

Climate litigation

Significant rise in cases

As of May, 2022: 2002 cases around the world (compared to approx. 800 in 2015)

Majority of cases in the US (1,426)

70% of cases against governments

But: litigation against corporates on the rise, in particular outside the US

Many sectors affected: Only 16 out of 38 cases filed against corporate defendants in 2021 were against fossil fuel companies; more than half in other sectors (food and agriculture, transport, plastics and finance)

Source: *Setzer/Higham*: "Global trends in climate change litigation: 2022 snapshot" – Policy report June 2022.



Climate litigation

Trends in cases against corporate defendants



Strategic litigation



Human rights and climate change:

- more rights-based litigation against corporate defendants as a result of Shell judgment
- implications of proposal for EU corporate sustainability due diligence directive (value chain due diligence)



Proving loss – developments in climate attribution science



Financial institutions: increase in cases against financial institutions? (see NGFS report of November 2021)



Increase in cases against directors? (personal liability)



Greenwashing