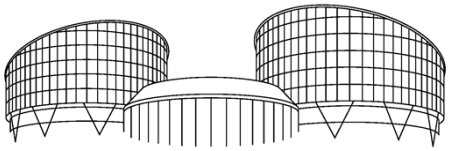

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

SECOND SECTION

CASE OF GREENPEACE NORDIC AND OTHERS v. NORWAY

(Application no. 34068/21)

JUDGMENT

Art 34 • Victim • *Locus standi* • Sufficiently close link between disputed decision granting petroleum exploration licences and serious adverse effects of climate change on individuals' lives, health, well-being and quality of life • Criteria set out in *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* [GC] applied • In case-circumstances individual applicants did not meet the threshold for fulfilling victim status criteria (incompatible *ratione personae*) • Applicant organisations fulfilled relevant criteria (*locus standi*) and thus had standing to act on behalf of their members and/or other affected individuals

Art 8 • Positive obligations • Private and family life • Alleged faulty decision-making process in a round of licensing of petroleum exploration preceding petroleum production • Case concerning the State's procedural obligations in climate-change context rather than the substantives ones as in *Verein KlimaSeniorinnen Schweiz and Others* • Approach and general principles in the Court's case-law concerning the environment and in *Verein KlimaSeniorinnen Schweiz and Others* applied *mutatis mutandis* • Procedural obligation to conduct an adequate, timely and comprehensive environmental impact assessment (EIA) in good faith and based on the best available science before authorising a potentially dangerous activity that might be harmful to the individual's right to effective State protection from the serious adverse effects of climate change on their lives, health, well-being and quality of life • Setting out of minimum requirements for public authorities in the context of petroleum production projects • Wide margin of appreciation • Adherence by Norway to international legal framework on climate change and requisite objectives and goals set by the domestic framework under which petroleum activities were highly regulated • Licencing process in question not fully comprehensive in view of the deferral of the assessment of significant climate effects and of exported combustion emissions to a later procedural stage • Shortcomings in the EIA decision-making process could be remedied at the last stage of the process – the Plan for Development and Operation (PDO) stage • Sufficient guarantees at that stage to ensure the effective

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

implementation of the State's relevant procedural obligations including a comprehensive EIA • No indication of a structural problem or that a deferred EIA was inherently insufficient to support Art 8 State guarantees • Open to persons affected by climate change risks linked to petroleum production to effectively challenge the authorisation of a project

Prepared by the Registry. Does not bind the Court.

STRASBOURG

28 October 2025

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

TABLE OF CONTENTS

In the case of Greenpeace Nordic and Others v. Norway,

The European Court of Human Rights (Second Section), sitting as a Chamber composed of:

Saadet Yüksel*, President*,
Arnfinn Bårdsen,
Jovan Ilievski,
Oddný Mjöll Arnardóttir,
Gediminas Sagatys,
Juha Lavapuro,
Hugh Mercer*, judges*,

and Hasan Bakırcı, *Section Registrar,*

Having regard to:

the application (no. 34068/21) against the Kingdom of Norway lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by six individual Norwegian nationals and by two non-governmental organisations registered in Norway ("the applicants") on 15 June 2021;

the decision to give notice to the Norwegian Government ("the Government") of the application;

the observations submitted by the Government and the observations in reply submitted by the applicants;

the comments submitted by the United Nations Special Rapporteurs on human rights and the environment and on toxics and human rights; ClientEarth; the Norwegian Grandparents' Climate Campaign; the European Network of National Human Rights Institutions; and the International Commission of Jurists (ICJ International) and ICJ Norge, which were granted leave to intervene as third parties by the President of the Section;

Having deliberated in private on 7 October 2025,

Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. The case concerns the procedural aspect of the obligation to effectively protect individuals from the serious adverse effects of climate change on their life, health, well-being and quality of life. It primarily raises issues under Article 8 of the Convention in that it is alleged that there were shortcomings in the decision-making process regarding an environmental impact assessment during the licensing process for petroleum exploration preceding petroleum production.

THE FACTS

2. A list of the applicants is set out in the appendix. The applicants are two non-governmental organisations, Greenpeace Nordic (*Foreningen*

Greenpeace Norden) and Young Friends of the Earth (also known as Nature and Youth Norway, *Natur og Ungdom*), and six individuals who are current or former full members of Young Friends of the Earth. The applicants were represented by Ms C. Hambro, Mr E. Feinberg and Ms J. Sandvig, lawyers practising in Oslo.

3. The Government were represented by their Agent, Ms H. Busch, of the Attorney General's Office (Civil Matters), assisted by G. Østerman Thengs, an advocate at the same office.

4. The facts of the case may be summarised as follows.

I. THE APPLICANTS' SITUATION

A. Applicant organisations

5. Greenpeace Nordic (the first applicant) has been active in Norway since 1998 as a Norwegian-registered non-profit association. It pursues collective action to protect human rights against threats from climate change, acting on behalf of affected individuals in Norway. The organisation's statute provides that the organisation's purpose is to "expose global environmental problems and to advocate for solutions essential to a green and peaceful future".

6. Greenpeace Nordic is not a membership organisation but acts as a vehicle for the collective defence of the rights and interests of individuals against the threat of climate change in Norway, with substantial support from Norwegian civil society. Greenpeace Nordic does not accept funding from governments or companies. Nearly 80% of its work in the Nordic countries is funded by supporters or donors who enable Greenpeace Nordic to advocate for environmental and human rights on their behalf. In Norway, there has been significant growth in the number of supporters and donors – from 3,023 supporters in 2012 to 17,493 by the end of 2023.

7. Young Friends of the Earth (the eighth applicant) was established in Norway in 1967. It is Norway's largest and most influential environmental youth association, with 5,224 individual full members aged thirteen to twenty-five. It operates as a democratic, member-based organisation, addressing the voices and concerns of its members. Several members of the association belong to the indigenous Sámi community. The organisation's purposes include working for the "protection of the world's resources" by ensuring that "all forms of pollution and environmental destruction are kept at levels that nature can tolerate." The association's formal Fundamental View sets out a commitment to fostering a "society based on respect for all people" and a system that meets people's essential needs.

8. Young Friends of the Earth in Norway protects its members' interests through lobbying politicians, influencing public opinion, bringing cases before the courts, participating in public hearings, and facilitating direct action.

B. Individual applicants

9. According to the information the Court has, all six individual applicants have been living in Oslo at least since the date the present application was filed. They either were or have been full members of Young Friends of the Earth for many years. They were either closely engaged in or followed the domestic proceedings that are the subject of the present application. Currently, they all either actively participate in or follow the association's activities.

10. Mr Bjørn (the second applicant) was employed by Young Friends of the Earth in 2017. He was engaged in promoting sustainable fisheries and agriculture in Norway. The second applicant, who belongs to the Sea Sámi culture, was concerned about the impact of climate change on his people's way of life. He submitted that the Sea Sámi people were closely linked to nature in that they depended on the traditional harvesting of the oceans. The applicant stated that he feared that petroleum production in the Barents Sea would have serious negative consequences for the local fish stocks. He referred to a crisis in reindeer herding that had occurred locally in 2020 when warmer weather had led to a rain-on-snow event: this is when rain falls on snow and then freezes, impeding the access of reindeer to lichen, their main food source in the winter.

11. Ms Chamberlain (the third applicant) declared to have worked with Young Friends of the Earth on Norwegian gas and oil policy. She stated that she felt hopeless about the future and that she had suffered from several episodes of depression and climate anxiety – an all-encompassing fear about the future of those directly affected by climate change in the form of hunger, droughts, or lack of hope or optimism. The applicant claimed to have periodically missed school and to have been unable to bear to listen to lessons or news about climate change.

12. Mr Eiterjord (the fourth applicant) stated that the ongoing climate crisis threatened to make his life and the life of other young people in Norway increasingly difficult, posing unprecedented challenges of food instability, sudden and extreme weather events, and rising sea levels. He also claimed that his generation would have to bear the heavy burden of climate adaptation.

13. Ms Gylver (the fifth applicant) stated that climate change had affected her lifestyle and important life choices. It had also made her feel "climate sorrow", a form of grief for everything that would inevitably be gone because of climate change.

14. Ms Isaksen (the sixth applicant) was employed by Young Friends of the Earth. She was born in the northernmost part of Norway (Finnmark). She submitted that she identified as a Norwegian and Sámi artist and environmentalist, and used her platform to spread awareness about the petroleum industry in Norway. She claimed that she was worried and felt hopeless about the climate, and was sorry for the loss of biodiversity and

ecosystems. She said that she was particularly concerned about the destruction of the forests in her region by a birch beetle that was out of control because of milder winters. She also submitted that the Tana River, which had since time immemorial been a source of life and sustenance for the people of the municipality she came from, was now closed to salmon fishing because of the effects of climate change. She submitted that she feared that climate change would force her people to abandon their traditional way of life.

15. Ms Skjodvaer (the seventh applicant) had previously been a chair of the organisation. She submitted that she had been born into a small community north of the Arctic Circle, where the impact of climate change was predicted to be severe. In particular, because of the warming of the oceans, the cod that her population had depended on for thousands of years was now migrating farther north. She also reported that reindeer herders struggled to find grazing land because of uneven winters. The applicant stated that she had been worried that climate change would put the Sámi livelihood and culture at risk. She said that these concerns affected her personal choice as to whether or not she would have children.

II. PETROLEUM ACTIVITIES ON THE NORWEGIAN CONTINENTAL SHELF, INCLUDING IN THE BARENTS SEA

A. Background information

16. Norway's offshore petroleum activities take place on the Norwegian continental shelf ("NCS"), which comprises the North Sea, the Norwegian Sea and the Barents Sea. The NCS covers 2,039,951 km^2. An orientation paper issued in 2012-2013 (report to the *Storting*, see paragraph 31 below) put the area that may contain petroleum at about half, with 40% of the areas where petroleum is expected to be found having already been exploited.

17. The first licensing round on the NCS was announced in 1965 (see paragraph 51 below). The first major discovery of oil was made in 1969, with production commencing in 1971. There have been many further discoveries on the NCS since then, and a total of 3,196 blocks (units used during licensing stage, referring to a designated area of offshore territory that are offered by a regulatory body to companies for exploration) have been awarded. As of December 2020, there was activity in 88 fields (units used during development and production stage, referring to physical reservoirs of discovered and confirmed hydrocarbons, located underground or beneath the seabed). Of the above-mentioned 3,196 blocks, 663 have been awarded in the Barents Sea.

18. The data provided by the Norwegian Environment Agency (*Miljødirektoratet*) show oil and gas extraction to be the most significant source of Norway's greenhouse gas ("GHG") emissions. In 2024, it represented approximately 24% (11 million tonnes of CO_2 equivalents

($MtCO_2$)) of the country's overall 45$MtCO_2$. Norway's overall GHG emissions that year decreased by 12.4% from the figures for 1990. Its 2024 emissions from oil and gas extraction show an increase of 34% from the 1990 figures, with a decrease of 4.6% from 2023.

B. Opening of the south Barents Sea for petroleum activities

19. In 1989, the south Barents Sea was opened for exploration drilling, following a strategic impact assessment.

20. The south Barents Sea currently has three fields in operation (Snøhvit, for gas, operating since 2007, and Goliat and Johan Castberg, for oil, operating since 2016 and 2024, respectively).

C. Opening of the south-east Barents Sea for petroleum activities

21. On 26 April 2013 the Parliament (*Storting*) gave its consent to the opening of the south-east Barents Sea for exploration under section 3-1 of the Petroleum Act (see paragraph 99 below) with a view to granting petroleum production licences.

22. As stated in the 2012-2013 orientation paper submitted to the *Storting* (see paragraph 31 below), the purpose of the opening process was to allow scientific examination of an area so that the *Storting* could decide whether to open it up for petroleum activities.

23. In general, an opening process would consist of two main parts. One part was a mapping of the geology and the resource potential of the area. The surveys would be carried out by the Norwegian Petroleum Directorate. The second, and key, part was an impact assessment of the likely commercial, environmental and social impacts of petroleum activities in the area. An impact assessment was prepared under the guidance of the Ministry of Petroleum and Energy ("the Ministry").

1. Impact assessment

24. In the process leading up to the decision to open the south-east Barents Sea for petroleum activities, an impact assessment was conducted for that area.

25. The 2012-2013 orientation paper (see paragraph 31 below) described the impact assessment as comprising a total of twenty-four scientific studies and assessments conducted by independent research groups and consultants. A third of those studies related to the environment and climate, in particular meteorology, polar bear presence, and fishing activities. Two scenarios had been established for oil and gas activities in the work on the impact assessment.

26. The assessment was based on an impact assessment programme (see paragraph 101 below) which had looked at some impacts of the opening of

the south-east Barents Sea for petroleum activities on the climate. The programme was put out for public consultation between November 2011 and February 2012. Responses to the consultation were received from thirty-six stakeholders. During the consultation, the applicant organisations and other bodies submitted that an increase in petroleum activities would be incompatible with Norway's national and international climate obligations. In the Government's submission, which was not contested by the applicants, during the consultation the entities referred to reports from the Intergovernmental Panel on Climate Change ("IPCC") and argued that the opening of a new area would undermine the national target for the reduction of GHG emissions by 2020 and would violate Norway's international climate change obligations. Those bodies did not specify whether they were referring to GHG emissions in Norway or abroad.

27. The ensuing impact assessment report (see paragraph 101 below) contained a series of conclusions about environmental impacts, such as the minor impact of discharges of chemicals into water; the marginal and localised impacts of new infrastructure on the landscape; or the impact on seabirds of incidental oil spills or gas blowouts, something of which there was a small risk.

28. The report also described low and high scenarios for emissions related to future petroleum production in the area it looked at. It forecast CO_2 emissions ranging from 300,000 tonnes to 600,000 tonnes per year for the high scenario. The NO_X (nitric oxide) emissions were forecast to range from to 800 tonnes to 1,600 per year, according to the low or high scenario respectively. It was also forecast that NOx emissions into the atmosphere from petroleum activities in the area would make a marginal contribution to the total load, and would, overall, not have a negative impact on the environment. The report also confirmed that increased petroleum activity could contribute to higher emissions of methane and soot particles (black carbon). The total emissions of black carbon from increased petroleum activity in the Barents area were modest compared to global emissions, but the warming effect of the emissions per gramme could be significant because of its northern location.

29. The impact assessment report did not make any distinction between emissions stemming from the combustion of petroleum in Norway and combustion abroad.

30. The impact assessment report was out for public consultation between October 2012 and January 2013. Responses were received from fifty stakeholders.

2. 2012-2013 Orientation paper

31. The impact assessment report, the responses to the public consultation and the Ministry's reaction were all published in the 2012-2013 orientation paper entitled "New Opportunities for Northern Norway" issued by the

Ministry on 26 April 2013 (Meld St. 36 (2012-2013)). The paper was submitted to the Parliament prior to its decision to open the south-east Barents Sea for petroleum activities. The orientation paper was focused mainly on the assessment of petroleum resources, production forecasts, potential profits, social impact, emergency preparedness and the effects on the environment, namely, fauna and ecosystems. Where it discussed various air pollutants, some of which had a warming effect, the orientation paper repeated the findings of the impact assessment report (see paragraph 14 above). It further discussed climate policy as a way to stimulate the demand for gas, given that replacing coal with gas was an effective means of reducing CO_2 emissions (see paragraph 35 below).

32. The orientation paper began with a note that the increasing global need for more and cleaner energy, namely oil and gas – as opposed to coal, and the emphasis on energy security meant that the outlook for Norway's oil and gas exports was good. Norway had always been a stable and reliable supplier of oil and gas. The petroleum industry was Norway's largest industry and to achieve long-term profitable production from oil and gas resources its activity had to be maintained at a steady level. From 2020, the importance of resources yet to be discovered would gradually increase and would dominate the industry. A necessary condition for the further development of petroleum activities was that potentially profitable discoveries were made. To facilitate profitable production in the future, there was a need to open up new areas for oil and gas exploration.

33. The Ministry further observed that production on the Norwegian shelf was lower than it had been a few years prior. The total production of oil and gas had been gradually decreasing since 2004. In 2012, Norway produced 15% less than in 2004, when total production was at its highest. The latest projections indicated a slight increase in output in the years ahead, but without a return to the historical peak level.

34. On the basis of a geological study conducted by the Norwegian Petroleum Directorate, the recoverable resources in the south-eastern Barents Sea were estimated at 300 million Norwegian krone (NOK) or approximately 25 million euros (EUR), mainly from gas. There was considerable uncertainty about the estimates for oil and gas in unopened areas. Although geological mapping provided important information, exploration wells would have to be drilled to be certain of the reserves of oil and gas.

35. Most forecasts indicated that oil prices would remain at levels that would make it profitable to explore and develop the oil resources remaining on the NCS and bring them into production, provided that costs were kept under control. Future demand and prices were sensitive to many elements, including global economic developments and climate policy. With the increasing globalisation of gas markets, gas would also eventually be able to reach new countries and new markets. Climate policy could provide an additional stimulus to the demand for gas, as replacing coal with gas was an

effective way of reducing CO_2 emissions. Norwegian gas would help meet the European demand for gas and was expected to be an attractive and valued energy source for many decades to come. That meant that there would be a basis for the profitable exploration, development and production of the gas resources on the NCS.

36. It was also noted that it generally took a long time, in the region of ten to fifteen years, to start production in new areas.

37. The orientation paper also reported claims about the environmental impact of the activity that had been made during the public consultation. It had been claimed that the knowledge base regarding several aspects of the proposed programme, including its climate effects, was too weak for the authorities to be able to take a position on whether or not to open new areas for petroleum activities. In the Ministry's view, however, the knowledge base was sufficient for decisions to be taken on the opening of the area, while factors such as climate effects, ecological relationships and ocean acidification could be followed up through the work on the management plans. The orientation paper concluded that the projected petroleum activities would have little negative environmental impact and that the risk of acute spills was low.

