



**Finanziato
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**University
of Ferrara**



School of Law

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

3rd Annual 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

*Dealing with climate related issues, legislators and Courts must deal with a multilevel system of law. The interface and overlap between national and international **private law, corporate law, administrative law, criminal law, and procedural law** poses crucial challenges.*

Different methodological approaches and solutions can result in legal uncertainty to the detriment of citizens' legitimate expectations under the rule of law.

The question is whether legislators and courts can find common ground for improved judicial cooperation in their methodological approaches to climate change problems in order to ensure improved legal certainty.

Similarly, several issues come up at the level of enforcement.

This conference aims to analyse issues relating to:

- *The Implementation and Evolution of European Green Deal*
- *World Trade Organization Law*
- *Corporate Law*
- *Supply Chains Governance*
- *Greenwashing*
- *Enforcement Challenges in the Supply Chains*
- *Climate Change Litigation – Issues regarding:*
 - *Private Law*
 - *Administrative Law*
 - *and Criminal Law*

Friday, 28 June 2024

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

08:30 Welcome addresses

Alberto De Franceschi (University of Ferrara)

08:45 Institutional Addresses

*Andrea Giordano (Ministry of the Environment and Energy Security, Rome
Court of Auditors, Rome)*

09:00 Scope and Aims of the Conference

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

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

09:20 I. Setting the Scene

Chair: *William Boyd (University of California, Los Angeles)*

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

*Hugo Maria Schally (European Commission, Directorate General for the Environment,
Brussels)*

**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 (Katholieke Universiteit 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

11:10 Coffee Break

11:40 III. 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 (Katholieke Universiteit Leuven)

**Rights of Consumers to Reliable Product Information and Environmental Impact – Polish
Perspective and Case law**

Grzegorz Wąsiewski (BNT Attorneys, Warsaw)

Enforcement Challenges in the Supply Chains

Paolo Cassinis (Competition and Market Authority, Rome)

13:20 Discussion

13:30 Lunch

14:30 IV. Enforcement of Climate Related Issues

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

The Role of the ECHR in the Climate Litigation: General Principles

Raffaele Sabato (European Court of Human Rights, Strasbourg)

The ECHR *KlimaSeniorinnen Schweiz* Case

Matthias Keller (President of the Aachen Administrative Court)

Criminal Law Issues

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

15:30 Discussion

15:45 Coffee Break

16:15 V. Enforcement of Climate Related Issues

Chair: *Matthias Keller (President of the Aachen Administrative Court)*

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

Eva-Maria Kieninger (University of Würzburg)

The Causation Elements in and beyond Climate Litigation

Chris Thomale (University of Vienna and Roma Tre University)

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 (University of Rome Tor Vergata)

Duty of Care and Causation: The Royal Dutch Shell Case

Stijn Franken (NautaDutilh Law Firm, Amsterdam)

Cities and Climate Litigation

Gabriel Wedy (Brazilian Federal Judge and Unisinos University)

18:15 Discussion

18:45 Conclusions and Next Steps

Participation is free of charge.

Should you wish to attend,

please register by 20 June 2024

at: alberto.defranceschi@unife.it



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Piano Nazionale di Ripresa e Resilienza

**Missione 4 - Componente 2 - Investimento 1.5 Creazione e rafforzamento di
"ecosistemi dell'innovazione", costruzione di "leader territoriali di R&S"**

Titolo del progetto

Ecosystem for Sustainable Transition in Emilia-Romagna

Codice CUP

F78H22000410006

Soggetto attuatore

Università degli Studi di Ferrara

Obiettivo principale dell'operazione

- Evento di Disseminazione su
Sostenibilità nella catena del valore e giustizia climatica -



**University
of Ferrara**

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