Greenpeace Nordic v. Norway (2025): Human Rights as a Procedural Shield in Climate Litigation

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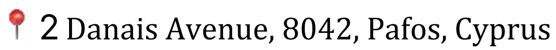
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Introduction

In *Greenpeace Nordic and Others v. Norway* (16 Oct 2025), the European Court of Human Rights (ECHR) clarified how Article 8 ECHR (right to private/family life) can be related to the concept of climate change and the overall frame of fossil fuel projects. Activists challenged Norway's 2016 awards of Arctic oil-exploration licenses, arguing that the government violated Articles 2 (right to life) and 8 by authorising activities that would increase Greenhouse Gas (GHG) emissions - including "Scope 3" emissions from fuel burned abroad.[1] The Court accepted that climate change poses serious risks to health and life in general and held that Article 8 can cover such harm when there is a "sufficiently close link" between state actions and future climate damage.[2] It is recognised that each exploration license is a necessary step towards eventual extraction and combustion of fossil fuels, triggering a procedural duty to protect citizens from climate harm.[3]

Specifically, the ECHR held that before authorising any potentially dangerous activity (such as oil drilling), a state must conduct an "adequate, timely and comprehensive" Environmental Impact Assessment (EIA) in good faith and based on the best available science. For fossil-fuel projects, an EIA must quantify all anticipated GHG emissions, assess whether the project complies with national and international climate laws and enable informed public participation at a preliminary stage. Notably, the Court treated environmental impact review as a procedural obligation under Article 8, and conducting a full EIA and public consultation is a key factor in determining whether a state stays within its "margin of appreciation".

Applying these principles, the ECHR found no violation in Norway's case. Norway had deferred a comprehensive EIA (including exported emissions) to the later "production"

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[1] Greenpeace Nordic and Others v. Norway, no. 34068/21, ECHR 2025, https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-245561%22]}

[2] Michael Showalter and Duncan M. Weinstein, "ECHR Climate Decision: Five Key Takeaways for Companies," Environmental Law Advisor (Argento Schiff), November 11, 2025, https://www.afslaw.com/perspectives/environmental-law-advisor/echr-climate-decision-five-key-takeaways-companies

[3] "Greenpeace Nordic and Others v. Norway." 2021. Climatecasechart.com. Sabin. 2021. https://www.climatecasechart.com/document/greenpeace-nordic-and-others-v-norway_0687

stage of its licensing process. The Court accepted this timing, provided robust safeguards exist under Norwegian law. No oil extraction could proceed without a full EIA (including climate impacts and public input) at the development stage. As long as that later review occurs before production, the Court saw no breach.[4] In short, the license award (an early stage) did not yet mandate detailed climate analysis. The state has an obligation to ensure that by the time extraction is approved, a full climate assessment has been conducted.

The ECHR also addressed that the six individuals had not shown a sufficiently concrete personal injury from climate change to be "victims" under Article 8. At the same time, the NGOs (Greenpeace Nordic and Nature and Youth) did meet the test for organisational standing (This follows the *Klima Seniorinnen* precedent, which allowed climate NGOs to sue on behalf of affected people). All other complaints (Article 2, Article 14 discrimination, Article 13 remedies) were dismissed or left unevaluated, as beyond the specific licensing decision at issue.

International Context and Related Jurisprudence

The *Greenpeace Nordic* ruling reflects and reinforces a broader international pattern. Courts and tribunals treat climate change as a matter of binding legal duties, apart from its policy relevance. In recent years, major bodies have emphasised state responsibilities to prevent and assess climate harm. For example, the International Court of Justice (ICJ) in its July 2025 Advisory Opinion confirmed that under customary international law, states have a "duty to prevent significant harm to the environment," which applies to the climate system.[5] The ICJ held that this is an obligation of due diligence: a state must employ "all means reasonably available" to prevent such harm. In practical terms, this means rigorous measures (such as impact assessments, emissions reductions, and cooperation) are required.

[4] "Climate Litigation Update: Insights from the ECtHR's Greenpeace Nordic v. Norway Ruling," Loyens & Loeff, April 12, 2024, https://www.loyensloeff.com/insights/news--events/news/climate-litigation-update-insights-from-the-ecthrs-greenpeace-nordic-v.-norway-ruling/.