38. On 26 April 2013 the Ministry's recommendation to open the south-eastern Barents Sea for petroleum activities was approved by the Government.

D. The 23rd licensing round

39. On 10 June 2016 the Ministry awarded ten licences for petroleum gas production on the NCS under section 3-3 of the Petroleum Act (see paragraph 103 below). Seven of those production licences (fourteen blocks) concerned "mature" areas in the south Barents Sea, while three licences (twenty-six blocks) concerned "non-mature" areas in the south-east Barents Sea. The recipients of the licences were thirteen private companies.

40. By December 2020, seven exploration wells had been drilled on the blocks from the 23rd licensing round - three in the south Barents Sea and four in the south-east Barents Sea.

41. Ultimately, all those licences were returned and relinquished by the companies (see paragraph 107 below), as no potentially profitable gas discoveries were made.

42. The applicants' submissions and publicly available information confirmed that on 11 March 2022 Norway re-licensed the acreage of the south Barents Sea partly covered by one of the disputed production licences (no. 855) under the so-called APA system for mature areas (see paragraph 89 below), after the original licence for that area had been relinquished. Prior to its relinquishment, licence no. 855 had covered the drilling of two wells: Gemini Nord, which revealed uncommercial gas and minor oil deposits, and

Sputnik, which struck an oil column with preliminary recoverable volumes of 20-65 million barrels. Although Sputnik was a valid discovery, both wells were ultimately considered to hold gas which was not commercially valuable, so the wells had limited economic potential. A new production licence, no. 1170, was then issued and is valid until 11 March 2030. It has allowed the discovery of two significant gas deposits (Hassel and Ferdinand Nord) adjacent to and geologically part of Wisting, the largest undeveloped oil discovery on the NCS, with estimated volumes of around 440 million barrels of oil equivalents. The two wells were plugged and abandoned after evaluation, with the discovery itself remaining valid and open to development through either new appraisal wells or tieback to other infrastructure, such as Wisting.

III. JUDICIAL REVIEW OF THE 2016 DECISION ON THE 23rd LICENSING ROUND

43. On 18 October 2016 the two applicant organisations sought a judicial review of the validity of the decision of 10 June 2016 to grant the production licences issued in the 23rd licensing round (see paragraph 39 above). Their action was brought pursuant to the Act relating to mediation and procedure in civil disputes ("the Disputes Act": see paragraph 116 below).

44. The organisations argued, among other contentions, that the decision was in breach of Article 112 of the Constitution on the right to a healthy environment (see paragraph 91 below). The organisations also argued that the decision to grant the licences for petroleum activities in the south-east Barents Sea was invalid because of various procedural errors.

45. On 4 January 2018 the Oslo City Court held that the disputed decision was valid.

46. The two applicant organisations appealed against that judgment to the Borgarting Court of Appeal. They maintained that the decision of 10 June 2016 was invalid on the grounds originally stated (see paragraph 44 above). They also gave new and alternative grounds for the invalidity of the 2016 licensing decision, namely that it was in violation of Articles 93 (right to life) and 102 of the Constitution (right to respect for private life, see paragraph 91 below) and Articles 2 and 8 of the Convention, respectively.

47. On 23 January 2020 the Borgarting Court of Appeal dismissed the appeal.

48. The two applicant organisations appealed against that judgment to the Supreme Court.

49. The applicant organisations raised a series of arguments as described below (see paragraphs 56, 57, 59, 60, 62, 68, 72, 79, 80 and 82 below). A reservation was made in the appeal to, additionally, invoke Articles 2 and 8 of the Convention and the corresponding Articles 93 and 102 of the Constitution. Related arguments were pursued at the subsequent hearing.

50. By the time of the proceedings in the Supreme Court, all but one of the production licences granted in the 23rd licensing round had been returned by the licensees, and the Supreme Court was informed that the operator with the one remaining licence, in the south-east Barents Sea, had applied to return 62% of the area covered by its licence.

51. On 22 December 2020 the Supreme Court, sitting in a plenary formation of fifteen judges, dismissed the appeal (HR-2020-2472-P). The judgment was given by Justice Høgetveit Berg.

52. It its judgment, the Supreme Court made a series of observations about climate change, relying on the findings of the Intergovernmental Panel on Climate Change ("IPCC") and on the Climate Risk Commission's 2018 report "Climate risk and the Norwegian economy".

53. In particular, the Supreme Court acknowledged that climate change was mostly man-made and reiterated that global temperatures would have risen by 1.5ºC by around 2040 and the increase would reach 3-4ºC towards the end of the century unless adjustments were made to climate policies around the world. It also observed that the effects of global warming would be irreversible and the GHG emissions that had already occurred would affect the climate for centuries to come. It also said:

> "52. The global risk picture with a temperature rise of 2 ºC includes extreme heat, draught, sea level rise, ocean acidification, floods and extreme weather. The climate changes will alter the conditions of life for many species and ecosystems. Hundreds of millions of people will be exposed to serious effects, and some ecosystems and cultures are particularly vulnerable. The most exposed groups are the poor, indigenous peoples and local communities depending on agriculture and small-scale fishing along the coast. For the Arctic, the difference between 1.5 and 2 degrees of global warming will be immense."

54. The Supreme Court also acknowledged that Norway was affected by global warming, with large parts of the country already experiencing warmer summers, milder winters, more rain, shrinking glaciers and higher sea levels, and with predictions of a further increase in the average temperature in Norway, especially in the country's Arctic regions, and of more drought, higher treelines (because of a shift in vegetation zones, with trees replacing shrublands or tundra), an increased forest fire hazard, further shrinking of the glaciers, warming and acidification of the oceans, rising sea levels, and greater storm surges.

55. The Supreme Court then made the following observations regarding Norway's commitments under the Paris Agreement:

> "58. The principle of common but differentiated responsibilities in Article 2 (2) implies that affluent countries, such as Norway, carry a larger responsibility. According to Article 3, cf. Article 4, each party is to undertake and communicate "ambitious efforts", which in aggregate will "represent a progression over time". In other words, it is not a matter of even distribution; all parties are to do their best.

> 59. In 2015, Norway communicated to the UN an obligation to reduce emissions by at least 40 percent from 1990 ... Norway communicated in February 2020 an increased goal of 50 percent, with a cap of 55 percent ...
>
> 60. Through the EEA Agreement, Norway participates in the EU Emissions Trading System. In June 2019, the Storting consented to the incorporation of legislative acts for reaching emissions goal for 2030 jointly with the EU into EEA Agreement ..."

56. Subsequently, the Supreme Court made the following observations in respect of the applicant organisations' claim that the decision regarding the 23rd licensing round was in breach of Article 112 of the Constitution on the right to a healthy environment, and in respect of their detailed arguments.

57. Firstly, the Supreme Court addressed the arguments that Article 112 of the Constitution safeguarded the rights of individuals against unacceptable harm to the environment and could be relied on in court, and that no decisive weight should be attached to the Parliament's general position on climate and petroleum matters as Article 112 of the Constitution was intended to give the court a right of review.

58. The Supreme Court thus held that Article 112 of the Constitution conferred rights on individuals that could be asserted in court when there was no legislation relating to an environmental issue that was being considered by the court. When the Parliament had legislated on an issue, Article 112 of the Constitution should be interpreted as a "safety valve". "In order for the courts to set aside a legislative decision, the latter must have grossly neglected its duties under Article 112 subsection 3. The same must apply for other Storting decisions and decisions to which the Storting has consented. Consequently, the threshold is very high." The Supreme Court further observed that Article 112 imposed duties that involved both negative and positive measures. Assessing, subsequently, the validity of the 23rd licensing round, the Supreme Court held that "When a production licence follows directly from the Storting's endorsement of the opening of the relevant areas, there is little left for the Supreme Court to control," and concluded that the strict condition of "gross neglect" had not been met.

59. Secondly, the Supreme Court addressed the claimants' multifaceted submissions as to how Article 112 of the Constitution should, in their view, be interpreted in the context of a climate crisis.

60. In the applicant organisations' view, the assessment of the questions of environmental harm and of whether the measures taken by the State under Article 112 subparagraph 3 were adequate and sufficient was not limited to considering the effects of the individual decision or of isolated emissions but rather had to take into consideration both the risk of traditional environmental harm and that of the damaging effects of downstream GHG emissions from the extraction and subsequent combustion of petroleum (also referred to as "scope 3 emissions" or "combustion emissions"), including emissions abroad ("exported emissions").

61. Responding to that argument, the Supreme Court found that climate issues fell within the scope of Article 112 of the Constitution and made the following observations, in particular, about downstream emissions:

> "148. ... a validity challenge must take the specific decision as its starting point. On the other hand, the decision cannot be considered in isolation, but as a part of a whole. Yet, it cannot be so that when contesting individual measures, one may challenge the environment, climate or petroleum policy as a whole.
>
> 149. ... Article 112 does not provide general protection against actions and effects outside the realm. However, if Norway is affected by activities taking place abroad that Norwegian authorities may influence directly on or take measures against, this must also be relevant to the application of Article 112. An example is combustion of Norwegian-produced oil or gas abroad, when this causes harm also in Norway."

62. Furthermore, the claimant organisations asserted that all the fossil fuel resources that could be exploited globally without contravening the Paris Agreement had already been found and that Norway was already emitting too much CO_2, while its aggregate national contribution under the Paris Agreement was insufficient to meet the target of an increase in global temperature of no more than 1.5°C ("temperature target"). No further production licences could therefore be granted for new fields if those could lead to petroleum production in 2030 or later. The claimants also asserted that Norway's responsibility had to be assessed based on the country's status as a large petroleum exporter with resources over which the country had control. For that reason, Norway had to take a proportionally larger share of the cuts in production to protect the climate, both because it had previously produced oil and gas resulting in major emissions and because it had the economic capacity to do so. Overall, Norway had to cut at least 60% of its GHG emissions in the period up to 2030.

63. The Supreme Court responded to those arguments by stressing that the dispute was limited to the issue of emissions from possible future petroleum production, given that the emissions from the exploration drilling were minimal and that the risk of local environmental damage from an uncontrolled blowout was low, with neither of those issues having been raised by the claimants in any event.

64. The Supreme Court referred to the production estimates based on the impact assessment for the opening of the south-east Barents Sea that had been set out in the Court of Appeal's judgment. It observed that the subsequent return of the production licences demonstrated that those estimates were, in fact, uncertain.

65. The Supreme Court further observed that petroleum combustion abroad, after export, was particularly relevant for the assessment of the effects of petroleum production on the climate, given that around 95% of GHG emissions were from that source. It said: "Although we do not have figures demonstrating to which extent combustion emissions abroad cause damage in Norway, there is no doubt that global emissions will also affect Norway."

It deferred to the Parliament and to the Government, finding that they had built Norwegian climate policy on the division of responsibilities between States, in accordance with international agreements and pursuant to the overarching principle that each State was responsible for combustion on its own territory.

66. The Supreme Court also observed that if profitable discoveries were made, a new impact assessment would be prepared in connection with any application for approval of a Plan for Development and Operation ("PDO").

67. The Supreme Court further made the following observations:

> "161. As mentioned, when challenging a decision's validity, one must use that decision as a starting point. The appellants do not argue within such a scope. Their arguments are largely connected to the existing petroleum production. ...
>
> 162. I can hardly see that the courts may interpret specific requirements into Article 112 of the Constitution when assessing an individual decision. The arguments of the environmental groups imply that crucial parts of Norwegian petroleum policy, with production and export, are put to the test. These views will also affect subsequent licensing rounds, and largely involve a controlled shutdown of Norwegian petroleum production. This aspect is not a subject matter in this case.
>
> 163. In addition, the Storting has stipulated specific targets for cuts in the greenhouse gas emissions. They are now provided in the Climate Change Act. As mentioned, the Storting and the Government have also implemented and planned several measures in order to reach the targets. At the same time, possible emissions from the southeast Barents Sea will not occur for a long time yet. As already pointed out, we are not dealing with serious negligence under Article 112 subsection 3 of the Constitution."

68. Thirdly, in a separate section of 15 paragraphs entitled: "Is the decision incompatible with Article 2 or 8 of the ECHR, or Article 93 or 102 of the Constitution?", the Supreme Court considered whether the disputed decision was in breach of the right to life or of the right to respect for private and family life, as was alleged by the applicants.

69. The Supreme Court found no sufficiently close link between the disputed production licences and a potential loss of life in Norway such that granting the licences entailed a real and immediate risk to life within the meaning of Article 2 of the Convention. The court made the following observations:

> "168 ... First, it is uncertain whether or to which extent the decision will actually lead to greenhouse gas emissions. Second, the possible impact on the climate will be discernible in the more distant future. Although the climate threat is real, the decision does not involve, within the meaning of the ECHR, a "real and immediate" risk of loss of life for citizens in Norway. Thus, no violation of Article 2 of the ECHR is found."

70. Regarding Article 8, the Supreme Court observed that nothing in the Court's case-law suggested that the issue in climate cases would differ from that in cases concerning environmental harm in general. The Supreme Court found that the effects of possible future emissions as a result of the licences awarded in the 23rd licensing round did not constitute an "immediate risk" and, consequently, that the issue did not fall within Article 8 of the

Convention. With reference to the claimants' arguments that the content of rights under the Convention could be identified by finding "common ground" among member States, the Supreme Court observed that the Convention did not have a separate environmental provision and that a common ground doctrine such as the one applied in the case of *Demir and Baykara v. Turkey* ([GC] no. 34503/9712, 12 November 2008) was unlikely to be applied in the same manner in the present case. In any event, it had not been demonstrated that the granting of the production licences constituted a breach of Norway's international obligations.

71. The Supreme Court also held that the scope of the corresponding provisions of Norway's Constitution did not extend beyond that of Articles 2 and 8 of the Convention.

72. Fourthly, the Supreme Court addressed the applicant organisations' assertion that there had been procedural errors in the issuing of the licences for the south-east Barents Sea. In particular, the claimants argued that the awarding of the production licences should have been preceded by an adequate impact assessment. Given the absence of such an assessment, the opening of the south-east Barents Sea for petroleum production by the Parliament was invalid. The applicant organisations further claimed that the socio-economic analysis that had been conducted prior to the opening was flawed in that the expected income to the State had not been assessed as negative (by the use of discounted figures), and the employment effects and CO_2 costs had been wrongly estimated.

73. The Supreme Court observed, in response to the above, that the courts were less restrained in assessing procedure than in reviewing the political balancing of interests, with procedural scrutiny having to be the more thorough the greater the impact of the measures taken.

74. The court considered the phase of the opening of new marine areas (see paragraph 98 below) with reference to the domestic regulations and 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 (the Strategic Environmental Assessment or "SEA Directive", see paragraph 146 below). It observed that the procedure required an extensive impact assessment and the balancing of various interests and the possible commercial, environmental, economic and social effects of petroleum production. The assessment should cover all stages of the petroleum production process, from exploration to development, extraction, transport, exploitation and termination. In other words, the operational phase should be included in the assessment, although it would primarily clarify the effects from the exploration phase. The impact assessment would be subject to broad public consultation.

75. The court considered that an impact assessment was not required for the phase of awarding new production licences (see paragraph 98 below) given that the assessment made in the opening phase would also have had to

address the inherent consequence that production licences could be awarded after the area had been opened for exploration.

76. The court noted that a licensee had to conduct an environmental impact assessment as part of the plan for development and operation (see paragraph 98 below) which would follow if a discovery suitable for development was made.

77. The Supreme Court then held that the economic effects of any possible future petroleum production had been adequately assessed when the south-east Barents Sea was opened for exploration. The Parliament had relied not only on a detailed opening report but also on information produced by the Petroleum Directorate. Those sources used undiscounted figures in the currency value at the material time, which, in the court's view, were clear and representative enough of any overall gross production value during the economic life of an area. Not presenting the discounted figures was therefore not detrimental to the process. The court also held that the repercussions of an error of calculation was insignificant, contrary to the claims of the applicant organisations. Likewise, the court did not see how consideration could have been given to the price of $CO_{2,}$ given how uncertain it was. Overall, the alleged flaws or inaccuracies in the process had not had any decisive effect on the decision to open the south-east Barents Sea for petroleum exploration.

78. The Supreme Court then examined whether the assessment of the likely climate effects of opening the south-east Barents Sea to possible future petroleum activities had been inadequate, given that there had been no specific mention of the downstream emissions that would be created by the combustion of exported Norwegian oil and gas. The court noted that any petroleum extraction consequent on a licence awarded in the 23rd licensing round would take place in 2030 at the earliest, that is to say, 17 years after the decision to open the area and 14 years after the decision to award production licences. The court then concluded that, given the uncertainty as to whether petroleum would be found at all, or whether it would be found in a workable quantity, the best time to assess the specific global climate impact of extracting the petroleum was when a PDO might be approved. The court also emphasised that no significant global environmental consequences would occur when the area was opened for exploration or during the exploration itself – there would be no significant emissions until profitable discoveries had been made, an application sent in, and licences awarded for development and operations. An impact assessment including consideration of any GHG emissions would normally have to be carried out at the PDO stage and the Ministry could refuse to approve a PDO or it could set conditions for approval.

