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**Avosetta Questionnaire:**

**Climate Litigation**

**Cork, 28-29 May 2021**

**Although it is never easy, please keep your answers succinct – 2 pages max, excluding the questions.**

**[1] State of play at national level:**

In your particular Member State, have cases been decided by the national courts, and / or are there cases pending before the courts, that aim to deliver better climate protection?

Are there “horizontal” cases between private parties and / or “vertical” ones between private parties and public authorities – or both? If yes, briefly characterise them.

Actions challenging public authorities could be aimed: (1) at high level target setting for greenhouse gas emission (GHG) reduction; or (2) at the taking of more concrete measures reducing emissions (such as emissions limits for automobiles); or (3) at projects causing emissions as a side effect (such as a new runway or highway).

Briefly indicate who are the claimants; what are the standing requirements; what is the objective of the action, and what is the reasoning on the substance of the case.

No cases are known.

The low level of citizen’s trust in national courts associated with the well-known judicial delay explains why neither citizens nor NGOs nor are willing to go to court in Portugal to fight for the climate and rather prefer to do it internationally.

See estimated time needs to resolve administrative cases:

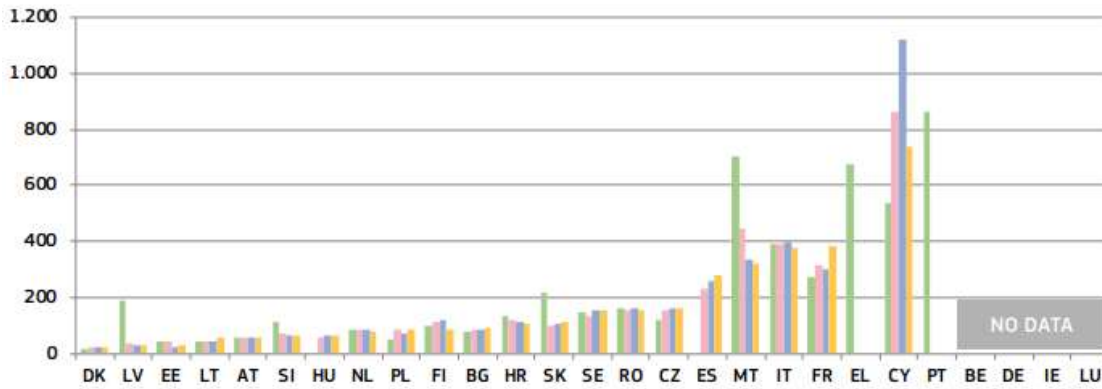
[https://ec.europa.eu/info/sites/info/files/justice\\_scoreboard\\_2020\\_en.pdf](https://ec.europa.eu/info/sites/info/files/justice_scoreboard_2020_en.pdf)

**Figure 5**

Estimated time needed to resolve civil, commercial, administrative and other cases, 2012 – 2018 (\*) (1<sup>st</sup> instance/in days)

2012 2016 2017 2018

Source: CEPEJ study



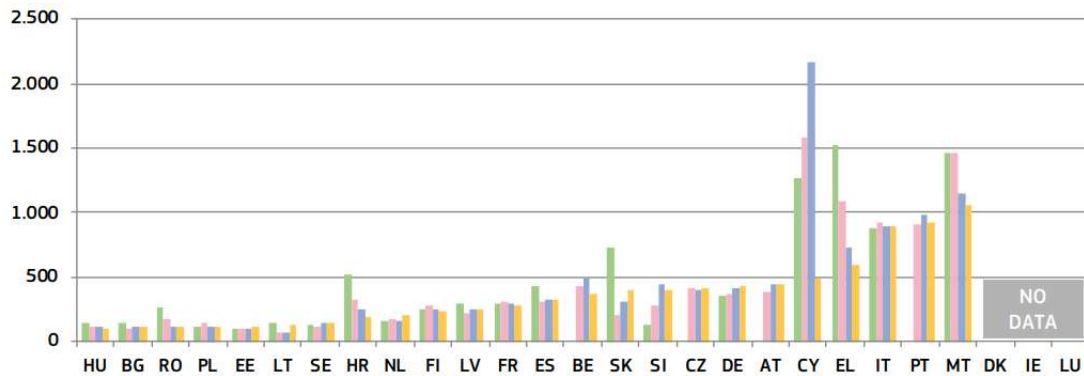
(\*) Under the CEPEJ methodology, this category includes all civil and commercial litigious and non-litigious cases, non-litigious land and business registry cases, other registry cases, other non-litigious cases, administrative law cases and other non-criminal cases. Methodology changes in **SK**. Pending cases include all instances in **CZ** and, until 2016, in **SK**. **LV**: the sharp decrease is due to court system reform, and error checks and data clean-ups in the Court information system.