[5] International Court of Justice, *Obligations of States in respect of Climate Change (Request for Advisory Opinion)*, Advisory Opinion of July 23, 2025, https://icj-web.leman.un-icc.cloud/sites/default/files/case-related/187/187-20250723-adv-01-00-en.pdf

Similarly, the International Tribunal for the Law of the Sea (ITLOS) (May 2024) found that under the United Nations Convention on the Law of the Sea, states must take all necessary measures to prevent marine pollution from GHG emissions and ensure that emissions under their control do not damage other states' environments.[6] The ITLOS opinion emphasises that evolving due diligence and precaution given scientific advances (the standard "heightens" over time as climate risks become clear). The Inter-American Court of Human Rights' July 2025 Advisory Opinion 32/25 (requested by Chile and Colombia) declared climate change as an urgent human rights threat and set forth binding guidelines: states must use best available science, enact strong mitigation targets, ensure access to information and public participation, and protect vulnerable communities (rights to a healthy environment, science, and information, among others).[7]

In Europe, the *Greenpeace Nordic* Court explicitly cited other climate-related cases. Founded on ECHR's own 2023 ruling in *Verein Klima Seniorinnen v. Switzerland*, the decision held that the protective scope of Article 8 covers future climate harms and established minimal guardrails for state mitigation. *Greenpeace Nordic* adapts those principles to licensing, which focuses on procedural safeguards in project approvals. The decision also echoes recent European court guidance. On 21st May 2025, the European Free Trade Association Court (for EEA states) issued an advisory opinion in Case E-18/24 (*Greenpeace Nordic v. Norway*, referred by a Norwegian court) holding that life-cycle (Scope 3) emissions "are likely effects of the project", and must be "identified, described and assessed" under EU EIA law.[8] The EFTA Court drew a causal relation: if not for extraction, the embedded greenhouse gases would remain unburned, so downstream combustion is a foreseeable outcome that EIAs cannot ignore. This aligns with the UK Supreme Court's *Finch v. Surrey County Council* (2021), which likewise held that off-site

[6]Margaretha Wewerinke-Singh and Jorge E. Viñuales, "More than a Sink: The ITLOS Advisory Opinion on Climate Change and State Responsibility," *Climate Law Blog* (Columbia Law School), June 7, 2024, https://blogs.law.columbia.edu/climatechange/2024/06/07/more-than-a-sink-the-itlos-advisory-opinion-on-climate-change-and-state-responsibility/.

[7] "The IACHR Sets a Historic Precedent: A Legal Roadmap to Confront the Climate Emergency Through a Human Rights Lens," Centre for Justice and International Law (CEJIL), January 9, 2025, https://cejil.org/en/press-releases/the-iachr-sets-a-historic-precedent-a-legal-roadmap-to-confront-the-climate-emergency-through-a-human-rights-lens/.

[8] Holoffe, Nicolas, Greenpeace Nordic, and Others v. The Government of Norway, Case E-18/24, [2025] EFTA Ct. Rep., https://www.wy4cj.org/legal-blog/environmental-impact-assessment-and-climate-litigation-reflections-on-efta-court-case-e-1824-2025.

combustion emissions are not too remote to be considered in EIA[9]. In sum, *Greenpeace Nordic* sits amid converging jurisprudence: international tribunals, European courts, and even national courts now routinely require quantification and scrutiny of all scopes of emissions, cumulative impacts, and transboundary effects in project approvals.

Comparison with Recent U.S. Cases

U.S. climate litigation has produced mixed developments. In *West Virginia v. EPA* (2022) and *Loper Bright* (2023), the U.S. Supreme Court limited agency authority, but *Greenpeace Nordic* deals with procedural law. The closest U.S. analogue is *Seven County Infrastructure Coalition v. Eagle County* (U.S. Supreme Court, May 2025). In *Eagle County*, the Supreme Court took a narrow view of the National Environmental Policy Act (NEPA): it ruled 8-0 that courts must give agencies "substantial deference" on the scope of environmental reviews and that NEPA does not require analysis of effects from separate upstream or downstream projects outside the agency's control.[10] For example, in a railroad project, the Court held the agency did not need to assess emissions from far-away oil refineries that the railroad would feed; NEPA was satisfied by examining only the direct and proximate effects of the project.[11] The distinction is straightforward: Greenpeace Nordic emphasises a life-cycle approach, whereas Eagle County explicitly differentiates between the project's own indirect effects (which must be assessed) and the impacts of other "separate" projects (which agencies may exclude).

