguez-Garavito (ed), *Litigating the Climate Emergency: How Human Rights, Courts, and Legal Mobilization Can Bolster Climate Action* (Cambridge University Press 2022); Francesco Sindico, Kate McKenzie, Gastón Medici-Colombo and Lennart Wegener (eds), *Research Handbook on Climate Change Litigation* (Edward Elgar 2024).

⁸ Chris Hilson, 'Hitting the Target? Analysing the Use of Targets in Climate Law' (2020) 32 *Journal of Environmental Law* 195; Annalisa Savaresi and Joana Setzer, 'Rights-Based Litigation in the Climate Emergency: Mapping the Landscape and New Knowledge Frontiers' (2022) 13 *Journal of Human Rights and the Environment* 7; Lucy Maxwell, Sarah Mead and Dennis van Berkel, 'Standards for Adjudicating the Next Generation of Urgenda-Style Climate Cases' (2022) 13 *Journal of Human Rights and the Environment* 35; Jacqueline Peel and Rebekkah Markey-Towler, 'Recipe for Success?: Lessons for Strategic Climate Litigation from the Sharma, Neubauer, and Shell Cases' (2021) 22 *German Law Journal* 1484-1498; Pola Cebulak, Marta Morvillo and Stefan Salomon, 'Strategic Litigation in EU Law: Who Does It Empower?' (2024) 25 *German Law Journal* 800-821; and Christina Eckes, 'Strategic Climate Litigation before National Courts: Can European Union Law be Used as a Shield?' (2024) 25 *German Law Journal* 1022.

⁹ Joana Setzer, Catherine Higham, Harj Narulla, Nicola Silbert, Emily Bradeen and Lisa Vanhala, 'Climate Litigation in Europe: A Summary Report for the European Union Forum of Judges for the Environment (GRI, and the European Union Forum of Judges for the Environment 2022) <https://www.lse.ac.uk/granthaminstitute/publication/climate-litigation-in-europe-a-summary-report-for-the-european-union-forum-of-judges-for-the-environment/> accessed 29 June 2026.

¹⁰ See Ivano Alogna, Carole Billiet and Matteo Fermeglia (eds), *Climate Change Litigation in Europe: Regional, Comparative and Sectoral Perspectives* (Intersentia 2025).

¹¹ See e.g. Josephine van Zebe, 'Establishing a Governmental Duty of Care for Climate Change Mitigation: Will Urgenda Turn the Tide?' (2015) 4 *Transnational Environmental Law* 339; Marjan Peeters, 'Urgenda Foundation and 886 Individuals v The State of the Netherlands: The Dilemma of More Ambitious Greenhouse Gas Reduction Action by EU Member States' (2016) 25 *Review of European, Comparative & International Environmental Law* 215; Jonathan Verschuuren, 'The State of the Netherlands v Urgenda Foundation: The Hague Court of Appeal Upholds Judgment Requiring the Netherlands to Further Reduce Its Greenhouse Gas Emissions' (2019) 28 *Review of European, Comparative & International Environmental Law* 94; André Nollkaemper and Laura Burgers, 'A New Classic in Climate Change Litigation: The Dutch Supreme Court Decision in the Urgenda Case' (EJIL: Talk!, 6 January 2020) <https://www.ejiltalk.org/a-new-classic-in-climate-change-litigation-the-dutch-supreme-court-decision-in-the-urgenda-case/> accessed 29 June 2026; Emily Barritt, 'Consciously Transnational: Urgenda and the Shape of Climate Change Litigation: The State of the Netherlands (Ministry of Economic Affairs and Climate Policy) v Urgenda Foundation' (2020) 22 *Environmental Law Review* 296; Margaretha Wewerinke-Singh and Ashleigh McCoach, 'The State of the Netherlands v Urgenda Foundation: Distilling Best Practice and Lessons Learnt for Future Rights-Based Climate Litigation' (2021) 30 *Review of European, Comparative & International Environmental Law* 275; Johannes Fahner, 'Climate Change before the Courts: Urgenda Ruling Redraws the Boundary between Law and Politics' (EJIL: Talk!, 16 November 2018) <https://www.ejiltalk.org/climate-change-before-the-courts-urgenda-ruling-redraws-the-boundary-between-law-and-politics/> accessed 29 June 2026.

¹² See e.g. Marko Milanovic, 'A Quick Take on the European Court's Climate Change Judgments' (EJIL: Talk!, 9 April 2024) <https://www.ejiltalk.org/a-quick-take-on-the-european-courts-climate-change-judgments/> accessed 29 June 2026; Antoine Buyse and Kushtrim Istrefi, 'Climate Cases Decided Today: Small Step or

fundamental rights, constitutional principles, international law and the separation of powers in judicial responses to climate change.¹³

A growing strand of critical scholarship cautions against equating climate litigation with a small number of high-profile, progressive and strategically coordinated cases. This literature suggests that a focus on prominent progressive cases provides only a partial account of climate litigation, its participants and its role within climate governance.¹⁴

More recently, scholarship has begun to move beyond analyses of individual judgments towards broader assessments of the impacts of climate litigation. Rather than measuring success solely by reference to judicial outcomes, researchers have started to examine how litigation influences legislative and regulatory reform, administrative practice, corporate behaviour, public discourse and societal understandings of climate change.¹⁵ This emerging literature recognises that litigation may shape climate governance through both direct and indirect pathways, even where claims are unsuccessful.¹⁶

Despite these important advances, several gaps remain. First, existing empirical studies continue to focus predominantly on domestic litigation, with limited attention devoted to proceedings before the CJEU. Although the CJEU plays a central role in interpreting and enforcing EU climate legislation, its jurisprudence has received little systematic empirical analysis in climate litigation scholarship.¹⁷ Secondly, much of the literature remains centred on landmark judgments, providing little insight into the broader body of climate-related litigation that

Huge Leap?' (ECHR Blog, 9 April 2024) <https://www.echrblog.com/2024/04/climate-cases-decided-today-small-step.html> accessed 29 June 2026; Ole W Pedersen, 'Climate Change and the ECHR: The Results Are In' (EJIL: Talk!, 11 April 2024) <https://www.ejiltalk.org/climate-change-and-the-echr-the-results-are-in/> accessed 29 June 2026; Chris Hilson and Oliver Geden, 'Climate or Carbon Neutrality? Which One Must States Aim for Under Article 8 ECHR?' (EJIL: Talk!, 29 April 2024) <https://www.ejiltalk.org/climate-or-carbon-neutrality-which-one-must-states-aim-for-under-article-8-echr/> accessed 29 June 2026; Stephen Humphreys, 'A Swiss Human Rights Budget?' (EJIL: Talk!, 12 April 2024) <https://www.ejiltalk.org/a-swiss-human-rights-budget/> accessed 29 June 2026; Jessica Letwin, 'KlimaSeniorinnen: The Innovative and the Orthodox' (EJIL: Talk!, 17 April 2024) <https://www.ejiltalk.org/klimaseniorinnen-the-innovative-and-the-orthodox/> accessed 29 June 2026; George Letsas, 'Did the Court in KlimaSeniorinnen Create an Actio Popularis?' (EJIL: Talk!, 13 May 2024) <https://www.ejiltalk.org/did-the-court-in-klimaseniorinnen-create-an-actio-popularis/> accessed 29 June 2026; Annalisa Savaresi, 'Verein KlimaSeniorinnen Schweiz and Others v Switzerland: Making Climate Litigation History' (2025) 34 *Review of European, Comparative & International Environmental Law* 279.

¹³ Annalisa Savaresi, 'Climate change litigation: The role of international law' (2024) 13 *Cambridge International Law Journal*, 286; and Annalisa Savaresi and Corina Heri, 'Human Rights and the Paris Agreement: A Two-Way Street' (2026) *Climate Law* (published online ahead of print).

¹⁴ Kim Bouwer, 'The Unsexy Future of Climate Change Litigation' (2018) 30 *Journal of Environmental Law* 483; Elizabeth Fisher, 'Telling Meaningful Stories About Climate Change and Public Law' (2025) 37 *Journal of Environmental Law* 1; Sofie Fleerackers, 'Hidden in Plain Sight? Corporate Strategic Litigation in the EU Emissions Trading System' (2024) 25 *German Law Journal* 873.

¹⁵ See e.g., Benoit Mayer, 'The Contribution of Urgenda to the Mitigation of Climate Change' (2023) 35 *Journal of Environmental Law* 167; Anna Kovács, Katharina Luckner, Anna Seckula and Jarosław Kantorowicz, 'Beyond Courts: Does Strategic Litigation Affect Climate Change Policy Support?' (2024) 79 *International Review of Law and Economics* 106213; Misato Sato, Glen Gostlow, Catherine Higham, Joana Setzer and Frank Venmans, 'Impacts of Climate Litigation on Firm Value' (2024) 7 *Nature Sustainability* 1461.

¹⁶ Joana Setzer, Nicola Silbert and Lisa Vanhala, 'The Effectiveness of Climate Change Litigation' in Francesco Sindico, Kate McKenzie, Gastón Medici-Colombo and Lennart Wegener (eds), *Research Handbook on Climate Change Litigation* (Edward Elgar 2024); Nicholas Young, 'Climate Litigation and Impact Evaluation' (2025) 19(2) *Carbon & Climate Law Review* 54.

¹⁷ With the exception of early analyses, notably: Sanja Bogojević, 'EU Climate Change Litigation, the Role of the European Courts, and the Importance of Legal Culture' (2013) 35(3) *Law & Policy* 184; Sanja Bogojević, 'Litigating the NAP: Legal Challenges for the Emissions Trading Scheme of the European Union' (2010) 3 *Carbon & Climate Law Review* 217; Fleerackers (n 14).

shapes the development of climate law over time. Finally, while increasing attention has been devoted to the governance impacts of climate litigation, relatively little research has examined litigation through the broader lens of democratic governance.

Drawing on existing literature and with a view to filling these research gaps, this report advances the analysis of climate litigation in three respects. First, it combines analysis of climate litigation before the courts of EU Member States with an original mapping of climate litigation before the CJEU. Secondly, it considers both landmark and less prominent cases in order to identify broader patterns of judicial engagement with climate governance. Thirdly, it applies the RETOOL analytical framework to climate litigation, thereby examining not only whether litigation influences climate policy, but also how it affects accountability, participation, representation, deliberation, knowledge and expertise, effectiveness, and justice.

2.3 Analytical Framework

The analysis presented in this report is guided by the analytical framework for democratic climate governance developed within RETOOL Work Package 2.¹⁸ The framework conceptualises democratic climate governance as the capacity of democratic institutions and processes to respond both effectively and legitimately to the distinctive challenges posed by climate change. These challenges include the long-term and transboundary character of climate change, the need to reconcile scientific expertise with democratic decision-making, and the distributional consequences of climate policies across generations, territories and social groups. The framework identifies seven interrelated dimensions of democratic climate governance: accountability, participation, representation, deliberation, knowledge and expertise, effectiveness, and justice. Rather than treating these as discrete evaluative criteria, it understands them as mutually reinforcing dimensions that together provide a comprehensive basis for assessing democratic responses to climate change.

Applied to climate litigation, the framework provides a structured means of examining the multiple ways in which courts contribute to climate governance. Litigation may enhance participation by providing individuals, civil society organisations and affected communities with additional avenues through which to challenge governmental and corporate decisions. It may strengthen accountability by enabling judicial scrutiny of climate-related obligations and reinforcing the rule of law. Judicial proceedings frequently incorporate scientific evidence and expert knowledge into decision-making, thereby influencing the role of expertise within climate governance. At the same time, litigation may contribute to wider public deliberation by generating debate concerning climate policy and institutional responsibilities, while also shaping the effectiveness of governance through its influence on legislation, administrative practice and policy implementation. Finally, many climate cases engage directly with questions of procedural, distributive and intergenerational justice, placing issues of fairness at the centre of judicial decision-making.

This report also adopts a broad understanding of litigation impacts. Consistent with recent scholarship, it assumes that the significance of climate litigation cannot be assessed solely by whether claimants prevail in court. Judicial proceedings may generate legal, institutional and societal effects that extend well beyond the outcome of individual cases, shaping administrative practice, legislative reform, public debate, organisational behaviour and institutional learning. These effects may be direct or indirect, immediate or cumulative, and material or normative.¹⁹

Accordingly, this report examines climate litigation not simply as a mechanism for resolving legal disputes, but as an institutional practice embedded within the broader system of democratic climate governance. The RETOOL framework provides the conceptual basis for interpreting the empirical findings and assessing the contribution of climate litigation across its seven dimensions. To operationalise the framework, each dimension is translated into a set of analytical indicators, summarised in Table 1, which structure both the comparative mapping of climate litigation and the analysis of the Irish case study. Together, these indicators provide the analytical basis for interpreting the empirical findings presented in Sections 4–6.

¹⁸ Brawley-Chesworth et al (n 2).

¹⁹ Young (n 16).

Table 1. Application of the RETOOL analytical framework to climate litigation

RETOOL analytical framework	Analytical indicator	Application in this report
Participation	Inclusion of citizens and affected groups in climate governance	Whether climate litigation creates opportunities for individuals, civil society organisations and affected communities to participate in climate governance processes and influence decision-making.
Representation	Recognition and inclusion of diverse interests, perspectives and affected groups in climate governance	Whether climate litigation enables the interests of underrepresented groups, vulnerable communities and future generations to be recognised within climate governance.
Knowledge and expertise	Integration of scientific and expert knowledge into democratic decision-making	How litigation introduces scientific evidence and expert knowledge into judicial and policy processes and influences public understanding of climate change.
Accountability	Holding public and private actors accountable for climate-related decisions	How courts review governmental and corporate conduct, clarify legal obligations and strengthen implementation and enforcement of climate law.
Deliberativeness	Promotion of informed public debate and reasoned decision-making	Whether litigation stimulates public debate, institutional dialogue and democratic deliberation on climate policy and governance.
Effectiveness	Capacity of democratic institutions to deliver climate action	The influence of litigation on legislation, policymaking, administrative practice, regulatory implementation and corporate behaviour.
Justice	Procedural, distributive and intergenerational justice	How litigation addresses questions of fairness, human rights, vulnerable groups and the equitable distribution of climate burdens and benefits.

Source: Adapted from the RETOOL analytical framework for democratic climate governance and operationalised for the analysis of climate litigation in this report.

3 Methodology

This section describes the methodological approach underpinning the report. Section 3.1 outlines the overall research design and explains the rationale for adopting a mixed-methods approach. Section 3.2 and 3.3 describe the two datasets on climate litigation before the courts of EU Member States and the CJEU, explaining how they were compiled and analysed. Section 3.4 presents the Irish case study and the methods used to investigate the impacts of climate litigation. Finally, Section 3.5 discusses the principal limitations of the study and the implications of these methodological choices for the interpretation of the findings.

3.1 Research Design

Task 4.1 adopted a mixed-methods research design to examine the contribution of climate litigation to democratic climate governance in the EU. Combining comparative empirical mapping with qualitative case-

study analysis, the research identifies broad patterns in climate litigation across the EU while also examining how litigation influences democratic governance in practice. This approach reflects the objective of assessing not only the characteristics and outcomes of climate litigation, but also its wider contribution to accountability, participation, representation, deliberation, knowledge and expertise, effectiveness, and justice within the RETOOL analytical framework.

The empirical analysis combines three complementary components:

- first, a dataset on climate litigation before the courts of EU Member States, compiled relying on and updating an existing dataset developed by the GRI;
- second, a dataset on climate litigation before the CJEU compiled through original research carried out by the Centre for Climate Change, Energy and Environmental Law at the University of Eastern Finland (UEF) and the GRI;
- third, an in-depth case study of Ireland, combining a focus group with semi-structured interviews involving judges, legal practitioners, civil society representatives and academics.

Together, these methods allow climate litigation to be examined from both a system-wide and an institutional perspective. The mapping exercises identify trends in litigation across jurisdictions, while the case study provides insights into how litigation affects decision-making processes, institutional behaviour and democratic governance. The following sections describe each component of the methodology in greater detail.

3.2 Dataset on Climate Litigation before the Courts of EU Member States

The first dataset examines strategic climate litigation before the courts of EU Member States. It is derived from the database compiled by the GRI for the Council of Europe's *Study on National Climate Litigation* (2026),²⁰ and considers only litigation arising within EU Member States at the time of writing. This provides a systematic overview of the development of strategic climate litigation across the Union and forms the empirical basis for the analysis of domestic litigation presented in this report.

The dataset builds primarily on the Sabin Center for Climate Change Law's Global Climate Litigation Database²¹ and the GRI's *Global Trends in Climate Change Litigation* reports,²² supplemented by original information collected through a questionnaire distributed by the European Committee on Legal Co-operation (CDCJ) to Council of Europe Member States. Responses from seventeen states were used to identify additional cases and verify existing records. Cases were further validated through systematic searches of legal databases, court repositories and specialised academic and practitioner literature, with information cross-checked across multiple sources wherever possible. The dataset covers developments between 2002 and 2024 and includes 190 cases filed before domestic courts of EU Member States, as well as 54 cases filed before UK courts prior to the UK's withdrawal from the EU on 31 January 2020.

Consistent with the definition adopted in Section 2.1, the dataset includes judicial proceedings before national courts and quasi-judicial bodies involving material issues of climate change science, law or policy, while focusing specifically on strategic litigation intended to influence climate governance, public debate or the conduct of public and private actors. For each case, information was recorded on:

- jurisdiction and court;
- parties to the proceedings;

²⁰ Council of Europe, *Study on National Climate Litigation* (Council of Europe 2026) <https://rm.coe.int/prems-010626-gbr-2017-study-on-national-climate-litigation-txt-web-a5-/48802ada4a> ('Council of Europe study').

²¹ Sabin Center for Climate Change Law (n 4).

²² Setzer and Higham (n 1).

- filing date and procedural posture;
- legal basis of the claims;
- litigation strategy and subject matter;
- outcome of the proceedings;
- remedies sought and granted; and
- broader relevance for climate governance.

3.3 Dataset on Climate Litigation before the CJEU

The second dataset, compiled by the UEF, covers climate litigation before the CJEU, including proceedings before both the General Court (GC) and the Court of Justice. At the outset of the project, no existing database systematically recorded climate cases before the CJEU.²³ The dataset was therefore developed through a comprehensive search of the CURIA case law database.

In total, 448 cases comprise the final dataset, covering the period from 1990 to 2024. To maximise coverage, the search combined two complementary approaches. First, semantic searches were undertaken using keywords associated with climate change, including “climate change”, “greenhouse gas”, “carbon sink”, “renewable energy” and related terms. Secondly, legislative searches were carried out for proceedings concerning the principal instruments of the EU climate acquis, including legislation governing emissions trading, effort sharing, renewable energy, energy efficiency, land use and forestry, carbon removals and the European Climate Law. This second step ensured that proceedings involving the interpretation or application of EU climate legislation were captured even where climate change was not expressly referred to in the judgment or by the parties.

The cases identified through these searches were screened to determine whether they raised a material issue of climate change law, policy or governance, consistent with the definition of climate litigation adopted in Section 2.1. Proceedings in which climate change formed only a peripheral or incidental aspect of the dispute were excluded. The dataset therefore captures litigation in which climate considerations were material to the legal issues before the Court, irrespective of the procedural route through which the proceedings reached the CJEU or of the express framing or legal argumentation in the case.

For each case, information was coded using a framework aligned with that employed for the Member State dataset, covering:

- filing and decision dates;
- type of procedure;
- claimant and respondent categories;
- outcome of the proceedings;
- legal instruments invoked or challenged; and
- the broader relevance of the case to EU climate governance.

