https://doi.org/10.22364/iscflul.10.08

**Indre Zvaigzdiniene**, *Dr., Associate Professor*
Vilnius University, Faculty of Law, Lithuania

# FROM LAW TO ACTION: ADVANCING ENVIRONMENTAL ACCOUNTABILITY THROUGH COURTS AND POLICY

**Key words**: environmental accountability, access to justice, climate litigation, public participation, human rights

**Summary**

This article examines environmental accountability as a core principle of modern environmental governance, grounded in international, European Union, and national legal frameworks. Beginning with the 1972 Stockholm Declaration, it traces the evolution of accountability through binding instruments such as the Aarhus Convention, the UNFCCC, and the Convention on Biological Diversity, which embed transparency, participation, reporting, and compliance mechanisms into environmental law. Within the EU, directives such as the EIA, SEA, Water Framework, Habitats, and Birds Directives, alongside the European Green Deal, institutionalize both procedural and substantive accountability, reinforcing monitoring, public participation, and enforcement obligations.

Access to justice is identified as a central pillar of environmental accountability. International human rights guarantees, the Aarhus Convention's Article 9, EU legislation, and the jurisprudence of the Court of Justice of the European Union have progressively expanded standing and strengthened effective judicial protection. Recent EU regulations and directives further integrate dispute-settlement and procedural safeguards into environmental governance. Nevertheless, practical barriers, including procedural complexity and uneven implementation across Member States, continue to limit effectiveness.

The text then highlights climate litigation as an increasingly significant accountability mechanism. Landmark rulings have reinforced the human-rights basis of climate protection and clarified states' procedural and substantive obligations. However, their broader impact is limited by judicial deference and global asymmetries. Although courts can raise standards within certain jurisdictions, comprehensive and globally coordinated climate action is not guaranteed.

## Introduction

Environmental protection has increasingly evolved from a primarily political objective into a legally enforceable responsibility grounded in principles of accountability, transparency, and participation. Contemporary environmental governance requires states, public authorities, private actors, and individuals not only to prevent environmental harm, but also to justify their actions through effective procedural and institutional mechanisms. Increasing environmental degradation, climate change, biodiversity loss, and pollution have demonstrated the limitations of purely political or voluntary approaches to environmental protection, thereby strengthening the role of law. In response, international and European legal frameworks have progressively developed procedural and substantive obligations aimed at ensuring effective environmental governance and public participation in environmental decision-making.

This article aims at examining the multi-level legal foundations of environmental accountability and analysing how access to justice and climate litigation contribute to strengthening environmental governance at the international, European Union, and national levels.

The research is based on doctrinal legal analysis employing systematic, comparative, and analytical methods. It examines international treaties, EU legal instruments, case law, and selected national legal developments in order to identify the key principles and mechanisms through which environmental accountability is operationalized.

## 1. Multi-level legal foundations of environmental accountability

Environmental accountability refers to the responsibility of states, institutions, and individuals to protect the environment, prevent ecological harm, and ensure that their actions do not cause damage to present or future generations. It represents a fundamental pillar of contemporary environmental governance, encompassing transparency, monitoring, reporting, and enforcement mechanisms that engage all stakeholders, including governments, businesses, communities, and individuals. The 1972 Stockholm Declaration,[1] while primarily foundational in articulating the imperative of environmental protection, contains several aspirational provisions that foreshadow modern accountability mechanisms, including obligations to inform and consult the public on environmental matters and to cooperate internationally in addressing transboundary environmental issues (e. g. paragraph 7 of the preamble, principles 13, 21, 22 etc.). At the level of international law, multilateral instruments such as the Aarhus Convention (Convention on Access to Information, Public Participation in Decision-making

[1] Declaration of the United Nations Conference on the Human Environment, 16 June 1972. Available: https://www.un.org/en/conferences/environment/stockholm1972 [last viewed 15.02.2026].