79. The claimants argued that it was unrealistic to expect that a PDO would be refused or that it might be approved with conditions. The licensee – and indirectly the State – would, by that stage, surely have incurred heavy

exploration costs, in the expectation that those would be covered by the development of a profitable discovery. The court said:

> "220. The legal starting point is clear: Extraction requires an approved PDO. The law does not lay down criteria for the approvals. Admittedly, the licensee is ensured an exclusive right to extraction through a production licence, but the effect of this is primarily that no one else may extract. Before the PDO is approved, the licensee may not enter into significant contracts or commence any building without the consent of the Ministry, see section 4-2 subsection 5 of the Petroleum Act. This is to ensure that companies do not incur too large expenses or commitments during the exploration phase. The preparatory works stress that such a consent is also not instructive to subsequent processing of an application for a PDO ... This emphasises that the licensee does not have a legal claim for approval of its PDO.
>
> 221. Also, within the scope of section 4-2 of the Petroleum Act and general public administration law, there is nothing to prevent the authorities, when approving a PDO, from laying down so strict requirements that the licensee chooses not to proceed with the project.
>
> 222. I agree with the Court of Appeal that section 4-2 of the Petroleum Act in any case must be interpreted in the light of Article 112 of the Constitution. If the situation at the extraction stage has become such that allowing the extraction would be incompatible with Article 112, the authorities will have both a right and a duty not to approve the project.
>
> 223. In other words, the situation is that, at the opening of the southeast Barents Sea it was highly uncertain whether petroleum would be found, or how much. Neither the opening nor the exploration will have significant global environmental effects. And the authorities will have a right and an obligation not to approve the PDO if the general consideration for the climate and environment at the time so indicates. ..."

80. The claimants argued that the impact assessment in connection with the decision to open the south-east Barents Sea should have contained, addressed and considered the combustion effect abroad. The Supreme Court made the following observations:

> "228. ... despite the specific emissions not being calculated in detail, the effects of global greenhouse gas emissions were essential in the basis for the administrative decision. At the time of the opening, there was no doubt that, if petroleum was found and later extracted, the known climate effects of production and combustion of oil and gas would occur.
>
> 229. Although the effects of combustion of Norwegian oil and gas from the southeast Barents Sea after possible export were not specified in the impact assessment itself – or later in the opening report – the relevance of the opening for the global climate was high on the political agenda. ..."

81. On the last point, the court attached importance to the fact that the climate effects had been identified and commented on at several stages of the policy-making process; that various submissions that had been made by NGOs during the consultation round had been collected and commented on by the Ministry in an appendix to the Parliament's report on the opening of the south-east Barents Sea; and that the issues had been addressed further during the Parliamentary debate. The court thus found that climate effects had

been included in the basis for the parliamentary decision-making process. The court stressed that a broad majority of Parliamentarians had supported the decision to open the areas for exploration, and that several draft bills for the complete or partial phasing out of Norwegian petroleum production because of GHG emissions had been rejected both before and after the adoption of Article 112 of the Constitution and the 23rd licensing round. The Supreme Court concluded that, while calculating the net effect of Norway's exports of oil and gas on global emissions was complicated and controversial, that aspect had been thoroughly assessed when the south-east Barents Sea was opened up for exploration. The omission of examples of GHG emissions based on one or several production volumes in the impact assessment was therefore not a procedural error that would be relevant to the opening of the south-east Barents Sea or the production licences from the 23rd licensing round, nor would it invalidate them. The judge concluded as follows:

> "241. My conclusion is that no procedural errors were made relating to the climate effects during the impact assessment for the opening of the southeast Barents Sea in 2013. The climate effects are politically considered on a continuous basis – and will be subject to an environmental impact assessment in connection with a possible PDO application. Hence, this cannot have the effect that the decision to award production licences in the 23rd licensing rounds in 2016 is invalid on this basis.
>
> ...
>
> 246. I mention all the same that in the case at hand, neither the opening in 2013 nor the awarding of licences in 2016 has led to greenhouse gas emissions. The authorities will thus be able through the further process to remedy a failure to assess the combustion effect abroad of future petroleum recovery in the southeast Barents Sea before the opening in 2013. As mentioned, this will primarily take place at the PDO stage through the environmental assessment forming the basis for the authorities' decision whether to award licences for development and operation, on what conditions. However, it may also take place through a general political decision to downscale the petroleum activities if the Storting deems it appropriate. ..."

82. Lastly, the Supreme Court responded to the claimants' argument that a new economic assessment should have been conducted during the 23rd licensing round because oil prices had fallen drastically after the 2013 decision to open the area. The court held that the price drop in question did not constitute extraordinary circumstances that would justify a new assessment. Oil prices had always been uncertain, and they had been known to be low at the time of the decision in question. The court reiterated that the price element would, in any event, have to be reassessed at the PDO stage.

83. Given the above considerations, the Supreme Court held, by a majority of eleven votes to four, that the disputed decision granting licences in the 23rd round was valid.

84. Although they agreed with the above considerations and conclusions regarding Article 112 of the Constitution and Articles 2 and 8 of the Convention, four judges dissented on the issue of the validity of the production licences awarded in the 23rd licensing round in the south-east

Barents Sea. They held that they were invalid because of procedural errors in the impact assessment. The relevant parts of the dissenting opinion, which was given by Justice Webster, read as follows:

> "272. The State acknowledges that the climate effects of combustion emissions have not been clarified and considered in the impact assessment. The combustion emissions have also not been assessed particularly for the southeast Barents Sea in other contexts. As far as I can see, the climate report, i.e. Report to the Storting 21 (2011–2012), does not address combustion emissions. It is correct, as pointed out by Justice Høgetveit Berg, that the combustion emissions have been addressed during the opening process, by the environmental groups among others. Despite this, the climate impact of the combustion has not been clarified to the extent required in the SEA Directive. Other assessments may thus not compensate for the lack of an impact assessment in connection with the opening decision.
>
> 273. Identifying and assessing the climate impact of combustion prior to the opening decision are also most compatible with Article 112 and the former Article 110 b of the Constitution. The protection of the environment in Norway under Article 112 is a perpetual obligation for the State and applicable at all stages of the process, from the opening of a new marine area for petroleum activities to a possible production is terminated and the area returned. The duty to clarify the case does not prevent the authorities from making the desired political decisions, but ensures compliance with the obligations in Article 112, including the citizens' right to information under subsection 2. Hence, there is every reason to ensure that the climate considerations are adequately assessed already before the opening decision. If, at this stage, it can be questioned whether extraction of possible discoveries may affect the climate, this should be clarified in connection with the opening of the area. Correspondingly, at the same stage, it is natural to consider possible measures to prevent adverse environmental effects of the combustion ...
>
> 274. In my view, the omission to identify, describe and assess the climate impact of combustion of petroleum that might be produced in the southeast Barents Sea was a procedural error. As it was uncertain prior to the opening decision which petroleum resources would be found, an overall analysis would have sufficed. The so-called scenarios could have been taken as a starting point. The assessment would have had to meet the requirements, and contain a description of environmental targets and remedies/precautions within the scope of Article 5 (2) of the SEA Directive.
>
> 275. This conclusion does not prevent the State from opening the southeast Barents Sea for petroleum activities, but it requires that the climate is considered in the assessment."

85. Justice Webster considered it unlikely that the outcome of the political debate in society and within the Government and the Parliament would have been different if the effects on the climate had been included in the impact assessment for the opening of the south-east Barents Sea. She rejected, however, the approach of giving importance only to cause and effect. To Justice Webster, in the present case the procedural rules had to be strictly enforced.

86. That was because, firstly, the Petroleum Regulations, including the requirement of a climate impact assessment, had to be interpreted in the light of Article 112 subparagraph 2 of the Constitution, which guaranteed a right to be informed of the environmental effects of a planned activity. The

dissenting judges observed that that right was independent from the substantive rights set out in under Article 112 subparagraph 1, which could be asserted in court only to a limited extent. Article 112 subparagraph 2 of the Constitution therefore implied that the assessment could not be made using the ordinary test of whether a procedural error might have had a decisive effect on the contents of the decision. That approach might, in his view, undermine the objective of the constitutional provision.

87. Secondly, the strict application of procedural rules was required by the SEA Directive (see paragraph 146 below). The public authorities were therefore required to take all the necessary measures, within their sphere of operation, to remedy the failure to carry out an environmental assessment: for example, by suspending or cancelling the plan or the programme being challenged. Justice Webster disagreed that it would be sufficient to postpone the assessment until after the area has been opened and production licences awarded, especially given that the approval of a PDO would have to conform with 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 ("EIA Directive", see paragraph 147 below) which was a distinct instrument regulating specific environmental issues. Justice Webster also emphasised the following point:

> "285. Such a postponement will thus not "remedy" the failure to prepare an environmental assessment already at the opening stage. A significant objective of the SEA Directive is to ensure that plans and programmes are subject to an environmental assessment "when they are prepared and prior to their adoption" see the judgment in Case C-671/16 paragraph 62. As mentioned, it follows from the next paragraph that the environmental assessment is supposed to be prepared as soon as possible to ensure that it has the intended effect. In my view, it is therefore not sufficient that the assessment has been made before the effect occurs."

IV. SUBSEQUENT DEVELOPMENTS

88. In 2019, the Ministry awarded twelve new petroleum production licences to eleven companies in the 24th licensing round. Three of these licences (nine blocks) are in the Norwegian Sea and nine licences (thirty-eight blocks) are in the Barents Sea. In 2021, the Ministry awarded four new petroleum production licences in the 25th licensing round. One such licence is in the Norwegian Sea, and three licences are in the Barents Sea (a total of 136 blocks).

89. Apart from the so-called numbered licensing rounds described above, the Government (in accordance with the policy defined by the Parliament) has also granted licences under the system of Awards in Predefined Areas ("APA"). APAs are announced every year and relate to the mature areas of the NCS, which have a known geology and available infrastructure. When an area is licensed under the APA system, it is automatically included in the

following APA annual licensing rounds. APA licences now cover most of the available exploration area on the NCS.

90. On 8 April 2022 the Government approved the recommendation of the Ministry of Petroleum and Energy of a supplementary report to the orientation paper: Energy for work – long-term value creation from Norwegian energy resources (Meld. St. 36 (2020 – 2021)). The supplementary report contains the followings statements (emphasis added):

> "3. The Norwegian petroleum industry will be further developed ...
>
> ...
>
> The licensing system will remain unchanged. Permits will continue to be granted to explore for oil and gas in new areas. ...
>
> ...
>
> The Government will:
>
> - continue to develop petroleum policy. Facilitate the Norwegian continental shelf to continue to be a stable and long-term supplier of oil and gas to Europe at a demanding time
>
> - continue the licensing system. Permits to explore for oil and gas in new areas will continue to be granted.
>
> - facilitate a stable level of activity of oil and gas activities on the Norwegian continental shelf, with an increased proportion of industries related to carbon capture and storage, hydrogen, offshore wind, aquaculture and minerals
>
> - specify in the PDO/PIO guide that in their uncertainty analysis for new development plans the licensees must include a qualitative stress test against financial climate risk which compares the development's break-even price with various scenarios for oil and gas price paths that are compatible with the goals of the Paris Agreement, including the 1.5-degree target
>
> **- assess the climate impacts of production and combustion emissions when considering all new plans for development and operation (PDOs), and highlight the assessments in decisions related to those plans**
>
> ...
>
> 3.5 Development plans
>
> ...
>
> In 2020 and 2021, the Ministry of Petroleum and Energy received a total of 11 plans for development and operation (PDOs).
>
> ...
>
> 3.5.1 The duty to carry out a climate impact assessment
>
> On 22 December 2020, the Supreme Court in plenary session delivered its judgment in the proceedings brought by Nature and Youth and Greenpeace against the State and the Ministry of Petroleum and Energy for a declaration that the decision of 10 June 2016 to award new production licences in the Barents Sea in the 23rd licensing round should be revoked. The State's view was that the decision was valid, which had prevailed on all questions raised in all the three previous cases.

The Supreme Court unanimously concluded that the decision was not contrary to Section 112 of the Constitution nor the European Convention on Human Rights (ECHR) nor had there been any procedural errors in the making of the decisions. The Supreme Court in plenary session unanimously concluded that it was for the authorities to decide what environmental measures should be implemented to safeguard the environment. The Court pointed out that the authorities had both the right and the duty not to approve a PDO if climate and environmental considerations so indicated.

There was dissent in the Supreme Court as regards the timing of when the climate effects of future petroleum activities were to be investigated. A majority of 11 judges believed that this should be done when the development plans (PDOs) were being considered, while a minority of four judges believed that the studies must be carried out sea areas were being opened up for petroleum activities.

The Ministry will follow up on the judgment by conducting an assessment of the climate impacts of production and combustion emissions when considering all new development plans (PDOs). The scope of the assessment will be adapted to the scale of the resources in the individual development. The Ministry will highlight assessments in connection with decisions on applications from licensee groups for approval of plans for development and operation.

..."

RELEVANT LEGAL FRAMEWORK AND PRACTICE

I. DOMESTIC LEGAL FRAMEWORK

A. Constitution

91. The relevant provisions of the Norway's Constitution read as follows, in so far as relevant:

"Article 93

Every human being has the right to life. ...

...

Article 102

Everyone has the right to the respect of their privacy and family life, their home ...

The authorities of the State shall ensure the protection of personal integrity.

...

Article 112

Every person has the right to an environment that is conducive to health and to a natural environment whose productivity and diversity are maintained. Natural resources shall be managed on the basis of comprehensive long-term considerations which will safeguard this right for future generations as well.

In order to safeguard their right in accordance with the foregoing paragraph, citizens are entitled to information on the state of the natural environment and on the effects of any encroachment on nature that is planned or carried out.

The authorities of the State shall take measures for the implementation of these principles."

92. The content of the above-mentioned Article 112 of the Constitution was adopted in 1992 as Article 110b.

B. Climate law

93. Norway's climate targets are set out in the Climate Change Act (*Lov om klimamål*, LOV-2017-06-16-60), which was adopted on 16 June 2017 and came into force on 1 January 2018. Following several amendments (18 June 2021; 15 December 2023; and 20 June 2025), the Climate Change Act sets out the following targets. The goal is to reduce GHG emissions: by at least 55% in 2030 and by at least 70-75% in 2035, compared with the reference year 1990 (sections 3 and 4). Another goal is for Norway to become a low-emission society by 2050, with emissions reduced by 90-95% from the reference year 1990 (section 5). The effect of Norway's participation in the EU Emissions Trading System is to be taken into account in assessing the progress towards this target (ibid.). To promote the transformation, the Government must, every fifth year from 2020, submit to the Parliament updated and, as far as possible, quantitative and measurable climate targets, based on the best available scientific knowledge and representing progression (section 6). In addition, the Government must provide an annual account of how these targets may be achieved and of how Norway is otherwise preparing for and adapting to climate change (section 7).

94. The Climate Change Act is addressed to the Parliament and to the Government. The Act does not set out any rights or obligations for citizens.

95. The 2004 Act Relating to Greenhouse Gas Emission Allowance Trading and the Duty to Surrender Emission Allowances (*Lov om kvoteplikt og handel med kvoter for utslipp av klimagasser*, "Greenhouse Gas Emission Trading Act") sets out a system of surrender of allowances and freely transferable allowances of, among other things, GHG emissions from energy production and refining of mineral oil activities on the NCS.

96. Other sectorial laws related to climate are, among others, the 2009 Nature Diversity Act (*Lov om forvaltning av naturens mangfold (naturmangfoldloven)*, LOV 2009-06-19 nr 100), the 1981 Pollution Control Act (*Lov om vern mot forurensninger og om avfall (forurensningsloven)*, LOV 1981-03-13 nr 06), and the Act on taxes on CO_2 emission in petroleum activities on the continental shelf (*Lov om avgift på utslipp av CO_2 i petroleumsvirksomhet på kontinentalsokkelen (Lov om avgift på utslipp av CO_2)*, LOV-1990-12-21-72, "CO_2 Tax Act").

C. Environmental Information Act

97. The Act of 9 May 2003 Relating to the Right to Environmental Information and Public Participation in Decision-making Processes Relating to the Environment (*Lov om rett til miljøinformasjon og deltakelse i offentlige beslutningsprosesser av betydning for miljøet (miljøinformasjonsloven)*, LOV 2003-05-09 nr 31) includes a guarantee that any person has the right to receive environmental information held by a public authority (section 10). For the purposes of this act, environmental information is defined as "factual information about and assessments of, among other things, the environment, factors that affect or may affect the environment, including projects and activities that are being planned or have been implemented in the environment, administrative decisions and measures, including individual decisions, agreements, legislation, plans, strategies and programmes, as well as related analyses, calculations and other assumptions used in environmental decision-making" (section 2).

D. Regulations on petroleum activities

98. The Norwegian petroleum permission procedure has three following stages: (i) the opening of an area; (ii) licensing (the exploration phase); and (iii) Plan for Development and Operation (the "PDO" or production phase). It is mainly regulated under the Act of 29 November 1996 No. 72 relating to petroleum activities (*Lov om petroleumsvirksomhet (petroleumsloven)*, LOV-1996-11-29-72, "Petroleum Act") and under the 1997 Regulations to the Petroleum Activities Act (*Forskrift til lov om petroleumsvirksomhet*, FOR-1997-06-27-653, "Petroleum Regulations").

1. Opening of new areas with a view to granting production licences

99. The opening of new marine areas with a view to granting production licences is regulated in section 3-1 of the Petroleum Act, which reads as follows:

> "Prior to the opening of new areas with a view to awarding production licences, an evaluation shall be undertaken of the various interests involved in the relevant area. In this evaluation, an assessment shall be made of the commercial and environmental impact of the petroleum activities and possible risk of pollution, as well as the economic and social effects that petroleum activities may have.
>
> The question of opening of new areas shall be put before the local public authorities and key interest organisations that may be presumed to be particularly interested in the matter.
>
> It should be made known through public announcement which parts are planned opened for petroleum activities, and the nature and extent of the activities in question. Interested parties shall be given a time limit of no less than three months to present their views.

> The Ministry is to decide on the administrative procedure to be followed in each individual case."

100. As established by the Supreme Court in the judgment referred to above (see paragraph 51 above), in the light of the preparatory works, the legislature had assessed the above-mentioned rules against the former Article 110b subsection 2 of the Constitution, now Article 112 (see paragraph 92 above).

