



## Online Seminar Climate Litigation at the ECtHR

Recent cases on fundamental rights and the environment

29-30 April 2024, mornings (CEST)

EXCELLENCE IN  
EUROPEAN LAW<sup>1</sup>

### Speakers

**Patrick Abel**, Max-Weber-Fellow, European University Institute, Florence

**Christina Eckes**, Professor of European Law, University of Amsterdam, Amsterdam

**Louise Fournier**, Legal Counsel, Greenpeace, Amsterdam

**Natalia Kobylarz**, Senior Lawyer, Registry of the European Court of Human Rights, Strasbourg

**Małgorzata Kwiędacz-Palosz**, Senior Fundamental Rights Lawyer, Client Earth, Brussels

**Luc Lavrysen**, President of the Constitutional Court of Belgium and President of EUFJE, Brussels

**Sara Mansour Fallah**, Lawyer, Registry, European Court of Human Rights, Strasbourg

**Agnieszka Warso-Buchnan**, Senior Lawyer, Client Earth, Warsaw

**Marc Willers**, Attorney, Garden Court Chambers, London

### Key topics

- ECtHR as an environmental court
- Rights-based climate litigation
- Jurisdiction regarding extra-territorial effects of climate change
- Victim status regarding climate change
- Effective remedies against climate change
- Climate cases such as Verein KlimaSeniorinnen Schweiz and others v Switzerland; Duarte Agostinho and others v Portugal u.a.; Carême v France; ClientEarth Prawnicy dla Ziemi v Poland

Language  
English

Event number  
424D90

Organisers  
Luisa Cortat (ERA)  
Mareike Hoffmann (ERA)

# Climate Litigation and Fundamental Rights

## Monday, 29 April 2024

08:30 Connecting to Zoom

09:00 **Welcome and introduction**  
*Luisa Cortat, Mareike Hoffmann*

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### I. SETTING THE SCENE

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09:10 **Keynote: The European Court of Human Rights and the environment**

- The right to a healthy environment as a human right
- Environmental risk doctrine
- Human rights-based environmental litigation

*Luc Lavrysen*

09:40 Discussion

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### II. ADMISSIBILITY ISSUES IN CLIMATE CHANGE CASES

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09:55 **Jurisdiction regarding non-territorial states**

- Extraterritorial effects of climate change
- 'Sufficient factual or legal connection'
- 'Control test'
- Cases: *Bankovic v. Belgium and 16 others* (App. no. 52207/99), *Al-Skeini v. United Kingdom* (App. no. 55721/07), *Duarte Agostinho and others v. Portugal and 32 others* (App. no. 39371/20)

*Christina Eckes*

10:25 Discussion

10:40 Break

11:15 **Exhaustion of domestic remedies (Art. 35 ECHR)**

- Accumulation of effects of climate change
- (Lack of) effective remedy in domestic courts
- Cases: *Murillo Saldias and Others v. Spain* (App. no. 76973/01), *Vivani and Others v. Italy* (App. no. 9713/13), *Pop and Others v. Romania* (App. nos. s. 54494/11, 67699/11 and 21251/12), *Duarte Agostinho and others v. Portugal and 32 others* (App. no. 39371/20)

*Sara Mansour Fallah*

11:45 Discussion

12:00 **Standing in climate change cases: victim status**

- *Actio popularis* under the ECHR
- Modification of the victim status doctrine
- Role of the Aarhus Convention
- Cases: *Melox v. France* (App. no. 75218/01), *Campeanu v. Romania* (App. No. 47848/08), *Verein KlimaSeniorinnen Schweiz and others v. Switzerland* (App. no. 53600/20), *Duarte Agostinho and others v. Portugal and 32 others* (App. no. 39371/20), upcoming *ClientEarth Prawnicy dla Ziemi v Poland*

*Agnieszka Warso-Buchanan and Małgorzata Kwiędacz-Palosz*

12:30 Discussion

12:45 End of first webinar day

## Objective

This online seminar will discuss in detail the main aspects and potential approaches for climate litigation at the European Court of Human Rights. Focus will be placed on the recent case law under discussion / decided by the ECtHR.

## Who should attend?

Lawyers in private practice, judges, prosecutors and national civil servants, in-house counsel, legal staff of international organizations and NGOs interested in environmental law and/or human rights.

## You will learn...

- about the role of the ECtHR in environmental protection
- how the legal standing and extraterritorial jurisdiction is understood by the ECtHR recent case law
- the requirements regarding the exhaustion of domestic remedies in environmental cases
- about the role of the victim status in climate change cases
- how to utilise the different ECtHR rights in climate change litigation
- about the impact of an additional protocol on environmental protection in the existing legal framework

## Interactive online conference

The online conference will be hosted on Zoom. You will be able to interact immediately and directly with our top-level speakers and other participants. We will make the most of the technical tools available to deliver an intensive, interactive experience.