and Access to Justice in Environmental Matters[2]) concretize these principles by imposing procedural and substantive duties on Parties to guarantee access to environmental information, facilitate public participation in environmental decision-making, and provide access to justice in environmental matters. Aarhus convention recognizes the desirability of transparency in all branches of government and invites legislative bodies to implement the principles of this Convention in their proceedings. It also recognizes that the public needs to be aware of the procedures for participation in environmental decision-making, have free access to them and know how to use them. Aarhus convention acknowledges the importance of the respective roles that individual citizens, non-governmental organizations and the private sector can play in environmental protection. Other global treaties, including the United Nations Framework Convention on Climate Change (UNFCCC)[3] and the Convention on Biological Diversity[4] and many others, further embed accountability through reporting, review and compliance mechanisms that require states to account for their implementation efforts. Within the European Union, environmental accountability is reinforced through a comprehensive legislative framework; for example, the Environmental Impact Assessment (EIA) Directive[5] and the Strategic Environmental Assessment (SEA) Directive[6] institutionalize procedural accountability by mandating assessment and public participation prior to the adoption of plans or projects with significant environmental effects, while the Water Framework Directive[7] and Habitat[8] and Birds Directives[9] establish substantive objectives with monitoring and reporting

---

[2] Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, 25 June 1998. Available: https://unece.org/DAM/env/pp/documents/cep43e.pdf [last viewed 15.02.2026].

[3] United Nations Framework Convention on Climate Change, 9 May 1992. Available: https://treaties.un.org/doc/Treaties/1994/03/19940321%2004-56%20AM/Ch_XXVII_07p.pdf [last viewed 15.02.2026].

[4] Convention on Biological Diversity (CBD), 5 June 1992. Available: https://www.cbd.int/convention/text [last viewed 15.02.2026].

[5] Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (with subsequent amendments). Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02011L0092-20140515 [last viewed 15.02.2026].

[6] Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32001L0042 [last viewed 15.02.2026].

[7] Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (with subsequent amendments). Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02000L0060-20141120 [last viewed 15.02.2026].

[8] Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (with subsequent amendments). Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A01992L0043-20250714 [last viewed 15.02.2026]

[9] Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (with subsequent amendments). Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02009L0147-20190626 [last viewed 15.02.2026].

obligations that enable both the Commission and the public to hold Member States accountable for environmental outcomes. The importance of environmental accountability was once again reaffirmed and further strengthened through the adoption of the European Green Deal,[10] which sets forth an ambitious plan to transform Europe's economy, energy systems, transport infrastructure, and industrial sectors toward a more sustainable future, with the ultimate objective of achieving climate neutrality by 2050. It explicitly emphasizes stakeholder engagement, recognizing that citizen participation is essential to the Green Deal's success and to achieving lasting environmental change.

Collectively, these international and EU instruments demonstrate a multi-layered legal architecture through which environmental accountability is put into practice. By combining normative principles, binding obligations, procedural safeguards, and inclusive participation mechanisms, this framework ensures that states, institutions, and individuals are responsible not only for preventing environmental harm but also for fostering a participatory and transparent approach to sustainable governance.

## 2. Empowering environmental governance through access to justice

Access to justice constitutes an essential pillar of environmental accountability, as it enables individuals, communities, and civil society actors to invoke legal mechanisms to challenge environmental harm and regulatory non-compliance. Effective judicial and quasi-judicial remedies strengthen the enforcement of environmental norms, deter unlawful conduct, and uphold the rule of law.

In international law, access to justice is anchored in the right to an effective remedy and the guarantee of a fair and public hearing before an independent and impartial tribunal, as reflected in Article 8 of the Universal Declaration of Human Rights[11] and Article 14 of the International Covenant on Civil and Political Rights.[12] At the regional level, Articles 6 and 13 of the European Convention on Human Rights[13] further elaborate these guarantees, requiring effective judicial protection and the availability of remedies for violations of protected rights.

---

[10] Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions. The European Green Deal. COM/2019/640 final. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52019DC0640 [last viewed 15.02.2026].

[11] The Universal Declaration of Human Rights, 10 December 1948. Available: https://www.un.org/en/about-us/universal-declaration-of-human-rights [last viewed 15.02.2026].

[12] International Covenant on Civil and Political Rights, 16 December 1966. Available: https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights [last viewed 15.02.2026].

[13] Convention for the Protection of Human Rights and Fundamental Freedoms, 4 November 1950. Available: https://www.echr.coe.int/documents/d/echr/Convention_ENG [last viewed 15.02.2026].

In the environmental sphere, these standards are significantly strengthened by the Aarhus Convention, which establishes a tripartite framework of rights: access to environmental information, public participation in environmental decision-making, and access to justice in environmental matters. Article 9 of the Aarhus Convention, in particular, obliges States Parties to ensure that members of the public have access to review procedures that are fair, equitable, timely, and not prohibitively expensive, thereby activating and solidifying general international human rights guarantees within the specific context of environmental protection.