101. Further details regarding the impact assessment at the opening phase are set out in the Petroleum Regulations. Section 6a requires the Ministry of Energy to carry out an impact assessment prior to the opening of new areas for petroleum activities pursuant to Section 3-1 of the Petroleum Act. The impact assessment will disclose the effects that the opening may have on commercial and environmental conditions, including the possible risks of pollution, its likely economic and social effects. The assessment firstly requires the drawing up of an impact assessment programme describing the planned activity and specifying what studies are needed to provide a sound basis for decision-making in future. The draft programme will then be put out for consultation with the relevant authorities and interest groups, and made available to the public on the internet. The Ministry will then adopt a study programme, which will be based on the draft programme taking into account the comments received.

Section 6c then requires the impact assessment report to be drawn up on the basis of the impact assessment programme. It should include descriptions of the following:

- the expected effects of opening the area for petroleum activities;
- the relationship to relevant national plans and environmental objectives;
- the expected effects on employment and business, and estimated economic and social effects;
- important environmental conditions and natural resources; and the effects for climate and other elements of the environment (ibid.).

The impact assessment report must be submitted for consultation to the authorities and interest groups concerned, as well as made available to the public on the Internet (ibid.). Based on the results of the consultation, the Ministry must decide whether there is a need for additional studies or documentation on specific matters. Any additional reports must be sent for consultation to those who have submitted a comment on the matter (ibid.).

102. The proposal for the opening of a new area for petroleum activities pursuant to Section 3-1 of the Act must then be submitted to the Parliament (section 6d). The proposal must provide an account of how the effects of the opening and the consultation comments received have been assessed and what importance has been given to them. The proposal must also include a consideration of whether conditions should be put on the proposal to limit or mitigate its adverse effects.

2. Production licence

103. Pursuant to Section 3-3 subsection 3 of the Petroleum Act, a production licence gives an exclusive right to perform investigations and exploration drilling and production of petroleum deposits in a geographical area stated in the licence. The licensee becomes the owner of the petroleum which is produced.

104. The licence, in and of itself, does not convey a right to actually start development or production. This requires further licences to be awarded.

105. The procedure for announcing that an area will be open for exploration and granting a production licence is set out in section 3-5 of the Petroleum Act and in Chapter 3 of the Petroleum Regulations. In particular, a production licence is awarded on the basis of the applicant's technical expertise and financial capacity and the plan for exploration and production in the area to which the application relates, so that the best possible resource management is promoted (Petroleum Regulations, section 10).

106. The Petroleum Act and Regulations are silent about any impact assessment in the production licence phase.

107. A production licence is awarded for a period of up to ten years, with the possibility of the period being extended to up to fifty years (Petroleum Act, section 3-9). The licensees may relinquish their production licences (Petroleum Act, sections 3-14 and 3-15). There was an established practice of awarding licences that had been relinquished to new licensees.

3. Plan for Development and Operation (PDO)

108. If profitable discoveries are made under a production licence, process of exploiting the specific discovery is begun. This process is regulated by Chapter 4 of the Petroleum Act and by Chapter 4 of the Petroleum Regulations.

109. Among other things, before development and production may begin, the licensee must apply for and obtain approval of a PDO, which must include an impact assessment (Petroleum Act, section 4-2 and Petroleum Regulations, sections 22 to 22c). The relevant parts of section 4-2 of the Petroleum Act read as follows:

> "The [PDO] shall contain an account of the economic elements, resource implications, and the technical, safety, commercial and environmental aspects ...
>
> The Ministry may, when particular reasons so warrant, require the licensee to produce a detailed account of the impact on the environment, possible risks of pollution and the impact on other affected activities, over a larger defined area.
>
> ...
>
> The Ministry may on application from a licensee waive the requirement to submit a plan for development and operation.
>
> ..."

110. Further details regarding the impact assessment in the PDO phase are set out in section 20 et seq. of the Petroleum Regulations. Section 20 reads as follows, in so far as relevant:

> "A [PDO] shall include a description of the development and an impact assessment. Comments to the impact assessment are included in the assessment when approving the [PDO]. ...
>
> ...
>
> In a separate document, which shall be made public, the Ministry shall account for and justify the decision to approve or not to approve the [PDO]. The justification must state, among other things, which environmental conditions may be linked to the approval and which measures are assumed to mitigate significant negative environmental effects. ..."

111. Under section 21, the description must cover the environmental and other aspects of the development.

112. Section 22 requires the licensee to prepare a proposal for an assessment programme well before the PDO is submitted. The proposal should contain a brief description of the development, of relevant development solutions and, based on the available knowledge, of the expected effects on other industries and the environment, including any transboundary environmental effects. If there is already an impact assessment for the area where the development is planned, the proposal should clarify any need for further documentation or updating. The licensee must submit the proposed programme to the relevant authorities and interest groups for comment. The Ministry will then adopt a study programme, which will be based on the draft programme taking into account the comments received. A copy of the programme must be sent to those who submitted comments. The section also provides that decisions taken under this provision are not individual decisions for the purposes of the Public Administration Act. In special cases, the Ministry may decide to put the proposal for a study programme out for consultation.

113. Section 22a of the Petroleum Regulations requires the impact assessment in a PDO of a petroleum deposit to account for the effects the development may have on commercial and environmental conditions, including preventive and mitigation measures. The impact assessment must, among other things, describe the environment that may be significantly affected, and assess and weigh up the environmental consequences of the development. It must, among other things, describe emissions to the sea, the air and the soil; clarify how the environmental criteria and consequences have been used as a basis for the technical solutions chosen; and describe possible and planned measures to prevent, reduce and, if possible, offset significant negative environmental impacts. The impact assessment must be prepared on the basis of the above-mentioned assessment programme (see paragraph 112 above), and, if necessary, adapted. The impact assessment must be submitted to the Ministry no later than at the same time as a description of the

development. If the licensee proves that the development is covered by an existing relevant impact assessment for a field or for a larger overall area, an impact assessment will only be required if the Ministry finds this necessary. The licensee submits the impact assessment for comment to the relevant authorities and interest groups. The impact assessment, and as far as possible any relevant background documents, must be made available on the Internet. Based on the results of the consultation, the Ministry must decide whether there is a need for additional studies or documentation on specific matters. Any additional assessments must be submitted to the relevant authorities and to those who have submitted comments about the impact assessment so they can comment further before a decision is made. The Ministry's proposal must state how the effects of the development and the comments received have been assessed, and what importance has been given to what issues. The proposal must include consideration of whether conditions should be imposed to limit or mitigate any adverse effects of the activity. The Ministry may decide that an environmental follow-up programme should be prepared with a view to monitoring and mitigating adverse effects. The Ministry's decisions pursuant to this section are not individual decisions under the Public Administration Act.

114. Pursuant to section 22b, the Ministry may, on application by the licensee, grant an exemption from the requirement for an impact assessment if the development will not result in the extraction of oil or gas for commercial purposes of more than 4,000 barrels of oil per day or 500,000m^3 of gas per day and is not otherwise expected to have significant commercial or environmental effects. If the development will not have significant cross-border environmental effects, the requirement for an impact assessment may, in exceptional cases, be waived in whole or in part, even if the development exceeds the threshold values in the first subsection. Before granting an exemption, the Ministry must inform the European Free Trade Association ("EFTA") Surveillance Authority of the grounds for the exemption.

115. In the event of significant transboundary environmental effects, the Ministry must submit the assessment programme and information on the requirement for approval of a PDO to States that may be affected, no later than at the same time as the assessment programme is circulated for consultation (section 22c). Affected States may participate in the impact assessment process. The Ministry sends the impact assessment to the appropriate authority in the affected States at the same time as sending the impact assessment for consultation in Norway. On approval of the PDO, the Ministry must submit the "separate document" referred to in Section 20 (see paragraph 110 above) to the appropriate authority in the States concerned.

E. The Disputes Act

116. The 2005 Act relating to mediation and procedure in civil disputes (*Lov om mekling og rettergang i sivile tvister (tvisteloven)*, LOV-2005-06-17-90, "the Disputes Act") allows organisations and foundations to bring an action in their own name about to matters that fall within their stated purposes and the normal scope of their activities. The claimant must demonstrate a genuine need to have the claim decided against the defendant (sections 1-3 and 1-4).

F. The Judgment of the Oslo District Court of 18 January 2024

117. On 29 June 2023 Greenpeace Nordic and Young Friends of the Earth Norway instituted proceedings for a review of the validity of the approvals of the PDOs of three oil and gas fields in the North Sea, namely Breidablikk, Tyrving and Yggdrasil (case no. 23-099330TVI-TOSL/05), and sought a temporary injunction (these proceedings are not part of the present case before the Court).

118. Tyrving and Yggdrasil were made subject to environmental impact assessments under the national law implementing the EIA Directive. The environmental impact assessments that had previously been carried out had not assessed the impact on the climate of GHG emissions from the later combustion of the extracted oil and gas. The Ministry approved the PDOs for these projects on various dates in June 2023.

119. On 29 June 2021 the Ministry had approved the PDO for Breidablikk without an EIA having been conducted at that stage (under section 22c of the Petroleum Regulations). The Ministry considered that the EIA obligation had been fulfilled, given that there were impact assessments under section 22a of the Petroleum Regulations that dated back to 2013 (see paragraph 113 above). The 2013 impact assessment did not contain any information or assessment relating to combustion emissions or the impact on the climate.

120. On 18 January 2024 the Oslo District Court found the approvals for the three fields in question invalid. It quashed the disputed decisions of the Ministry of Energy and issued an injunction forbidding the authorities to grant any new permits to construct and produce from these fields. The grounds for this ruling were the failure to assess combustion emissions as part of the EIA conducted by the licensees, in violation of section 4-2 of the Petroleum Act and paragraph 22 of the Petroleum Regulations, read in conjunction with Article 112 subsection 2 of the Constitution, and Article 3(1) and 4(1) of the EIA Directive. The district court stressed that there had been a lack of adequate public participation in the decision-making process. The court did not make a ruling on whether the disputed approvals were compatible with the Convention.

121. On 8 February 2024 the Ministry appealed against this judgment to the Borgarting Court of Appeal (case no. LB-2024-36810-2).

122. On 20 March 2024 the Borgarting Court of Appeal suspended the district court injunction pending appeal, as sought by the authorities. As a result of the suspension, activity in the fields in question could be resumed.

123. On 5 July 2024 the Borgarting Court of Appeal requested the EFTA Court to issue an advisory opinion on the interpretation of the EEA law. It also severed the injunction case form the invalidity case.

124. On 28 August 2024, the Ministry adopted two decisions upholding the approvals related to the Tyrving and Yggdrasil fields. Greenpeace Nordic and Nature and Youth Norway subsequently challenged the validity of those two decisions in the Borgarting Court of Appeal.

125. On 14 October 2024 the Borgarting Court of Appeal quashed the injunction issued by the district court, holding that Norwegian courts had no power to issue temporary injunctions in cases concerning oil and gas development licences.

126. On 11 April 2025 the Supreme Court quashed the Borgarting Court of Appeal's decision of 14 October 2024.

127. On 25 May 2025 the EFTA Court adopted an advisory opinion (see paragraphs 160-172 below).

128. At the date of the Court's examination of the present case, no final ruling has been adopted by the domestic courts and the proceedings are continuing.

II. RELEVANT INTERNATIONAL MATERIALS

A. International law on climate change

129. The relevant international materials regarding climate change have been described in the Grand Chamber judgment in the case of *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* ([GC], no. 53600/20, §§ 136-40, 9 April 2024).

130. Norway ratified the 1992 United Nations Framework Convention on Climate Change on 9 July 1993. It also signed the Paris Agreement on 22 April 2016 and ratified it on 20 June 2016, with a date for its entry into force of 4 November 2016.

B. The Advisory Opinion of the International Tribunal of the Law of the Sea on climate change and international law

131. On 21 May 2024 the International Tribunal for the Law of the Sea ("ITLOS") issued its Advisory Opinion on climate change and international law, in which it declared, among other things, that States are under an obligation to carry out EIAs for any planned activity which may cause

substantial pollution or significant and harmful changes to the marine environment through anthropogenic GHG emissions (paragraph 367 of the Advisory Opinion). The relevant part of the opinion reads as follows:

> "367. ... the Tribunal is of the view that articles 204, 205 and 206 of the Convention [on the Law of the Sea] impose specific obligations on States Parties to monitor the risks or effects of pollution, to publish reports and to conduct environmental impact assessments as a means to address marine pollution from anthropogenic GHG emissions. ... Article 206 sets out the obligation to conduct environmental impact assessments. Any planned activity, either public or private, which may cause substantial pollution to the marine environment or significant and harmful changes thereto through anthropogenic GHG emissions, including cumulative effects, shall be subjected to an environmental impact assessment. The assessment shall be conducted by the State Party under whose jurisdiction or control the planned activity will be undertaken with a view to mitigating and adapting to the adverse effects of those emissions on the marine environment. The result of the assessment shall be reported in accordance with article 205 of the Convention."

C. The Advisory Opinion of the Inter-American Court of Human Rights on Climate emergency and human rights

132. On 29 May 2025 the Inter-American Court of Human Rights ("IACtHR") adopted its Advisory Opinion OC-32/25 on Climate emergency and human rights.

133. In this Advisory Opinion, the IACtHR observed that climate change was the result of, among other human factors, the burning of fossil fuels, which had caused between 81% and 91% of anthropogenic CO_2 emissions and 30% of methane emissions (paragraphs 45 and 47) between 2010 and 2019.

134. Furthermore, the IACtHR made the followings statements in respect of fossil fuels in the context of the obligation to mitigate climate change (references omitted):

> "337. Given the urgency and severity of the climate emergency, mitigation strategies must necessarily include measures to advance the progressive reduction of GHG emissions from fossil fuel use, agriculture, livestock farming, deforestation, and other land uses, as well as eliminating emissions [of short-lived climate pollutants] as quickly as possible. States should also consider in their regulations the activities and sectors that emit GHGs both within and outside the territory of the State.
>
> ...
>
> 353. Taking into account the reinforced due diligence standard in the area of climate system damage prevention, States are required to strictly monitor and regulate public and private activities that generate GHG emissions, in accordance with their mitigation strategy. While the activities monitored and enforced will vary from one State to another, it is the duty of the State to monitor and enforce, at a minimum, the exploration, extraction, transportation, and processing of fossil fuels ... Likewise, taking into account the differentiated responsibility of some companies due to their current and cumulative GHG emissions, the State shall ensure more stringent supervision and enforcement of

their activities and, in particular, of compliance with the obligations imposed on them in accordance with those responsibilities."

135. Furthermore, the AICtHR made the following observations in respect of environmental impact assessment (references omitted):

"358. This Court has established that the obligation to carry out environmental impact assessments constitutes a safeguard against possible socio-environmental impacts linked to a project or activity potentially dangerous to the environment. Therefore, conducting such an assessment is mandatory whenever it is determined that a project or activity carries a risk of significant environmental damage.

359. Since the affectation of the climate system constitutes environmental damage that the State is obligated to prevent, environmental impact assessments must explicitly include the evaluation of potential effects on that system. In particular, projects or activities that involve the risk of generating significant greenhouse gas (GHG) emissions must undergo a climate impact assessment. The Court is aware that almost all activities generate some form of GHG emissions and, therefore, contribute to the affectation of the global climate system to a greater or lesser extent. However, not all activities entail the same level of risk. Consequently, the State's first duty in this matter is to identify, according to its mitigation strategy, which projects or activities require approval of an environmental impact assessment that adequately contemplates the climate impact. This identification can be done through an initial study or through internal regulations that establish the activities subject to such evaluation. For such activities, the environmental impact assessment must mandatorily include a section dedicated to determining the climate impact, clearly differentiating this impact from other forms of environmental impact.

...

361. In this regard, in accordance with the jurisprudence of this Court, regulations concerning environmental impact studies that must also include climate impact must be clear at least on: (i) which proposed activities and impacts must be examined (areas and aspects covered); (ii) what is the procedure for assessing climate impact (requirements and stages); (iii) what responsibilities and duties the companies and individuals proposing the project, the competent authorities, and the decision-making bodies or agencies have (responsibilities and duties); (iv) how the results and the process of determining climate impact will be used to approve the proposed activities (relationship with decision-making), and (v) what steps and measures should be taken if the established procedure for conducting the impact study or implementing the terms and conditions of approval is not followed (compliance and implementation).

362. The Court has indicated that environmental impact assessments must be conducted both when activities or projects are directly undertaken by the State and when they are carried out by natural or legal persons - private entities, which is equally applicable to those environmental impact assessments that must include the impact on the climate system. Likewise, it has considered that these studies must be carried out before the activity takes place, which includes the renewal or updating of the studies in the face of new phases, extensions, or modifications of projects or activities. The studies must be conducted by independent and technically capable entities, under the supervision of the State, cover cumulative impact, include the participation of interested persons, respect the traditions and culture of indigenous peoples, and be based on the best available science. The studies must include specific content that considers the nature and magnitude of the project, as well as its possible impact on the climate system.

Such content must contemplate a contingency plan and foresee mitigation measures against the potential affectation of the climate system.

363. This Tribunal further considers that, in compliance with the reinforced due diligence standard, States must thoroughly evaluate the approval of activities that could potentially cause significant harm to the climate system. In this regard, they must take into account the best available science or knowledge, the mitigation strategy and target that must have been previously defined, and the irreversible nature of climate impacts. All this is to adopt the best prevention measures regarding the potential affectation of the global climate system."