The dataset was used to carry out both quantitative and qualitative analysis. Quantitative coding enabled examination of temporal trends, litigant profiles, procedural pathways and the legal instruments most frequently invoked in climate-related litigation before the CJEU. These findings informed the subsequent qualitative analysis of representative cases and the assessment of the role of the CJEU in the development,

²³ The first specialised database dedicated to EU climate cases was subsequently published in September 2025. See the CJEU Climate Cases Database <https://lpl-lisbonenvironmentallaw-databases.notion.site/cjeuccd> and the associated research publication: Heloísa Oliveira, Ana Ruiz and Pedro Sampaio Minassa, ‘Climate Litigation before the Court of Justice of the European Union: A Quantitative and Qualitative Review of Features and Legal Grounds’ in Carla Amado Gomes, Heloísa Oliveira, Armando Rocha, Matteo Fermeiglia (eds.), *Climate Change before International Courts: A Comparative Study* (Routledge 2025).

implementation and enforcement of EU climate law presented in this report.

The qualitative analysis was done through a content analysis of the dataset. Primary sources consisted principally of judicial decisions, including judgments, orders and admissibility decisions issued by the CJEU and the courts of EU Member States. These materials were analysed to identify the legal arguments advanced by parties, the reasoning adopted by courts, the legal bases invoked, procedural developments and litigation outcomes. To contextualise judicial practice, the analysis also drew upon a broad range of secondary sources, including academic literature, case notes, reports produced by international organisations, civil society organisations and research institutes, as well as publicly available documentation prepared by courts and public authorities. Content analysis followed a structured coding framework designed to facilitate comparison across jurisdictions while allowing for the identification of emerging patterns in judicial reasoning and the relationship between litigation and climate governance in line with the RETOOL analytical framework outlined in Table 1. Particular attention was paid to the interaction between litigation, legislative implementation, executive decision-making and the broader operation of the rule of law.

3.4 Case study: Ireland

The analysis of the two datasets is complemented by an in-depth qualitative case study of Ireland. The case study provides detail and nuance on the relationships between climate litigation, climate governance and democratic institutions that emerge from the mapping exercise. It enables exploration of the legal, institutional and political contexts within which climate litigation develops, as well as the mechanisms through which judicial decisions influence policymaking, legislative implementation and institutional accountability.

Ireland was selected for several reasons. First, it has generated one of Europe’s most influential climate judgments, *Friends of the Irish Environment CLG v Government of Ireland*,²⁴ alongside a broader body of litigation engaging primarily administrative and statutory dimensions of climate governance.²⁵ These cases provide a rich basis for examining the interaction between courts, legislatures, executive authorities and civil society in the implementation and enforcement of climate law. The reliance on national framework climate legislation and recent legislative developments seeking to restrict access to judicial review, including by exempting certain decisions from scrutiny on climate grounds, provide fertile ground for interrogating these institutional interactions and the iterative, evolving role of courts within climate governance. Further, Ireland’s modest size and litigation landscape, in which a small number of repeat actors are primarily engaged, presented ideal conditions for the conduct of such research.

Secondly, Ireland serves as a common case study across several RETOOL work packages. The use of a shared national case study enables triangulation of findings generated through different methodological approaches and thematic perspectives, including research on representative institutions, non-majoritarian institutions, deliberative participation and climate governance. Examining the same national context across multiple work packages facilitates comparison of findings and contributes to the project’s overarching objective of developing an integrated understanding of democratic climate governance. It also provides a common empirical basis for the synthesis activities undertaken across RETOOL, strengthening the coherence and comparability of the project’s final outputs.

Thirdly, this design adapts the approach set out in the Grant Agreement, which envisaged in-depth qualitative research on at least three cases selected to capture variation in legal systems, types of plaintiffs and outcomes.

²⁴ *Friends of the Irish Environment CLG v Government of Ireland* [2020] IESC 49, [2020] 2 ILRM 233.

²⁵ Including *Friends of the Earth Ireland, Friends of the Irish Environment and ClientEarth v Commission for Regulation of Utilities* (pending hearing); *Friends of the Irish Environment CLG v Government of Ireland (Sectoral Emissions)* Record No. 70 JR (pending hearing); *Community Law and Mediation Centre and Others v Ireland (CAP24)* (pending hearing); *Coolglass Wind Farm Ltd v An Bord Pleanála* [2026] IESC 5; *Friends of the Irish Environment CLG v Government of Ireland (CAP23)* [2026] IECA 42; *Friends of the Irish Environment CLG v Galway County Council and Others (Galway Ring Road)* [2023] IEHC 75; *An Taisce v An Bord Pleanála and Others (Kilkenny Cheese)* [2022] IESC 8; *Friends of the Irish Environment CLG v Fingal County Council* [2017] IEHC 695.

Given the resources and timeframe available for Task 4.1, the consortium judged that concentrating the qualitative case study on a single, well-documented jurisdiction would allow for greater analytical depth than would have been possible across three separate national contexts, while the underlying case law itself comprises ten climate-related judgments and pending proceedings before the Irish courts, involving a range of plaintiffs and outcomes. Variation across legal systems is instead captured through the two systematic mapping datasets described in Sections 3.2 and 3.3, which cover litigation before the courts of all EU Member States and the CJEU. This adaptation also reflects Ireland’s role as the shared national case study used across several RETOOL work packages, noted above, which enables triangulation of findings and strengthens the coherence of the project’s cross-work-package synthesis.

The Irish case study therefore complements the analysis of climate litigation across the EU by providing a deeper examination of how judicial institutions interact with other democratic actors and institutions within a single national context, while simultaneously contributing to the cross-work-package synthesis envisaged by the RETOOL project.

The case study draws on an expert focus group held on 21 April 2026, structured around the RETOOL analytical framework and opening with a brief polling exercise on the project’s guiding hypothesis before moving into open discussion; recruitment for the subsequent interviews was initiated in part through this session. The focus group consisted of 14 participants, including 5 members of civil society organisations (CSOs), 3 legal practitioners (some of whom are in-house lawyers within CSOs), and 2 academics, in addition to 4 RETOOL project members. Of these expert group participants, 5 also took part in the subsequent interviews. After the focus group, ten semi-structured interviews were conducted, in accordance with the RETOOL project Grant Agreement, with judges (2), legal practitioners (3), CSO representatives (4), and academics (1) with close knowledge of Irish climate litigation. The underlying case law comprises ten climate-related judgments and pending proceedings identified before the Irish courts to date.²⁶

For ease of reference, direct quotations and attributed claims in Section 5 are footnoted using the interviewee key below.

<i>Interviewee key</i>	<i>Role/affiliation</i>	<i>Interview date</i>
Interviewee 1	CSO	11-May-26
Interviewee 2	legal practitioner	13-May-26
Interviewee 3	legal practitioner	14-May-26
Interviewee 4	CSO	19-May-26
Interviewee 5	judiciary	20-May-26
Interviewee 6	CSO	22-May-26
Interviewee 7	CSO	02-Jun-26
Interviewee 8	judiciary	05-Jun-26
Interviewee 9	legal practitioner	15-Jun-26
Interviewee 10	academic	29-Jun-26

The focus group and interviews provided insight into how key actors understand the role of litigation within Ireland’s climate governance system and how they assess its contribution to democratic processes. Interview

²⁶ See the Table of Cases at the end of this report.

findings were analysed thematically and interpreted using the RETOOL analytical framework, which was used to inform coding of interview and focus group transcripts on Atlas.ti software. This enabled comparison between participants' perspectives and the findings emerging from the mapping exercises.

3.5 Limitations of the Study

The findings presented in this report should be interpreted in light of the scope and methodological choices underpinning the research.

First, the analysis reflects the state of EU climate litigation when data collection for the two datasets concluded. This cut-off was necessary to ensure the manageability and feasibility of the large-scale analysis. Given the rapidly evolving nature of climate litigation, new proceedings continue to arise before national courts and the CJEU. The report therefore assesses litigation trends up to 31 December 2024, while covering cases filed in Ireland, and subsequent developments in those cases, up to 1 July 2026.

Secondly, the report adopts a comparative perspective, drawing on litigation from a wide range of jurisdictions. Differences in national legal systems, judicial procedures and publication practices inevitably influence the availability and level of detail of case information. To promote consistency and reliability, information was compiled from multiple sources and verified wherever possible using a common coding framework.

The analysis of litigation before the courts of EU Member States is subject to specific limitations. Although the dataset provides comprehensive coverage of strategic climate litigation across the EU, it necessarily reflects the availability of publicly accessible information and the inclusion criteria adopted. Differences in national reporting practices, publication of judgments and access to court materials may have resulted in variations in the completeness of the dataset across jurisdictions. Moreover, the focus on strategic climate litigation means that routine environmental or administrative cases with indirect implications for climate governance may not have been captured.

The CJEU dataset is subject to different methodological constraints. Identifying climate litigation before the CJEU required qualitative judgement because climate-related disputes frequently arise through the interpretation and application of EU environmental, energy and climate legislation without being explicitly framed as climate litigation. Although the combined semantic and legislative search strategy was designed to maximise coverage, some proceedings relevant to climate governance may not have been identified when the climate dimension was insufficiently explicit. Conversely, determining whether climate change constitutes a material element of a dispute necessarily involves an element of researcher judgement. These limitations were mitigated through transparent inclusion criteria and systematic review of identified cases.

Finally, the in-depth case study of Ireland examines the interaction between climate litigation, democratic governance, and public institutions within a single national context, providing detailed insight into the mechanisms through which litigation may influence governance in practice. The scope of the case study was necessarily limited to ensure that the research remained manageable and feasible within the available timeframe and resources. This also reflects an adaptation of the Grant Agreement's original design for qualitative research across at least three cases spanning different legal systems into a single in-depth national case study of Ireland (see Section 3.4). The categories of stakeholders invited to participate were identified in the RETOOL project proposal, and the interviews were conducted in accordance with that research design. The resulting sample was intended to provide a broadly representative range of informed perspectives from the stakeholder groups specified in the proposal, rather than comprehensive coverage of every actor involved in litigation. Although the Irish case study offers insights that may be relevant to similar developments in other EU Member States, its findings remain context-specific and cannot be treated as universally applicable or directly generalisable to the EU as a whole. Rather, it complements the broader comparative analysis by illustrating how patterns identified at the regional level may operate within one national legal and institutional setting.

4 Mapping Climate Litigation in the EU

This section presents a systematic mapping of climate litigation before the courts of EU Member States and the CJEU, drawing on the two datasets developed for this study. It identifies broader patterns in climate litigation across the EU legal order, including the actors involved, the legal bases of claims, the types of proceedings brought and their outcomes. Section 4.1 examines climate litigation before the courts of EU Member States, analysing trends in litigants, legal claims and judicial responses. Section 4.2 undertakes the same analysis for proceedings before the CJEU, highlighting the distinctive features of climate litigation within the EU judicial system and comparing them with litigation before domestic courts. Finally, Section 4.3 situates these findings within their broader international context, considering the influence of international legal developments on climate litigation in the EU and vice versa. Together, these analyses provide the empirical foundation for the assessment of climate litigation’s contribution to democratic climate governance developed in Sections 5 and 6.

4.1 Climate Litigation before the Courts of EU Member States

This section presents the findings of the mapping of climate litigation before the courts of EU Member States. The data reveal the significant expansion and diversification of climate litigation over the past two decades. Litigation has evolved from a relatively small number of environmental disputes into a diverse body of public, constitutional, human rights and private law litigation concerning climate policy, administrative decision-making and the implementation of climate law. While early cases frequently concerned the environmental implications of individual projects, more recent litigation increasingly addresses the adequacy of national climate policies, compliance with climate framework legislation, corporate climate responsibility and the integration of climate considerations into public decision-making. The following sections examine three key dimensions emerging from the dataset. Section 4.1.1 analyses the principal categories of plaintiffs and defendants, illustrating the increasingly pluralistic character of climate litigation. Section 4.1.2 examines the legal bases and claims advanced before national courts, highlighting the convergence of constitutional, environmental, climate and human rights law. Finally, Section 4.1.3 considers litigation outcomes and the broader patterns emerging from the dataset, demonstrating that the significance of climate litigation extends beyond judicial success rates to encompass wider effects on climate governance, institutional accountability and the implementation of climate law.

4.1.1 Types of Plaintiffs and Defendants

The composition of litigants provides important insights into the operation of democratic climate governance in the EU. Our dataset shows that climate litigation is driven primarily by civil society actors seeking to hold governments and, increasingly, private actors accountable for climate-related decisions and conduct. Although the range of litigants has broadened over time, individuals and environmental non-governmental organisations (NGOs), acting either independently or collectively, remain the principal claimants in climate litigation before the courts of EU Member States. NGOs and/or individuals brought 150 of the 190 cases identified (79 per cent), with this figure rising from 60 per cent for cases filed before 2021 to 88 per cent for those filed between 2021 and 2024. This pattern underscores the central role of litigation as a mechanism through which civil society participates in climate governance and seeks to enhance governmental accountability.

Public authorities remain the principal defendants. Most domestic climate litigation challenges the decisions or omissions of national governments, ministries or administrative agencies responsible for the formulation and implementation of climate policy, environmental regulation and infrastructure planning. In particular, government framework cases seek judicial review of national climate policies, emissions reduction pathways and statutory climate obligations, while administrative law cases challenge individual planning, permitting and environmental assessment decisions.²⁷ These cases illustrate the growing role of courts in reviewing the

²⁷ See for example *Urgenda Foundation v State of the Netherlands* (Supreme Court of the Netherlands, 20 December 2019); *Neubauer and Others v Germany* (German Federal Constitutional Court, 29 April 2021); *Friends of the Irish Environment v Ireland* (n 24); *Commune de Grande-Synthe v France* (Conseil d’État, No

legality of executive action within systems of democratic climate governance.²⁸

The dataset also shows a marked increase in litigation involving corporate actors. Since 2020, claims have increasingly targeted corporations operating across a wide range of economic sectors, including energy production, transport, finance, agriculture, manufacturing and retail.²⁹ These cases concern diverse issues such as corporate emissions reductions, climate-related due diligence, climate-washing and misleading environmental claims, supply-chain responsibilities and, increasingly, liability for climate-related harm.³⁰ The expansion of corporate climate litigation reflects the growing recognition that responsibility for achieving climate objectives extends beyond governments to encompass private economic actors whose activities contribute to greenhouse gas emissions or influence climate governance more broadly.³¹

Corporate actors increasingly appear as claimants as well, challenging administrative decisions affecting renewable energy projects, planning authorisations and other regulatory measures associated with the energy transition. These cases demonstrate that climate litigation serves not solely as an instrument for countering climate inaction but also for resolving conflicts arising during the implementation of climate and energy policies.³² Courts therefore provide an important institutional forum for balancing competing public and private interests within the climate transition.³³

Overall, the diversity of litigants illustrates the increasingly pluralistic character of climate governance in the EU. Climate litigation encompasses interactions between governments, businesses, civil society organisations and individual citizens pursuing a wide range of climate-related objectives. This diversification of litigants reflects the growing integration of climate considerations across multiple areas of public administration, economic activity and democratic decision-making.³⁴

The diversity of litigants also highlights two dimensions of the RETOOL framework. The predominance of civil society organisations and individuals demonstrates the participatory function of climate litigation, while the growing role of corporate actors illustrates the expanding reach of accountability mechanisms beyond the public sector.

4.1.2 Legal Bases and Claims

Climate litigation before the courts of EU Member States is characterised by an increasingly sophisticated combination of legal arguments drawn from national constitutional, environmental, and framework climate law, in addition to EU and international human rights law. Rather than relying on a single legal basis, claimants frequently combine multiple sources of law to challenge both governmental and corporate conduct, reflecting the multi-level nature of EU climate governance. This legal pluralism has enabled courts to develop climate jurisprudence that extends beyond traditional environmental protection and increasingly addresses questions

427301, 19 November 2020 and 1 July 2021); *VZW Klimaatzaak v Belgium* (Brussels Court of First Instance, 17 June 2021).

²⁸ Council of Europe Study, pp. 15–16, 31–34.

²⁹ See, for example, *Milieudefensie et al v Royal Dutch Shell plc* (District Court of The Hague, 26 May 2021); *Milieudefensie et al v ING Bank NV* (District Court of Amsterdam, 29 October 2024); *Saúl Luciano Lliuya v RWE AG* (Oberlandesgericht Hamm, 28 May 2025) 5 U 15/17, ECLI:DE:OLGHAM:2025:0528.5U15.17.00; and *Notre Affaire à Tous and Others v TotalEnergies SE* (Tribunal judiciaire de Paris, 25 June 2026).

³⁰ Joana Setzer, Nina Koistinen, Catherine Higham, and Lucas Bissetton, 'Corporate Climate Litigation in Europe: Scaffolding from State Obligations and the Rise of Polluter-Pays' (forthcoming) *Lewis & Clark Law Review*, p. 377.

³¹ Council of Europe Study, pp. 16–18, 20–21.

³² Annalisa Savaresi et al, 'Conceptualising Just Transition Litigation' (2023) 6 *Nature Sustainability* 485.

³³ Council of Europe Study, pp. 17–18.

³⁴ Council of Europe Study, pp. 15–18.

of constitutional accountability, administrative legality and fundamental rights.³⁵

One of the most common categories of climate litigation in EU Member States consists of claims seeking to integrate climate considerations into administrative decision-making.³⁶ These cases typically challenge planning approvals, environmental impact assessments (EIAs), permitting decisions and other administrative authorisations on the ground that decision-makers failed to adequately consider greenhouse gas emissions, climate objectives or downstream (Scope 3) emissions.³⁷ Such litigation aims not only to prevent harmful projects from proceeding but also to mainstream climate considerations across public administration by requiring climate objectives to be systematically incorporated into regulatory decision-making.

Another common category comprises so-called ‘government framework’ litigation, whereby claimants challenge either the adequacy of national climate policies or governmental compliance with existing statutory obligations.³⁸ This category is distinguished from the preceding one as follows: “integration of climate considerations into administrative decision-making” refers to project- or permit-level decisions (e.g., planning consents) alleged to have failed properly to take climate considerations into account, whereas “government-framework litigation” refers to direct challenges to the adequacy or implementation of a State’s overarching climate strategy, targets or carbon budgets (e.g., Urgenda-type framework claims). Rather than contesting individual projects, these cases seek judicial review of national climate strategies, emissions reduction pathways, carbon budgets or implementation of climate framework legislation. Across several Member States — including France, Ireland and Finland — litigants have increasingly relied on domestic climate statutes to compel governments to fulfil obligations that legislatures have already enacted, thereby shifting litigation from questions of policy ambition towards legal compliance and institutional accountability.³⁹

Human rights have become an increasingly important legal basis for climate litigation in EU Member States. Building on the Dutch Supreme Court’s landmark judgment in *Urgenda v Netherlands*, claimants across the EU regularly invoke Articles 2 and 8 of the European Convention on Human Rights (ECHR), arguing that inadequate climate action threatens the rights to life and to respect for private and family life.⁴⁰ The European Court of Human Rights’ judgment in *Verein KlimaSeniorinnen Schweiz and Others v Switzerland* has further reinforced this trend by recognising positive obligations on States to establish effective regulatory frameworks

³⁵ Council of Europe Study, pp. 19–21.

³⁶ Council of Europe Study, pp. 19–21.