The Court of Justice of the European Union (CJEU) has emphasized that the objective of the European Union legislature in granting the public concerned "wide access to justice" reflects, more broadly, its commitment to preserving, protecting, and improving the quality of the environment. It further underscores the intention to ensure that, to that end, the public is enabled to play an active and participatory role in environmental protection.[14]

The European Union has consistently adhered to these objectives by further enhancing access to justice in recent legislation. For example, Regulation (EU) 2021/1767[15] introduced significant amendments to the EU's Aarhus framework in order to strengthen access to justice in environmental matters at Union level. First, it broadened the scope of the internal review mechanism by expanding the definition of "administrative acts"[16] to include acts of general scope adopted under environmental law, provided that they contain provisions capable of producing legal effects. This marked a substantial shift from the previous regime, which limited internal review largely to individual acts. Second, the Regulation clarified and widened the standing of non-governmental organisations (NGOs) by adjusting eligibility criteria and procedural conditions, thereby facilitating their ability to request internal review of EU acts that may contravene environmental law. Third, it introduced procedural improvements, including clearer time limits and obligations on EU institutions to provide reasoned responses, thus fostering transparency and accountability.

It should also be observed, that recent EU legislative developments in the environmental sphere consistently incorporate provisions ensuring access to justice and effective judicial remedies. While these instruments vest considerable discretion in Member States regarding implementation, they establish important baseline requirements that reflect the EU's commitment to the principles enshrined in the Aarhus Convention. For example, Article 6(6) of

---

[14] CJEU judgment of 11 April 2013 in case No. C-260/11 the Queen, on the application of David Edwards and Lilian Pallikaropoulos v. Environment Agency and Others, para. 32.

[15] Regulation (EU) 2021/1767 of the European Parliament and of the Council of 6 October 2021 amending Regulation (EC) No. 1367/2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies. Available: https://eur-lex.europa.eu/eli/reg/2021/1767/oj/eng [last viewed 15.02.2026].

[16] It defined administrative act, as follows: 'administrative act' means any non-legislative act adopted by a Union institution or body, which has legal and external effects and contains provisions that may contravene environmental law within the meaning of point (f) of Article 2(1).

the Regulation (EU) 2024/1735,[17] establishing a framework for strengthening Europe's net-zero technology manufacturing ecosystem, requires Member States to ensure that applicants have easy access to information on and procedures for the settlement of disputes concerning permit-granting processes, including, where applicable, alternative dispute resolution mechanisms provided by national law. Article 9(8) of the Regulation (EU) 2024/1252,[18] establishing a framework for ensuring a secure and sustainable supply of critical raw materials, mirrors the Net Zero Industry Act's approach, requiring Member States to ensure easy access to information on and procedures for dispute settlement concerning permit-granting processes for critical raw materials projects. Directive (EU) 2023/2413[19] on the promotion of energy from renewable sources also introduces significant access to justice provisions. Article 16(5) requires Member States to ensure that applicants and the general public have easy access to simple procedures for dispute settlement concerning permit-granting procedures and permit issuance for renewable energy plants, including alternative dispute resolution mechanisms. Article 16(6) establishes a requirement that administrative and judicial appeals in renewable energy project contexts be subject to the most expeditious procedures available at the relevant national, regional, and local levels. Directive (EU) 2024/1203[20] on the protection of the environment through criminal law contains Article 15, which requires Member States to ensure that persons affected or likely to be affected by criminal environmental offences, persons having a sufficient interest or maintaining the impairment of a right, and environmental NGOs meeting national law requirements have appropriate procedural rights in criminal proceedings concerning such offences. This provision extends participatory rights to the criminal law sphere, upgrading the overall framework for environmental accountability.

In parallel to legislation, the evolving case law of the CJEU has significantly contributed to clarifying and expanding the practical scope of such rights.

---

[17] Regulation (EU) 2024/1735 of the European Parliament and of the Council of 13 June 2024 on establishing a framework of measures for strengthening Europe's net-zero technology manufacturing ecosystem and amending Regulation (EU) 2018/1724. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02024R1735-20250817 [last viewed 15.02.2026].

[18] Regulation (EU) 2024/1252 of the European Parliament and of the Council of 11 April 2024 establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1724 and (EU) 2019/1020. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02024R1252-20240503 [last viewed 15.02.2026].