D. The Advisory Opinion of the International Court of Justice on Obligations of States in respect of Climate Change

136. On 23 July 2025 the International Court of Justice ("ICJ") adopted its Advisory Opinion on Obligations of States in respect of Climate Change. The ICJ found that States had obligations under international human rights law to respect and ensure the effective enjoyment of human rights by taking whatever measures were necessary to protect the climate system and other aspects of the environment. It also held that the climate change treaties set out binding obligations on States parties to ensure the protection of the climate system and other aspects of the environment from anthropogenic GHG emissions. These obligations include, among other things, to adopt measures contributing to the mitigation of GHG emissions and adaptation to climate change; to act with "due diligence" in taking measures in accordance with their common but differentiated responsibilities and capacities to make appropriate contributions to achieving the goal limiting the rise in global temperature as set out in the Paris Agreement; and to pursue measures which were capable of achieving the objectives set out for each State. Moreover, the ICJ held that customary international law imposed obligations on States to ensure the protection of the climate system and other aspects of the environment from anthropogenic GHG emissions. These obligations included a duty to prevent significant harm to the environment by acting with due diligence and to use all means at their disposal to prevent activities carried out within their jurisdiction or control from causing significant harm to the climate system and other aspects of the environment, in accordance with their common but differentiated responsibilities and capacities. The ICJ also specified that the duty of due diligence required States to take, to the best of their ability, appropriate and, if necessary, precautionary measures, which took account of scientific and technological information, as well as relevant rules and international standards.

137. The ICJ further observed that the duty to exercise due diligence in preventing significant harm to the environment required States to take not only substantive measures to prevent risks, but also certain procedural steps. One such procedural obligation was to undertake an EIA in cases of proposed industrial activities in a transboundary context. Since customary international

law did not specify the scope and content of an environmental assessment, and given the multifaceted and contextual character of the due diligence standard, any EIA for the purpose of preventing significant harm to the climate system had to take the specific character of the respective risk into account. The ICJ thus recalled that it was for each State to determine in its domestic legislation or in the authorisation process for the project, the specific content of the EIA required in each case, having regard to the nature and magnitude of the proposed development and its likely adverse impact on the environment as well as to the need to exercise due diligence in conducting such an assessment. In the ICJ's view, it could be reasonable for States to conduct their assessments of the risk caused by GHG emissions by way of general procedures covering different forms of activities. Such general procedures did not exclude that possible specific climate-related effects had to be assessed as part of EIAs at the level of proposed individual activities, e.g. for the purpose of assessing their possible downstream effects. While the ICJ was aware that the cumulative and diffuse nature of GHG emissions could involve some difficulty in risk assessment, it considered it important that all States provided for and conduct EIAs with respect to particularly significant proposed individual activities contributing to GHG emissions to be undertaken within their jurisdiction or control, on the basis of the best available science. Such specific climate-related assessments could identify previously unknown information about possibilities for reducing the quantity of GHG emissions by relevant proposed individual activities.

138. The ICJ's Advisory Opinion includes the following statements, in so far as relevant:

> "72. ... Climate change is caused by the accumulation of certain gases in the atmosphere that trap the sun's radiation around the Earth, leading to a greenhouse warming effect. While certain GHGs occur naturally, it is scientifically established that the increase in concentration of GHGs in the atmosphere is primarily due to human activities, whether as a result of GHG emissions, including by the burning of fossil fuels, or as a result of the weakening or destruction of carbon reservoirs and sinks, such as forests and the ocean, which store or remove GHGs from the atmosphere.
>
> 73. The consequences of climate change are severe and far-reaching; they affect both natural ecosystems and human populations. Rising temperatures are causing the melting of ice sheets and glaciers, leading to sea level rise and threatening coastal communities with unprecedented flooding. Extreme weather events, such as hurricanes, droughts and heatwaves, are becoming more frequent and intense, devastating agriculture, displacing populations and exacerbating water shortages. Furthermore, the disruption of natural habitats is pushing certain species toward extinction and leading to irreversible loss of biodiversity. Human life and health are also at risk, with an increased incidence of heat-related illnesses and the spread of climate-related diseases. These consequences underscore the urgent and existential threat posed by climate change.
>
> ...
>
> 81. ... The IPCC adds that the largest source of CO_2 is combustion of fossil fuels in energy conversion systems such as boilers in electric power plants, engines in aircraft and automobiles, and in cooking and heating within homes and businesses

(approximately 64 per cent of emissions). It further observes that fossil fuels are a major source of CH_4, the second biggest contributor to global warming. ...

...

85. The IPCC defines mitigation as a "human intervention to reduce emissions or enhance the sinks of greenhouse gases" (IPCC 2023 Glossary, p. 126). Mitigation includes both reducing GHG emissions through measures such as transitioning away from fossil fuels and improving energy efficiency, and enhancing sinks through measures such as reforestation and reduced deforestation. The IPCC explains that global warming is more likely than not to reach 1.5°C before 2040 even under a very low GHG emissions scenario. The best estimate for global warming by 2081-2100 ranges from 1.4°C for a very low GHG emissions scenario to 4.4°C for a very high GHG emissions scenario (IPCC, 2023 Summary for Policymakers, p. 12, Statement B.1.1).

...

298. The Court recalls that

"[d]etermination of the content of the environmental impact assessment should be made in light of the specific circumstances of each case . . .:

'it is for each State to determine in its domestic legislation or in the authorization process for the project, the specific content of the environmental impact assessment required in each case, having regard to the nature and magnitude of the proposed development and its likely adverse impact on the environment as well as to the need to exercise due diligence in conducting such an assessment'" (Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua) and Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica), Judgment, I.C.J. Reports 2015 (II), p. 707, para. 104, citing Pulp Mills on the River Uruguay (Argentina v. Uruguay), I.C.J. Reports 2010 (I), p. 83, para. 205).

The Court is of the view that the risks posed by climate change have certain features that may affect the appropriateness of certain forms of environmental risk assessment. It may therefore be reasonable for States to conduct their assessments of the risk caused by GHG emissions by way of general procedures covering different forms of activities. Such general procedures do not exclude that possible specific climate-related effects must be assessed as part of EIAs at the level of proposed individual activities, e.g. for the purpose of assessing their possible downstream effects. While the Court is aware that the cumulative and diffuse nature of GHG emissions may involve some difficulty in risk assessment, it considers it important that all States provide for and conduct EIAs with respect to particularly significant proposed individual activities contributing to GHG emissions to be undertaken within their jurisdiction or control, on the basis of the best available science. Such specific climate-related assessments could identify previously unknown information about possibilities for reducing the quantity of GHG emissions by relevant proposed individual activities.

...

427. ... Failure of a State to take appropriate action to protect the climate system from GHG emissions - including through fossil fuel production, fossil fuel consumption, the granting of fossil fuel exploration licences or the provision of fossil fuel subsidies – may constitute an internationally wrongful act which is attributable to that State. The Court also emphasizes that the internationally wrongful act in question is not the emission of GHGs per se, but the breach of conventional and customary obligations identified under question (a) pertaining to the protection of the climate system from significant harm resulting from anthropogenic emissions of such gases.

...

429. ...[T]he Court observes that while climate change is caused by cumulative GHG emissions, it is scientifically possible to determine each State's total contribution to global emissions, taking into account both historical and current emissions. ... Indeed, other courts and tribunals have considered the link between GHG emissions and climate change, the link between climate change and adverse effects suffered by litigants, the link between such harm and the actions or omissions of a particular State, and the attributability of responsibility for such adverse effects. It is important to recall at this stage that what constitutes a wrongful act is not the emissions in and of themselves but actions or omissions causing significant harm to the climate system in breach of a State's international obligations.

...

431. Therefore, in the climate change context, the Court considers that each injured State may separately invoke the responsibility of every State which has committed an internationally wrongful act resulting in damage to the climate system and other parts of the environment. And where several States are responsible for the same internationally wrongful act, the responsibility of each State may be invoked in relation to that act.

432. Thus, the Court considers that the rules on State responsibility admit the possibility of determining the responsibility of States in the climate change context. Factual questions arising in the context of attribution and apportionment of responsibility are to be resolved on a case-by-case basis.

...

440. ... Consequently, States' obligations pertaining to the protection of the climate system and other parts of the environment from anthropogenic GHG emissions, in particular the obligation to prevent significant transboundary harm under customary international law, are obligations *erga omnes*.

..."

E. The United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters ("the Aarhus Convention")

139. The Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters ("Aarhus Convention") was adopted on 25 June 1998. It currently has forty-eight parties, including the European Union. It was ratified by Norway on 2 May 2003.

140. The Aarhus Convention sets out rules on public participation in decision-making on either certain specified activities (activities in the energy sector, such as mineral oil and gas refineries, annex I, Article 1) or any other activity where public consultation is provided for under an environmental impact assessment procedure in national legislation (annex I, Article 20) or regarding plans, programmes and policies relating to the environment. It reads as follows, in so far as relevant:

"Article 5

COLLECTION AND DISSEMINATION OF ENVIRONMENTAL INFORMATION

1. Each Party shall ensure that:

(a) Public authorities possess and update environmental information which is relevant to their functions;

(b) Mandatory systems are established so that there is an adequate flow of information to public authorities about proposed and existing activities which may significantly affect the environment;

(c) In the event of any imminent threat to human health or the environment, whether caused by human activities or due to natural causes, all information which could enable the public to take measures to prevent or mitigate harm arising from the threat and is held by a public authority is disseminated immediately and without delay to members of the public who may be affected.

2. Each Party shall ensure that, within the framework of national legislation, the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible ...

...

5. Each Party shall take measures within the framework of its legislation for the purpose of disseminating, *inter alia*:

(a) Legislation and policy documents such as documents on strategies, policies, programmes and action plans relating to the environment, and progress reports on their implementation, prepared at various levels of government;

...

6. Each Party shall encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products, where appropriate within the framework of voluntary eco-labelling or eco-auditing schemes or by other means.

7. Each Party shall:

(a) Publish the facts and analyses of facts which it considers relevant and important in framing major environmental policy proposals;

...

9. Each Party shall take steps to establish progressively, taking into account international processes where appropriate, a coherent, nationwide system of pollution inventories or registers on a structured, computerised and publicly accessible database compiled through standardised reporting. Such a system may include inputs, releases and transfers of a specified range of substances and products, including water, energy and resource use, from a specified range of activities to environmental media and to on-site and offsite treatment and disposal sites.

...

Article 6

PUBLIC PARTICIPATION IN DECISIONS ON SPECIFIC ACTIVITIES

1. Each Party:

...

(b) Shall, in accordance with its national law, also apply the provisions of this article to decisions on proposed activities not listed in annex I which may have a significant effect on the environment. To this end, Parties shall determine whether such a proposed activity is subject to these provisions; and

(c) May decide, on a case-by-case basis if so provided under national law, not to apply the provisions of this article to proposed activities serving national defence purposes, if that Party deems that such application would have an adverse effect on these purposes.

2. The public concerned shall be informed, either by public notice or individually as appropriate, early in an environmental decision-making procedure, and in an adequate, timely and effective manner, *inter alia*, of:

(a) The proposed activity and the application on which a decision will be taken;

(b) The nature of possible decisions or the draft decision;

(c) The public authority responsible for making the decision;

(d) The envisaged procedure, including, as and when this information can be provided:

(i) The commencement of the procedure;

(ii) The opportunities for the public to participate;

(iii) The time and venue of any envisaged public hearing;

(iv) An indication of the public authority from which relevant information can be obtained and where the relevant information has been deposited for examination by the public;

(v) An indication of the relevant public authority or any other official body to which comments or questions can be submitted and of the time schedule for transmittal of comments or questions; and

(vi) An indication of what environmental information relevant to the proposed activity is available; and

(e) The fact that the activity is subject to a national or transboundary environmental impact assessment procedure.

3. The public participation procedures shall include reasonable time-frames for the different phases, allowing sufficient time for informing the public in accordance with paragraph 2 above and for the public to prepare and participate effectively during the environmental decision-making.

4. Each Party shall provide for early public participation, when all options are open and effective public participation can take place.

5. Each Party should, where appropriate, encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit.

6. Each Party shall require the competent public authorities to give the public concerned access for examination, upon request where so required under national law, free of charge and as soon as it becomes available, to all information relevant to the decision-making referred to in this article that is available at the time of the public

participation procedure, without prejudice to the right of Parties to refuse to disclose certain information in accordance with article 4, paragraphs 3 and 4. The relevant information shall include at least, and without prejudice to the provisions of article 4:

(a) A description of the site and the physical and technical characteristics of the proposed activity, including an estimate of the expected residues and emissions;

(b) A description of the significant effects of the proposed activity on the environment;

(c) A description of the measures envisaged to prevent and/or reduce the effects, including emissions;

(d) A non-technical summary of the above;

(e) An outline of the main alternatives studied by the applicant; and

(f) In accordance with national legislation, the main reports and advice issued to the public authority at the time when the public concerned shall be informed in accordance with paragraph 2 above.

7. Procedures for public participation shall allow the public to submit, in writing or, as appropriate, at a public hearing or inquiry with the applicant, any comments, information, analyses or opinions that it considers relevant to the proposed activity.

8. Each Party shall ensure that in the decision due account is taken of the outcome of the public participation.

9. Each Party shall ensure that, when the decision has been taken by the public authority, the public is promptly informed of the decision in accordance with the appropriate procedures. Each Party shall make accessible to the public the text of the decision along with the reasons and considerations on which the decision is based.

...

Article 7

PUBLIC PARTICIPATION CONCERNING PLANS, PROGRAMMES AND POLICIES RELATING TO THE ENVIRONMENT

Each Party shall make appropriate practical and/or other provisions for the public to participate during the preparation of plans and programmes relating to the environment, within a transparent and fair framework, having provided the necessary information to the public. Within this framework, article 6, paragraphs 3, 4 and 8, shall be applied. The public which may participate shall be identified by the relevant public authority, taking into account the objectives of this Convention. To the extent appropriate, each Party shall endeavour to provide opportunities for public participation in the preparation of policies relating to the environment."

F. Espoo Convention on EIAs in a Transboundary Context and its Strategic Environmental Assessment Protocol

141. There are 45 parties to the 1991 Convention on Environmental Impact Assessment in a Transboundary Context ("the Espoo Convention"), including Norway, which ratified it on 23 June 1993. It has been in force since 10 September 1997.

142. The Espoo Convention sets out obligations including to assess the environmental impact of certain activities (such as offshore hydrocarbon production) at an early stage of planning. Its relevant provisions read as follows:

> "Article 2
>
> ...
>
> 3. The Party of origin shall ensure that in accordance with the provisions of this Convention an environmental impact assessment is undertaken prior to a decision to authorise or undertake a proposed activity listed in Appendix I that is likely to cause a significant adverse transboundary impact.
>
> ...
>
> 6. The Party of origin shall provide, in accordance with the provisions of this Convention, an opportunity to the public in the areas likely to be affected to participate in relevant environmental impact assessment procedures regarding proposed activities and shall ensure that the opportunity provided to the public of the affected Party is equivalent to that provided to the public of the Party of origin.
>
> 7. Environmental impact assessments as required by this Convention shall, as a minimum requirement, be undertaken at the project level of the proposed activity. To the extent appropriate, the Parties shall endeavour to apply the principles of environmental impact assessment to policies, plans and programmes."

143. The Espoo Convention is complemented by the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context, adopted on 21 May 2003 (ECE/MP.EIA/2003/2). 38 European States are signatories to the Protocol, including Norway. 35 of these States, excluding among others Norway, are parties to the Protocol, the relevant provisions of which read as follows:

> "Article 1
>
> OBJECTIVE
>
> The objective of this Protocol is to provide for a high level of protection of the environment, including health, by:
>
> (a) Ensuring that environmental, including health, considerations are thoroughly taken into account in the development of plans and programmes;
>
> (b) Contributing to the consideration of environmental, including health, concerns in the preparation of policies and legislation;
>
> (c) Establishing clear, transparent and effective procedures for strategic environmental assessment;
>
> (d) Providing for public participation in strategic environmental assessment; and
>
> (e) Integrating by these means environmental, including health, concerns into measures and instruments designed to further sustainable development."

"Article 4

FIELD OF APPLICATION CONCERNING PLANS AND PROGRAMMES

1. Each Party shall ensure that a strategic environmental assessment is carried out for plans and programmes referred to in paragraphs 2, 3 and 4 which are likely to have significant environmental, including health, effects.

2. A strategic environmental assessment shall be carried out for plans and programmes which are prepared for agriculture, forestry, fisheries, energy, industry including mining, transport, regional development, waste management, water management, telecommunications, tourism, town and country planning or land use, and which set the framework for future development consent for projects listed in annex I and any other project listed in annex II that requires an environmental impact assessment under national legislation. ..."

"Article 7

ENVIRONMENTAL REPORT

1. For plans and programmes subject to strategic environmental assessment, each Party shall ensure that an environmental report is prepared.

2. The environmental report shall, in accordance with the determination under article 6, identify, describe and evaluate the likely significant environmental, including health, effects of implementing the plan or programme and its reasonable alternatives. The report shall contain such information specified in annex IV as may reasonably be required, taking into account:

(a) Current knowledge and methods of assessment;

(b) The contents and the level of detail of the plan or programme and its stage in the decision-making process;

(c) The interests of the public; and

(d) The information needs of the decision-making body.

3. Each Party shall ensure that environmental reports are of sufficient quality to meet the requirements of this Protocol.

Article 8

PUBLIC PARTICIPATION

1. Each Party shall ensure early, timely and effective opportunities for public participation, when all options are open, in the strategic environmental assessment of plans and programmes.

2. Each Party, using electronic media or other appropriate means, shall ensure the timely public availability of the draft plan or programme and the environmental report.

3. Each Party shall ensure that the public concerned, including relevant non-governmental organizations, is identified for the purposes of paragraphs 1 and 4.

4. Each Party shall ensure that the public referred to in paragraph 3 has the opportunity to express its opinion on the draft plan or programme and the environmental report within a reasonable time frame.

5. Each Party shall ensure that the detailed arrangements for informing the public and consulting the public concerned are determined and made publicly available. For this

purpose, each Party shall take into account to the extent appropriate the elements listed in annex V."