**Figure 8**

Estimated time needed to resolve administrative cases, 2012 – 2018 (\*) (1<sup>st</sup> instance/in days)

2012 2016 2017 2018

Source: CEPEJ study



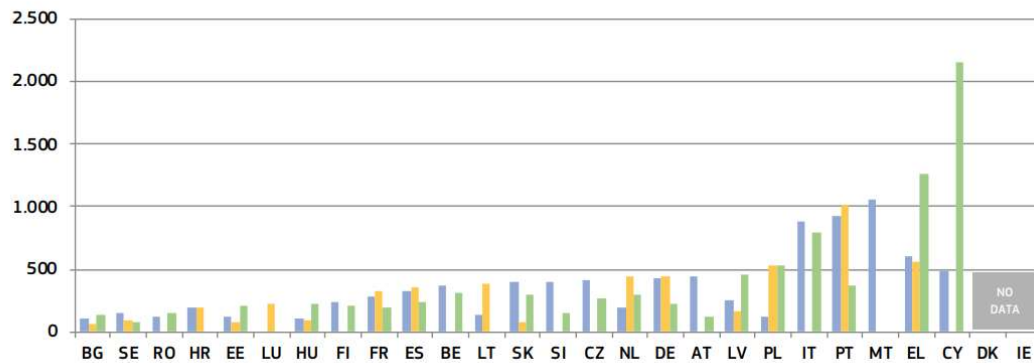
(\*) Administrative law cases concern disputes between individuals and local, regional or national authorities, under the CEPEJ methodology. Methodology changes in **EL** and **SK**. Pending cases include all court instances in **CZ** and, until 2016, in **SK**. **DK** and **IE** do not record administrative cases separately. **CY**: in 2018, the number of resolved cases has increased as a consequence of cases being tried together, the withdrawal of 2,724 consolidated cases and the creation of an Administrative Court 2 years ago.

**Figure 9**

**Estimated time needed to resolve administrative cases (\*) at all court instances in 2018** (1<sup>st</sup> and, where applicable, 2<sup>nd</sup> and 3<sup>rd</sup> instance/in days)

■ First instance (2018) ■ Second instance (2018) ■ Third instance (2018)

Source: CEPEJ study



Cases of violation of article 6/1 of the ECHR “reasonable time” (lengthy procedures in Portuguese Courts)