[19] Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023 amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652. Available: https://eur-lex.europa.eu/eli/dir/2023/2413/oj/eng [last viewed 15.02.2026].

[20] Directive (EU) 2024/1203 of the European Parliament and of the Council of 11 April 2024 on the protection of the environment through criminal law and replacing Directives 2008/99/EC and 2009/123/EC. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02024L1203-20240430 [last viewed 15.02.2026].

The Court of Justice of the European Union has developed significant jurisprudence on the relationship between Article 9(3) of the Aarhus Convention and Article 47 of the Charter of Fundamental Rights of the European Union, which guarantees the right to an effective remedy and a fair trial. This case law has established important principles governing access to justice in environmental matters. In case C-873/19 (Deutsche Umwelthilfe), the Court held that national courts must interpret procedural rules relating to standing to bring proceedings in a manner consistent with both the objectives of Article 9(3) of the Aarhus Convention and the objective of effective judicial protection of rights conferred by EU law.[21] This enables environmental associations to challenge decisions that may be contrary to EU environmental legislation, even where national procedural rules might otherwise restrict their standing. Significantly, while Article 9(3) of the Aarhus Convention does not itself have direct effect, Article 47 of the Charter is self-executing and operates as a limitation on Member State discretion. Where consistent interpretation proves impossible, national courts must disapply provisions precluding environmental associations from challenging administrative decisions contrary to EU environmental law[22].

In line with trends observed at the EU level, similar patterns of expanding access to justice in environmental matters are evident in national practices. For example, in Lithuania, as of 1 January 2022, amendments to the Law on Administrative Proceedings of the Republic of Lithuania[23] came into effect, providing that an application may be submitted to the administrative court to determine whether a normative administrative act related to the environment (or any part thereof) complies with the law or a government-issued normative act. This right is also granted to the public concerned, as defined in the Law on Environmental Protection of the Republic of Lithuania.

Overall, access to justice has evolved into a central and operational dimension of environmental governance at international, EU, and national levels. Through legislative reform and dynamic judicial interpretation (particularly by the Court of Justice of the European Union), procedural rights have been progressively strengthened to ensure that individuals and civil society actors can effectively challenge environmental harm and regulatory failures. This trajectory reflects a broader commitment to embedding environmental protection within the rule of law and to empowering the public as an active guardian of environmental integrity. Notwithstanding these important normative and jurisprudential advances, significant challenges remain in ensuring that access to justice in environmental matters is genuinely effective in practice. Procedural complexity, financial barriers, restrictive standing rules at national level, and uneven implementation across

---

[21] CJEU judgment of 8 November 2022 in case No. C-873/19 Deutsche Umwelthilfe eV v. Bundesrepublik Deutschland, para. 75.

[22] Ibid., paras. 78–80.

[23] Law on Administrative Proceedings of the Republic of Lithuania. Available in Lithuanian: https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.72290/asr?positionInSearchResults=0&searchModelUUID=839eecc9-5497-42c7-ac12-728eaed877fa [last viewed 15.02.2026].

Member States continue to limit the transformative potential of these guarantees. Ultimately, the credibility of the EU's environmental and climate ambitions will depend not only on the breadth of legislative commitments, but on the consistent and practical realization of meaningful judicial protection throughout the Union.

## 3. Advancing environmental accountability through climate litigation

Climate litigation has emerged as a powerful instrument for promoting environmental accountability, enabling citizens, civil society organizations, and even subnational governments to hold both public authorities and private actors responsible for environmental harm. By leveraging national and international legal frameworks, climate litigation not only compels compliance with existing environmental laws but also drives policy change, enhances transparency, and amplifies public participation in environmental governance. Across jurisdictions, strategic litigation has increasingly targeted issues such as greenhouse gas emissions, climate adaptation obligations, and the enforcement of regulatory standards, creating legal precedents that shape the trajectory of climate action.

The Urgenda case[24] is widely regarded as a landmark in climate litigation, setting a pioneering precedent for holding governments legally accountable for insufficient climate action. In this case, the Hague District Court ruled that the government had a legal obligation to reduce greenhouse gas emissions by at least 25% by 2020 compared to 1990 levels, citing principles of human rights and tort law. The court emphasized that protecting citizens from the dangers of climate change is a fundamental duty of the state, establishing a powerful model for climate litigation worldwide. This decision was ultimately confirmed by the Supreme Court of the Netherlands on 20 December 2019. The Supreme Court clarified that the court's order does not require the government to take specific legislative measures. Instead, it allows the state to determine which measures to implement in order to achieve the 25% reduction in greenhouse gas emissions by 2020. The fact that many potential measures may require legislation does not alter this principle, as it remains the state's responsibility to decide which measures and legislation are necessary to meet the reduction target. The Urgenda ruling marked one of the first instances in which a court directly mandated a government to take specific, legally enforceable action to address climate change. This landmark decision has since inspired similar climate litigation in other countries, including France, Germany and others, where courts have also held governments accountable for insufficient climate policies.

