



### TOWARDS A GLOBAL REACH OF CLIMATE JUSTICE

The protection of fundamental rights in the environmental field is the main subject of many “landmark cases” in climate change litigation, especially in Europe (significant judgments have been issued in the Netherlands, Germany, France). Furthermore, there has been an exponential growth in new litigations, including the ongoing Italian “Giudizio Universale” before the Civil Court of Rome.

The legal protection of human rights in climate change litigation can be ensured by providing a comprehensive system of legal remedies and procedures aimed at guaranteeing the “effectiveness” of climate justice.

In the civil law system, such as the Italian system, and particularly in administrative, civil, and criminal proceedings, it would be relevant to grant access to environmental justice, considering both the “potential” harm and not just the “actual” harm, as well as the public “obligation” to preserve the natural environment.

The EU legislation, judgments of the European Court of Justice, the ECHR and national courts contribute to the proper implementation of the rule of environmental law, stronger environmental governance and better compliance in Member States and complement “environmental law”, especially in countries where there is no specific legislation to preserve and improve the quality of the environment, protect human health and rational use of natural resources. The judgment of the Court of Justice, Grand Chamber (C-873/2019, 8/11/2022), stated that member states can, within their discretionary powers, establish procedural rules, but they must ensure respect for the right to an “effective remedy” enshrined in Article 47 of the Charter of Fundamental Rights of the European Union.

Climate action is at the heart of the European Green Deal and represents a cultural as well as a social, environmental, and ecological challenge.