**More information on:**  
[www.era.int/?132749&en](http://www.era.int/?132749&en)

**Tuesday, 30 April 2024**

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**III. MERITS IN CLIMATE CHANGE CASES**

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08:30 Connecting to Zoom

09:00 **Art. 2 ECHR: right to life**

- Positive obligations to take preventative measures
- Scientific consensus on impact of climate change on life due to age
- In conj. with Art. 14 ECHR: impact on young/future generation
- Cases: *Verein KlimaSeniorinnen Schweiz and others v. Switzerland* (App. no. 53600/20), *Duarte Agostinho and others v. Portugal and 32 others* (App. no. 39371/20), *Carême v. France* (App. no. 7189/21)

*Marc Willers*

09:30 Discussion

09:45 **Art. 8 ECHR: right to private and family life**

- "Greening" the ECtHR through Article 8
- Translating climate science to government obligations
- Art. 8 and climate change: more than mitigation obligations
- Cases: *Carême v. France* (App. no. 7189/21), *Verein KlimaSeniorinnen Schweiz and others v. Switzerland* (App. no. 53600/20), *Duarte Agostinho and others v. Portugal and 32 others* (App. no. 39371/20)

*Louise Fournier*

10:15 Discussion

10:30 Break

11:00 **Art. 6 and 13 ECHR: right to a fair trial and right to an effective remedy**

- Duty to protect in environmental matters
- Remedies at national level
- Cases: *L'Érablière asbl v. Belgium* (App. no. 49230/07), *Verein KlimaSeniorinnen Schweiz and others v. Switzerland* (App. no. 53600/20)

*Patrick Abel*

11:30 Discussion

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**IV. FUTURE DEVELOPMENTS IN THE COUNCIL OF EUROPE**

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11:45 **Additional Protocol on Environmental Protection**

- Normative gaps of indirect rights-based protection of the environment
- Legislative deliberation within the Council of Europe
- Effects of a new protocol on the existing normative framework

*Natalia Kobylarz*

12:15 Discussion

12:30 End of the webinar

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For programme updates: [www.era.int](http://www.era.int)  
 Programme may be subject to amendment.



**Times indicated are CEST  
 (Central European Summer Time)**

**Your contacts**



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**CPD**

ERA's programmes meet the standard requirements for recognition as Continuing Professional Development (CPD). Participation in the full programme of this event corresponds to **6 CPD** hours. To obtain a certificate of participation for CPD purposes with indication of the number of training hours completed, participants must allow for their participation to be tracked. CPD certificates must be requested at the latest 14 days after the event, after which the participation records will be deleted for data protection purposes.

**Save the date**

**Recent Case Law of the European Courts on the Freedom of Expression**  
 Online, 13-14 May 2024

**Annual Conference on EU Law in the Food Sector**  
 Brussels, 23-24 May 2024

# Registration

## Climate Litigation at the ECtHR

Online, 29-30 April 2024, mornings (CEST) / Event Number: 424D90



### Registration

Fax: +49 (0) 651 93737-773

E-mail: [info@era.int](mailto:info@era.int)

Online registration:  
[www.era.int/?132749&en](http://www.era.int/?132749&en)

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ERA  
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Location  
Online Seminar

Languages  
English

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### Registration for the above-mentioned online event (PLEASE USE BLOCK CAPITALS)

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First Name	<input type="text"/>			
Surname	<input type="text"/>			
Organisation	<input type="text"/>			
Position	<input type="text"/>	Tel.	<input type="text"/>	
Department	<input type="text"/>			
E-Mail	<input type="text"/>			
Street/No.	<input type="text"/>			
Postcode/City	<input type="text"/>	Country	<input type="text"/>	

### Different billing address (if applicable)

Organisation	<input type="text"/>			
First Name	<input type="text"/>			
Surname	<input type="text"/>			
Street/No.	<input type="text"/>			
Postcode/City	<input type="text"/>	Country	<input type="text"/>	
Tax number	<input type="text"/>			
VAT number	<input type="text"/>			
Reference	<input type="text"/>			
E-Mail	<input type="text"/>			

Language: English

Certificate:  I wish to receive a participation certificate for CPD purposes (with indication of the training hours completed) and agree for my participation to be tracked for this purpose.

### Registration fee

Fee	Standard	EU & ERA patrons*	Young lawyers & other groups**
Registration by 29/03/2024	€ 432.00 <input type="checkbox"/>	€ 324.00 <input type="checkbox"/>	€ 324.00 <input type="checkbox"/>
Registration after 29/03/2024	€ 480.00 <input type="checkbox"/>	€ 360.00 <input type="checkbox"/>	€ 360.00 <input type="checkbox"/>

#### \* EU and ERA Patrons

- Staff of European Union institutions and agencies;
- Staff of ERA's patrons: all EU Member States (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden), United Kingdom, the German states, Scotland and the City of Trier

#### \*\* Young lawyers & other groups

- For young lawyers up to 30 years of age (important: the participant must provide a copy or details of his or her passport or identity card on request);
- Full-time staff of universities or comparable academic institutions;
- Staff of charitable organisations or comparable institutions

### Method of payment - Important! Please state your name and the event number on the bank transfer.

- Credit card For registration with credit card payment please go to our website [www.era.int/?132749&en](http://www.era.int/?132749&en)
- Bank transfer I will transfer the registration fee to ERA's account at Deutsche Bundesbank Saarbrücken:  
IBAN: DE145900 00 00 00 58501900 – BIC: MARKDEF1590

I confirm my registration and accept the general terms and conditions: [www.era.int/legalnotice](http://www.era.int/legalnotice)

Place, Date

Signature