Following a wave of climate litigation at the national level, cases have increasingly reached the European Court of Human Rights, establishing

[24] Judgment of the Supreme Court of the Netherlands of 20 December 2019 case No. 19/00135. Available: https://www.urgenda.nl/en/themas/climate-case/ [last viewed 15.02.2026].

it as a pivotal forum for addressing the intersection of state responsibility, environmental protection, and human rights in the context of climate change.

The KlimaSeniorinnen case[25] represents the first successful climate case before the European Court of Human Rights. The case concerned a complaint by four women and a Swiss association whose members were concerned about the consequences of global warming on their living conditions and health. The Court found that the Convention encompasses a right to effective protection by state authorities from the serious adverse effects of climate change on lives, health, well-being, and quality of life. While the Court declared inadmissible the individual applicants' complaints for failure to meet victim-status criteria under Article 34 of the Convention, the applicant association satisfied standing requirements. The Court held that there had been violations of both the right to respect for private and family life under Article 8 and the right of access to a court under Article 6. The Swiss Confederation had failed to comply with its positive obligations under the Convention concerning climate change. The Court established criteria for assessing whether states remain within their margin of appreciation regarding climate obligations: states must adopt general measures specifying target timelines for achieving carbon neutrality, set intermediate emissions reduction targets capable of meeting overall national goals, provide evidence of compliance with reduction targets, keep targets updated based on best available evidence, and act in good time and consistently when implementing relevant legislation and measures.[26]

On 28 October 2025, the European Court of Human Rights delivered its judgment in Greenpeace Nordic v. Norway,[27] marking its first procedural climate-rights ruling. Two NGOs (Greenpeace Nordic and Young Friends of the Earth Norway) and six individuals challenged the Norwegian government's issuance of licenses for oil and gas exploration in the Barents Sea. The Court held that the six individual applicants had not demonstrated a sufficiently serious or individualized impact on their life, health, or well-being attributable to climate change to establish victim status under Article 8. Relying on KlimaSeniorinnen, the Court reaffirmed that absent high-intensity exposure or pressing need for individual protection, the threshold for victim status is not met. In contrast, the two applicant organizations satisfied the criteria for locus standi and their Article 8 complaint was declared admissible. The Court in its judgment reiterated that the State's obligation under Article 8 is to do its part to ensure effective protection of those within its jurisdiction by the State authorities from serious adverse effects on their life, health, well-being and quality of life arising from the harmful effects and risks caused by climate change. In this context, the State's primary duty is

[25] ECHR judgment of 9 April 2024 in case of Verein KlimaSeniorinnen Schweiz and Others v. Switzerland (Application No. 53600/20).

[26] Ibid., para. 550.

[27] ECHR judgment of 28 October 2025 in case of Greenpeace Nordic and Others v. Norway (Application No. 34068/21).

to adopt, and to effectively apply in practice, regulations and measures capable of mitigating the existing and potentially irreversible, future effects of climate change. This obligation flows from the causal relationship between climate change and the enjoyment of Convention rights, and the fact that the object and purpose of the Convention, as an instrument for the protection of human rights, requires that its provisions must be interpreted and applied so as to guarantee rights that are practical and effective, not theoretical and illusory.[28] The Court further reiterated that States have a wide margin of appreciation as regards their choice of the means of implementing their climate obligations. This includes operational choices and the adoption of policies in order to meet internationally agreed targets and commitments to combat climate change and its adverse effects, in the light of the State's priorities and resources. At the same time, however, the Court has considered the scientific evidence of how climate change affects Convention rights. It has also considered the scientific evidence that shows the urgency of combating the adverse effects of climate change; the severity of its consequences, including the grave risk of their reaching the point of irreversibility; and the scientific, political and judicial recognition of a link between the adverse effects of climate change and the enjoyment of (various aspects of) human rights.[29] Taking all this into account, the Court concluded that climate protection should carry considerable weight in the balancing of any competing considerations.[30] The Court stressed, that considering the grave and irreversible nature of the risks involved, the principle of precaution and the international case law on the matter, it is clear that especially material in determining whether the respondent State has remained within its margin of appreciation is the following procedural safeguard which is to be taken into account as regards the State's decision-making process in the context of environment and climate change: an adequate, timely and comprehensive environmental impact assessment in good faith and based on the best available science must be conducted before authorizing a potentially dangerous activity that may be harmful to the right for individuals to effective protection by the State authorities from serious adverse effects of climate change on their life, health, well-being and quality of life. In the context of petroleum production projects, the environmental impact assessment must include, at a minimum, a quantification of the GHG emissions anticipated to be produced (including the combustion emissions both within the country and abroad). Moreover, at the level of the public authorities, there must be an assessment of whether the activity is compatible with their obligations under national and international law to take effective measures against the adverse effects of climate change. Lastly, informed public