G. EEA and European Union law on environmental assessment

144. Norway is a party to the Agreement on the European Economic Area ("EEA Agreement"). Through this agreement, EU environment and climate laws apply in Norway. Norway is also a member State of the European Free Trade Association ("EFTA") and is under the jurisdiction of the EFTA Court.

1. EEA Agreement

145. Article 73 of EEA Agreement reads:

"1. Action by the Contracting Parties relating to the environment shall have the following objectives:

(a) to preserve, protect and improve the quality of the environment;

(b) to contribute towards protecting human health;

(c) to ensure a prudent and rational utilization of natural resources.

2. Action by the Contracting Parties relating to the environment shall be based on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source, and that the polluter should pay. Environmental protection requirements shall be a component of the Contracting Parties' other policies."

2. EU Directives

(a) SEA Directive

146. 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 ("SEA Directive", see paragraph 74 above) was incorporated into the EEA Agreement by Decision of the EEA Joint Committee no. 090/2002 of 25 June 2002 (OJ L 197, 21.7.2001, p. 30). The decision entered into force on 1 May 2003. The SEA Directive sets out an obligation to conduct an environmental assessment of certain plans and programmes which are likely to have significant effects on the environment, including in the energy sector (Article 3). The relevant parts of this directive read as follows:

"[Preamble]

...

Whereas:

(1) Article 174 of the Treaty provides that Community policy on the environment is to contribute to, *inter alia*, the preservation, protection and improvement of the quality of the environment, the protection of human health and the prudent and rational utilisation of natural resources and that it is to be based on the precautionary principle.

Article 6 of the Treaty provides that environmental protection requirements are to be integrated into the definition of Community policies and activities, in particular with a view to promoting sustainable development.

...

Article 4

General obligations

1. The environmental assessment ... shall be carried out during the preparation of a plan or programme and before its adoption or submission to the legislative procedure.

2. The requirements of this Directive shall either be integrated into existing procedures in Member States for the adoption of plans and programmes or incorporated in procedures established to comply with this Directive.

...

Article 5

Environmental report

1. Where an environmental assessment is required under Article 3(1), an environmental report shall be prepared in which the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated. ...

2. The environmental report prepared pursuant to paragraph 1 shall include the information that may reasonably be required taking into account current knowledge and methods of assessment, the contents and level of detail in the plan or programme, its stage in the decision-making process and the extent to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment.

...

Article 6

Consultations

1. The draft plan or programme and the environmental report prepared in accordance with Article 5 shall be made available to the authorities referred to in paragraph 3 of this Article and the public.

2. The authorities referred to in paragraph 3 and the public referred to in paragraph 4 shall be given an early and effective opportunity within appropriate time frames to express their opinion on the draft plan or programme and the accompanying environmental report before the adoption of the plan or programme or its submission to the legislative procedure.

3. Member States shall designate the authorities to be consulted which, by reason of their specific environmental responsibilities, are likely to be concerned by the environmental effects of implementing plans and programmes.

4. Member States shall identify the public for the purposes of paragraph 2, including the public affected or likely to be affected by, or having an interest in, the decision-making subject to this Directive, including relevant non-governmental organisations, such as those promoting environmental protection and other organisations concerned.

5. The detailed arrangements for the information and consultation of the authorities and the public shall be determined by the Member States.

...

Article 8

Decision making

The environmental report prepared pursuant to Article 5, the opinions expressed pursuant to Article 6 ... shall be taken into account during the preparation of the plan or programme and before its adoption or submission to the legislative procedure.

Article 9

Information on the decision

1. Member States shall ensure that, when a plan or programme is adopted, the authorities referred to in Article 6(3), the public and any Member State consulted under Article 7 are informed and the following items are made available to those so informed:

(a) the plan or programme as adopted;

(b) a statement summarising how environmental considerations have been integrated into the plan or programme and how the environmental report prepared pursuant to Article 5, the opinions expressed pursuant to Article 6 and the results of consultations entered into pursuant to Article 7 have been taken into account in accordance with Article 8 and the reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with, and

(c) the measures decided concerning monitoring in accordance with Article 10.

2. The detailed arrangements concerning the information referred to in paragraph 1 shall be determined by the Member States.

...

Article 11

Relationship with other Community legislation

1. An environmental assessment carried out under this Directive shall be without prejudice to any requirements under Directive 85/337/EEC and to any other Community law requirements.

..."

(b) EIA Directive

147. 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 was incorporated into the EEA Agreement by Decision of the EEA Joint Committee No. 230/2012 of 7 December 2012 (OJ 2013 L 81, p. 32, and Norwegian EEA Supplement 2013 No 18, p. 38) and is referred to at point 1a of Annex XX (Environment) to the EEA Agreement. The decision entered into force on 8 December 2012. Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (OJ 2014 L

124, p. 1, and Norwegian EEA Supplement 2019 No 77, p. 1017) ("EIA Directive") was incorporated into the EEA Agreement by Decision of the EEA Joint Committee No 117/2015 of 30 April 2015 (OJ 2016 L 211, p. 76, and Norwegian EEA Supplement 2016 No 42, p. 73) and is referred to at point 1a of Annex XX (Environment) to the EEA Agreement. Constitutional requirements were indicated by Iceland and Liechtenstein, and the decision entered into force on 1 January 2016.

148. The EIA Directive requires member States to adopt all measures necessary to ensure that, before consent is given for certain projects likely to have significant effects on the environment by virtue of, *inter alia*, their nature, size or location, those projects are made subject to a requirement for development consent and an assessment as to their effects (Article 2(1)). The environmental impact assessment ("EIA") may be integrated into the existing procedures for obtaining development consent to projects or, failing this, into other procedures (Article 2(1)(2)).

149. Article 1(2) (g) of the EIA Directive defines the environmental impact assessment ("EIA") as the culmination of a process consisting of

(i) the preparation of an environmental impact assessment report by the developer;

(ii) the carrying out of consultations;

(iii) the examination by the appropriate authority of the information given in the EIA report and any supplementary information provided, where necessary, by the developer, and any relevant information received through the consultations under point (ii);

(iv) the provision by that authority of a conclusion, giving reasons, on any significant effects of the project on the environment, taking into account the results of the examination referred to in point (iii) and, where appropriate, its own supplementary examination; and

(v) the integration of the authority's reasoned conclusion into any of the decisions referred to in Article 8a.

150. The directive further describes the stages of the EIA process with which the project developer and the authorities must comply (a scoping stage; the EIA report; the provision of information to and consultation with the environmental authorities and the public; a decision accompanied by a reasoned conclusion on any significant effects of the project; informing the public of the decision; and giving access to judicial review of the decision).

151. More specifically, Article 3 of the EIA Directive reads as follows:

> "1. The environmental impact assessment shall identify, describe and assess in an appropriate manner, in the light of each individual case, the direct and indirect significant effects of a project on the following factors:
>
> (a) population and human health;
>
> (b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;

(c) land, soil, water, air and climate;

(d) material assets, cultural heritage and the landscape;

(e) the interaction between the factors referred to in points (a) to (d).

2. The effects referred to in paragraph 1 on the factors set out therein shall include the expected effects deriving from the vulnerability of the project to risks of major accidents and/or disasters that are relevant to the project concerned."

152. Article 5(1)(f) of the EIA Directive provides that, where an environmental impact assessment is required, the developer must prepare and submit an environmental impact assessment report. The information to be provided by the developer must include any additional information specified in Annex IV which is relevant to the specific characteristics of the particular project or type of project or to the environmental features likely to be affected.

153. In this context, point 4 of Annex IV refers to the description of factors likely to be significantly affected by the project. These may include the climate (for example, it may be affected by GHG emissions). Point 5 of Annex IV refers in the same context to the impact of the project on the climate (for example the nature and magnitude of greenhouse gas emissions).

154. The second paragraph of Annex IV, point 5 states that the description of the likely significant effects on the factors specified in Article 3(1) of the EIA Directive should cover the direct effects and any indirect, secondary, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the project, as well as the cumulative effects with other existing and/or approved projects. This provision, as interpreted in the well-established case-law of the CJEU, sets out a prohibition on project splitting (also known as "salami-slicing"), where it is used to circumvent thresholds or to avoid proper environmental assessment (see Case C-392/96 Commission v. Ireland, and Case C-205/08 Umweltanwalt von Kärnten).

155. Projects falling within Annex I to the EIA Directive, to which Article 4(1) of that directive refers, present an inherent risk of significant effects on the environment and therefore an environmental impact assessment is indispensable in those cases (see *Inter-Environnement Wallonie and Bond Beter Leefmilieu Vlaanderen*, C-411/17, EU:C:2019:622, paragraph 75). The projects listed in Annex I to the EIA Directive include, at point 14, extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tonnes per day in the case of petroleum and 500 000 cubic metres per day in the case of gas.

156. Lastly, pursuant to Article 8a(1) of the EIA Directive, the decision to grant development consent must include the following information:

- the reasoned conclusion referred to in Article 1(2)(g)(iv);

- any environmental conditions attached to the decision, a description of any features of the project and/or measures envisaged to avoid, prevent or

reduce and, if possible, offset significant adverse effects on the environment; and

- where appropriate, monitoring measures.

Moreover, in the event that member States make use of procedures other than the procedures for development consent, the requirements of Article 8a are deemed to be fulfilled when any decision issued in the context of those procedures contains the above-mentioned information and is up to date.

3. Relevant case-law of the Court of Justice of the EU ("CJEU")

157. The CJEU has a well-established case-law on the relationship between the SEA and EIA Directives.

158. The CJEU has held that the EIA Directive differs for a number of reasons from the SEA Directive and that it is "necessary to comply with the requirements of both of those directives concurrently" (see *Genovaitė Valčiukienė and Others v Pakruojo rajono savivaldybė and Others* 22 September 2011, C-295/10, ECLI:EU:C:2011:608, paragraph 60). At paragraph 63, the CJEU continued as follows:

> "Article 11(1) and (2) of Directive 2001/42 must be interpreted as meaning that an environmental assessment carried out under Directive 85/337 does not dispense with the obligation to carry out such an assessment under Directive 2001/42. However, it is for the referring court to assess whether an assessment which has been carried out pursuant to Directive 85/337 may be considered to be the result of a coordinated or joint procedure and whether it already complies with all the requirements of Directive 2001/42. If that were to be the case, there would then no longer be an obligation to carry out a new assessment pursuant to Directive 2001/42."

159. In several judgments, the CJEU has also observed that it is necessary to avoid strategies which may be designed to circumvent the obligations laid down in the SEA Directive by splitting measures, thereby reducing the practical effect of that directive (see *Inter-Environnement Bruxelles ASBL and Others v Région de Bruxelles-Capitale*, 7 June 2018, C-671/16, ECLI:EU:C:2018:403, paragraph 55; *Raoul Thybaut and Others v Région wallonne*, 7 June 2018, C-160-17, ECLI:EU:C:2018:401, paragraph 55; *D'Oultremont and Others*, 27 October 2016, C-290/15, EU:C:2016:816, paragraph 48; and *Associazione Verdi Ambiente e Società*, 8 May 2019, C-305/18, ECLI:EU:C:2019:384, paragraph 51). Moreover, the CJEU has held that an environmental assessment is supposed to be carried out as soon as possible so that its conclusions will still be capable of influencing decision-making. It is indeed at that stage that the various alternatives may be analysed, and strategic choices may be made (see *Inter-Environnement Bruxelles ASBL and Others v Région de Bruxelles-Capital*, cited above, paragraph 63; *Raoul Thybaut and Others v Région wallonne*, cited above, paragraph 62; and *Associazione Verdi Ambiente e Società*, cited above, paragraph 58). In addition, the CJEU has stressed that, "while Article 5(3) of the SEA Directive provides for the possibility of using relevant information

obtained at other levels of decision-making or through other EU legislation, Article 11(1) of that directive states that an environmental assessment carried out under that directive is to be without prejudice to any requirements under the EIA Directive" (*Inter-Environnement Bruxelles ASBL and Others v Région de Bruxelles-Capital*, cited above, paragraph 64, and *Raoul Thybaut and Others v Région wallonne*, cited above, paragraph 63). An environmental impact assessment report completed under the EIA Directive therefore cannot be used to circumvent the obligation to carry out the environmental assessment required under the SEA Directive in order to address environmental aspects specific to that directive (*Inter-Environnement Bruxelles ASBL and Others v Région de Bruxelles-Capitale*, cited above, paragraph 65; *Raoul Thybaut and Others v Région wallonne*, cited above, paragraph 64; and *Associazione Verdi Ambiente e Società*, cited above, paragraph 56). The CJEU has thus concluded that the fact that an environmental assessment will be carried out subsequently under the EIA Directive does not mean there is no need to carry out an environmental assessment of a plan or a programme which falls within the scope of Article 3(2)(a) of the SEA Directive and should establish a framework for the authorisation of projects, unless an assessment of the environmental effects of the plan or programme has already been carried out (*Inter-Environnement Bruxelles ASBL and Others v Région de Bruxelles-Capitale*, cited above, paragraph 66).

4. The EFTA Court's advisory opinion of 21 May 2025

160. On 25 May 2025 the EFTA Court gave an advisory opinion to the Borgarting Court of Appeal on the interpretation of Article 3(1) of the EIA Directive (case E-18/24) in the proceedings in which the applicant organisations were challenging the validity of the approvals given for three oil and gas fields in the North Sea (see paragraphs 117 and 121 above).

161. The operative part of the EFTA Court's opinion reads as follows:

> "1. Greenhouse gas emissions that will be released from the combustion of petroleum and natural gas extracted as part of a project listed in point 14 of Annex I to [the EIA Directive], and then sold to third parties, constitute "effects" of that project within the meaning of the Directive.
>
> 2. A national court is required under Article 3 [of the EEA Agreement], to the extent possible under national law, to eliminate the unlawful consequences of a failure to carry out a full environmental impact assessment required under [the EIA Directive]. However, this does not preclude regularisation through the conducting of such an assessment while the project is under way or even after it has been completed, on the twofold condition that:
>
> - national rules allowing for that regularisation do not provide the parties concerned with an opportunity to circumvent the rules of EEA law or to dispense with applying them, and

- any subsequent or ancillary assessment carried out for regularisation purposes is not conducted solely in respect of the project's future environmental impact, but must also take into account its environmental impact since the time of completion of that project.

It is for the referring court to assess whether the conditions are satisfied in the main proceedings, in the light of the content of the national provisions and the information available to it.

3. A national court may not retroactively dispense with the obligation to assess the effects under Article 3(1) of the [EIA Directive]."

162. The EFTA Court stressed that in the context of those proceedings its opinion did not relate to the SEA Directive, which required a separate *sui generis* strategic environmental assessment.

163. It then observed that that combating climate change was an objective of fundamental importance given the adverse effects of climate change and the severity of its consequences, including the grave risk of their irreversibility and the impact on fundamental rights. GHG emissions were one of the main causes of climate change which the EEA States had made a commitment to combat.

164. On the question of when the EIA had to take place, the EFTA Court addressed the Government's specific argument that the extraction of petroleum and natural gas was not a necessary precondition of burning it as fuel and thereby releasing emissions with an impact on the climate, given that intermediate steps (such as refinement) were generally required.

165. The EFTA Court responded that the fact that GHG emissions from petroleum and natural gas might be considered again in the context of a subsequent refinement project did not, in itself, affect the prior obligation to carry out an assessment at the extraction stage. The EFTA Court also noted that almost all the petroleum and natural gas produced by Norway was exported abroad. While most of that production would be refined within the EEA, there would be no further EIA under EEA law with respect to the subsequent refinement of the rest.

166. The EFTA Court further observed that an EIA had to precede any consent, meaning that it had to be carried out as soon as it was possible to identify and assess all the effects which the project in question might have on the environment. Firstly, the appropriate authority had to be able to take the effects on the environment into account at the earliest possible stage of the technical planning and decision-making processes, the objective being to prevent the creation of pollution or nuisance at source rather than to counteract their effects subsequently. Secondly, public participation had to take place at an early stage, that is to say, prior to extraction, when all options were still open and when the public would have their last opportunity to voice their concerns about GHG emissions and any views that the deposits should no longer be exploited.

167. The EFTA Court also observed that Article 8a of the EIA Directive meant that in a case such as that in the main proceedings the EIA procedure

represented the last point at which the Ministry, as the authority overseeing the process, could determine whether or not consent should be granted for the extraction of the petroleum and natural gas, and if appropriate the quantities to be extracted. It was therefore at that point that the decision was effectively taken as to whether the GHG emissions likely to result from the combustion of the products extracted during the project would eventually be released into the atmosphere.

168. The EFTA Court further concluded that a licensee did not have an unconditional right to have a PDO approved where potentially profitable discoveries had been made. The authority could either refuse to issue an approval, or it could attach conditions to it. It followed that the authorities were in full control of whether or not the environmental effects would occur.

169. On the issue of what effects had to be addressed by the EIA, the EFTA Court interpreted the EIA Directive as requiring that the description of the likely significant effects on factors such as the climate should cover any direct or indirect and positive or negative effects of the project. The indirect effects encompassed: secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary effects. It was stressed that the effects were not limited to those that were close in time or location to the installation or scheme or to the geographical scope of the territory of the overseeing authority.

170. The EFTA Court further observed that information about the likely impact of the project on the climate, including with respect to GHG emissions, was particularly relevant for determining the volume of petroleum and natural gas that the developer would be permitted to extract for commercial purposes under the development consent. In order for the overseeing authority to properly exercise its functions when deciding whether or not to grant a development consent, the developer was required to provide information about the emissions that would be produced by the combustion of the petroleum and natural gas extracted. That information was also required for the public so that they could participate effectively in the decision-making procedure.