- [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-158147%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-158147%22]})
- [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-114664%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-114664%22]})
- [https://hudoc.echr.coe.int/eng#{%22fulltext%22:\[%22\(Portugal\)%20AND%20\(%22reasonable%20time%22\)%22\],%22article%22:\[%226-1%22\],%22kptthesaurus%22:\[%22406%22\],%22documentcollectionid%22:\[%22GRANDCHAMBER%22,%22CHAMBER%22\],%22violation%22:\[%226-1%22\],%22itemid%22:\[%22001-58155%22\]}](https://hudoc.echr.coe.int/eng#{%22fulltext%22:[%22(Portugal)%20AND%20(%22reasonable%20time%22)%22],%22article%22:[%226-1%22],%22kptthesaurus%22:[%22406%22],%22documentcollectionid%22:[%22GRANDCHAMBER%22,%22CHAMBER%22],%22violation%22:[%226-1%22],%22itemid%22:[%22001-58155%22]})
- [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-110952%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-110952%22]})
- [https://hudoc.echr.coe.int/eng#{%22fulltext%22:\[%22\(Portugal\)%20AND%20\(%22reasonable%20time%22\)%22\],%22article%22:\[%226-1%22\],%22kptthesaurus%22:\[%22406%22\],%22documentcollectionid%22:\[%22GRANDCHAMBER%22,%22CHAMBER%22\],%22violation%22:\[%226-1%22\],%22itemid%22:\[%22001-57535%22\]}](https://hudoc.echr.coe.int/eng#{%22fulltext%22:[%22(Portugal)%20AND%20(%22reasonable%20time%22)%22],%22article%22:[%226-1%22],%22kptthesaurus%22:[%22406%22],%22documentcollectionid%22:[%22GRANDCHAMBER%22,%22CHAMBER%22],%22violation%22:[%226-1%22],%22itemid%22:[%22001-57535%22]})
- [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-108621%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-108621%22]})
- [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-118580%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-118580%22]})
- [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-113334%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-113334%22]})
- [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-161525%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-161525%22]})
- [https://hudoc.echr.coe.int/eng#{%22fulltext%22:\[%22\(Portugal\)%20AND%20\(%22reasonable%20time%22\)%22\],%22article%22:\[%226-1%22\],%22kptthesaurus%22:\[%22406%22\],%22documentcollectionid%22:\[%22GRANDCHAMBER%22,%22CHAMBER%22\],%22violation%22:\[%226-1%22\],%22itemid%22:\[%22001-147443%22\]}](https://hudoc.echr.coe.int/eng#{%22fulltext%22:[%22(Portugal)%20AND%20(%22reasonable%20time%22)%22],%22article%22:[%226-1%22],%22kptthesaurus%22:[%22406%22],%22documentcollectionid%22:[%22GRANDCHAMBER%22,%22CHAMBER%22],%22violation%22:[%226-1%22],%22itemid%22:[%22001-147443%22]})
- [https://hudoc.echr.coe.int/eng#{%22fulltext%22:\[%22\(Portugal\)%20AND%20\(%22reasonable%20time%22\)%22\],%22article%22:\[%226-1%22\],%22kptthesaurus%22:\[%22406%22\],%22documentcollectionid%22:\[%22GRANDCHAMBER%22,%22CHAMBER%22\],%22violation%22:\[%226-1%22\],%22itemid%22:\[%22001-155210%22\]}](https://hudoc.echr.coe.int/eng#{%22fulltext%22:[%22(Portugal)%20AND%20(%22reasonable%20time%22)%22],%22article%22:[%226-1%22],%22kptthesaurus%22:[%22406%22],%22documentcollectionid%22:[%22GRANDCHAMBER%22,%22CHAMBER%22],%22violation%22:[%226-1%22],%22itemid%22:[%22001-155210%22]})

[https://hudoc.echr.coe.int/eng#{%22fulltext%22:\[%22\(Portugal\)%20AND%20\(%22reasonable%20time%22\)%22\],%22article%22:\[%226-](https://hudoc.echr.coe.int/eng#{%22fulltext%22:[%22(Portugal)%20AND%20(%22reasonable%20time%22)%22],%22article%22:[%226-1%22],%22kptthesaurus%22:[%22406%22],%22documentcollectionid%22:[%22GRANDCHAMBER%22,%22CHAMBER%22],%22violation%22:[%226-1%22],%22itemid%22:[%22001-155210%22]})

[1%22\],%22kptthesaurus%22:\[%22406%22\],%22documentcollectionid%22:\[%22GRANDCHAMBER%22,%22CHAMBER%22\],%22violation%22:\[%226-1%22\],%22itemid%22:\[%22001-58562%22\]}](#)

**[2] Interconnections between developments at national and supranational level:**

Where relevant, please connect the national experience to date with developments in climate litigation at the supranational level (e.g. proceedings before the CJEU and the ECtHR).