³⁷ See, eg, *An Taisce v An Bord Pleanála and Others* (n 25) (challenge to planning permission alleging inadequate assessment of the indirect greenhouse gas emissions associated with increased milk production); *Lauwrys and Others v Province of Antwerp*, RvVb-S-2021-0923, 22 April 2021 and RvVb-A-2122-0276, 9 December 2021 (challenge to an environmental permit for a petrol station by reference to climate objectives); VfGH 29 June 2017, E 875/2017 ua (challenge concerning the authorisation of a third runway at Vienna Airport and the treatment of projected carbon dioxide emissions); and *Greenpeace-Danmark v Danish Energy Agency*, Danish Energy Board of Appeal, ‘Decision concerning approval of the revised development plan for the Hejre field’, 11 November 2025 (annulling and remitting an approval because the environmental assessment did not adequately address emissions arising from the combustion of the extracted oil and gas).

³⁸ Council of Europe Study, pp. 31–34.

³⁹ See e.g., *Commune de Grande-Synthe v France* (n 27); *Friends of the Irish Environment CLG v Government of Ireland* (n 24); *Friends of the Irish Environment CLG v Minister for the Environment, Climate and Communications* [2024] IEHC 353; *Greenpeace Nordic and Finnish Association for Nature Conservation v Finland* KHO:2023:62; *Greenpeace Nordic and Finnish Association for Nature Conservation v Finnish Government* KHO:2025:2.

⁴⁰ See, eg, *VZW Klimaatzaak v Kingdom of Belgium and Others* (Brussels Court of Appeal, 30 November 2023) 2021/AR/1589, 2022/AR/737 and 2022/AR/891; *Greenpeace and Others v Austria* (Austrian Constitutional Court, 30 September 2020) G 144/2020; *Greenpeace Nordic and Finnish Association for Nature Conservation v Finnish Government* (n 39); *Anton Foley and Others v Sweden (Aurora case)* (Swedish Supreme Court, 19 February 2025) Ö 7177-23, NJA 2025 s 88. See the analysis in Maxwell, Mead and van Berkel (n 8).

for climate mitigation, including emissions reduction pathways and carbon budgets.⁴¹ Although domestic courts have applied this jurisprudence to varying degrees, these judgments have bolstered rights-based climate litigation across EU Member States — all of which are also parties to the ECHR — and have significantly influenced subsequent legal arguments before national courts.⁴²

Climate-washing litigation represents another rapidly expanding category of cases, which typically challenge alleged misleading representations by governments or corporations concerning climate performance, sustainability strategies or carbon neutrality commitments.⁴³ Climate-washing cases seek to ensure the accuracy and transparency of climate-related communications and corporate disclosures, thereby reinforcing accountability within both public administration and private governance. Climate-washing has become the most prevalent litigation strategy against private actors before EU domestic courts and globally.⁴⁴

Finally, although still comparatively limited in number, litigation invoking the polluter-pays principle and seeking compensation for climate-related harm represents an important emerging development. These cases attempt to establish liability for climate damages attributable to greenhouse gas emissions and explore new avenues of corporate and governmental accountability through private law remedies.⁴⁵ While few such actions have yet reached final judgments within the EU, they illustrate the gradual evolution of climate litigation from regulatory review towards questions of civil liability, financial responsibility and compensation for climate-related loss and damage.⁴⁶

A further, more recent phenomenon concerns what has been termed ‘just transition litigation’:⁴⁷ claims concerning the distribution of the costs and burdens of the climate action itself, often brought by parties affected by decarbonisation policies rather than by claimants seeking more ambitious climate action.⁴⁸ Such cases illustrate that climate litigation before EU Member States’ courts increasingly engages not only the pace and ambition of decarbonisation but also the fairness of its distributional consequences.

The legal bases invoked across litigation before EU Member States’ courts further demonstrate the importance of knowledge and expertise, accountability and justice within democratic climate governance. Rights-based arguments, scientific evidence and administrative law all shape how courts mediate between democratic decision-making and climate obligations (see Table 2).

⁴¹ Savaresi, ‘KlimaSeniorinnen’ (n 12).

⁴² Council of Europe Study, pp. 28–31.

⁴³ Council of Europe Study, pp. 20–21. See also Setzer and Higham (n 1).

⁴⁴ Setzer, Koistinen, Higham and Bassetton (n 30), pp. 380 and 395.

⁴⁵ See, eg, *Saúl Luciano Lliuya v RWE AG* (n 29) 5 U 15/17, ECLI:DE:OLGHAM:2025:0528.5U15.17.00; *Greenpeace ONLUS, ReCommon ETS and Others v ENI SpA, Ministero dell’Economia e delle Finanze and Cassa Depositi e Prestiti SpA* (Corte Suprema di Cassazione, Sezioni Unite Civili, 21 July 2025) ord no 20381, arising from Tribunale di Roma, RG no 26468/2023; *Hugues Falys, Ligue des droits humains ASBL, Greenpeace Belgium ASBL and FIAN-Belgium ASBL v TotalEnergies SE* (Tribunal de l’entreprise du Hainaut, division de Tournai) A/24/00168.

⁴⁶ Council of Europe Study, pp. 8–9 and 11–12.

⁴⁷ Savaresi and others (n 32).

⁴⁸ See, eg, *County Administrative Board of Skåne County and the Swedish Society for Nature Conservation, Helsingborg Branch v Svedberga PV AB* (M 13461-22, Mark- och miljööverdomstolen, Svea hovrätt, 3 April 2024) MÖD 2024:12; and *City of Kuusamo v Tolva Reindeer Herding Cooperative and Posio Tourism Association* KHO:2022:12 (Supreme Administrative Court of Finland, 17 January 2022).

Table 2. Relative prevalence of legal basis in climate litigation in EU Member States⁴⁹

Legal basis category	Relative prevalence in the dataset (descriptive, non-numerical)
Government-framework litigation (challenges to national climate strategies or statutory compliance)	Largest single category; the most frequently coded legal basis in the dataset
Integration of climate considerations into administrative decision-making	Second most common category
Human-rights-based claims	Growing steadily since <i>Urgenda</i> and <i>KlimaSeniorinnen</i> , though still less frequent than the first two categories
Climate-washing	Most prevalent form of corporate climate litigation
Polluter-pays / compensation claims	Still a small minority of cases; few have yet reached final judgment

4.1.3 Litigation Outcomes and Emerging Patterns

The outcomes of climate litigation before the courts of EU Member States reveal a jurisprudence that is both increasingly diverse and influential. Our dataset demonstrates that climate litigation has generated a wide range of legal, institutional and societal effects extending beyond the immediate outcome of individual cases. Courts have clarified the content of legal obligations, strengthened administrative accountability, influenced legislative and regulatory reform and contributed to the progressive development of climate governance across the EU.⁵⁰

Our dataset confirms that climate litigation has frequently resulted in significant changes to public decision-making. Courts across the EU have required governments to strengthen national climate strategies, adopt more ambitious emissions-reduction measures and improve the implementation of existing climate legislation. The German Federal Constitutional Court, for example, required the legislature to specify a clearer emissions-reduction pathway beyond 2030, prompting amendments to the Federal Climate Change Act.⁵¹ The Dutch Supreme Court in *Urgenda* upheld an order requiring the State to reduce emissions by at least 25 per cent by the end of 2020.⁵² The French Conseil d'État in *Grande-Synthe* ordered the Government to adopt additional measures and report on their implementation.⁵³ Similarly, the Irish Supreme Court in *Friends of the Irish Environment* quashed the National Mitigation Plan because it failed to satisfy the requirements of the governing climate legislation.⁵⁴ Judicial intervention has consequently prompted legislative amendments, the revision or replacement of national climate plans, stronger monitoring and reporting mechanisms, and greater integration of climate considerations into governmental and administrative decision-making. These cases illustrate the capacity of courts to reinforce the implementation of democratically adopted climate legislation.⁵⁵

At the same time, our dataset demonstrates that cases that are dismissed on procedural grounds or fail on

⁴⁹ Categories are coded as identified in each case; a single case may raise more than one legal basis, so figures for individual categories are not necessarily mutually exclusive.

⁵⁰ Council of Europe Study, pp. 34–38.

⁵¹ *Neubauer and Others v Germany* (n 27).

⁵² *Urgenda Foundation v State of the Netherlands* (n 27).

⁵³ *Commune de Grande-Synthe v France* (n 27).

⁵⁴ *Friends of the Irish Environment CLG v Government of Ireland* (n 24).

⁵⁵ Council of Europe Study, pp. 34–36.

the merits often contribute to public debate, clarify legal standards, stimulate legislative and regulatory responses and inform subsequent litigation strategies. Climate litigation therefore frequently operates as a mechanism of legal mobilisation, generating indirect impacts through increased public awareness, institutional learning and the gradual development of climate jurisprudence. These findings align with recent scholarship suggesting that the effectiveness of climate litigation should be assessed not only by reference to judicial outcomes, but also by considering its broader effects on governance.⁵⁶

Our dataset identifies several emerging patterns in climate litigation within EU Member States. First, there has been a discernible shift from litigation seeking to establish new legal obligations towards litigation concerned with ensuring compliance with existing climate legislation and policy commitments. Secondly, rights-based litigation has become increasingly prominent. Thirdly, corporate climate litigation has expanded significantly, with growing attention devoted to climate-related due diligence, corporate disclosures, climate-washing and private sector accountability. Finally, climate litigation has become increasingly integrated across different levels of governance, with domestic courts drawing upon EU, international and human rights law when interpreting national legal obligations.⁵⁷

These developments suggest that the principal contribution of climate litigation before national courts in the EU lies not simply in determining the outcome of individual disputes but in strengthening the accountability and effectiveness of climate governance. Judicial proceedings have increasingly become mechanisms through which governments, businesses and public authorities are required to justify their decisions against evolving legal standards, while courts facilitate the implementation of climate law, promote institutional learning and reinforce the rule of law within the climate transition. Our findings suggest that domestic climate litigation contributes most prominently to accountability and effectiveness, while also indirectly supporting deliberation through the public justification of governmental decisions. These broader governance effects provide the foundation for the analysis developed in Sections 5 and 6.

4.2 Climate Litigation before the CJEU

This section presents the findings of the mapping of climate litigation before the CJEU. Whereas litigation before the courts of EU Member States frequently challenges national climate policies and administrative decisions, proceedings before the CJEU predominantly concern the interpretation, validity and enforcement of EU climate legislation. These differences reflect the distinct constitutional role of the CJEU within the EU legal order and give rise to different patterns of litigants, legal claims and judicial outcomes. Section 4.2.1 examines the principal litigants and procedural mechanisms through which climate-related disputes reach the Court. Section 4.2.2 analyses the legal bases and subject matter of these proceedings, while Section 4.2.3 considers litigation outcomes and the broader patterns emerging from the Court's climate-related jurisprudence.

4.2.1 Types of Plaintiffs and Defendants

The profile of climate litigation before the CJEU differs significantly from that observed before the courts of EU Member States. Whereas domestic climate litigation is frequently initiated by individuals, environmental organisations and local authorities seeking to challenge national climate policies or administrative decisions, proceedings before the CJEU are largely shaped by the Court's constitutional role within the EU legal order and the procedural mechanisms through which climate-related disputes reach the Court.

Corporations constitute the largest category of litigants in the dataset compiled for this study. Corporate actors account for 243 of 460 coded plaintiffs (53 per cent) before the CJEU — more than three times each of the two next largest categories, EU institutions and bodies (68 plaintiffs, 15 per cent) and Member State authorities (58 plaintiffs, 13 per cent), and well ahead of environmental NGOs (39 plaintiffs, 8 per cent) and individuals (41 plaintiffs, 9 per cent).⁵⁸ This predominance reflects the distinctive institutional role of the CJEU and the

⁵⁶ Council of Europe Study, pp. 36–38. See also Young (n 16).

⁵⁷ Council of Europe Study, pp. 19–21, 28–38. Annalisa Savaresi and Corina Heri, 'Human Rights and the Paris Agreement: A Two-Way Street' (2026) *Climate Law* (published online ahead of print).

⁵⁸ Nina Koistinen, 'Beyond Landmark Cases: Understanding Climate Litigation before the European Courts of

nature of EU climate regulation. Many proceedings concern technical regulatory measures that directly affect corporate actors, including the allocation of emission allowances under the EU Emissions Trading System (ETS), sustainable finance requirements, renewable energy regulation, energy taxation, vehicle emissions standards, and state aid rules. Corporate actors therefore frequently appear before the Court to challenge measures that affect their commercial interests or to seek clarification on the interpretation and application of EU legislation.

Public authorities constitute the overwhelming majority of defendants. Disaggregated by actor, national and sub-national public authorities accounted for 229 of 451 coded defendants (51 per cent) and EU institutions, agencies or bodies a further 179 (40 per cent); corporate actors accounted for only 39 (9 per cent).⁵⁹ More than 90 per cent of coded defendants are EU institutions, agencies or bodies, or national and sub-national authorities implementing EU law. This reflects the procedural architecture of EU judicial review, where actions are directed either against EU institutions through direct actions or arise through preliminary references concerning the implementation of EU legislation by Member States.

Although NGO- and citizen-led litigation remains comparatively limited, our dataset indicates a gradual increase in such cases from around 2010 onwards. This trend coincides with the implementation of the Aarhus Convention within the EU legal order and the gradual expansion of opportunities for environmental organisations to seek internal review under the Aarhus Regulation.⁶⁰ Of the 29 direct actions in the dataset brought by NGOs, individuals or groups acting together, only two were filed before 2010, compared with 27 in the following one-and-a-half decades — a trend consistent with the gradual expansion of standing opportunities described below. Our findings therefore suggest that developments in procedural environmental rights have contributed to increasing civil society engagement before the EU courts, notwithstanding the continuing constraints imposed by the Court's restrictive approach to standing under Article 263 of the Treaty on the Functioning of the European Union (TFEU).⁶¹

Viewed through the RETOOL analytical framework, these patterns illustrate distinctive features of democratic climate governance at the EU level. The predominance of corporate litigants reflects the regulatory nature of much EU climate governance, while the gradual increase in NGO and citizen litigation points to expanding — though still constrained — opportunities for participation and representation. At the same time, the central role of EU institutions as defendants underscores the accountability function performed by the CJEU in ensuring that the exercise of EU regulatory powers remains subject to judicial scrutiny.

These patterns illustrate the distinctive institutional function of the CJEU within the EU's multilevel system of climate governance. Unlike domestic courts, which frequently review the legality of national climate policies

Justice' (Journal of Environmental Law, forthcoming). See e.g. *Solar Ileias Bompaina AE v Commission* Case C-429/20 P, EU:C:2022:282, and *Engie Cartagena SL v Ministerio para la Transición Ecológica* Case C-523/18, EU:C:2019:1129 (corporate claimants); *QB v Mercedes-Benz Group AG* Case C-100/21 (Grand Chamber, 21 March 2023) (individual claimant); and *European Investment Bank and Commission v ClientEarth* Joined Cases C-212/21 P and C-223/21 P, EU:C:2023:546 (environmental NGO claimant).

⁵⁹ Koistinen (n 58). See e.g. *Commission v Ireland* Case C-444/21 (Second Chamber, 29 June 2023) and *Inter-Environnement Wallonie ASBL and Bond Beter Leefmilieu Vlaanderen ASBL v Conseil des ministres* Case C-411/17, EU:C:2019:622 (national authorities as defendant); and *European Investment Bank and Commission v ClientEarth* (n 58) (EU institution as defendant).

⁶⁰ *Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies* [2006] OJ L264/13 as amended by Regulation (EU) 2021/1767 ('Aarhus Regulation'). See also *Deutsche Umwelthilfe eV v Bundesrepublik Deutschland* Case C-873/19 (Grand Chamber, 8 November 2022), illustrating the expansion of standing for environmental organisations under Article 9(3) of the Aarhus Convention.

⁶¹ See e.g. *Carvalho and Others v Parliament and Council* Case T-330/18, EU:T:2019:324, upheld on appeal Case C-565/19 P, EU:C:2021:252, illustrating the Court's restrictive approach to individual standing in climate-related direct actions.

and administrative action, the CJEU primarily ensures the uniform interpretation, validity and application of the EU climate acquis. The composition of litigants therefore reflects not only the substantive content of climate disputes but also the constitutional framework governing access to the Court and the allocation of judicial responsibilities between national courts and the CJEU.

4.2.2 Legal Bases and Claims

The legal bases invoked before the CJEU reflect both the breadth of the EU climate acquis and the distinctive constitutional role of the Court within the EU legal order. Unlike domestic climate litigation, where constitutional and human rights arguments frequently provide the primary legal basis for claims, litigation before the CJEU centres principally on the interpretation, validity and implementation of EU law. Nevertheless, our dataset demonstrates an increasingly diverse body of legal claims, illustrating the growing integration of climate objectives across multiple fields of EU law.

The substantive matters raised before the CJEU span a wide range of policy areas. The largest clusters of cases concern the EU ETS, but the dataset also includes litigation relating to renewable energy, energy taxation, planning and permitting, sustainable finance and the EU Taxonomy Regulation, state aid, access to environmental information, vehicle emissions, air quality, land use and forestry, and other measures forming part of the EU climate acquis. EU ETS-related instruments were relied upon in 117 of 448 cases (26 per cent) – more than double the next most frequently invoked instrument (Aarhus-related instruments, 43 cases, 10 per cent), followed by the Energy Taxation Directive (40 cases, 9 per cent) and the Renewable Energy Directive (38 cases, 8 per cent). This diversity reflects the increasingly cross-sectoral nature of EU climate governance and demonstrates that climate litigation before the CJEU extends well beyond challenges brought directly against climate legislation. Many cases instead concern the interpretation and implementation of sectoral legislation that contributes to the achievement of the Union’s climate objectives. A smaller number of cases raise questions analogous to the ‘just transition litigation’ identified before domestic courts (see Section 4.1.2), concerning the distributional consequences of decarbonisation measures for affected undertakings, as illustrated by challenges to wind-power projects based on environmental impact assessment requirements and alleged State aid breaches.⁶²

Correspondingly, litigants rely upon a broad range of legal norms. The most frequently invoked provisions derive from EU primary and secondary legislation, including Treaty provisions, general principles of EU law and the Charter of Fundamental Rights of the European Union. Across the dataset, the legal principles most commonly relied upon include effective judicial protection, equal treatment, legal certainty and proportionality, together with rights of access to environmental information and justice derived from the Aarhus Convention and its implementation in EU law. International law also features in a significant number of cases, particularly through references to the Aarhus Convention and, increasingly, the Paris Agreement.⁶³

While rights-based litigation remains less prominent before the CJEU when compared to national courts, the dataset reveals a gradual evolution in the legal arguments advanced. Earlier litigation focused predominantly on technical questions arising under the EU Emissions Trading System and other sector-specific regulatory regimes.⁶⁴ Over time, however, litigants have increasingly invoked fundamental rights and procedural

⁶² Case C-262/12 *Association Vent De Colère! Fédération nationale and Others v Ministre de l’Écologie, du Développement durable, des Transports et du Logement and Ministre de l’Économie, des Finances et de l’Industrie* EU:C:2013:851. Case C-24/19 *A and Others v Gewestelijke stedenbouwkundige ambtenaar van het departement Ruimte Vlaanderen, afdeling Oost-Vlaanderen* EU:C:2020:503. Case C-290/15 *Patrice D’Oultremont and Others v Région wallonne* EU:C:2016:816. Case C-742/21 *P Coopérative des artisans pêcheurs associés (CAPA) and Others v European Commission* EU:C:2023:1000.

