



**University  
of Ferrara**



School of Law

**Emmett Institute on Climate  
Change & the Environment**



**ELI**

EUROPEAN  
LAW  
INSTITUTE

SUSTAINABILITY AND  
ENVIRONMENTAL  
LAW SIG

Conference on

# **Climate Justice – New Challenges for Law and Judges**

**28 June 2024**

**University of Ferrara**

**Department of Law, Aula Magna**

**Corso Ercole I d'Este 37, Ferrara**

**Scientific Committee:**

**Henrik Andersen, William Boyd, Alberto De Franceschi, Matthias Keller**

## **Background**

*More action is necessary and urgent concerning climate change. While specific legal rules exist, like the rules in the Paris Agreement, they might not be sufficient; moreover, their implementation by judges seems often questionable from a rule of law perspective.*

*Climate change problems are of cross-border nature, and the courts must address extra-territorial issues as well as questions related to both private international law and public international law. Furthermore, the courts must deal with a multilevel system of law, ie national, EU, and international law. In addition, the interface and overlap between specific international and EU climate change law, national and international public law, national and international private law, and criminal law, pose crucial methodological challenges for courts.*

*The risk we are already experiencing is that different methodological approaches can result in legal uncertainty to the detriment of citizens' legitimate expectations under the rule of law. The question is whether courts can find common ground for improved judicial cooperation in their methodological approaches to climate change problems in order to ensure improved legal certainty at European level. Similarly, while legislators may have ideas for new statutory rules for individuals, private entities and public administration, they need to understand what problems might exist and arise at the level of implementation, especially by courts.*

## **Aim**

*This conference serves as the third annual meeting of the ELI project on “Climate Justice – New Challenges for Law and Judges”, which aims to explore new challenges for judges relating to climate justice and to develop Principles on the most pressing issues including:*

- *corporate governance,*
- *sustainability in the supply chain,*
- *greenwashing*
- *liability for environmental harms,*
- *access to justice*
- *climate litigation*

**Friday, 28 June 2024**

University of Ferrara, Department of Law, Aula Magna, Corso Ercole I d'Este, 37

**09:00** Welcome addresses

*Alberto De Franceschi (University of Ferrara)*

**09:10** Scope and Aims of the Conference

*William Boyd (University of California, Los Angeles and  
Director of the Emmet Institute on Climate Change and the Environment)*

*Matthias Keller (President of the Aachen Administrative Court  
and European Association of Administrative Judges)*

**09:20** I. Setting the Scene

**The European Green Deal as a Transformative Agenda for the Next Years?**

*Hugo Maria Schally (European Commission)*

**Opportunities and Challenges for Climate Change Law and Policies in the Context of World Trade Organization Law**

*Henrik Andersen (Copenhagen Business School)*

**10:00** II. Sustainability and Corporate Governance

Chair: *Evelyne Terryn (KU Leuven)*

**Greening Corporate Law**

*Marc-Philippe Weller (University of Heidelberg)*

**Corporate Law as an Instrument of Environmental and Sustainability  
Regulation: Promises and Perils**

*Thilo Kuntz (University of Düsseldorf)*

**Principles of International Law in the Climate Justice Context**

*Rolf H. Weber (University of Zurich)*

**11:00 Discussion**

**11:30 Coffee Break**

**12:00 II. Supply Chains Governance and Greenwashing**

Chair: *Beate Gsell (Ludwig Maximilian University, Munich / Higher Regional Court of Munich)*

**Ecological Fallacies? ESG, Supply Chains, and Tropical Deforestation**

*William Boyd (University of California Los Angeles)*

**Complementarities for climate policy. Innovation, R&d and human capital**

*Massimiliano Mazzanti (University of Ferrara)*

**The EU Directive on Green Claims and Greenwashing**

*Evelyne Terryn (KU Leuven)*

**Enforcement Challenges in the Supply Chains**

*Paolo Cassinis (Autorità Garante della Concorrenza e del Mercato, Rome)*

**13:20 Discussion**

**13:30 Lunch**

**14:30 III. Enforcement of Climate Related Issues**

Chair: *Eva-Maria Kieninger (University of Würzburg)*

**The Role of the ECHR in the Climate Litigation**

*Raffaele Sabato (European Court of Human Rights)*

**The ECHR *KlimaSeniorinnen Schweiz* Case**

*Matthias Keller (Aachen Administrative Court)*

**Criminal Law Issues**

*Pasquale Fimiani (Advocate General at Supreme Court of Cassation, Rome)*

**Cities and Climate Litigation**

*Gabriel Wedy (Brazilian Federal Judge and Unisinos University)*

**15:30 Discussion**

**16:00 Coffee Break**

**16:00 IV. Enforcement of Climate Related Issues**

Chair: *Matthias Keller (Aachen Administrative Court)*

**Is climate change litigation in front of civil court mere “strategic litigation”?**

*Eva-Maria Kieninger (University of Würzburg)*

**The due diligence standard in the Paris Agreement: a benchmark for climate cases**

*Christina Voigt (University of Oslo)*

**Duty of Care and Causation: The ENI Case**

*Claudio Scognamiglio (Tor Vergata University, Rome)*

## **Duty of Care and Causation: The Royal Dutch Shell Case**

*Stijn Franken (NautaDutilh Law Firm, Amsterdam)*

**17:20 Discussion**

**17:45 Conclusions and Next Steps**

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Participation is free of charge.

Should you wish to attend,

please register by 20 June 2024.

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