[28] ECHR judgment of 28 October 2025 in case of Greenpeace Nordic and Others v. Norway (Application No. 34068/21), para. 314.

[29] Ibid., para. 315.

[30] Ibid., para. 316.

consultation must take place at a time when all options are still open and when pollution can realistically be prevented at source.[31]

The International Court of Justice (ICJ) advisory opinion on obligations of States in respect of Climate Change[32] cannot be left unmentioned, as it provides crucial guidance on the legal responsibilities of nations regarding environmental protection. ICJ affirmed that states are obliged to prevent transboundary environmental harm and to take measures addressing climate change. While certain specifics, such as detailed targets or methods of implementation, may remain unspecified, the opinion establishes that climate action is a binding legal duty rather than a voluntary endeavour.

Ultimately, while the above-mentioned landmark rulings have undoubtedly strengthened the human-rights basis of climate protection, the broader effectiveness of these rulings is far from assured. Judicial intervention primarily constrains states that are already embedded in robust legal systems and comparatively committed to climate governance. Yet climate change is a global collective-action problem, and many major emitters either lack comparable judicial avenues or demonstrate limited political will to implement ambitious mitigation measures. This asymmetry produces an uneven outcome: courts can raise standards and impose obligations on proactive jurisdictions, but they cannot ensure equivalent restraint or responsibility elsewhere. Consequently, climate litigation advances accountability within certain legal orders, while its capacity to generate a truly global and proportionate climate response is far less clear.

## Conclusions

The analysis demonstrates that environmental accountability has evolved into a structurally embedded principle of contemporary governance, operating across international, European, and national legal orders. Foundational instruments together with EU secondary legislation and policy frameworks have progressively converted aspirational environmental commitments into enforceable procedural and substantive obligations. This multi-layered architecture integrates transparency, public participation, monitoring, and compliance mechanisms, thereby transforming environmental protection from a predominantly policy-driven objective into a normatively structured legal responsibility grounded in the rule of law.

Access to justice functions as the operational backbone of environmental accountability. Through the interpretative approach of the Court of Justice of

[31] ECHR judgment of 28 October 2025 in case of Greenpeace Nordic and Others v. Norway (Application No. 34068/21), paras. 318–319.

[32] The International Court of Justice advisory opinion on obligations of States in respect of Climate Change of 23 July 2025. Available: https://www.icj-cij.org/sites/default/files/case-related/187/187-20250723-adv-01-00-en.pdf [last viewed 15.02.2026].

the European Union, particularly in light of Article 47 of the EU Charter and Article 9(3) of the Aarhus Convention, procedural rights have been strengthened to ensure effective judicial protection. Legislative reforms at EU level and evolving national practices further expand standing and review mechanisms. Nevertheless, persistent obstacles, such as restrictive national standing rules, procedural complexity, financial barriers, and uneven implementation, continue to limit the transformative potential of these guarantees in practice.

The rise of climate litigation marks a significant doctrinal shift by situating climate protection within human rights law and clarifying states' positive obligations. Courts have reinforced procedural safeguards, science-based decision-making, and accountability standards. However, judicial restraint, the broad margin of appreciation afforded to states, and global asymmetries in implementation reveal structural limits. Climate litigation enhances normative clarity and accountability within certain jurisdictions, yet its capacity to overcome the systemic and transnational dimensions of the climate crisis is inherently limited.