Other U.S. cases touch on climate standing and duties. In *Juliana v. United States* (9th Cir. 2020), a broad youth climate suit was dismissed for lack of Article III standing: the court held plaintiffs alleged future harms from climate change were not redressable by judicial relief.[12] *Greenpeace Nordic* goes further by requiring procedural steps but, like *Juliana*, leaves substantive policy choices to the political branches. In the Western States, courts have been more receptive: notably, *Held v. Montana* (Mont. Supreme Ct.

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[9] R (on the application of Finch on behalf of the Weald Action Group) v. Surrey County Council and others, [2024] UKSC 20, https://www.lawteacher.net/cases/r-finch-v-surrey-county-council-and-others-2024-uksc-20.php

[10] Andrew Brady et al., "Seven County Infrastructure Coalition v. Eagle County: Top points," *DLA Piper Insights*, June 6, 2025, https://www.dlapiper.com/en-pl/insights/publications/2025/06/supreme-court-nepa-review.

[11] Juliana v. United States," Climate Change Litigation Databases, Sabin Centre for Climate Change Law, accessed April 23, 2026, https://www.climatecasechart.com/collections/juliana-v-united-states_f8231e.

[12] Held v. Montana (2023)," Environmental Law Alliance Worldwide (ELAW), accessed April 23, 2026, https://elaw.org/resource/us_heldvmontana_2023.

2023) invalidated a state law barring climate consideration in permitting. There, the court held that Montanans have a constitutional right to a clean environment and struck down a provision forbidding consideration of GHG emissions in environmental reviews as facially unconstitutional.[13] This parallels the ECHR's approach: both impose a non-discretionary duty to consider climate impacts in authorisations, albeit under different legal regimes.

Conversely, in *Lighthiser v. Trump* (D. Mont., Sept. 2025), youths challenging federal energy orders did establish injury and traceability (their climate injuries would worsen if the orders stood). However, the court found redressability lacking; enjoining the Orders would require the court to reverse all U.S. energy policy since Jan 2021, a task beyond judicial power. It dismissed the case, urging the plaintiffs to seek remedies through the political process. In effect, *Lighthiser* echoes *Greenpeace Nordic*'s remedy posture: both recognise potential climate harm and standing injuries but defer substantive remedies (license revocation or policy overhaul) in favour of incremental procedural fixes that can be applied in later phases.[14]

Conclusion

The ECHR's *Greenpeace Nordic* decision marks a turning point in climate litigation: it translates international climate commitments into concrete procedural duties for fossil fuel projects under human rights law. While it did not mandate a specific outcome (Norway's license decision passed legal muster due to later review), it establishes that detailed, science-based climate analysis and public engagement are legal prerequisites for any potentially harmful project in Europe.

On the one hand, for policymakers and industry, it is supposed that transparency, comprehensive EIAs, and integration of climate risk are legal obligations apart from best practices. Ongoing cases in other authorities (both in Europe and worldwide) will continue to shape this evolving landscape, as the trend is toward a common core: robust climate assessment, early public input, and accountability in permitting processes.

On the other hand, *the Greenpeace Nordic v. Norway* decision introduces various

[13] "Lighthiser v. Trump," Climate Change Litigation Databases, Sabin Centre for Climate Change Law, accessed April 23, 2026, https://www.climatecasechart.com/collections/lighthiser-v-trump_04ff.
[14] Showalter and Weinstein, "ECHR Climate Decision: Five Key Takeaways for Companies"

complexities that stakeholders should consider. Firstly, allowing states to defer full climate assessments (including Scope 3) to the later production stage creates a potentially high-risk environment for investors. A company might invest billions in the exploration phase, only to have the project blocked years later during the development phase due to updated climate data. This could trigger a wave of Investor-State Dispute Settlement (ISDS) claims, where corporations sue states for lost profits.
Secondly, despite the ruling mandating the quantification of downstream emissions, the decision does not explicitly provide a threshold for when these emissions become "too high" to permit or discharge a project. This leaves a gap, as we may end up with perfectly documented climate harm that is nonetheless legally "authorised" because the procedure was executed precisely.

Finally, we should objectively assert that the contrast between the ECHR's expansive view and the U.S. Supreme Court's restrictive approach suggests a fragmentation of global environmental law. For multinational energy firms, this means navigating a miscellany of legal requirements, since the same project could be counted as human-rights-compliant in one authority and a violation in another.