171. The EFTA Court addressed the issue of the "likelihood" of a projects' effects. It observed that the fact that the petroleum and natural gas extracted from a project might be put to a variety of uses did not mean that its effects on the climate could not be assessed for the purposes of an EIA. It was known that a significant proportion of extracted petroleum and natural gas would be burned as fuel, thereby generating GHG emissions. Those emissions had to be included in the EIA even though their effects were not certain and even though their precise extent was unknown (as they depended to some extent firstly on whether the extracted resources were combusted or not and second, in the event that they were, on the type of fuel that would be produced when they were refined). The EFTA Court observed that, the likely uses of the end products – and the likely GHG emissions – could readily be

identified by developers and that it was also fairly easy to assess the gross emissions that would be produced by burning an estimated amount of petroleum and natural gas from a given reservoir.

172. The question of the "significance" of the GHG to be emitted by a project was not necessarily commensurate with its size. The EFTA Court reiterated that a project was considered to be likely to have significant effects on the environment where, by reason of its nature, there was a risk that it would cause a substantial or irreversible change in environmental factors, such as fauna and flora, soil or water and climate. It also concluded that the projects falling within Annex I and II of the EIA Directive were always likely to have a significant impact.

173. Lastly, the EFTA Court made the following observation in respect of the consequences of any failure to carry out an EIA (references omitted):

> "110. ... [I]n the event of failure to carry out an assessment of the environmental impact of a project required under the EIA Directive, EEA States are required to nullify the unlawful consequences of that failure, for instance by revoking or suspending the development consent. However, EEA law does not preclude regularisation through the conducting of such an assessment while the project is under way or even after it has been completed, on the twofold conditions that, first, that national rules allowing for that regularisation do not provide the parties concerned with an opportunity to circumvent the rules of EEA law or to dispense with applying them, and second, an assessment carried out for regularisation purposes is not conducted solely in respect of the project's future environmental impact, but must also take into account its environmental impact since the time of completion of that project."

H. The UN Special Rapporteur on the promotion and protection of human rights in the context of climate change

174. On 25 May 2025 the Special Rapporteur on the promotion and protection of human rights in the context of climate change published her Report: "The imperative of defossilizing our economies" (A/HRC/59/42). The report reads as follows, in so far as relevant (references omitted):

> "3. There is no scientific doubt that fossil fuels (coal, gas and oil) are the main cause of climate change, and the main driver of other planetary crises – biodiversity loss, toxic pollution, inequalities and mass human rights violations. Several United Nations mechanisms have already identified an international human rights obligation to phase out fossil fuels and related subsidies.
>
> ...
>
> 8. The burning of fossil fuels is the main historical and current driver of greenhouse gas emissions. It has been responsible for 81 to 91 per cent of the total historic anthropogenic carbon dioxide emissions, which currently "are higher than at any time over at least the past two million years". Coal was the source of 41 per cent of these emissions in 2023, oil 32 per cent and gas 23 per cent.
>
> 9. Indirect greenhouse gas emissions released during fossil fuel extraction, transport and waste management also contribute to climate change. Fossil fuel production and distribution are the second-largest source (35 per cent) of methane emissions, which are

responsible for around 30 per cent of the global temperature rise since the Industrial Revolution. The existing fossil fuel infrastructure is producing, over its lifetime, emissions of carbon dioxide that are already projected to exceed the remaining carbon budget for limiting warming to 1.5°C.

10. When fossil fuels fail to burn completely, they emit black carbon (soot), a short-lived climate pollutant, which has negative impacts on Indigenous Peoples in the Arctic and causes significant air pollution in South-East Asia and North and East Africa. Substantial releases of greenhouse gases, including methane and soot, also arise from non-emergency flaring and venting, which occur when operators opt to burn or release in the atmosphere the gas that accompanies oil production, rather than building the equipment to capture it.

..."

I. The UN Environment Programme

175. In 2019 a "Production Gap Report" was drawn up by leading research organisations and the UN, providing the first assessment of the gap between the targets of the Paris Agreement and countries' planned production of fossil fuels.

176. The report stated that fossil fuels are, by far, the largest contributor to global climate change, accounting for over 75% of global GHG emissions and nearly 90% of all CO_2 emissions. The report found that the world was on track to produce far more coal, oil and gas by 2030 than would be consistent with limiting warming to 1.5°C (50% more) or 2°C (120% more), creating a "production gap" that made climate goals much harder to reach. The production gap was greatest for coal, but oil and gas production were also set to overshoot the median 1.5°C - 2°C pathways. In particular, countries were on track to produce: 16% more oil and 14% more gas than would be consistent with the median 2°C pathway, and 59% more oil and 70% more gas than the median 1.5°C pathway. While near-term production gaps for oil and gas were less pronounced than for coal, ongoing investments in oil and gas infrastructure would widen the production gap over time. These gaps would therefore be much greater by 2040. Countries were planning to produce 43% more oil and 47% more gas than would be consistent with a 2°C pathway by 2040.

III. RELEVANT COMPARATIVE LAW MATERIALS

177. On 20 June 2024 the United Kingdom Supreme Court ruled on a challenge to the authorisation of a petroleum extraction project at an onshore site (*R (Finch) v Surrey County Council* [2024] UKSC 20, "the Finch case"). In that case, the planning authority accepted as sufficient an environmental statement which had assessed only direct releases of GHG at the project site over the lifetime of the project, and which contained no assessment of the impact on the climate of the combustion of the oil. The Supreme Court held,

by a majority of three to two, that the council's decision to grant planning permission had been unlawful because the EIA for the project had failed to assess the effect on the climate of the combustion of the oil to be produced, which was against the proper interpretation of the EIA Directive as transposed into English law.

178. The Supreme Court found that there was the "strongest possible form of causal connection" between extracting oil and burning it, leading to emissions of GHG. Paragraph 80 of that judgment reads as follows:

> "Expressed in terms of necessary and sufficient conditions, this is not simply a case in which the 'but for' test is satisfied in that, but for the extraction of the oil, the oil would stay in the ground and so would not be burnt as fuel. On the agreed facts, the extraction of the oil is not just a necessary condition of burning it as fuel; it is also sufficient to bring about that result because it is agreed that extracting the oil from the ground guarantees that it will be refined and burnt as fuel. As discussed above, a situation where X is both necessary and sufficient to bring about Y is the strongest possible form of causal connection - much stronger than is required as a test of causation for most legal purposes."

179. The UK Supreme Court also reiterated the objectives of the Aarhus Convention and the EIA Directive in guaranteeing access to information. It observed that public participation in decisions around fossil fuel projects increased democratic legitimacy and contributed to public awareness of environmental issues. The Supreme Court also found that the judgment of the Oslo District Court of 18 January 2024 (see paragraph 117 above) was persuasive and that it reflected "the proper interpretation of the EIA Directive".

180. On 29 January 2025 the Edinburgh Court of Session ruled on a challenge to decisions to grant consent for the development of and production from offshore oil fields in the North Sea and in the North Atlantic ([2025] CSOH 10, "Rosebank case"). The court held that the disputed decisions were unlawful as the EIA on which they were based had not assessed the effect on the climate of the combustion of the oil and gas to be produced ("the Finch ground").

THE LAW

I. ALLEGED VIOLATIONS OF ARTICLES 2 AND 8 OF THE CONVENTION

181. The applicants complained that the 2016 decision granting ten petroleum production licences for the NCS was contrary to Norway's obligation to mitigate climate change, the anthropogenic phenomenon which was adversely affecting the lives, living conditions and health of the individual applicants and other persons whose interests were represented by the applicant organisations. They relied on Articles 2 and 8 of the Convention.

182. The relevant part of Article 2 provides as follows:

"1. Everyone's right to life shall be protected by law ..."

183. The relevant part of Article 8 reads as follows:

"1. Everyone has the right to respect for his private and family life, his home ..."

A. The parties' submissions

1. The applicants

(a) Legal standing

(i) The victim status of the individual applicants

184. Applicants nos. 2-7 submitted that they all had victim status within the meaning of Article 34 of the Convention, as they fulfilled the two-fold test for individual applicants set out in the Grand Chamber judgment in *Verein KlimaSeniorinnen Schweiz and Others* (cited above, § 527).

185. In particular, in view of their individual situations (see paragraphs 9-14 above), the individual applicants claimed that they experienced high intensity exposure to the effects of climate change, given their uniquely vulnerable positions. They said that because of their youth, they were experiencing present and ongoing harm, and that they had a clear and urgent need to secure their future protection against the irreversible, catastrophic and increasing effects of climate change, such as heatwaves, wildfires and floodings, which caused mental health problems, displacement, water insecurity, weather-related mortality, economic hardship, and malnutrition. The applicants stressed that climate change would be affecting them in those ways over their entire lifetime. They also submitted that, because they played an active advocacy role and were well-informed about the climate crisis, they lived with a heavier burden of consciousness of the situation than other people.

186. The six individual applicants also claimed to experience significant emotional distress and fear for the future linked to the climate crisis. They submitted that studies confirmed that the psychological impacts of climate change were identifiable and measurable, correlating with harmful mental health outcomes. Those outcomes disproportionately affected younger people who were more aware of the impending threats and the widely acknowledged inadequacy of past State action to combat climate change globally, and that this gave them a pressing need for individual protection. The psychological impact of climate change encompassed, among other things, climate grief (a sense of loss arising from experiencing or learning about climate change), climate anxiety, insomnia, cognitive impairment and functional impairment, and was often a significant factor in decisions to not have children.

187. Moreover, the three applicants who belong to the Sámi indigenous people (applicants nos. 2, 6 and 7), claimed to bear a heavier burden linked

to climate change than members of society in general. In the applicants' submission, the GHG emissions from fossil fuel reserves in the south and south-east Barents Sea posed disproportionate risks to the Sámi people's deep connection to their traditional lands, waters, and resources, which were crucial for the survival of their livelihood and culture. The applicants submitted that further warming posed a serious threat to the sustainability of core elements of Sámi culture and identity, such as the practices of reindeer herding and fishing for cold-water species, that had associated implications for Sámi health.

188. In this context, the applicants also referred to the findings made by the Saami Council and Norwegian National Human Rights Institution in the reports described below (see paragraphs 189-192 below).

189. In 2023, in collaboration with the Sámi Parliament in Norway, the Saami Council produced a report: "Climate Change in Sápmi – an overview and a Path Forward". In 2021, the Arctic Monitoring and Assessment Programme issued a similar report entitled: "Arctic Climate Change Update 2021: Key Trends and Impacts"; which was updated in 2024. Both reports described the observed and projected climate and environmental changes in the Arctic and in Sápmi.

190. These changes included: a rise in air temperature; the loss of Arctic sea ice; ocean acidification; the loss of ice and snow cover; an increase in precipitation, resulting in, among other things, freezing rain or rain-on-snow events; the loss of permafrost; an increase in wildfires; and many other effects.

191. In addition, the Saami Council's report described a range of impact on Arctic indigenous peoples, in particular, a decrease in indigenous subsistence resources. The reports stressed that while the Nordic region is generally regarded as food secure, the Arctic indigenous peoples' food systems are unique, and imperative for ensuring the vitality of ways of life, cultures, and survival as distinct peoples. Subsistence livelihoods include reindeer herding, fishing, hunting, gathering, and trapping and are the foundation of economic, cultural, and spiritual connections with terrestrial and marine ecosystems and therefore fundamental to cultures, identity, values, and ways of life. The impact on food security would therefore go beyond access to food and physical health.

192. In 2024 the Norwegian National Human Rights Institution issued a report entitled: "The Canary in the Coal Mine. Sámi Rights and Climate Change in Norway." The report included a description of the threats to Sámi rights caused by, among other things, both the effects of climate change and by resource and energy developments aimed at addressing climate change. The report noted that the Sámi people were disproportionately affected by climate change which degraded their traditional lands. These comprised climate-sensitive ecosystems, waters and resources, and climate change exacerbated their vulnerability by increasing the demand for land, including

for renewable energy developments, the mining of critical minerals and carbon sequestration and adaptation measures. In particular, rapid and drastic changes in the Arctic climate are having increasingly negative effects on Sámi reindeer herding and fishing practices.

(ii) Locus standi of the applicant organisations

193. Greenpeace Nordic and Young Friends of the Earth claimed to have *locus standi* before the Court, as they fulfilled the three-fold test set out in *Verein KlimaSeniorinnen Schweiz and Others* (cited above, § 502).

194. The applicants submitted that both organisations were lawfully established and had been active in Norway for many years. They had standing in the Norwegian courts, as demonstrated by their role as the plaintiffs in the case preceding the application to the Court.

195. The applicants also submitted that Greenpeace Nordic pursued collective action to protect human rights against threats from climate change, acting on behalf of affected individuals in Norway. The Young Friends of the Earth, in turn, had played a pivotal role in shaping and advancing Norwegian environmental policies. That association worked for the protection of the human rights of their members and, more generally, of children and young people in Norway who were affected by climate change and environmental degradation.

196. The applicants argued that both organisations were genuinely qualified to represent affected individuals in Norway who were subjected to specific threats or generally to the adverse effects of climate change on their life, health, well-being and quality of life as protected under the Convention.

197. Greenpeace Nordic stressed that over 400,000 people globally had signed a petition in support of the claimants' application for a judicial review of the 23rd licensing round. It had a long-standing and well-established record of advocating for environmental and human rights in Norway and beyond. It acted not only on behalf of its own supporters and donors but also on behalf of other affected individuals within the jurisdiction, particularly those who were marginalised, vulnerable, or underrepresented in the political and legal system.

198. Young Friends of the Earth was Norway's largest environmental youth organisation, with members from across the country who actively participated in local and regional chapters, addressing the environmental challenges that directly impacted their lives and threatened their fundamental rights. A significant portion of Young Friends of the Earth's members were under eighteen and, therefore, did not have the opportunity to participate in democracy through the right to vote. The organisation thus compensated for the lack of traditional democratic avenues available to Norwegian youth. Young Friends of the Earth's role in Norwegian society made it genuinely qualified to represent young individuals and future generations in Norway who had to carry a much greater burden of climate harm and would suffer

much more from the postponement of cuts to emissions than society in general. Just as Young Friends of the Earth had striven to support a society that respects "all people", so it had actively worked to support Norway's Sámi indigenous people.

199. The applicants argued that the individual applicants' aggregate interests were protected through the applicant organisations, which therefore satisfied the criteria for *locus standi* under Article 34 of the Convention.

(b) Applicability of the relevant Convention provisions

200. The applicants argued that the Supreme Court's approach to the claims under Articles 2 and 8 of the Convention was marked by error, and that this was confirmed by the Court's *Verein KlimaSeniorinnen Schweiz and Others* judgment.

201. They argued that the Court's approach in the above-mentioned judgment applied all the more so to the specific context of fossil fuel licensing, which fell into the category of "dangerous activities". According to the IPCC, the extraction and inevitable combustion of fossil fuels caused between 81-91% of all anthropogenic CO_2 emissions. The physical removal of carbon from the geological carbon cycle in the form of oil, gas and coal was, in other words, the root cause of climate change. Unlike other forms of GHG emissions, the extraction of fossil fuels was wholly dependent on licences. Under Norwegian law, the country had complete formal and practical control over whether the emissions entered the atmosphere, or the fossil fuels stayed underground. The applicants submitted that expected emissions from the south and south-east Barents Sea represented up to 17,152% of Norway's overall GHG footprint.

202. The applicants submitted that a similar chain of causation had been recognised in the judgment of the UK Supreme Court in the *Finch* case (see paragraph 177 above). They asserted that a decision to open areas for petroleum activities and to grant companies production licences giving them the right to explore for petroleum and exclusively rights to extract it was a necessary condition for any release of fossil fuels into the atmosphere. Put differently, fossil fuels would not be extracted but for the opening of an area for fossil fuel extraction and the granting of production licences. The fact that other events and permits were also necessary before extraction could take place did not break that chain of causation. At best, it suggested that a decision to open an area and a production licence were not sufficient, on their own, to bring about combustion. The applicants concluded that those considerations largely satisfied the requirements of causation under Articles 2 and 8.

203. The applicants argued that the later relinquishment of the licences was not a decisive factor for the purposes of establishing the required causation. Even production permits that resulted in no discoveries would map out the opened area for future discoveries. Relinquished production licences

were therefore a step in the chain of causation towards locating and extracting deposits of oil and gas. Any licence also aggravated carbon lock-in effects, which occurred when fossil fuel-intensive systems perpetuated, delayed or prevented the transition to low-carbon alternatives, a situation that could seriously imperil climate action.

204. The applicants further submitted that the decision to open the south Barents Sea, which had had a preliminary review under the production licences of 10 June 2016, had already caused the extraction of 110 million Sm^3 oil equivalents. The resources discovered in the fields covered by licence no. 1170, which was essentially the same as the relinquished licence no. 855 (see paragraph 42 above), corresponded to 11.5-33.9 $MtCO_2$, equivalent to 25-73% of Norway's annual territorial emissions. It would be excessively formalistic to look only at the emissions that would formally ensue from the production licences of 10 June 2016 and not the inherent risk presented by all the emissions which the authorities had sought to realise through opening the south and south-east Barents Sea and by taking the 2016 licensing decision.

205. Relying on various sources, the applicants warned that if global average warming exceeded 1.5°C, Norway was projected to suffer one of the world's most dramatic increases (28%) in days with extreme heat. Norway's rate of climate-attributed heat-mortality was at 46% already the highest in Europe by 2018. The applicants also submitted that, due to emissions from the Barents Sea, younger generations bore a heavier burden of climate adaptation, and faced greater risk of climate change impacts.

206. The applicants concluded that, given the grave risk of inevitability and irreversibility of the adverse effects of climate change, emissions from the fossil fuels embedded in the south and south-east Barents Sea would expose them to a serious, genuine and sufficiently ascertainable threat to life. The threat to life was close enough in time and location, as it affected the applicants within the territory of Norway, and during their expected lifetime. Moreover, at the material time, the State knew or ought to have known that the decisions to open new areas for petroleum exploration and the granting of production licences could expose the applicants to the potential risk of lethal harm.