⁶³ See e.g. *European Investment Bank and Commission v ClientEarth* (n 58), and *Deutsche Umwelthilfe eV v Bundesrepublik Deutschland* (n 60), both invoking the Aarhus Convention.

⁶⁴ See e.g. *Air Transport Association of America and Others v Secretary of State for Energy and Climate Change* Case C-366/10, EU:C:2011:864, and *Hauptzollamt Hamburg v Shell Deutschland Oil GmbH* Case C-553/21, EU:C:2022:1030, as examples of earlier technical and regulatory litigation under the EU ETS and energy taxation regimes.

guarantees, particularly following the entry into force of the Charter of Fundamental Rights and the progressive implementation of the Aarhus Convention within the EU legal order. This evolution has broadened the legal vocabulary through which climate-related disputes are framed before the EU courts and reflects wider developments in climate litigation.⁶⁵

National law also plays an important role, particularly in proceedings originating through requests for preliminary rulings under Article 267 TFEU. Of the 448 cases in the dataset, 205 (46 per cent) originated as references for a preliminary ruling under Article 267 TFEU — the single largest procedural route — compared with 179 direct actions for annulment, 2 actions for damages and 2 actions for failure to act before the General Court, 1 opinion, and 59 infringement proceedings brought by the European Commission. Many references arise from domestic litigation concerning the implementation of EU climate legislation, requiring the Court to interpret EU measures in light of national regulatory frameworks. Increasingly, these disputes involve national climate framework legislation adopted to implement EU obligations, illustrating the growing interaction between EU climate law and domestic legislative frameworks. The preliminary ruling procedure therefore potentially serves as an important mechanism through which national climate litigation contributes to the development of EU climate jurisprudence.⁶⁶

The legal bases advanced before the CJEU also highlight the importance of knowledge and expertise within democratic climate governance. Much of the Court’s climate jurisprudence requires the interpretation of technically complex legislative frameworks informed by scientific evidence and specialist regulatory expertise. By clarifying the meaning and application of these legal instruments, the Court contributes to the integration of scientific and legal expertise into EU decision-making while enhancing legal certainty and the coherence of the Union’s climate acquis.

Overall, our dataset demonstrates that climate litigation before the CJEU is characterised not so much by direct challenges to the adequacy of climate ambition but by disputes concerning the interpretation, implementation and legality of the complex body of legislation underpinning the climate transition. As the EU climate acquis has expanded, so too has the diversity of legal claims brought before the Court, reflecting the increasingly integrated nature of climate governance within the EU legal order (see Table 3).

Table 3. Relative prevalence of EU legal instruments invoked in climate litigation before the CJEU⁶⁷

EU legal instrument / regime	Relative prevalence in the dataset
EU Emissions Trading System (ETS)	117 of 448 cases (26%) — largest single category; more than double the next most frequently invoked instrument
Aarhus Convention instruments (access to environmental information, public participation and justice)	43 of 448 cases (10%) — second most frequently invoked instrument
Energy Taxation Directive	40 of 448 cases (9%) — third most frequently invoked instrument

⁶⁵ Koistinen (n 58); and Maiju Mähönen, ‘Citizens’ Access to Justice in EU Climate Governance: Judicial Review of NECPs before National Courts’ (2025) 22 *Journal for European Environmental & Planning Law* 245.

⁶⁶ Koistinen (n 58). See e.g. *Engie Cartagena SL v Ministerio para la Transición Ecológica* (n 58), and *Inter-Environnement Wallonie ASBL and Bond Beter Leefmilieu Vlaanderen ASBL v Conseil des ministres* (n 59), both originating as references for a preliminary ruling.

⁶⁷ Categories are coded by the EU legal instrument(s) relied upon by the parties or referenced by the General Court or Court of Justice; a single case may invoke more than one instrument, so figures are not mutually exclusive. Source: RETOOL CJEU climate litigation dataset (n=448).

Renewable Energy Directive (RED)	38 of 448 cases (8%) — fourth most frequently invoked instrument
Electricity market instruments	30 of 448 cases (7%) — reflects the regulatory density of energy market liberalisation measures
Habitats Directive and EIA/SEA instruments (nature protection and environmental assessment)	28 of 448 cases (6%) — concentrated in infrastructure, energy and permitting disputes
State aid instruments	18 of 448 cases (4%) — concentrated in disputes over support schemes for renewable energy and industrial decarbonisation
Type approval of motor vehicles (vehicle emissions standards)	17 of 448 cases (4%) — principally defeat-device ('dieselgate') litigation
Other EU climate-relevant instruments (including the Air Quality Directive, VAT Directive, Energy Labelling framework, EU Taxonomy Regulation, Industrial Emissions Directive, F-Gas Regulation, Energy Efficiency Directive, European Climate Law, Common Agricultural Policy and further sector-specific measures)	149 further instances across 32 additional instruments, none individually exceeding 3% of the dataset — reflects the increasingly cross-sectoral reach of the EU climate acquis

4.2.3 Litigation Outcomes and Emerging Patterns

The analysis of climate litigation before the CJEU reveals an increasingly diverse and mature body of jurisprudence. Although relatively few proceedings have attracted widespread public attention, the dataset demonstrates that the CJEU has played a significant role in shaping the interpretation, implementation and enforcement of EU climate law over more than three decades. Rather than being confined to a small number of landmark cases, climate litigation before the Court consists predominantly of regulatory disputes concerning the operation of the EU climate acquis across a wide range of policy sectors.

The dataset also demonstrates that the Court's climate docket has evolved significantly over time. Early litigation focused largely on the operation of the EU ETS and related market-based instruments. As the Union's climate acquis has expanded, however, the subject matter of litigation has diversified considerably to encompass renewable energy, sustainable finance, planning and permitting, state aid, environmental information, vehicle emissions, energy taxation, land use and other measures contributing to the Union's climate objectives. This diversification reflects the progressive mainstreaming of climate considerations throughout EU law and the increasing integration of climate objectives across multiple areas of Union policy.⁶⁸

A further emerging pattern concerns the evolution of legal claims. While earlier litigation was predominantly technical and regulatory in character, recent years have witnessed a growing reliance on fundamental rights, procedural guarantees and access-to-justice arguments. References to the Charter of Fundamental Rights, the Aarhus Convention and, increasingly, the Paris Agreement have become more common, illustrating the gradual convergence of regulatory, environmental and rights-based approaches to climate litigation before the EU courts. Although the CJEU has not developed a body of rights-based climate jurisprudence comparable to that emerging before some national courts or the European Court of Human Rights, the dataset nevertheless indicates an expanding range of legal arguments available to litigants.⁶⁹

⁶⁸ Koistinen (n 58). See e.g. *ePURE and Pannonia Bio v Parliament and Council* Case T-45/24 (General Court, order of 25 February 2025), concerning the recast Renewable Energy Directive.

⁶⁹ Koistinen (n 58). See e.g. *QB v Mercedes-Benz Group AG* (n 58), recognising an individual right to compensation arising from breach of EU vehicle-emissions legislation.

The dataset further highlights the central importance of the preliminary ruling procedure in the development of EU climate jurisprudence. Many of the cases included originate before national courts and require the CJEU to interpret provisions of EU climate and environmental legislation within the context of domestic disputes. This illustrates the dialogic nature of climate adjudication within the EU, whereby national courts and the CJEU jointly contribute to the interpretation and application of EU climate law. The Court therefore performs not only a supervisory function but also an integrative role, promoting the consistent application of climate legislation across Member States.

Finally, our findings challenge assumptions that have characterised the climate litigation literature. In particular, they demonstrate that climate litigation before the CJEU is not limited to strategic actions brought by environmental organisations seeking more ambitious climate action. Instead, the Court’s climate docket is characterised by a substantial volume of litigation initiated by corporate actors seeking to contest or clarify the operation of EU climate measures.⁷⁰ At the same time, the gradual increase in litigation brought by individuals and environmental organisations suggests that developments in EU environmental procedural law — notably the implementation of the Aarhus Convention — have created new opportunities for civil society participation, notwithstanding the continuing constraints imposed by the Court’s standing requirements.⁷¹

Overall, our findings suggest that the CJEU contributes to democratic climate governance in ways that differ from domestic courts. Rather than directly determining the adequacy of national climate policies, the Court primarily strengthens the accountability and effectiveness of the EU legal order by ensuring the consistent interpretation and implementation of climate legislation across Member States. In doing so, it promotes legal certainty, supports the rule of law and provides an institutional framework within which democratic climate policymaking at both EU and national level can operate.

4.3 International Dimension

The empirical findings presented in this section show that climate litigation in the EU has developed distinctive characteristics while forming part of a broader global expansion of judicial engagement with climate change. The EU experience is shaped by the interaction of domestic legal systems, EU law and the ECHR. This multilevel legal framework provides litigants with a wider range of legal avenues than is available in many other jurisdictions, enabling courts to draw simultaneously on constitutional principles, statutory obligations, EU legislation and international human rights law.

Perhaps as a result of these multiple opportunities, climate litigation in the EU has become increasingly professionalised. Over the past decade, isolated national initiatives have evolved into a highly coordinated field supported by transnational legal networks, such as the Climate Litigation Network (CLN),⁷² which facilitate exchanges of legal expertise, comparative research, judicial training and litigation strategies. Many strategic cases in the EU are brought by well-resourced environmental organisations, including ClientEarth and Greenpeace, alongside specialist public interest litigation organisations, with philanthropic foundations providing sustained financial support. This institutional infrastructure has increased the sophistication of legal arguments, strengthened collaboration between lawyers, scientists and civil society organisations, and enabled long-term litigation strategies extending beyond individual cases to broader campaigns aimed at influencing climate governance.

Europe has also become the principal laboratory for rights-based climate litigation.⁷³ *Urgenda*-style litigation

⁷⁰ Koistinen (n 58). See e.g. *Solar Ileias Bompaina AE v Commission* (n 58), in which a renewable energy producer unsuccessfully challenged a State aid decision affecting feed-in tariffs.

⁷¹ Koistinen (n 58). See e.g. *European Investment Bank and Commission v ClientEarth* (n 58), and *Deutsche Umwelthilfe eV v Bundesrepublik Deutschland* (n 60), illustrating the gradual expansion of standing for environmental organisations.

⁷² Climate Litigation Network, ‘Climate Litigation Network’ (2025) <https://climatelitigationnetwork.org> accessed 8 July 2026.

⁷³ Savaresi and Setzer (n 8).

has fundamentally altered the trajectory of climate litigation by demonstrating that domestic courts could require governments to strengthen climate action on the basis of human rights and duties of care. The *Urgenda* judgment rapidly became one of the most influential climate decisions globally, inspiring litigation across Europe and beyond. Courts in Belgium, Germany, Ireland and France, as well as litigants in jurisdictions ranging from South Korea to Canada, have drawn on aspects of the Dutch courts' reasoning, even where legal doctrines differ.⁷⁴

European climate litigation has become an important source of transnational legal influence. Judgments such as *Urgenda* and *Verein KlimaSeniorinnen Schweiz* have informed litigation strategies and judicial reasoning in other jurisdictions, particularly regarding governmental accountability, human rights and the role of scientific evidence. *KlimaSeniorinnen*, as the first judgment of an international court recognising that inadequate climate mitigation may violate the ECHR, establishes an important benchmark concerning States' obligations to adopt and implement effective mitigation frameworks while clarifying procedural requirements on standing and access to justice. Together, these decisions are likely to continue to shape climate litigation well beyond Europe.⁷⁵ Although its practical implementation will depend upon subsequent domestic jurisprudence, *KlimaSeniorinnen* is for human rights litigation what *Urgenda* became for domestic litigation: a foundational precedent structuring future climate claims across the Council of Europe and beyond.⁷⁶

At the same time, European climate litigation has generated growing political contestation. As climate cases have become more ambitious and more visible, courts and litigants have increasingly been criticised by political actors who characterise strategic litigation as judicial overreach or interference with democratic decision-making. In the EU, as elsewhere, environmental organisations and climate activists have been faced with backlash, including restrictions on protest activities, attempts to limit access to courts, and political criticism of judicial interventions in climate policy.⁷⁷ While these developments extend beyond litigation itself, they illustrate that climate adjudication has become an increasingly contested component of democratic climate governance. The resulting tensions between judicial accountability and democratic legitimacy are examined further in Section 6.

5 Case Study: Ireland

This section complements the mapping presented in Section 4 through an in-depth case study of Ireland. While the mapping identifies broad patterns of climate litigation across the EU, the Irish case study examines how litigation influences democratic climate governance in practice within a single national context. Drawing on doctrinal analysis, a focus group and semi-structured follow-up interviews with judges, legal practitioners, civil society representatives and academics, it explores how litigation is perceived to affect institutions, decision-making processes and the implementation of climate law. As noted in Section 3.4, the analysis draws on ten semi-structured interviews and a separate expert focus group. As with the interview data, the precise number of focus group participants expressing a particular view is not separately recorded in the transcript; it is noted here as corroborating evidence from an independent data source rather than as a quantified finding. Claims attributed to 'interviewees' below refer to this group of ten, while claims drawn from the focus group are identified as such. The analysis is organised around the seven dimensions of the RETOOL analytical framework, with participation and representation examined together as a single analytical theme. Section 5.1 introduces the Irish legal and institutional context, tracing the development of climate litigation and explaining its significance within Irish climate governance. Sections 5.2–5.7 then examine how litigation contributes to

⁷⁴ Nollkaemper and Burgers (n 11); Maxwell, Mead and van Berkel (n 8).

⁷⁵ European Court of Human Rights (Grand Chamber), *Verein KlimaSeniorinnen Schweiz and Others v Switzerland*, Application No. 53600/20, Judgment of 9 April 2024.

⁷⁶ Savaresi, 'KlimaSeniorinnen' (n 12).

⁷⁷ Mette Eilstrup-Sangiovanni, Nina Hall, Lisa Vanhala, Joana Setzer, Ian Higham and Harro van Asselt, 'Reorienting Climate Litigation in a Time of Backlash' (2025) 15(11) *Nature Climate Change* 1133–1135.

accountability, participation and representation, knowledge and expertise, deliberativeness, effectiveness, and justice. Finally, Section 5.8 draws together the principal lessons emerging from the case study and considers their implications for understanding the broader contribution of climate litigation to democratic climate governance.

5.1 Context and Background

Ireland provides a useful case study for examining the contribution of climate litigation to democratic climate governance because the development of climate litigation has closely followed the evolution of the country's climate governance framework. Since the enactment of the Climate Action and Low Carbon Development Act 2015, and particularly following its amendment in 2021, climate governance has become increasingly structured around statutory emissions targets, carbon budgets and legally prescribed climate planning obligations. In light of this legislative framework, climate litigation has largely focused on ensuring compliance with these statutory obligations rather than seeking to establish new constitutional or human rights principles. The Irish experience therefore illustrates how litigation can reinforce the implementation of democratically enacted climate legislation within an established system of representative government.

This institutional context shaped our focus group and interviewees' understanding of the role of climate litigation. The interviewee data characterises litigation not as an alternative to democratic politics, but as one component of Ireland's broader climate governance architecture.⁷⁸ Across all stakeholder groups, litigation was viewed as complementing rather than displacing political decision-making by reinforcing legal accountability, improving administrative decision-making and supporting the implementation of statutory climate obligations. Rather than determining the substance of climate policy, courts were seen as ensuring that democratically adopted commitments were implemented lawfully and transparently. Litigation was therefore understood as strengthening democratic governance by reinforcing the institutional conditions for effective and accountable climate policymaking.

Interviewees repeatedly emphasised that this understanding distinguishes Ireland from jurisdictions in which climate litigation has centred on compelling governments to adopt more ambitious climate policies.⁷⁹ While acknowledging the influence of landmark judgments such as *Urgenda*, interviewees from each stakeholder group considered Irish climate litigation to be directed primarily towards securing compliance with obligations that the Oireachtas had already enacted. As one interviewee observed, the objective of climate litigation is not to determine what the finer dimensions of climate policy should be, but to ensure that government complies with "its own legal obligations that the government itself signed up to".⁸⁰ This view was shared more broadly: litigation was therefore regarded primarily as a mechanism for reinforcing the rule of law and ensuring that statutory climate commitments are implemented in practice.⁸¹

Interviewees also stressed that litigation rarely operates in isolation. It was described as "a really critical tool, but [...] only a tool",⁸² whose effectiveness depends upon its interaction with legislation, public administration,

⁷⁸ Interviewee 1, CSO (11 May 2026); Interviewee 3, legal practitioner (14 May 2026); Interviewee 4, CSO (19 May 2026); Interviewee 5, judiciary (20 May 2026); Interviewee 6, CSO (22 May 2026); Interviewee 7, CSO (2 June 2026); Interviewee 8, judiciary (5 June 2026); Interviewee 9, legal practitioner (15 June 2026). Interviews on file with authors.

⁷⁹ Interviewee 1, CSO (11 May 2026); Interviewee 2, legal practitioner (13 May 2026); Interviewee 3, legal practitioner (14 May 2026); Interviewee 5, judiciary (20 May 2026); Interviewee 9, legal practitioner (15 June 2026); Interviewee 10, academic (29 June 2026). Similar views were expressed by expert focus group participants of the RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcripts on file with authors.

⁸⁰ Interviewee 1, CSO (11 May 2026). Interview on file with authors.

⁸¹ Interviewee 4, CSO (19 May 2026); Interviewee 5, judiciary (20 May 2026); Interviewee 7, CSO (2 June 2026); Interviewee 8, judiciary (5 June 2026); Interviewee 9, legal practitioner (15 June 2026). Interviews on file with authors.

⁸² Interviewee 1, CSO (11 May 2026). Interview on file with authors.

political decision-making and civil society advocacy. Judicial review was generally regarded as a complementary mechanism, invoked when political or administrative processes failed to ensure lawful implementation of climate obligations.⁸³ At the same time, a number of interviewees suggested that the possibility of litigation exerts important anticipatory effects by encouraging public authorities, developers and legal advisers to pay greater attention to statutory requirements, evidential standards and litigation risk before decisions are taken.⁸⁴

This broader understanding also shaped interviewees' conception of litigation success. Interviewees and focus group participants repeatedly intimated that the significance of climate litigation cannot be assessed solely by reference to whether claimants prevail before the courts.⁸⁵ Cases may clarify legal principles, improve administrative practice, stimulate institutional learning and influence public debate even where the immediate outcome is unfavourable. Equally, the impact of a successful judicial outcome relies on effective implementation and enforcement. Multiple focus group participants, including both legal practitioners and CSO representatives, described climate litigation as a "long game",⁸⁶ in which successive cases gradually reshape legal expectations and governance practices. Several alluded to the significance of indirect and cumulative effects beyond the immediate consequences of individual judgments, which influence how public and private actors anticipate, interpret and implement their legal obligations.⁸⁷ The following sections examine these contributions through the seven dimensions of the RETOOL analytical framework.

5.2 Accountability

Accountability emerged as the dimension to which interviewees perceived climate litigation to make its strongest contribution to democratic climate governance. Across all stakeholder groups, litigation was understood primarily as a mechanism for ensuring that governments and public authorities comply with legal obligations, provide reasoned justifications for their decisions and remain answerable for the exercise of public power. Rather than enabling courts to determine climate policy, interviewees and expert focus group participants across stakeholder groups consistently described judicial review as reinforcing the rule of law by ensuring that democratically enacted climate commitments are implemented in practice.

Interviewees repeatedly emphasised that this accountability function is particularly significant in the Irish context because climate governance is increasingly structured around statutory duties. Interviewees regarded judicial review as a means of ensuring that decision-makers remain within the legal framework established by the Oireachtas, rather than as a mechanism for determining the finer details of climate policy.

