

Avosetta Questionnaire:

Climate Litigation

FINLAND

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?

Yes, if very widely understood. This means that there have been and there are pending cases according to e.g. the Environmental Protection Act and the Land Use Planning and Building Act that are climate based (mainly mitigation, but also adaptation). The chances of success are slim because climate matters cannot be taken into account according to decision provisions of the legislation.

No, in narrow sense. (But, it is possible to appeal to the Supreme Administrative Court when the Council of State approves plans that are based on the Climate Act. The Climate Act is at the moment in review process and most probably there will be better chances in the future.)

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

No, in narrow sense. (Compared to some other countries.)

(Vertical, in “yes” above.)

Actions challenging public authorities could be aimed: (1) at high level target setting for greenhouse gas emission (GHG) reduction;

No.

or (2) at the taking of more concrete measures reducing emissions (such as emissions limits for automobiles);

No.

or (3) at projects causing emissions as a side effect (such as a new runway or highway).

No.

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.

[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).

No.