



**University  
of Ferrara**



School of Law  
**Emmett Institute on Climate  
Change & the Environment**



**ELI**

EUROPEAN  
LAW  
INSTITUTE

SUSTAINABILITY AND  
ENVIRONMENTAL  
LAW SIG

**3<sup>rd</sup> 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**



**Finanziato  
dall'Unione europea**  
NextGenerationEU

## **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)*

**Enforcement Challenges in the Supply Chains**

*Paolo Cassinis (Competition and Market Authority, Rome)*

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

*Grzegorz Wąsiewski (BNT Attorneys, Warsaw)*

**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**

**18:30 Conclusions and Next Steps**

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Participation is free of charge.

Should you wish to attend,

please register by 20 June 2024

at: [alberto.defranceschi@unife.it](mailto: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 -