Interviewees also stressed that accountability extends well beyond successful judicial outcomes.⁸⁸ One interviewee noted that the prospect of litigation encourages public authorities to anticipate legal scrutiny when

⁸³ Interviewee 1, CSO (11 May 2026); Interviewee 3, legal practitioner (14 May 2026); Interviewee 4, CSO (19 May 2026); Interviewee 5, judiciary (20 May 2026); Interviewee 6, CSO (22 May 2026); Interviewee 7, CSO (2 June 2026); Interviewee 8, judiciary (5 June 2026); Interviewee 9, legal practitioner (15 June 2026). Interviews on file with authors.

⁸⁴ Interviewee 3, legal practitioner (14 May 2026); Interviewee 4, CSO (19 May 2026); Interviewee 9, legal practitioner (15 June 2026). Interviews on file with authors.

⁸⁵ Interviewee 1, CSO (11 May 2026); Interviewee 3, legal practitioner (14 May 2026); Interviewee 4, CSO (19 May 2026); Interviewee 10, academic (29 June 2026); RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcripts on file with authors.

⁸⁶ RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcript on file with authors.

⁸⁷ Interviewee 4, CSO (19 May 2026); Interviewee 5, judiciary (20 May 2026); Interviewee 6, CSO (22 May 2026); Interviewee 9, legal practitioner (15 June 2026). Interviews on file with authors.

⁸⁸ Interviewee 1, CSO (11 May 2026); Interviewee 3, legal practitioner (14 May 2026); Interviewee 4, CSO (19 May 2026); Interviewee 10, academic (29 June 2026); RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcripts on file with authors.

preparing climate plans, infrastructure decisions and administrative measures.⁸⁹ Litigation was therefore understood as improving administrative practice by encouraging more rigorous legal analysis, stronger evidential reasoning and better documentation of decision-making. These views were echoed by focus group participants.

Interviewees nevertheless differed in their assessment of how far these changes have permeated public administration. While some identified improvements in the quality of climate planning and legal advice following landmark judgments,⁹⁰ particularly the Supreme Court's decision in *Coolglass*,⁹¹ a larger proportion of interviewees considered these developments uneven, suggesting that climate considerations remain concentrated within specialised departments and have yet to be systematically integrated across government and public authorities.⁹² Litigation was therefore regarded as an important catalyst for institutional learning, though the majority of interviewees and focus group participants underlined that broader administrative change remains an ongoing process that has not yet come to fruition.

Interviewees and focus group participants repeatedly and consistently emphasised recent legislative initiatives aimed at restricting environmental judicial review.⁹³ These include proposals to disapply section 15 of the Climate Action and Low Carbon Development Act in relation to certain categories of infrastructure,⁹⁴ reforms affecting recoverable litigation costs,⁹⁵ and broader efforts to limit environmental judicial review.⁹⁶ These developments were widely understood as responses to the increasingly significant role that litigation has come to play in climate governance.

Multiple interviewees identified the Supreme Court's decision in *Coolglass* as a turning point in the relationship between climate litigation and climate governance in Ireland.⁹⁷ They argued that the judgment prompted renewed political attention to the operation of section 15 of the Climate Action and Low Carbon Development Act and contributed to subsequent legislative proposals restricting environmental judicial review and the scope of section 15. Connected to this, two interviewees also highlighted statements by present and former ministers discouraging the use of climate litigation as unconstructive.⁹⁸

⁸⁹ Interviewee 8, judiciary (5 June 2026); RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcripts on file with authors.

⁹⁰ Interviewee 3, legal practitioner (14 May 2026); Interviewee 9, legal practitioner (15 June 2026); Interviewee 10, academic (29 June 2026). Interviews on file with authors.

⁹¹ *Coolglass Wind Farm Ltd v An Bord Pleanála* (n 25).

⁹² Interviewee 2, legal practitioner (13 May 2026); Interviewee 4, CSO (19 May 2026); Interviewee 5, judiciary (20 May 2026); Interviewee 9, legal practitioner (15 June 2026). Interviews on file with authors. Similar views were expressed by expert focus group participants. This nuance was also highlighted by Interviewee 9, legal practitioner (15 June 2026); Interviewee 10, academic (29 June 2026).

⁹³ All but one interviewee referred to these legislative developments, while focus group proceedings featured extensive discussion of same. Interviewee 1, CSO (11 May 2026); Interviewee 2, legal practitioner (13 May 2026); Interviewee 4, CSO (19 May 2026); Interviewee 5, judiciary (20 May 2026); Interviewee 6, CSO (22 May 2026); Interviewee 7, CSO (2 June 2026); Interviewee 8, judiciary (5 June 2026); Interviewee 9, legal practitioner (15 June 2026); Interviewee 10, academic (29 June 2026). Interviews on file with authors.

⁹⁴ Critical Infrastructure Act 2026 (Act 16 of 2026) <<https://www.oireachtas.ie/en/bills/bill/2026/37/>>; Dublin Airport (Passenger Capacity) Bill 2026 (Bill 70 of 2026) <<https://www.oireachtas.ie/en/bills/bill/2026/70/>>; Development (Strategic Gas Reserve) Bill 2026 (Bill 72 of 2026) <<https://www.oireachtas.ie/en/bills/bill/2026/72/>>

⁹⁵ Regulations adopted under the Planning and Development Act 2024 (Number 34 of 2024)

⁹⁶ Civil Reform Bill 2025.

⁹⁷ Interviewee 4, CSO (19 May 2026); Interviewee 6, CSO (22 May 2026); Interviewee 7, CSO (2 June 2026); Interviewee 8, judiciary (5 June 2026); Interviewee 9, legal practitioner (15 June 2026). Interviews on file with authors.

⁹⁸ Interviewee 6, CSO (22 May 2026); Interviewee 10, academic (29 June 2026). Interviews on file with

This backlash narrative was corroborated in the expert focus group, where several participants likewise described the (then) proposed disapplication of section 15, the associated reforms to environmental judicial review standing and costs, and government references to the Climate Act being “weaponised”, as part of a co-ordinated effort to narrow the availability of judicial review rather than a response to any demonstrated misuse of the Act.⁹⁹ Government statements characterising climate litigation as weaponising the Climate Act were widely cited by focus group participants as evidence of growing political resistance to judicial oversight.¹⁰⁰

These interviewees and focus group participants — specifically CSO representatives and legal practitioners — interpreted this backlash as confirming that climate litigation has become a meaningful mechanism of accountability rather than a merely symbolic exercise. In their view, attempts to limit opportunities for judicial review reflected the increasing influence of litigation on governmental decision-making. At the same time, some focus group participants and interviewees cautioned that these reforms may reduce litigation’s future governance impacts.¹⁰¹ One interviewee observed that *Coolglass* initially prompted developers and their legal advisers to strengthen the integration of climate considerations into planning applications but suggested that subsequent legislative amendments had weakened these incentives.¹⁰²

These legislative reforms demonstrate the vulnerability of hard-won litigation successes to political resistance and reinforce the importance, highlighted by both CSO and legal practitioner interviewees, of combining litigation with sustained political and civic engagement.¹⁰³ Nevertheless, the interview evidence suggests that climate litigation has made a substantial contribution to accountability within Irish climate governance. Its principal achievement lies not in transferring responsibility for climate policy to the judiciary, but in strengthening the implementation and enforcement of democratically enacted climate legislation. By requiring governments to justify their decisions, encouraging greater attention to legal obligations within public administration and preserving the possibility of independent judicial scrutiny, litigation reinforces the rule of law as a central component of democratic climate governance. At the same time, legislative efforts to constrain environmental judicial review illustrate that this accountability function remains politically contested, demonstrating that climate litigation has become an increasingly significant site through which the relationship between executive discretion, judicial oversight and democratic governance is negotiated in Ireland.

5.3 Participation and Representation

Participation and representation emerged as significant, though more qualified, contributions of climate litigation to democratic climate governance than accountability. The interview data consistently reflects the view that litigation is not a substitute for democratic participation or political decision-making.¹⁰⁴ Rather, it was understood as creating an additional institutional avenue through which individuals, civil society

authors.

⁹⁹ RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcript on file with authors.

¹⁰⁰ RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcript on file with authors.

¹⁰¹ Interviewee 2, legal practitioner (13 May 2026); Interviewee 8, judiciary (5 June 2026). RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcript on file with authors.

¹⁰² Interviewee 9, legal practitioner (15 June 2026). Interview on file with authors.

¹⁰³ Interviewee 1, CSO (11 May 2026); Interviewee 2, legal practitioner (13 May 2026); Interviewee 3, legal practitioner (14 May 2026); Interviewee 4, CSO (19 May 2026); Interviewee 6, CSO (22 May 2026); Interviewee 7, CSO (2 June 2026); Interviewee 9, legal practitioner (15 June 2026). These views were also expressed by many participants in the RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcripts on file with authors.

¹⁰⁴ Interviewee 1, CSO (11 May 2026); Interviewee 3, legal practitioner (14 May 2026); Interviewee 4, CSO (19 May 2026); Interviewee 6, CSO (22 May 2026); Interviewee 7, CSO (2 June 2026); Interviewee 8, judiciary (5 June 2026); Interviewee 9, legal practitioner (15 June 2026). Interviewee 10, academic (29 June 2026). Interviews on file with authors.

organisations and affected communities can challenge public authorities, articulate concerns about climate governance and ensure that those concerns receive legal and political consideration. Litigation was therefore regarded as complementing existing democratic processes by expanding opportunities for participation within the framework established by representative institutions.

Interviewees consistently highlighted the representative role played by civil society organisations in Irish climate litigation. Because climate disputes frequently concern diffuse environmental interests, long-term risks and future generations, interviewees observed that effective litigation often depends upon organisations capable of mobilising legal expertise, coordinating scientific evidence and sustaining lengthy proceedings. Environmental organisations were therefore seen as performing an important representative function by bringing issues before the courts that individual claimants would often lack the resources or capacity to pursue.

Rather than replacing democratic representation, interviewees generally regarded this role as strengthening it by ensuring that interests with limited political influence are nevertheless capable of being articulated within legal and administrative processes.

Interviewees also emphasised that the participatory effects of litigation extend beyond the courtroom itself. A number of interviewees suggested that climate litigation creates opportunities for dialogue between public authorities, civil society and affected communities that may not otherwise occur.¹⁰⁵ Even where cases do not succeed, the process of litigation was considered capable of drawing attention to deficiencies in existing governance arrangements and encouraging wider debate about the implementation of climate obligations.

Interviewees further observed that the prospect of litigation can influence participatory practices within public administration. Numerous interviewees indicated that litigation could encourage public authorities to engage more carefully with consultation processes, environmental assessments and public submissions because decisions are increasingly prepared with the possibility of judicial review in mind.¹⁰⁶ In this sense, litigation was understood not only as providing an avenue for participation through judicial proceedings but also as encouraging more responsive administrative decision-making. These indirect effects can be more significant than participation in litigation itself, because they influence the quality of engagement throughout the broader governance process.

At the same time, interviewees consistently identified important limitations. Climate litigation remains costly, procedurally complex and dependent upon specialist legal expertise, creating significant barriers for many individuals and community groups.¹⁰⁷ The interview data therefore cautions against viewing litigation as an inherently participatory mechanism. Access to the courts remains uneven, with strategic litigation frequently concentrated among a relatively small number of organisations possessing the necessary expertise and financial resources. Several interviewees and focus group participants also expressed concern that recent reforms affecting environmental judicial review may further restrict opportunities for public interest litigation, thereby narrowing one important avenue through which civil society participates in climate governance.¹⁰⁸

The expert focus group discussed these access barriers in some detail. Participants observed that a definition of climate litigation confined to substantive judicial review risks overlooking access-to-information litigation under the Aarhus Convention, without which affected communities cannot fully participate in climate decision-

¹⁰⁵ Interviewee 1, CSO (11 May 2026); Interviewee 3, legal practitioner (14 May 2026); Interviewee 4, CSO (19 May 2026). Interviews on file with authors.

¹⁰⁶ Interviewee 3, legal practitioner (14 May 2026); Interviewee 4, CSO (19 May 2026); Interviewee 5, judiciary (20 May 2026); Interviewee 7, CSO (2 June 2026); Interviewee 8, judiciary (5 June 2026); Interviewee 9, legal practitioner (15 June 2026). Interviews on file with authors.

¹⁰⁷ Interviewee 1, CSO (11 May 2026); Interviewee 4, CSO (19 May 2026); Interviewee 9, legal practitioner (15 June 2026); RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcripts on file with authors.

¹⁰⁸ Interviewee 1, CSO (11 May 2026); Interviewee 4, CSO (19 May 2026); Interviewee 6, CSO (22 May 2026); Interviewee 7, CSO (2 June 2026); Interviewee 8, judiciary (5 June 2026); RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcripts on file with authors.

making; noted that the Environmental Protection Agency’s publication of climate data provides a partial, but not complete, remedy for this information gap, since interpreting the data still requires technical expertise that many civil society actors lack; and cautioned that the evidentiary and procedural burden of litigation can itself discourage engagement, with several participants warning of a “false hope” effect and a risk that civil society may disengage from litigation after becoming frustrated at not being heard during earlier planning or consultation processes.¹⁰⁹

These limitations also informed interviewees’ reflections on the relationship between litigation and democratic legitimacy. While acknowledging concerns that strategic litigation may privilege well-resourced organisations, interviewees generally rejected the suggestion that litigation displaces democratic politics. Instead, they emphasised that judicial review operates within a constitutional framework established by the Oireachtas and remains available only where legal requirements have allegedly not been respected. Litigation was therefore understood as reinforcing, rather than undermining, democratic participation by ensuring that public authorities remain responsive to legal obligations and to the concerns raised by affected communities and representative organisations.

Overall, the interview evidence suggests that climate litigation contributes to participation and representation primarily through its indirect effects on democratic governance. Its principal contribution lies not in expanding direct public participation in judicial proceedings, but in strengthening the representation of environmental and long-term interests, encouraging more meaningful engagement between public authorities and civil society, and improving participatory practices within administrative decision-making. At the same time, persistent barriers to access and ongoing reforms affecting environmental judicial review demonstrate that these participatory gains remain contingent upon effective access to justice and a legal framework that enables meaningful public oversight of climate governance.

5.4 Knowledge and Expertise

Knowledge and expertise play an important role in democratic climate governance because climate policy depends upon complex scientific evidence, technical analysis and long-term projections. Climate litigation can contribute to this process by creating institutional spaces in which scientific evidence, legal reasoning and policy decisions are subjected to independent scrutiny. Rather than generating new scientific knowledge, litigation influences how knowledge is produced, interpreted and mobilised within governance processes. In this sense, litigation contributes less by determining what climate science requires than by ensuring that governmental decisions are capable of being publicly justified on the basis of evidence.

Unlike climate litigation in several other jurisdictions, Irish climate litigation has not generally involved the adversarial assessment of competing scientific evidence. Interviewees noted that in *Friends of the Irish Environment v Government of Ireland*, for example, the scientific basis of climate change was not contested by the parties. Rather than inviting courts to determine whether climate policies were scientifically sufficient, Irish litigation has thus far largely focused on whether statutory obligations have been fulfilled. Judicial review has therefore concentrated on the statutory legality of governmental decision-making rather than on the independent evaluation of the sufficiency of climate measures based on climate science and constitutional or human rights standards. As a consequence, the direct contribution of Irish courts to the development or interpretation of scientific knowledge has thus far been comparatively limited. This pattern partly reflects the traditionally procedural character of judicial review in Ireland’s common law system, which — as in other common law jurisdictions — has generally focused on the legality and fairness of decision-making processes rather than on the substantive merits of policy choices. Although more expansive constitutional or human-rights-based review of substantive climate obligations is possible under Irish law, and such claims have also been brought, the Irish courts do not, in principle, engage with such grounds unless they are necessary for the resolution of a case. The courts have therefore circumvented such questions to date. Some interviewees and focus group participants contended that the courts have been reluctant to closely engage with the finer

¹⁰⁹ RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcript on file with authors.

substance of climate measures, preferring not to be drawn into assessing their adequacy.¹¹⁰

This does not mean that expertise plays only a marginal role. On the contrary, interviewees consistently emphasised that expert knowledge has become increasingly important as Irish climate litigation has matured. The analyses of institutions such as the Environmental Protection Agency and the Climate Change Advisory Council have been widely relied upon in litigation, and interviewees observed that courts are increasingly asked to engage with complex technical evidence concerning emissions trajectories, climate planning and the adequacy of mitigation measures.¹¹¹ The courts themselves have requested the submission of increasingly detailed expert evidence by claimants. Several interviewees regarded this development as a natural consequence of the increasing sophistication of climate governance and the growing complexity of the legal questions presented before the courts.

At the same time, interviewees identified important institutional challenges associated with this development. More demanding evidential requirements increase the financial and technical burdens facing litigants, potentially reinforcing existing inequalities in access to justice. Participants in the RETOOL expert focus group raised a related concern about this evidentiary imbalance, observing that civil society litigants often depend on pro bono technical assistance whereas public authorities can draw on well-resourced, salaried experts capable of framing emissions and technical data in ways favourable to their position, and noting that judges' own lack of technical expertise makes courts particularly reliant on the quality of the expert evidence each side is able to put forward.¹¹² Interviewees also recognised that judges possess legal rather than scientific expertise. Their role was therefore generally understood not as resolving scientific disagreements, but as assessing whether public authorities had adequately considered, explained and justified the evidence on which their decisions relied, in accordance with legal requirements. Judicial scrutiny was consequently viewed as improving the quality of governmental reasoning without displacing the responsibility of scientific institutions for producing expert knowledge.

Interviewees consistently described climate litigation as a cumulative process of institutional learning. Rather than transforming climate governance through individual judgments, successive cases gradually clarify legal obligations and reduce uncertainty concerning the interpretation of climate legislation. This learning extends beyond the courts themselves. Government departments, planning authorities, local authorities, developers and environmental consultants adapt their practices in response to emerging jurisprudence, incorporating lessons from previous litigation into future decision-making.

The interview data suggested that Irish climate litigation has not fundamentally altered the use of scientific expertise within public administration. Rather, the principal effect of litigation has been to improve the documentation and legal justification of decisions rather than their substantive scientific basis. Despite this, the interview data indicates that climate litigation has strengthened the institutional role of expertise by reinforcing the expectation that climate policies must be capable of transparent public justification.¹¹³

5.5 Deliberativeness

Interviewees consistently regarded climate litigation as contributing to democratic deliberation by improving

¹¹⁰ Interviewee 2, legal practitioner (13 May 2026); Interviewee 10, academic (29 June 2026). Similar views were expressed by participants in the RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcripts on file with authors.

¹¹¹ Interviewee 2, legal practitioner (13 May 2026); Interviewee 3, legal practitioner (14 May 2026); Interviewee 6, CSO (22 May 2026); Interviewee 7, CSO (2 June 2026); Interviewee 9, legal practitioner (15 June 2026). Similar views were expressed by participants in the RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcripts on file with authors.

¹¹² RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcript on file with authors. These views were echoed by Interviewee 2, legal practitioner (13 May 2026); Interviewee 9, legal practitioner (15 June 2026). Interviews on file with authors.