## BIBLIOGRAPHY

### International normative acts

1. Declaration of the United Nations Conference on the Human Environment, 16 June 1972. Available: https://www.un.org/en/conferences/environment/stockholm1972 [last viewed 15.02.2026].
2. Universal Declaration of Human Rights, 10 December 1948. Available: https://www.un.org/en/about-us/universal-declaration-of-human-rights [last viewed 15.02.2026].
3. International Covenant on Civil and Political Rights, 16 December 1966. Available: https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights [last viewed 15.02.2026].
4. Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, 25 June 1998. Available: https://unece.org/DAM/env/pp/documents/cep43e.pdf [last viewed 15.02.2026].
5. United Nations Framework Convention on Climate Change, 9 May 1992. Available: https://treaties.un.org/doc/Treaties/1994/03/19940321%2004-56%20AM/Ch_XXVII_07p.pdf [last viewed 15.02.2026].
6. Convention on Biological Diversity (CBD), 5 June 1992. Available: https://www.cbd.int/convention/text [last viewed 15.02.2026].
7. Convention for the Protection of Human Rights and Fundamental Freedoms, 4 November 1950. Available: https://www.echr.coe.int/documents/d/echr/Convention_ENG [last viewed 15.02.2026].

### EU normative acts

8. Regulation (EU) 2021/1767 of the European Parliament and of the Council of 6 October 2021 amending Regulation (EC) No 1367/2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making

and Access to Justice in Environmental Matters to Community institutions and bodies. Available: https://eur-lex.europa.eu/eli/reg/2021/1767/oj/eng [last viewed 15.02.2026].

9. Regulation (EU) 2024/1735 of the European Parliament and of the Council of 13 June 2024 on establishing a framework of measures for strengthening Europe's net-zero technology manufacturing ecosystem and amending Regulation (EU) 2018/1724. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02024R1735-20250817 [last viewed 15.02.2026].
10. Regulation (EU) 2024/1252 of the European Parliament and of the Council of 11 April 2024 establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) No. 168/2013, (EU) 2018/858, (EU) 2018/1724 and (EU) 2019/1020. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02024R1252-20240503 [last viewed 15.02.2026].
11. Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (with subsequent amendments). Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02011L0092-20140515 [last viewed 15.02.2026].
12. Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32001L0042 [last viewed 15.02.2026].
13. Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (with subsequent amendments). Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02000L0060-20141120 [last viewed 15.02.2026].
14. Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (with subsequent amendments). Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A01992L0043-20250714 [last viewed 15.02.2026].
15. Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (with subsequent amendments). Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02009L0147-20190626 [last viewed 15.02.2026].
16. Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023 amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652. Available: https://eur-lex.europa.eu/eli/dir/2023/2413/oj/eng [last viewed 15.02.2026].
17. Directive (EU) 2024/1203 of the European Parliament and of the Council of 11 April 2024 on the protection of the environment through criminal law and replacing Directives 2008/99/EC and 2009/123/EC. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02024L1203-20240430 [last viewed 15.02.2026].
18. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions. The European Green Deal. COM/2019/640 final. Available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52019DC0640 [last viewed 15.02.2026].

**National normative acts**

19. Law on Administrative Proceedings of the Republic of Lithuania. Available in Lithuanian: https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.72290/asr?positionInSearchResults=0&searchModelUUID=839eecc9-5497-42c7-ac12-728eaed877fa [last viewed 15.02.2026].

**Court practice**

20. ECHR judgment of 9 April 2024 in case of Verein KlimaSeniorinnen Schweiz and Others v. Switzerland (Application No. 53600/20).
21. ECHR judgment of 28 October 2025 in case of Greenpeace Nordic and Others v. Norway (Application No. 34068/21).
22. CJEU judgment of 11 April 2013 in case No. C-260/11 the Queen, on the application of David Edwards and Lilian Pallikaropoulos v. Environment Agency and Others.
23. CJEU judgment of 8 November 2022 in case No. C-873/19 Deutsche Umwelthilfe eV v. Bundesrepublik Deutschland.
24. The International Court of Justice advisory opinion on obligations of States in respect of Climate Change of 23 July 2025. Available: https://www.icj-cij.org/sites/default/files/case-related/187/187-20250723-adv-01-00-en.pdf [last viewed 15.02.2026].
25. Judgment of the Supreme Court of the Netherlands of 20 December 2019 in case No. 19/00135. Available: https://www.urgenda.nl/en/themas/climate-case/ [last viewed 15.02.2026].