¹¹³ Interviewee 4, CSO (19 May 2026); Interviewee 5, judiciary (20 May 2026); RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcripts on file with authors.

the quality of public reasoning surrounding climate policy. Rather than understanding deliberation primarily as public participation in judicial proceedings, interviewees emphasised litigation's capacity to require governments to explain, justify and defend climate-related decisions through transparent legal reasoning. In this respect, the principal deliberative contribution of climate litigation lies not in replacing political debate, but in strengthening the culture of public justification that underpins democratic decision-making.

Some interviewees observed that judicial review requires public authorities to do more than comply formally with statutory obligations. Government decisions must also be accompanied by reasons that demonstrate how legal duties have been interpreted and implemented. Litigation therefore encourages public authorities to prepare climate plans and administrative decisions that are capable of withstanding legal scrutiny.¹¹⁴

The Supreme Court's judgment in *Friends of the Irish Environment v Government of Ireland* was cited as illustrating this deliberative function. Interviewees and focus group participants alike noted that the Court did not prescribe the substance of climate policy or require the adoption of more ambitious mitigation measures.¹¹⁵ Instead, it held that the National Mitigation Plan failed adequately to set out how statutory objectives would be achieved. Interviewees regarded the judgment as reinforcing the expectation that governments must articulate climate policy with sufficient precision and clarity to enable the public to assess its effectiveness, thereby improving both transparency and democratic accountability. One focus group participant also emphasised the Supreme Court's role, in that case, in communicating climate science to the public in a non-technical manner, contributing to public discourse on climate change.¹¹⁶

Interviewees nevertheless distinguished between institutional deliberation and wider public debate. One interviewee referred to the "discursive opportunity" created by litigation.¹¹⁷ Reflecting on this, a few interviewees considered that certain instances of high-profile litigation had increased media attention, stimulated public discussion of climate policy and raised awareness of governmental climate obligations. Views expressed were, however, reserved, with interviewees observing that litigation has attracted media attention only in exceptional cases and has not influenced public opinion in a significant or lasting way.¹¹⁸ Interviewees and focus group participants also highlighted that significant media attention painting judicial review — including climate litigation — in a negative light has been generated in recent years.¹¹⁹ Public debate was therefore seen as an important but contingent consequence of litigation rather than its principal democratic contribution.

A number of interviewees emphasised that litigation stimulates dialogue within government itself, with the prospect of judicial review encouraging greater engagement between policymakers, legal advisers and technical experts during the preparation of climate plans and administrative decisions.¹²⁰ Rather than waiting until litigation arises, public authorities increasingly anticipate the need to justify their reasoning and demonstrate compliance with statutory obligations. This anticipatory effect should ideally produce more

¹¹⁴ Interviewee 3, legal practitioner (14 May 2026); Interviewee 4, CSO (19 May 2026); Interviewee 9, legal practitioner (15 June 2026). Interviews on file with authors; RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcripts on file with authors.

¹¹⁵ Interviewee 4, CSO (19 May 2026); RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcripts on file with authors.

¹¹⁶ RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcript on file with authors.

¹¹⁷ Interviewee 9, legal practitioner (15 June 2026). Interview on file with authors.

¹¹⁸ Interviewee 2, legal practitioner (13 May 2026); Interviewee 3, legal practitioner (14 May 2026); Interviewee 8, judiciary (5 June 2026); RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcripts on file with authors.

¹¹⁹ Interviewee 2, legal practitioner (13 May 2026); Interviewee 6, CSO (22 May 2026); Interviewee 7, CSO (2 June 2026); Interviewee 10, academic (29 June 2026). RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcripts on file with authors.

¹²⁰ Interviewee 3, legal practitioner (14 May 2026); Interviewee 4, CSO (19 May 2026); Interviewee 9, legal practitioner (15 June 2026). Interview on file with authors.

reflective and better documented decision-making throughout the policy process.

At the same time, interviewees recognised important limits to litigation’s deliberative potential. Judicial proceedings remain adversarial, resource-intensive and accessible to relatively few actors. Courts cannot substitute for broader democratic deliberation within legislatures, public consultations or political processes. A number of interviewees highlighted adverse responses to litigation where judicial intervention is portrayed as undermining democratic decision-making, as seen in the aftermath of the ECtHR’s *KlimaSeniorinnen* judgment.¹²¹ These concerns reinforced the view that litigation should be understood as complementing rather than replacing political deliberation.

Overall, the interviews suggest that climate litigation strengthens deliberative democratic governance primarily by institutionalising public justification rather than by expanding participation. Its most significant contribution lies in requiring governments to explain and defend climate decisions through transparent legal reasoning, encouraging more reflective administrative practice and reinforcing dialogue between legal, scientific and political institutions. These effects are largely indirect and cumulative, extending beyond individual judgments to shape the broader quality of democratic climate governance.

5.6 Effectiveness

The interviews consistently challenged the assumption that the effectiveness of climate litigation should be measured by whether claimants win or lose individual cases. Instead, interviewees understood litigation as an institutional process that influences climate governance through a combination of direct legal effects and broader changes in administrative practice, professional behaviour and political expectations. From this perspective, the effectiveness of litigation lies less in producing immediate policy change than in strengthening the conditions under which democratic climate governance operates.

Interviewees repeatedly described litigation as a cumulative rather than transformative process. Several focus group participants characterised it as “a long game”¹²², in which successive cases gradually clarify legal principles, strengthen administrative practice and reshape expectations within government. Individual judgments were therefore regarded as important milestones in a broader process of institutional development rather than isolated interventions capable of resolving complex climate governance challenges. As one interviewee observed, landmark judgments depend upon earlier cases that establish procedural routes, clarify legal standards and expand the range of claims available to future litigants.¹²³ The incremental nature of litigation was also highlighted by other interviewees.¹²⁴ Effectiveness was therefore understood to emerge incrementally through the accumulation of legal and institutional change. This characterisation was also used, independently and on multiple occasions, by participants in the RETOOL expert focus group during discussion of the effectiveness dimension.¹²⁵

Interviewees nevertheless identified important direct effects arising from Irish climate litigation. The Supreme Court’s decision in *Friends of the Irish Environment v Government of Ireland* fundamentally reshaped the implementation of the Climate Action and Low Carbon Development Act by requiring greater specificity and transparency in national climate planning. Subsequent planning cases, including *Coolglass*, clarified how statutory climate obligations should be integrated into administrative decision-making. Interviewees regarded

¹²¹ Interviewee 2, legal practitioner (13 May 2026); Interviewee 6, CSO (22 May 2026); Interviewee 7, CSO (2 June 2026); Interviewee 9, legal practitioner (15 June 2026); Interviewee 10, academic (29 June 2026); RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcripts on file with authors.

¹²² RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcript on file with authors.

¹²³ Interviewee 3, legal practitioner (14 May 2026). Interview on file with authors.

¹²⁴ Interviewee 1, CSO (11 May 2026). Interview on file with authors.

¹²⁵ RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcript on file with authors.

these judgments as significant because they strengthened the implementation of democratically enacted legislation rather than because they determined the substance of climate policy.¹²⁶

In addition, interviewees attached importance to litigation's indirect effects. For example, the prospect of judicial review was seen by one interviewee, in addition to a focus group participant, as encouraging public authorities to anticipate legal scrutiny when preparing climate plans, conducting environmental assessments and making planning decisions.¹²⁷ Litigation therefore influences governance not only through judicial intervention but also by changing the assumptions under which public administration operates. Interviewees contended, however, that these anticipatory effects remain uneven.¹²⁸

These behavioural effects extend beyond government. Interviewees pointed to the increasing integration of climate considerations within legal practice, environmental consultancy and infrastructure planning. Particularly in the aftermath of *Coolglass*, lawyers were moved to advise clients on climate-related legal risks, notably to developers who were expected to devote greater attention to climate assessments and statutory compliance.¹²⁹ Litigation can therefore contribute to effectiveness by embedding climate considerations within routine professional practice and reducing the likelihood of future legal non-compliance. One interviewee nevertheless warned that recent legislative reforms narrowing the scope of section 15 of the Climate Act weaken these incentives by reducing the risk and intensity of judicial scrutiny.¹³⁰

Interviewees also emphasised that litigation cannot be understood in isolation from other governance mechanisms. Judicial proceedings were consistently described as one instrument within broader advocacy strategies involving political engagement, public communication, coalition-building and policy development.¹³¹ Litigation was considered most effective where judicial decisions were accompanied by sustained efforts to communicate their significance and encourage implementation. Conversely, even successful judgments may have limited practical impact if they are not translated into administrative or political action. Effectiveness therefore depends not only upon judicial reasoning but also upon the wider institutional environment within which litigation occurs.

Finally, interviewees regarded political resistance to litigation as evidence of its growing influence rather than its failure. Legislative reforms restricting environmental judicial review were widely interpreted, by both interviewees and focus group participants, as attempts to reduce the accountability pressures created by climate litigation.¹³² This illustrates that litigation operates within an iterative governance process in which

¹²⁶ Interviewee 2, legal practitioner (13 May 2026); Interviewee 3, legal practitioner (14 May 2026); Interviewee 4, CSO (19 May 2026); Interviewee 5, judiciary (20 May 2026); Interviewee 7, CSO (2 June 2026); Interviewee 8, judiciary (5 June 2026); Interviewee 9, legal practitioner (15 June 2026); Interviewee 10, academic (29 June 2026); RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcripts on file with authors.

¹²⁷ Interviewee 8, judiciary (5 June 2026); RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcripts on file with authors.

¹²⁸ Interviewee 2, legal practitioner (13 May 2026); Interviewee 4, CSO (19 May 2026); Interviewee 5, judiciary (20 May 2026); Interviewee 9, legal practitioner (15 June 2026); Interviewee 10, academic (29 June 2026). Interviews on file with authors. Similar views were expressed by expert focus group participants.

¹²⁹ Interviewee 3, legal practitioner (14 May 2026); Interviewee 4, CSO (19 May 2026); Interviewee 9, legal practitioner (15 June 2026). Interviews on file with authors.

¹³⁰ Interviewee 9, legal practitioner (15 June 2026). Interview on file with authors.

¹³¹ Interviewee 1, CSO (11 May 2026); Interviewee 2, legal practitioner (13 May 2026); Interviewee 4, CSO (19 May 2026); Interviewee 6, CSO (22 May 2026); Interviewee 7, CSO (2 June 2026); Interviewee 9, legal practitioner (15 June 2026); RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcripts on file with authors.

¹³² Interviewee 1, CSO (11 May 2026); Interviewee 2, legal practitioner (13 May 2026); Interviewee 4, CSO (19 May 2026); Interviewee 5, judiciary (20 May 2026); Interviewee 6, CSO (22 May 2026); Interviewee 7, CSO (2 June 2026); RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April

legal developments provoke institutional responses that subsequently reshape opportunities for future litigation. Effectiveness is therefore neither linear nor uncontested. Litigation strengthens implementation and accountability, but in doing so may also generate political efforts to limit judicial oversight.

Overall, the interviews indicate that climate litigation contributes to effective climate governance primarily by strengthening the institutional capacity of democratic systems to implement climate law. Its most important effects lie beyond individual judgments, operating through cumulative improvements in legal interpretation, administrative practice, professional behaviour and governmental anticipation of judicial scrutiny. In this respect, effectiveness emerges as the product of institutional learning rather than judicial intervention alone.

5.7 Justice

Justice is a foundational objective of democratic climate governance because climate change raises fundamental questions concerning the distribution of environmental risks, the allocation of responsibilities and the protection of those most vulnerable to climate impacts across societies and generations. Climate litigation is frequently presented as a mechanism for advancing climate justice by protecting fundamental rights, promoting intergenerational equity and ensuring that governments and private actors are held accountable for inadequate climate action. The interview evidence, however, suggests a more nuanced picture in the Irish context.

Interviewees consistently recognised the distributive implications of climate change and climate policy but rarely described Irish climate litigation as directly advancing distributive justice. Instead, discussions of justice centred on procedural fairness, legal accountability and access to justice. This reflects the character of Irish climate litigation, which has largely taken the form of judicial review proceedings. Because judicial review is concerned with the legality of administrative decision-making rather than the substantive merits of policy choices, its principal contribution has been to safeguard the procedural conditions under which distributive decisions are made rather than to determine how the burdens and benefits of climate action should ultimately be allocated.

This procedural understanding of justice was closely connected to interviewees' broader characterisation of litigation as a mechanism of accountability. As discussed in Section 5.2, interviewees consistently described litigation as promoting justice by ensuring that public authorities comply with democratically enacted climate legislation and provide lawful, transparent and reasoned justifications for their decisions. Justice was therefore understood less as requiring courts to prescribe particular climate policies than as ensuring that governments exercise public power consistently with the rule of law. Several interviewees suggested that this distinguishes the Irish experience from jurisdictions in which climate litigation has been driven primarily by constitutional or human rights claims seeking judicial determination of the distribution of climate burdens and responsibilities.¹³³

Some interviewees also associated justice with meaningful public participation. They explained that litigation frequently arises where decision-making processes have lacked transparency, inclusiveness or adequate stakeholder engagement.¹³⁴ From this perspective, judicial review serves not only to correct unlawful decisions but also to improve the procedural quality of climate governance by encouraging more open and participatory decision-making. One interviewee observed that delays in policymaking would be readily accepted where they resulted from sustained and meaningful public consultation rather than opaque administrative processes, suggesting that procedural fairness is itself an important component of effective democratic climate

2026). Transcripts on file with authors.

¹³³ Interviewee 3, legal practitioner (14 May 2026); Interviewee 5, judiciary (20 May 2026); Interviewee 6, CSO (22 May 2026); Interviewee 9, legal practitioner (15 June 2026); Interviewee 10, academic (29 June 2026). Interviews on file with authors.

¹³⁴ Interviewee 7, CSO (2 June 2026); Interviewee 8, judiciary (5 June 2026). This was also corroborated by participants in the expert focus group. RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcripts on file with authors.

governance.¹³⁵

The Supreme Court's judgment in *Friends of the Irish Environment v Government of Ireland* was cited by expert focus group participants in this regard. One participant emphasised the Court's insistence that national climate plans must be sufficiently clear and comprehensible to enable members of the public to understand the Government's approach to achieving statutory climate objectives.¹³⁶ Justice, in this account, depends not only upon the legality of governmental action but also upon citizens' ability to understand, evaluate and contest climate decisions. Participants' views indicated that this requirement strengthens procedural justice by enhancing transparency and creating the informational conditions necessary for meaningful democratic engagement.

Interviewees nevertheless consistently identified significant limitations in access to justice. The interviews revealed a striking tension between litigation's capacity to promote procedural justice and the practical barriers preventing many individuals from accessing the courts. Climate litigation was widely described as expensive, technically complex and resource intensive. Several interviewees observed that those communities most directly affected by climate change frequently lack the financial resources, legal expertise and organisational capacity necessary to pursue judicial proceedings.¹³⁷ This was echoed by several focus group participants. As a consequence, climate litigation in Ireland has been driven predominantly by well-established civil society organisations rather than by affected individuals themselves. Interviewees therefore stressed that procedural justice cannot be separated from institutional accessibility: legal remedies contribute to justice only where those affected can realistically invoke them.

This observation reinforces the representative function of climate litigation discussed in Section 5.3. Environmental organisations were widely regarded as performing an essential intermediary role by enabling broader public and environmental interests to be articulated before the courts. Interviewees generally viewed this representative role as a necessary response to structural inequalities in access to justice, while also emphasising the importance of maintaining close relationships with affected communities and ensuring that representative litigation remains responsive to community concerns rather than substituting organisational priorities for lived experience.¹³⁸ The representative character of Irish climate litigation was therefore understood both as an important democratic innovation and as evidence of continuing inequalities in access to judicial remedies.

Recent legislative reforms affecting environmental judicial review were widely regarded as weakening procedural justice by making climate litigation more difficult to pursue.¹³⁹ Increased procedural barriers, restrictions on standing and reforms affecting recoverable litigation costs were seen as likely to reduce opportunities for public interest litigation, particularly for civil society organisations and individuals with limited financial resources. These developments were frequently interpreted not simply as procedural reforms but as measures capable of restricting practical access to environmental justice more generally.¹⁴⁰ Two interviewees

¹³⁵ Interviewee 7, CSO (2 June 2026). Interview on file with authors.

¹³⁶ RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcript on file with authors.

¹³⁷ Interviewee 1, CSO (11 May 2026); Interviewee 2, legal practitioner (13 May 2026); Interviewee 3, legal practitioner (14 May 2026); Interviewee 4, CSO (19 May 2026); Interviewee 6, CSO (22 May 2026); Interviewee 9, legal practitioner (15 June 2026); Interviewee 10, academic (29 June 2026); RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcripts on file with authors.

¹³⁸ Interviewee 1, CSO (11 May 2026); Interviewee 3, legal practitioner (14 May 2026); Interviewee 4, CSO (19 May 2026); Interviewee 9, legal practitioner (15 June 2026). Interviews on file with authors.

¹³⁹ Interviewee 1, CSO (11 May 2026); Interviewee 4, CSO (19 May 2026); Interviewee 6, CSO (22 May 2026); Interviewee 7, CSO (2 June 2026); RETOOL expert focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcripts on file with authors.

¹⁴⁰ Interviewee 1, CSO (11 May 2026); Interviewee 4, CSO (19 May 2026); Interviewee 6, CSO (22 May 2026); Interviewee 7, CSO (2 June 2026); Interviewee 8, judiciary (5 June 2026). This view was also expressed by academics, CSO representatives, and legal practitioners participating in the RETOOL expert

also noted that such reforms may disproportionately affect public interest litigants, while corporate actors—who constitute a substantial proportion of applicants for judicial review—may be better placed to absorb the resulting financial and procedural burdens.¹⁴¹

Several interviewees pointed to developments in European human rights law as offering opportunities to strengthen access to justice in the future.¹⁴² The European Court of Human Rights' judgment in *Verein KlimaSeniorinnen Schweiz v Switzerland* was seen as potentially broadening recognition of representative standing and clarifying States' procedural obligations in relation to climate change. These developments illustrate that climate justice in Ireland continues to evolve through the interaction between domestic procedural rules and emerging European jurisprudence.

The theme of intergenerational justice was raised by only three interviewees, with one highlighting the lack of discourse on the matter in Ireland.¹⁴³ Rather than invoking the rights of future generations directly, Irish climate litigation has focused on ensuring governmental compliance with existing statutory obligations designed to mitigate long-term climate risks.

In contrast to litigation before some EU Member State courts, the Irish discussion has remained centred on institutional responsibility rather than judicial recognition of intergenerational rights or determination of whether climate measures adequately distribute the burden of emissions reductions. Nevertheless, interviewees noted that intergenerational justice has become more visible in the pending *Community Law and Mediation Centre and Others v Ireland*,¹⁴⁴ in which the named claimants include a grandparent, an infant and a youth climate activist, illustrating an emerging effort to foreground intergenerational justice within Irish climate litigation.¹⁴⁵

The interview evidence therefore suggests that climate litigation contributes to justice in Ireland primarily by strengthening procedural fairness, transparency and legal accountability rather than by directly redistributing the burdens and benefits of climate policy. The persistence of significant barriers to access to justice nevertheless exposes an important paradox. Litigation seeks to make climate governance more just by ensuring that public authorities comply with legal obligations and by enhancing opportunities for public scrutiny. Yet the ability to invoke these mechanisms remains unevenly distributed and often depends upon the intervention of specialised civil society organisations. Recent legislative reforms restricting access to judicial review raise significant concerns about the continuing capacity of climate litigation to safeguard lawful, transparent and accountable climate governance. Its future contribution to democratic climate governance in Ireland will therefore depend not only upon the continued development of substantive climate law but also upon preserving effective, equitable and meaningful access to judicial remedies.

5.8 Lessons learned

Our case study findings suggest that climate litigation contributes to democratic climate governance in ways that extend well beyond the outcomes of individual court cases. Rather than functioning as an isolated legal

focus group, Climate Litigation in Ireland: Exploring Impacts (21 April 2026). Transcripts on file with authors.

¹⁴¹ Interviewee 8, judiciary (5 June 2026); Interviewee 9, legal practitioner (15 June 2026). Interviews on file with authors.

¹⁴² Interviewee 1, CSO (11 May 2026); Interviewee 5, judiciary (20 May 2026); Interviewee 6, CSO (22 May 2026); Interviewee 7, CSO (2 June 2026); Interviewee 8, judiciary (5 June 2026). Interviews on file with authors.

¹⁴³ Interviewee 4, CSO (19 May 2026); Interviewee 7, CSO (2 June 2026); Interviewee 8, judiciary (5 June 2026). Interviews on file with authors.

¹⁴⁴ *Community Law and Mediation Centre and Others v Ireland* (CAP24) (High Court, Record No 2024/556 JR) (pending).

¹⁴⁵ Interviewee 4, CSO (19 May 2026); Interviewee 7, CSO (2 June 2026); Interviewee 10, academic (29 June 2026). Interviews on file with authors.

mechanism, litigation has become embedded within wider governance processes, shaping institutional behaviour, administrative practice and public accountability. Four broader lessons emerge from the Irish case study.

First, climate litigation in Ireland is primarily implementation-oriented. Unlike landmark judgments in the Netherlands¹⁴⁶ or Germany,¹⁴⁷ Irish litigation has generally not sought to define the constitutional foundations of climate policy or require more ambitious mitigation targets. Instead, interviewees consistently described the courts as ensuring that governments comply with obligations already established through legislation. Litigation therefore reinforces democratic governance not by replacing political decision-making, but by improving the implementation and enforcement of decisions taken through democratic processes.

Secondly, the effects of litigation in Ireland are indirect and cumulative. While judicial decisions clarify legal obligations and occasionally require governments to revisit climate plans or administrative decisions, interviewees consistently regarded these direct effects as only part of litigation's influence. Equally important are the anticipatory changes that occur as public authorities, legal advisers, regulators and developers adapt their practices in response to existing and potential judicial scrutiny. Climate litigation therefore operates as a mechanism of institutional learning, gradually reshaping expectations and decision-making across the climate governance system.

Thirdly, litigation in Ireland is perceived to be most effective when it operates as part of a wider governance ecosystem. Interviewees consistently rejected the idea that courts alone can deliver the climate transition. Instead, litigation was viewed as complementing political advocacy, scientific expertise, public participation and administrative reform. Judicial proceedings create opportunities for accountability, deliberation and learning, but these opportunities generate lasting governance change only when other democratic institutions respond to judicial guidance. Litigation should therefore be understood as reinforcing democratic governance rather than substituting for it.

Finally, the democratic contribution of climate litigation in Ireland depends on maintaining effective access to justice. Throughout the interviews, interviewees identified access to judicial review as the principal condition for litigation's contribution to democratic governance. Financial costs, procedural complexity and recent legislative reforms restricting judicial review were widely regarded as significant risks to the continued effectiveness of litigation. The Irish experience therefore demonstrates that strengthening climate governance requires not only robust climate legislation but also legal institutions that enable individuals and civil society organisations to invoke that legislation in practice.

These lessons suggest that the significance of climate litigation lies less in its capacity to transform climate policy through landmark judgments than in its contribution to the everyday functioning of democratic governance. By strengthening accountability, encouraging institutional learning, improving implementation and reinforcing the rule of law, litigation helps create the institutional conditions within which effective and democratically legitimate climate action can occur. These findings provide the basis for the broader analysis of the contribution of courts to democratic climate governance developed in the following section.

6 Courts and Climate Governance

The preceding sections of this report examined climate litigation across the EU through a comparative mapping of litigation before national courts and the CJEU and an in-depth case study of Ireland. Together, these analyses demonstrate that climate litigation contributes to democratic climate governance in ways that extend beyond the outcomes of individual cases. Building on these findings, this section draws together the empirical evidence to examine the broader institutional role of courts within democratic climate governance. It argues that climate litigation should be understood not as an alternative to democratic politics, but as a

¹⁴⁶ *Urgenda Foundation v State of the Netherlands* (n 27).

¹⁴⁷ *Neubauer and Others v Germany* (n 27).

complementary governance mechanism that reinforces the legal and institutional conditions under which democratic climate action can occur. Section 6.1 examines courts as institutions of democratic climate governance, focusing on their role in implementing and enforcing democratically enacted climate law. Section 6.2 considers how litigation contributes to accountability and the rule of law across the EU's multilevel legal order. Section 6.3 then reflects on the implications of these findings for democratic legitimacy and the evolving relationship between courts, governments and representative institutions.

6.1 Courts as Institutions of Democratic Climate Governance

The findings of this report suggest that courts should be understood as institutions of democratic climate governance rather than exceptional actors intervening in political decision-making. As climate governance has become increasingly legalised, legislatures have established detailed statutory frameworks governing emissions reductions, climate planning, permitting procedures and administrative decision-making. Courts contribute to this governance architecture by interpreting, implementing and enforcing these legal frameworks, thereby ensuring that climate commitments adopted through democratic processes are given practical effect.

This institutional role reflects the constitutional allocation of responsibilities within democratic systems. Legislatures establish climate objectives through legislation, governments determine policy priorities and implementation strategies, administrative authorities apply those policies in individual decisions, and courts review whether these decisions comply with the applicable legal framework. Judicial review therefore forms part of the ordinary operation of democratic governance rather than an external constraint upon it. The role of courts is to ensure that public authorities exercise their powers lawfully, transparently and consistently with the obligations established through democratic processes.

The empirical findings presented in this report demonstrate that climate litigation overwhelmingly performs this implementation and oversight function. Although a relatively small number of constitutional and human rights cases have attracted significant public attention, the vast majority of litigation before both national courts and the CJEU concerns the interpretation, implementation and enforcement of existing legal obligations. Courts have generally exercised institutional restraint, focusing on whether governments and public authorities have complied with statutory, constitutional and administrative requirements rather than substituting judicial preferences for political choices. Climate litigation therefore operates primarily as a mechanism through which democratic commitments are implemented and enforced.

Understanding courts through this institutional lens also helps explain why the significance of climate litigation extends beyond individual judgments. Judicial review not only resolves disputes after decisions have been taken but also shapes the conditions under which future decisions are made. The possibility of judicial scrutiny encourages public authorities to give greater attention to legal obligations, evidential standards and procedural requirements when preparing climate plans, adopting regulatory measures and making administrative decisions. In this way, litigation contributes to the quality of governance by strengthening the implementation of climate law throughout the administrative process, including where disputes never reach the courts.

This understanding challenges accounts that portray climate litigation primarily as a transfer of decision-making authority from elected institutions to judges.¹⁴⁸ The evidence instead suggests that litigation reinforces representative democracy by ensuring that governments remain accountable for implementing the legal commitments adopted through democratic processes. Courts do not determine climate ambition or prescribe policy choices. Rather, they safeguard the rule of law by ensuring that climate legislation functions as an effective framework for public decision-making.

The institutional role of courts is particularly significant within the EU's multilevel system of climate governance. Climate obligations derive from a combination of EU legislation, national law, constitutional

¹⁴⁸ See e.g. Lucas Bergkamp and Jaap C Hanekamp, 'Climate Change Litigation against States: The Perils of Court-Made Climate Policies' (2015) 24 *European Energy and Environmental Law Review* 102; Islam Attia, 'The Judicialization of Climate Change: The Technique and Its Proliferation' (2024) 56 *New York University Journal of International Law and Politics* 833, 835–36.

principles and, increasingly, human rights obligations. Courts operating at different levels of the EU legal order therefore perform complementary functions in ensuring the coherent implementation of this complex legal framework. National courts review the application of climate law within domestic legal systems, while the CJEU provides authoritative interpretations of EU law and promotes its consistent application across Member States. Climate litigation thus contributes not only to accountability within individual jurisdictions but also to the coherence and effectiveness of climate governance across the Union.

Accordingly, the contribution of courts to democratic climate governance lies less in shaping the substantive direction of climate policy than in reinforcing the legal and institutional conditions under which democratically adopted climate commitments are implemented, scrutinised and enforced. Courts thus operate as one among several institutional mechanisms through which democratically adopted climate commitments are given legal effect.

6.2 Accountability and the Rule of Law

The findings of this report demonstrate that the principal contribution of climate litigation to democratic climate governance lies in reinforcing accountability through the rule of law. Climate governance increasingly depends upon detailed legal frameworks establishing emissions targets, planning obligations, permitting requirements and procedural duties. These frameworks are intended not only to guide political decision-making but also to constrain the exercise of public authority. Climate litigation gives practical effect to these legal commitments by ensuring that governments and other public actors remain answerable for their implementation. Judicial review therefore reinforces democratic governance not by determining climate policy, but by ensuring that climate legislation operates as an effective framework for public decision-making.

This accountability function reflects the constitutional role of courts within democratic systems. While legislatures determine climate objectives and governments retain responsibility for policy design and implementation, courts ensure that these choices are exercised within the limits established by law. Judicial review provides an independent mechanism through which the legality of governmental action may be assessed, requiring public authorities to justify their decisions and demonstrate compliance with statutory, constitutional and, where applicable, supranational obligations. In this respect, accountability concerns not only the outcomes of climate governance but also the quality and legality of the decision-making processes through which those outcomes are reached.

The empirical findings suggest that this accountability function operates through both direct and indirect mechanisms. Directly, litigation clarifies the interpretation of climate legislation, resolves disputes concerning the scope of legal obligations and provides remedies where public authorities have acted unlawfully. More significantly, however, judicial review influences governance through its anticipatory effects. The prospect of legal scrutiny encourages governments, regulators and administrative authorities to integrate legal requirements more systematically into the preparation of climate plans, regulatory decisions and permitting processes. Accountability therefore extends beyond the relatively small number of cases that proceed to judgment, shaping administrative behaviour across the wider governance system.

The report also demonstrates that accountability within climate governance is inherently multilevel. Climate obligations increasingly derive from an interaction between EU legislation, national legal frameworks, constitutional principles and international human rights obligations. Courts operating at different levels of the EU legal order therefore perform complementary roles in ensuring that these obligations are interpreted and applied coherently. National courts review the implementation of climate law within domestic legal systems, while the CJEU ensures the uniform interpretation of EU law. This multilevel system of judicial oversight strengthens accountability by reducing the risk that legal obligations become fragmented or inconsistently applied across jurisdictions.

At the same time, the findings illustrate that judicial accountability remains politically contested. As climate litigation has become more prominent, several Member States have witnessed proposals to narrow

opportunities for judicial review or otherwise reduce the intensity of legal scrutiny.¹⁴⁹ These developments do not demonstrate that litigation is incompatible with democratic governance. Rather, they illustrate that the appropriate balance between executive discretion, legislative choice and judicial oversight remains the subject of continuing democratic debate. Climate litigation therefore operates within an evolving constitutional dialogue concerning the implementation of climate law rather than outside the democratic process.

These findings suggest that accountability should not be understood as an external constraint imposed upon democratic decision-making, but as one of its defining institutional characteristics. Democratic climate governance depends not only upon the adoption of climate legislation through representative institutions, but also upon effective mechanisms capable of ensuring that those commitments are implemented lawfully, transparently and consistently. By providing independent oversight of climate-related decision-making, courts reinforce the credibility of legal commitments, strengthen public confidence in climate governance and safeguard the rule of law as a central component of democratic climate transitions.

6.3 Participation, Representation and Democratic Legitimacy

The findings of this report challenge the characterisation of climate litigation as inherently in tension with democratic governance.¹⁵⁰ Public debate often portrays climate litigation as transferring responsibility for climate policy from elected institutions to unelected judges, raising concerns about judicial overreach and the legitimacy of judicial intervention in politically contested questions. The empirical evidence presented in this report supports a different conclusion. Rather than displacing democratic decision-making, climate litigation reinforces the institutional conditions that enable democratic climate governance to function effectively.

This conclusion follows from the distinctive role that courts perform within democratic systems. Courts do not possess democratic legitimacy because they determine public policy. Their legitimacy derives from ensuring that public authority is exercised in accordance with the law and that legal commitments adopted through democratic processes are respected in practice. Within climate governance, this function has become increasingly significant as climate action has been translated into detailed legislative frameworks governing emissions reductions, planning procedures, permitting decisions and administrative responsibilities. Judicial review therefore supports democratic legitimacy by ensuring that these legal commitments remain subject to independent scrutiny and effective implementation.

The findings also demonstrate that democratic legitimacy depends upon more than electoral decision-making alone. Effective democratic governance requires institutions capable of ensuring transparency, public justification, accountability and meaningful opportunities for participation. Climate litigation contributes to these broader institutional qualities by requiring governments to explain and justify climate-related decisions, strengthening the representation of environmental and long-term interests, and encouraging more careful engagement with scientific evidence and statutory obligations throughout public administration. These contributions are largely indirect and cumulative, shaping governance practices well beyond the relatively small number of disputes that reach the courts.

This institutional perspective also helps explain why climate litigation has become an increasingly contested feature of democratic governance. Legislative proposals to restrict judicial review and political criticism of climate litigation illustrate continuing disagreement about the appropriate relationship between courts, governments and legislatures within climate governance. Such developments should not be understood simply as evidence of conflict between law and politics. Rather, they reflect an ongoing constitutional dialogue concerning how responsibility for implementing climate legislation should be allocated within democratic systems. Climate litigation has become one arena in which these broader constitutional questions are negotiated.

At the same time, the findings demonstrate that the democratic contribution of litigation remains contingent upon effective access to justice. Independent judicial oversight can reinforce democratic legitimacy only where

¹⁴⁹ Eilstrup-Sangiovanni and others (n 77).

¹⁵⁰ Attia (n 148); Bergkamp and Hanekamp (n 148).

individuals, communities and representative organisations are able to invoke legal protections in practice. Financial costs, procedural complexity and restrictions on judicial review therefore affect not only access to courts but also the quality of democratic governance itself. Safeguarding meaningful access to justice is consequently an essential condition for ensuring that litigation continues to perform its democratic governance function.

Our findings suggest that climate litigation should be understood as one component of a broader institutional ecosystem of democratic climate governance. Its significance lies less in influencing the substantive direction of climate policy than in reinforcing the legal, procedural and institutional conditions under which democratic climate action is developed and implemented. Courts do not replace representative institutions or determine political priorities. Rather, they strengthen the accountability, transparency and legality of climate governance, thereby supporting the resilience and credibility of democratic decision-making within the European Union's multilevel legal order.

7 Findings and Recommendations

This report has examined the contribution of courts to democratic climate governance in the EU through a comparative analysis of litigation before the courts of EU Member States and the CJEU, complemented by an in-depth case study of Ireland. Drawing on the RETOOL analytical framework, the findings show that climate litigation has become an established component of EU climate governance. While courts rarely determine the substance of climate policy, they play an important role in ensuring the implementation of climate law, strengthening accountability, improving administrative decision-making and reinforcing the rule of law. Climate litigation should therefore be understood not as an alternative to democratic decision-making, but as a complementary mechanism that supports the effectiveness, legitimacy and resilience of democratic climate governance. Section 7.1 summarises the principal findings emerging from the comparative analysis and the Irish case study. Building on these findings, Section 7.2 sets out recommendations for policymakers, courts, civil society organisations and researchers aimed at strengthening the institutional conditions under which climate litigation can most effectively contribute to democratic climate governance.

7.1 Main Findings

The analysis presented in this report demonstrates that climate litigation has become an established component of democratic climate governance across the EU. While public debate frequently focuses on a small number of landmark judgments, the empirical evidence shows that climate litigation performs a broader institutional function by supporting the implementation, interpretation and enforcement of climate law. Courts contribute to democratic climate governance not by replacing political decision-making or assuming responsibility for climate policymaking, but by reinforcing the rule of law and ensuring that democratically enacted climate commitments are implemented, scrutinised and enforced.

Viewed in this way, climate litigation is not an exception to democratic governance but an integral component of the institutional architecture through which the climate transition is governed. As climate legislation continues to evolve across the EU, courts will play an increasingly important role within its multilevel governance system, ensuring that climate commitments remain subject to independent oversight while preserving the primary responsibility of legislatures and governments for determining climate policy. Maintaining effective and accessible judicial oversight will therefore be essential to strengthening both the effectiveness and the democratic legitimacy of climate governance in the years ahead.

Five principal findings emerge from the analysis.

First, climate litigation has become an integral component of climate governance in the EU. The comparative mapping demonstrates that litigation is no longer confined to exceptional constitutional cases but has become a routine feature of the implementation of climate law before both national courts and the CJEU. As climate legislation has expanded, judicial oversight has become an increasingly important mechanism for ensuring the effective operation of the legal framework governing the climate transition.

Secondly, climate litigation primarily concerns implementation, rather than policymaking. Although several high-profile judgments have addressed questions of climate ambition and fundamental rights, the overwhelming majority of cases concern the interpretation, implementation and enforcement of existing legal obligations. Courts generally exercise institutional restraint, reviewing whether governments and other public authorities have complied with statutory, constitutional and administrative requirements while leaving policy choices to democratically elected institutions.

Thirdly, the contribution of climate litigation extends well beyond individual judgments. The findings demonstrate that litigation influences governance through indirect and cumulative institutional effects. Judicial review encourages public authorities to strengthen legal reasoning, improve administrative procedures and anticipate the possibility of legal scrutiny when developing climate policies and implementing legislation. These broader governance effects frequently have greater long-term significance than the immediate outcome of individual cases.

Fourthly, climate litigation contributes to democratic governance through multiple, mutually reinforcing mechanisms. Applying the RETOOL framework demonstrates that litigation strengthens accountability, improves participation and representation, supports the integration of expertise into decision-making, enhances deliberation, promotes effective implementation and advances procedural justice. These contributions should not be understood in isolation but as interconnected dimensions of democratic climate governance that together reinforce the quality and legitimacy of climate decision-making.

Finally, the democratic contribution of climate litigation depends upon maintaining effective access to justice. Judicial oversight can reinforce democratic governance only where individuals, communities and representative organisations are able to invoke legal protections in practice. The findings therefore highlight the importance of preserving meaningful access to judicial review while recognising that litigation complements rather than replaces political participation, legislative action and administrative reform.

Our findings challenge narratives portraying climate litigation as a transfer of climate policymaking from elected institutions to judges. Instead, the report demonstrates that litigation functions as one element of a broader governance system, reinforcing the rule of law and supporting the implementation of democratically enacted climate legislation within the EU's multilevel legal order.

7.2 Recommendations

The findings presented in Section 7.1 indicate that climate litigation contributes most effectively to democratic climate governance when it operates within a supportive legal and institutional environment. The recommendations below build directly on these findings and identify practical measures through which policymakers, courts, civil society organisations and researchers can strengthen the accountability, effectiveness and legitimacy of climate governance across the European Union.

Policymakers: The report identifies accountability and effective implementation as the principal democratic contributions of climate litigation. Governments and legislatures should therefore ensure that climate legislation is accompanied by clear institutional responsibilities, robust monitoring arrangements and transparent reporting mechanisms. Litigation is most effective where legal obligations are precise, enforceable and supported by sound administrative processes. Public authorities should also strengthen the quality and transparency of climate decision-making by integrating scientific evidence, providing clear reasons for decisions and maintaining comprehensive administrative records. These measures not only improve democratic accountability but also reduce the likelihood of avoidable litigation. Finally, policymakers should safeguard effective access to justice by ensuring that procedural rules, standing requirements and litigation costs do not create unnecessary barriers to judicial review, particularly for individuals and civil society organisations seeking to protect the public interest.

Courts: The report shows that courts contribute to democratic climate governance by ensuring the consistent interpretation and application of climate law. Courts should therefore continue to provide effective judicial oversight through clear and reasoned judgments that promote legal certainty while respecting the institutional responsibilities of legislatures and governments. Judicial practice should continue to facilitate the appropriate use of scientific and technical expertise where necessary for the resolution of climate disputes. Courts should

also ensure that remedies remain effective and proportionate, promoting compliance with legal obligations while recognising the practical requirements of implementation.

Civil society: The findings demonstrate that litigation is most effective when combined with broader forms of democratic engagement. Civil society organisations should therefore continue to use litigation strategically alongside advocacy, public participation and engagement with legislative and administrative processes rather than as a substitute for them. The report also highlights the importance of collaboration between lawyers, scientists and affected communities. Maintaining and expanding these networks will strengthen the quality, legitimacy and effectiveness of future climate litigation while ensuring that strategic litigation remains connected to the interests of those it seeks to represent.

Researchers: This report demonstrates that the significance of climate litigation extends well beyond the outcomes of individual cases. Future research should therefore examine broader governance effects, including institutional learning, changes in administrative practice and the anticipatory effects of judicial review. Further comparative and longitudinal research is also needed to understand how climate litigation evolves across jurisdictions and over time, particularly before the CJEU and in relation to the interaction between domestic, European and international courts.

Bibliography

- Alogna, I., Billiet, C. and Fermeglia, M. (eds.) (2025). *Climate Change Litigation in Europe: Regional, Comparative and Sectoral Perspectives*. Cambridge: Intersentia.
- Attia, I. (2024). The judicialization of climate change: The technique and its proliferation. *New York University Journal of International Law and Politics*, 56, 833.
- Barritt, E. (2020). Consciously transnational: Urgenda and the shape of climate change litigation: *The State of the Netherlands (Ministry of Economic Affairs and Climate Policy) v Urgenda Foundation*. *Environmental Law Review*, 22, 296–308.
- Bergkamp, L. and Hanekamp, J.C. (2015). Climate change litigation against states: The perils of court-made climate policies. *European Energy and Environmental Law Review*, 24, 102.
- Bogojević, S. (2010). Litigating the NAP: Legal challenges for the Emissions Trading Scheme of the European Union. *Carbon & Climate Law Review*, 3, 217–226.
- Bogojević, S. (2013). EU climate change litigation, the role of the European courts, and the importance of legal culture. *Law & Policy*, 35(3), 184–204.
- Bogojević, S. (2015). Judicial protection of individual applicants revisited: Access to justice through the prism of judicial subsidiarity. *Yearbook of European Law*, 34, 5–43.
- Bouwer, K. (2018). The unsexy future of climate change litigation. *Journal of Environmental Law*, 30, 483.
- Brawley-Chesworth, A. et al (2024). D2.1 Analytical Framework. RETOOL Project. Available at: <https://retoolproject.eu/sites/default/files/2024-11/D2.1%20Analytical%20Framework.pdf> (Accessed: 3 July 2026).
- Buyse, A. and Istrefi, K. (2024). Climate cases decided today: Small step or huge leap? *ECHR Blog*, 9 April. Available at: <https://www.echrblog.com/2024/04/climate-cases-decided-today-small-step.html> (Accessed: 29 June 2026).
- Cebulak, P., Morvillo, M. and Salomon, S. (2024). Strategic litigation in EU law: Who does it empower? *German Law Journal*, 25, 800–821.
- Climate Litigation Network (2025). Climate Litigation Network. Available at: <https://climatelitigationnetwork.org> (Accessed: 8 July 2026).
- Council of Europe (2026). *Study on National Climate Litigation*. Prepared by legal experts under the supervision of the European Committee on Legal Co-operation (CDCJ). Strasbourg: Council of Europe.
- Eckes, C. (2024). Strategic climate litigation before national courts: Can European Union law be used as a shield? *German Law Journal*, 25, 1022–1042.
- Eilstrup-Sangiovanni, M., Hall, N., Vanhala, L., Setzer, J., Higham, I. and van Asselt, H. (2025). Reorienting climate litigation in a time of backlash. *Nature Climate Change*, 15(11), 1133–1135.
- Fahner, J. (2018). Climate change before the courts: Urgenda ruling redraws the boundary between law and politics. *EJIL: Talk!*, 16 November. Available at: <https://www.ejiltalk.org/climate-change-before-the-courts-urgenda-ruling-redraws-the-boundary-between-law-and-politics/> (Accessed: 29 June 2026).
- Fisher, E. (2025). Telling meaningful stories about climate change and public law. *Journal of Environmental Law*, 37, 1.
- Fleerackers, S. (2024). Hidden in plain sight? Corporate strategic litigation in the EU Emissions Trading System. *German Law Journal*, 25, 873.
- Hilson, C. (2020). Hitting the target? Analysing the use of targets in climate law. *Journal of Environmental Law*, 32, 195–218.

- Hilson, C. and Geden, O. (2024). Climate or carbon neutrality? Which one must states aim for under Article 8 ECHR? *EJIL: Talk!*, 29 April. Available at: <https://www.ejiltalk.org/climate-or-carbon-neutrality-which-one-must-states-aim-for-under-article-8-echr/> (Accessed: 29 June 2026).
- Humphreys, S. (2024). A Swiss human rights budget? *EJIL: Talk!*, 12 April. Available at: <https://www.ejiltalk.org/a-swiss-human-rights-budget/> (Accessed: 29 June 2026).
- Koistinen, N. (forthcoming). Beyond landmark cases: Mapping climate litigation before the European Courts of Justice.
- Kovács, A., Luckner, K., Seckuła, A. and Kantorowicz, J. (2024). Beyond courts: Does strategic litigation affect climate change policy support? *International Review of Law and Economics*, 79, 106213.
- Letsas, G. (2024). Did the Court in KlimaSeniorinnen create an actio popularis? *EJIL: Talk!*, 13 May. Available at: <https://www.ejiltalk.org/did-the-court-in-klimaseniorinnen-create-an-actio-popularis/> (Accessed: 29 June 2026).
- Letwin, J. (2024). KlimaSeniorinnen: The innovative and the orthodox. *EJIL: Talk!*, 17 April. Available at: <https://www.ejiltalk.org/klimaseniorinnen-the-innovative-and-the-orthodox/> (Accessed: 29 June 2026).
- Lin, J. and Kysar, D. (eds.) (2020). *Climate Change Litigation in the Asia Pacific*. Cambridge: Cambridge University Press.
- Mähönen, M. (2025). Citizens' access to justice in EU climate governance: Judicial review of NECPs before national courts. *Journal for European Environmental & Planning Law*, 22, 245–270.
- Maxwell, L., Mead, S. and van Berkel, D. (2022). Standards for adjudicating the next generation of Urgenda-style climate cases. *Journal of Human Rights and the Environment*, 13, 35–58.
- Mayer, B. (2023). The contribution of Urgenda to the mitigation of climate change. *Journal of Environmental Law*, 35, 167–184.
- McKenzie, K., Medici-Colombo, G., Wegener, L. and Sindico, F. (2024). Climate change litigation: One definition to rule them all? In F. Sindico, K. McKenzie, G. Medici-Colombo and L. Wegener (eds.), *Research Handbook on Climate Change Litigation*. Cheltenham: Edward Elgar.
- Milanovic, M. (2024). A quick take on the European Court's climate change judgments. *EJIL: Talk!*, 9 April. Available at: <https://www.ejiltalk.org/a-quick-take-on-the-european-courts-climate-change-judgments/> (Accessed: 29 June 2026).
- Nollkaemper, A. and Burgers, L. (2020). A new classic in climate change litigation: The Dutch Supreme Court decision in the Urgenda case. *EJIL: Talk!*, 6 January. Available at: <https://www.ejiltalk.org/a-new-classic-in-climate-change-litigation-the-dutch-supreme-court-decision-in-the-urgenda-case/> (Accessed: 29 June 2026).
- Oliveira, H., Ruiz, A. and Minassa, P.S. (2025). Climate litigation before the Court of Justice of the European Union: A quantitative and qualitative review of features and legal grounds. In C. Amado Gomes, H. Oliveira, A. Rocha and M. Fermeiglia (eds.), *Climate Change before International Courts: A Comparative Study*. Routledge.
- Osofsky, H.M. and Peel, J. (2013). The role of litigation in multilevel climate change governance: Possibilities for a lower carbon future? *Environmental and Planning Law Journal*, 30, 303.
- Pedersen, O.W. (2024). Climate change and the ECHR: The results are in. *EJIL: Talk!*, 11 April. Available at: <https://www.ejiltalk.org/climate-change-and-the-echr-the-results-are-in/> (Accessed: 29 June 2026).
- Peel, J. and Lin, J. (2019). Transnational climate litigation: The contribution of private law to public governance. *Review of European, Comparative & International Environmental Law*, 37, 6.
- Peel, J. and Markey-Towler, R. (2021). Recipe for success? Lessons for strategic climate litigation from the Sharma, Neubauer, and Shell cases. *German Law Journal*, 22, 1484.

- Peel, J. and Osofsky, H.M. (2015). *Climate Change Litigation: Regulatory Pathways to Cleaner Energy*. Cambridge: Cambridge University Press.
- Peel, J. and Osofsky, H.M. (2020). Climate change litigation. *Annual Review of Law and Social Science*, 16, 21.
- Peeters, M. (2016). Urgenda Foundation and 886 individuals v The State of the Netherlands: The dilemma of more ambitious greenhouse gas reduction action by EU Member States. *Review of European, Comparative & International Environmental Law*, 25, 215–224.
- Rodríguez-Garavito, C. (ed.) (2022). *Litigating the Climate Emergency: How Human Rights, Courts, and Legal Mobilization Can Bolster Climate Action*. Cambridge: Cambridge University Press.
- Sabin Center for Climate Change Law (n.d.). Climate Change Litigation Databases. Columbia Law School. Available at: <https://climatecasechart.com> (Accessed: 12 July 2026).
- Sato, M., Gostlow, G., Higham, C., Setzer, J. and Venmans, F. (2024). Impacts of climate litigation on firm value. *Nature Sustainability*, 7, 1461–1471.
- Savaresi, A. (2024). Climate change litigation: The role of international law. *Cambridge International Law Journal*, 13, 286–302.
- Savaresi, A. (2025). Verein KlimaSeniorinnen Schweiz and Others v Switzerland: Making climate litigation history. *Review of European, Comparative & International Environmental Law*, 34, 279–286.
- Savaresi, A. and Heri, C. (2026). Human rights and the Paris Agreement: A two-way street. *Climate Law*. (published online ahead of print).
- Savaresi, A. and Setzer, J. (2022). Rights-based litigation in the climate emergency: Mapping the landscape and new knowledge frontiers. *Journal of Human Rights and the Environment*, 13, 7–34.
- Savaresi, A. et al. (2023). Conceptualising just transition litigation. *Nature Sustainability*, 6, 485–495.
- Setzer, J. and Higham, C. (2026). *Global Trends in Climate Change Litigation: 2026 Snapshot*. London: GRI.
- Setzer, J., Higham, C., Narulla, H., and Bradeen, E. (2022). *Climate Litigation in Europe: A Summary Report for the European Union Forum of Judges for the Environment*. London: GRI, and the European Union Forum of Judges for the Environment.
- Setzer, J., Koistinen, N., Higham, C. and Bassetton, L. (forthcoming). Corporate climate litigation in Europe: Scaffolding from state obligations and the rise of polluter-pays. *Lewis & Clark Law Review*.
- Setzer, J., Silbert, N. and Vanhala, L. (2024). The effectiveness of climate change litigation. In F. Sindico, K. McKenzie, G. Medici-Colombo and L. Wegener (eds.), *Research Handbook on Climate Change Litigation*. Cheltenham: Edward Elgar.
- Setzer, J. and Vanhala, L.C. (2019). Climate change litigation: A review of research on courts and litigants in climate governance. *WIREs Climate Change*, 10(3), e580.
- Sindico, F., McKenzie, K., Medici-Colombo, G. and Wegener, L. (eds.) (2024). *Research Handbook on Climate Change Litigation*. Cheltenham: Edward Elgar.
- United Nations Environment Programme (2025). *Global Climate Litigation Report: 2025 Status Review*. Nairobi: UNEP.
- van Zeven, J. (2015). Establishing a governmental duty of care for climate change mitigation: Will Urgenda turn the tide? *Transnational Environmental Law*, 4, 339–357.
- Vanhala, L. and Hilson, C. (2013). Climate change litigation: Symposium introduction. *Law & Policy*, 35, 141–147.
- Verschuuren, J. (2019). The State of the Netherlands v Urgenda Foundation: The Hague Court of Appeal upholds judgment requiring the Netherlands to further reduce its greenhouse gas emissions. *Review of European, Comparative & International Environmental Law*, 28, 94–98.

- Wewerinke-Singh, M. and McCoach, A. (2021). The State of the Netherlands v Urgenda Foundation: Distilling best practice and lessons learnt for future rights-based climate litigation. *Review of European, Comparative & International Environmental Law*, 30, 275–284.
- Young, N. (2025). Climate litigation and impact evaluation. *Carbon & Climate Law Review*, 19(2), 54–64.

Table of Cases

Court of Justice of the European Union

- A and Others v Gewestelijke stedenbouwkundige ambtenaar van het departement Ruimte Vlaanderen, afdeling Oost-Vlaanderen (Case C-24/19) EU:C:2020:503.*
- Air Transport Association of America and Others v Secretary of State for Energy and Climate Change Case C-366/10, EU:C:2011:864.*
- Association Vent De Colère! Fédération nationale and Others v Ministre de l'Écologie, du Développement durable, des Transports et du Logement and Ministre de l'Économie, des Finances et de l'Industrie (Case C-262/12) EU:C:2013:851.*
- Carvalho and Others v Parliament and Council Case T-330/18, EU:T:2019:324.*
- Carvalho and Others v Parliament and Council Case C-565/19 P, EU:C:2021:252.*
- Commission v Ireland Case C-444/21 (Second Chamber, 29 June 2023).*
- Coopérative des artisans pêcheurs associés (CAPA) and Others v European Commission (Case C-742/21 P) EU:C:2023:1000.*
- Deutsche Umwelthilfe eV v Bundesrepublik Deutschland Case C-873/19 (Grand Chamber, 8 November 2022).*
- Engie Cartagena SL v Ministerio para la Transición Ecológica Case C-523/18, EU:C:2019:1129.*
- ePURE and Pannonia Bio v Parliament and Council Case T-45/24 (General Court, order of 25 February 2025).*
- European Investment Bank and Commission v ClientEarth Joined Cases C-212/21 P and C-223/21 P, EU:C:2023:546.*
- Hauptzollamt Hamburg v Shell Deutschland Oil GmbH Case C-553/21, EU:C:2022:1030.*
- Inter-Environnement Wallonie ASBL and Bond Beter Leefmilieu Vlaanderen ASBL v Conseil des ministres Case C-411/17, EU:C:2019:622.*
- Patrice D'Oultremont and Others v Région wallonne (Case C-290/15) EU:C:2016:816.*
- QB v Mercedes-Benz Group AG Case C-100/21 (Grand Chamber, 21 March 2023).*
- Solar Ileias Bompaina AE v Commission Case C-429/20 P, EU:C:2022:282.*

European Court of Human Rights

- Verein KlimaSeniorinnen Schweiz and Others v Switzerland App no 53600/20 (ECtHR, Grand Chamber, 9 April 2024).*

Austria

- Greenpeace and Others v Austria (Austrian Constitutional Court, 30 September 2020) G 144/2020.*
- VfGH 29 June 2017, E 875/2017 ua.*

Belgium

Hugues Falys, Ligue des droits humains ASBL, Greenpeace Belgium ASBL and FIAN-Belgium ASBL v TotalEnergies SE (Tribunal de l'entreprise du Hainaut, division de Tournai) A/24/00168.

Lauwrys and Others v Province of Antwerp, RvVb-S-2021-0923, 22 April 2021 and RvVb-A-2122-0276, 9 December 2021.

VZW Klimaatzaak v Belgium (Brussels Court of First Instance, 17 June 2021).

VZW Klimaatzaak v Kingdom of Belgium and Others (Brussels Court of Appeal, 30 November 2023) 2021/AR/1589, 2022/AR/737 and 2022/AR/891.

Denmark

Greenpeace-Danmark v Danish Energy Agency, Danish Energy Board of Appeal, 'Decision concerning approval of the revised development plan for the Hejre field', 11 November 2025.

Finland

City of Kuusamo v Tolva Reindeer Herding Cooperative and Posio Tourism Association KHO:2022:12.

Greenpeace Nordic and Finnish Association for Nature Conservation v Finland KHO:2023:62.

Greenpeace Nordic and Finnish Association for Nature Conservation v Finnish Government KHO:2025:2.

France

Commune de Grande-Synthe v France (Conseil d'État, No 427301, 19 November 2020; 1 July 2021).

Notre Affaire à Tous and Others v TotalEnergies SE (Tribunal judiciaire de Paris, 25 June 2026).

Germany

Neubauer and Others v Germany BVerfG, 1 BvR 2656/18 (29 April 2021).

Saúl Luciano Lliuya v RWE AG (Oberlandesgericht Hamm, 28 May 2025).

Ireland

An Taisce v An Bord Pleanála and Others [2022] IESC 8.

Community Law and Mediation Centre and Others v Ireland (High Court, pending).

Coolglass Wind Farm Ltd v An Bord Pleanála [2026] IESC 5.

Friends of the Earth Ireland, Friends of the Irish Environment and ClientEarth v Commission for Regulation of Utilities (pending).

Friends of the Irish Environment CLG v Fingal County Council [2017] IEHC 695.

Friends of the Irish Environment CLG v Galway County Council and Others [2023] IEHC 75.

Friends of the Irish Environment CLG v Government of Ireland [2020] IESC 49.

Friends of the Irish Environment CLG v Government of Ireland (CAP23) [2026] IECA 42.

Friends of the Irish Environment CLG v Government of Ireland (Sectoral Emissions) (High Court, pending).

Friends of the Irish Environment CLG v Minister for the Environment, Climate and Communications [2024]

IEHC 353.

Italy

Greenpeace ONLUS, ReCommon ETS and Others v ENI SpA, Ministero dell'Economia e delle Finanze and Cassa Depositi e Prestiti SpA (Corte Suprema di Cassazione, Sezioni Unite Civili, 21 July 2025) ord no 20381.

Netherlands

Milieudefensie and Others v ING Bank NV (District Court of Amsterdam, 29 October 2024).

Milieudefensie and Others v Royal Dutch Shell plc (District Court of The Hague, 26 May 2021).

Urgenda Foundation v State of the Netherlands (Supreme Court of the Netherlands, 20 December 2019).

Sweden

Anton Foley and Others v Sweden (Aurora case) (Swedish Supreme Court, 19 February 2025) Ö 7177-23, NJA 2025 s 88.

County Administrative Board of Skåne County and the Swedish Society for Nature Conservation, Helsingborg Branch v Svedberga PV AB (M 13461-22, Markoch miljööverdomstolen, Svea hovrätt, 3 April 2024) MÖD 2024:12.