207. The applicants also asserted that Norway's actions violated their Article 8 right to effective protection from the serious adverse effects of climate change on their life, health, well-being and quality of life. They claimed that, in the light of the existing scientific evidence, there was a sufficiently close link between the dangerous effects of the authorities' licensing and the applicants' private and family life.

(c) Non-exhaustion of domestic remedies

208. The applicants argued that the individual applicants had exhausted domestic remedies through their active participation in domestic proceedings through the Young Friends of the Earth.

209. The applicants also submitted that they could not have presented their grievances through any alternative procedure. In particular, in 2016, it was believed that sections 1-3 of the Disputes Act precluded, or at least, made it excessively difficult, to directly challenge a decision to open a new area for exploration. An application for a declaration that the decision was in violation of Articles 2, 8 and 14 of the Convention, would have run into similar, if not greater, procedural hurdles.

210. The applicants also argued that they could not have brought their Convention grievances at any later stage. For example, a challenge against subsequent approvals of PDOs would be limited to the much smaller emissions to be extracted from a given field. To protect themselves from the aggregate emissions that could ultimately ensue from the opening of the south and south-east Barents Sea (up to 6,336 and 1,627 $GtCO_2$, respectively) to exploration, the applicants would have had to make countless court applications challenging each PDO approval. Even assuming that such an endeavour would have been economically and practically feasible, it could not have been made at the appropriate time.

211. Lastly, the applicants voiced doubts about the effectiveness of any such proceedings against the validity of PDOs, referring to the example of the proceedings about the three fields in the North Sea, described above and in particular to the divergent approaches of different levels of jurisdiction to injunctive relief (see paragraphs 117-128 above).

(d) Merits

(i) Main grievances

212. The applicants complained that Articles 2 and 8 of the Convention were violated, because the ten licences issued in 2016 rendered possible the actual and potential substantive harm stemming from the extraction of the petroleum resources from the south and south-east Barents Sea and because the State had failed to regulate the licensing in a way that safeguarded the applicants' rights to be protected from climate harm. In this context, the applicants asserted that by continuing to explore for oil and gas in new Arctic regions such as the Barents Sea, Norway would bring new fossil fuels to market after 2035. In the applicants' view, this would contradict the best available science, which indicates that the emissions from already proven reserves of fossil fuels exceeded the remaining carbon budget. In other words, the remaining CO_2 equivalents that could be emitted before the 1.5°C temperature limit set in the Paris Agreement would be surpassed. This would also breach the "no harm" obligation under the customary international law, as set out in the advisory opinion of the ICJ (see paragraph 136 above).

213. The applicants also argued that Articles 2 and 8 of the Convention were violated, because, during the 23rd licensing round for petroleum exploration in the south and the south-east Barents Sea, the authorities had

failed to make an impact assessment of the potential climate-related harm to life, health, well-being and quality of life. The applicants asserted that the alleged violations were structural.

214. The applicants' submissions regarding the impact assessment revolved around the following specific issues and allegations.

(α) Scope of adequate impact assessment

215. As regards the 23rd licensing round, the applicants claimed that the domestic authorities had not communicated the following points as part of the impact assessment conducted prior to the licences being granted:

(i) the total future estimated emissions and related effects from the combustion of oil and gas from the 2016 licensing;

(ii) the proportion of the global carbon budget that would be used up by exported emissions from Norwegian oil and gas; and

(iii) an estimate of what level of emissions from the oil and gas to be brought to market from 2035 onwards was consistent with meeting the agreed temperature thresholds and emissions reduction trajectories.

(β) Non-compliance with the SEA Directive and the applicants right to information

216. The applicants complained that the failure to make the above-mentioned assessments was in breach of Norway's obligations under the SEA Directive and made it impossible for the applicants to be informed of and to fully assess the risks from climate change to which they were exposed, or to participate in the public discourse on the climate crisis.

217. Relying on the case-law of the CJEU (see paragraphs 157-159 above), on the Aarhus Convention (see paragraphs 139 and 140 above) and on the advisory opinion of the EFTA Court (see paragraphs 160-173 above), the applicants stressed that the environmental impact assessment conducted under the EIA Directive did not dispense the authorities from conducting an environmental assessment under the SEA Directive. In their view, while assessments under the SEA Directive were carried out by the authorities at a strategic level and concerned the cumulative environmental effect of emissions produced from an area as a whole, EIAs were carried out by a company for a specific project within an area that had been opened for exploration, after the company had invested heavily in that exploration and had secured exclusive production rights through a production licence. The SEA Directive had been adopted precisely because EIAs made at the project stage came too late and were too narrow in scope.

218. The applicants argued moreover that the scope, depth, quality and efficacy of any possible subsequent assessment would not make it unnecessary under the Convention to carry out an assessment of the environmental consequences of future extraction of oil and gas prior to the granting of licences. To defer assessment to the PDO stage was, in their view,

contrary to the consensus of international and EU/EEA law, was ill-suited to a consideration of the cumulative impact of the emissions.

(γ) Practical consequences of postponing the assessment to the PDO stage

219. The applicants argued that if the assessment of climate effects were to be postponed to the PDO stage, there would be no appropriate investigations or studies which would allow the authorities to assess the potential harm from the cumulative GHG emissions in the case at hand, from either the south or the south-east Barents Sea. In addition, allowing for "project-splitting" that concealed cumulative effects, the applicants argued that there was no certainty that an EIA would be conducted at the later stage at all, given that an EIA did not have to be made for smaller projects and that it was possible to obtain an exemption from the obligation (as had happened in the case of the Breidablikk field). It followed that postponing the assessment to the PDO stage meant that future emissions might not be assessed.

220. The applicants also submitted that there had been no assessment of "exported emissions" for the four or more PDOs that had been approved since the disputed Supreme Court judgment. The applicants claimed that that judgment had removed the duty to conduct an impact assessment of Norway's export emissions, which constituted 95% of the total emissions from fossil fuel extraction and which Norway was in a position to control by integrating the findings in decisions at the planning stage.

221. The applicants also submitted that from the delivery of the Supreme Court's judgment of 22 December 2020 up to 7 February 2021, the authorities had not conducted any publicly available assessment of climate effects. PDOs had been approved for three large fields without any assessment of the combustion emissions having been conducted or disclosed to the public (see paragraph 117 above).

222. The applicants submitted that the Ministry of Energy had set out a new practice. In particular, for fields below 30 million standard cubic metres (Sm^3), the Ministry would quantify the emissions, but not their environmental impact, in a one-page spreadsheet which would be made available online, and it would quantify the emissions, but not their environmental impact, in the final approval decision. For fields above 30 million Sm^3, the assessments were submitted to the Parliament for information purposes, and the Ministry would also calculate the so-called "net emissions". The applicants asserted that such a practice was inadequate, as it was systematically biased and seriously flawed.

223. In the applicants' view, the balancing of interests prior to a decision to open an area for exploration was inadequate where the resource estimates were only used to forecast economic benefits, employment effects and future tax revenue, without predictions or evaluations being made of the related climate harm. Moreover, the public was left uninformed about the level of the

ensuing GHG emissions relative to the national and global carbon budget which had been calculated to limit warming to below the threshold of 1.5°C, or about their consequences on human life and on Earth systems.

224. The applicants would not be given an early or effective opportunity to participate on an informed basis in the decision-making process at an important stage when it was still possible to influence the outcome. While companies had no legally protected expectation of PDO approvals after EIA assessments, approvals had in practice been a foregone conclusion. Even if the applicants were to successfully challenge the approval of a PDO on the basis that the representation of climate effects in an EIA assessment were flawed and were to obtain a temporary injunction, it could well be too late to avert the harmful effects to life and health. The Oslo District Court judgment of 18 January 2024 had shown that the authorities had processed permits allowing two fields to start producing six months earlier than the usual procedure would have allowed, without informing the applicants or the court then conducting a judicial review of the project (see paragraph 117 above). The applicants asserted that the mere possibility that climate effects could be assessed in EIAs at the PDO stage, did not remove the obligation under the Convention to assess the cumulative harm in an SEA.

(ii) Obligation to take account of exported emissions

225. The applicants asserted that Norway was responsible for harm caused to its inhabitants caused through the licensing of fossil fuel extraction from its territory regardless of where the emissions from the combustion of the fuel were ultimately released into the atmosphere or the oceans.

226. They argued that whereas imported or embedded emissions could derive from multiple sources over which a State had limited control, a State that licensed fossil fuel extraction from its territory had exclusive formal and practical control of whether the fossil fuels ended up in the atmosphere or stayed underground. Moreover, it was inevitable that the extraction and burning of more fossil fuels anywhere in the world would lead to higher GHG concentrations in the atmosphere and therefore to worsening the effects of climate change globally.

227. The applicants also argued that the State must take responsibility for all emissions that could potentially be released as a result of the disputed decisions. In their view, the EFTA Court's finding that combustion emissions (environmental effects) must be assessed under the EIA Directive, could also apply to strategic assessments under the SEA Directive. Speculation about so-called "net effects" could not reduce Norway's obligations under the Convention. Firstly, such speculations were assumption-driven, counterfactual, and highly uncertain. They ran counter to the precautionary principle. Secondly, the environmental impact was unacceptable regardless of where it was caused and irrespective of any hypothetical but uncertain alternative development that might cause the same unacceptable

environmental impact. Thirdly, speculation of that kind had consistently been rejected in courts as arbitrary and capricious, invalid, indefensible or flawed.

228. Lastly, the applicants asserted that the exported emissions from the Barents Sea would cause global average temperatures to rise by up to 0.004°C, which would mean that Norway would overshoot the remaining global carbon budget based on the 1.5°C limit.

2. The Government

(a) Legal standing

229. The Government argued that the applicants were not "victims" within the meaning of Article 34 of the Convention, and that the complaint was effectively an *actio popularis*.

230. Moreover, the Government asserted that since the individual applicants had not been parties to the disputed judicial review that had preceded the present application before the Court, their submissions regarding their individual situation in the context of climate change could not be the basis of an assertion that they had victim status.

(b) Applicability of the relevant Convention provisions

231. The Government argued that the Convention's provisions were not applicable as there was no sufficiently clear link between the disputed licensing decision and a risk of adverse effects on individuals protected by the Convention.

232. Firstly, they reiterated the Supreme Court's assertion that any link between the disputed decision, climate change and its potential future impacts on the applicants was hypothetical and uncertain. Secondly, they submitted that any effective energy transition required concerted international efforts and a wide range of measures. In this global and complex context, the disputed decision could only have had a limited effect. Thirdly, while acknowledging that the purpose of issuing production licences was ultimately to permit the subsequent extraction of oil and gas, they argued that it could not be inferred that the issuing of a production licence would necessarily lead to extraction of oil and gas at some unforeseeable point in the future. Lastly, they stressed that all the licences awarded in the 23rd licensing round had ultimately been relinquished, meaning that there would not be any emissions from future petroleum activities or the combustion of petroleum as a result of the disputed decision.

233. Moreover, while recognising the gravity of future climate change caused by emissions from the combustion of fossil fuels, the Government argued that the circumstances pertaining to the applicants in the present case clearly did not reach the threshold of severity established as a requirement in the Court's case law.

(c) Non-exhaustion of domestic remedies

234. The Government also argued the individual applicants had not exhausted domestic remedies. They stressed that the applicant organisations had been able to bring domestic proceedings because of a special provision in the Norwegian Disputes Act allowing an organisation to bring an action in its own name in relation to matters that fell within the scope of its stated purposes (see paragraph 116 above). There had been no individual co-plaintiffs in the organisations' domestic proceedings, and their submissions to the domestic courts had been made on behalf of the population as a whole. The domestic courts therefore did not have an opportunity to examine the grievances relating to the applicants' mental and physical health issues in the context of climate change that were now brought before the Court as violations of the Convention.

(d) Merits

235. The Government argued that there was no violation in the case, because the authorities had struck a fair balance between the general interests of society and the applicants' individual interests.

236. In particular, the impact on climate change had been brought up in the public consultations on the impact assessment programme and in the impact assessment report. The Government stressed that while the applicant organisations (and others) had remarked that an increase in petroleum activities would not be compatible with Norway's national and international climate change obligations, they had not specified whether they were referring to emissions in Norway or abroad. The applicant organisations had also made rather general comments that the opening of new areas went against the IPPC reports. The Ministry's response to the remarks in the public consultation had included references to Norway's general policy on climate change, which did not expressly address downstream emissions abroad. Moreover, the Government claimed that the issue of climate change had been addressed in the orientation paper on the opening of the south-east Barents Sea for exploration. The paper had included comments that the transition from coal to gas in many countries would lead to significant reductions in GHG emissions and there was an overarching need for a stable energy supplier such as Norway. It had acknowledged that future petroleum demand and prices would be sensitive to both economic prospects and climate change policies, globally. It had also noted that while climate change policies would lead to a reduction in demand for Norwegian oil, the opposite would be true for Norwegian gas, which could be considered a climate friendly substitute for coal.

237. The Government also submitted that Norway's contribution to global warming through petroleum exports had been on the agenda during the subsequent debates in the Parliament, both in the relevant committee and in

the plenary debates. During the parliamentary debate of 25 April 2017, proposals to phase out petroleum activities in Norway or to cancel specific licensing rounds had failed to secure support because of the important role that the petroleum sector played in the Norwegian economy and because of the expectation that there should be some accommodation for the petroleum (oil and gas) industry even in a low carbon economy.

238. The Government also made extensive submissions regarding, on the one hand, Norway's current position as energy supplier and, on the other hand, its commitment and efforts to meet the Paris Agreement targets. They also commented on the ICJ's advisory opinion on climate change, arguing that Norway was not in breach of the prohibition to cause significant harm or of any other obligation in respect of climate change under international law.

239. Furthermore, the Government stressed that the applicant organisations had alleged procedural errors only in respect of the licences in the south-east Barents Sea, and not in respect of the south Barents Sea. The scope of the case before the Court was therefore limited to those licences.

240. Regarding exported emissions, the Government submitted that those should be assessed at the PDO stage of the petroleum production decision-making process. They argued that such approach did not contradict the observations made by the ICJ or the EFTA Court in their respective advisory opinions described above.

241. The Government assured the Court that following the Supreme Court judgment the Ministry of Energy would carry out assessments of PDOs for any new fields and they would be included in the decision to approve or not approve any development plan. The decisions were published in accordance with paragraph 20 of the Petroleum Regulations. For developments submitted to the *Storting* before final consideration by the Ministry, the assessments would be included in the proposal to the *Storting*. Since the autumn of 2021 specific calculations and assessments of potential emissions from the combustion of oil and gas from the production had been included in the overall assessments of PDOs. Large developments were submitted to the *Storting* before final consideration and approval by the Ministry. The industry was working on several plans which, if licensees decided to carry them out, would be submitted to the *Storting* in the spring of 2023. The Government further submitted that, as part of the processing of these plans, in 2024, the Ministry prepared an updated, technical study of combustion emissions from oil and gas produced on the NCS.

242. The Government also stressed that the EFTA Court's ruling was not transposable to the context of strategic environmental assessments, as it was only concerned with the interpretation of the EIA Directive. Moreover, the findings of the EFTA Court represented a departure from the long-standing practice in the United Kingdom, Norway and in the EU member States which had not previously considered it required by law to assess the effects of downstream emissions from activities subjected to an EIA. In any event, a

review of the SEA and EIA Directives fell outside the scope of the Court's jurisdiction under the Convention.

243. Lastly, the Government stressed that it wished to strengthen their work on climate risk in the petroleum sector and would, going forward, include clarification to this effect in the guidance for developing PDO documents. Licensees would therefore have to include qualitative stress testing against financial climate risk when they subjected their development plans to uncertainty analysis. They would need to project the planned development's break-even price across different scenarios for oil and gas price trajectories that were compatible with the goals of the Paris Agreement.

B. The third-party interveners

1. The United Nations Special Rapporteur on human rights and the environment and the Special Rapporteur on toxic substances and human rights

244. The Special Rapporteurs submitted jointly that climate safety was part of the human right to a clean, healthy and sustainable environment and had been recognised in the national constitutions of many States, including Norway, and by the UN Human Rights Council.

245. They further asserted that the Court should be guided by the best available scientific knowledge when assessing whether a State had fulfilled its positive obligations to mitigate climate risks.

246. They referred to the 2022 Working Group II Contribution to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change ("IPCC") "Impacts, Adaptation and Vulnerability: Summary for Policymakers" and reiterated that the best available science had confirmed that the impacts of anthropogenic climate change had significant detrimental effects on mental health, especially for young people, who were particularly vulnerable to post-traumatic stress after extreme weather events that could even impact on their adult functioning.

247. They also submitted that the best available science called for an urgent reduction in GHG emissions. The IPCC had called for rapid and deep reductions in emissions – a 45% reduction from 2010 levels – by 2030 to avoid crossing the dangerous 1.5°C threshold. Furthermore, there was a high level of confidence that limiting global warming to 2°C or below would leave a substantial amount of fossil fuels unburned.

248. The Special Rapporteurs also asserted that national judges were under the obligation to ensure the effectiveness of international instruments so that they would not be attenuated or rendered futile by domestic laws and practices running contrary to the objects and purposes of international instruments or standard for the protection of human rights.

249. The Special Rapporteurs further proposed that for human rights guarantees to offer effective protection in environmental cases, the

commitments undertaken by the States should reflect, *inter alia*, the precautionary principle and the principle of prevention of environmental harm. Those principles required States to identify and evaluate, at the earliest possible stage in a decision-making process, the full extent of GHG emissions that could result because of the granting of a permit. The Rapporteurs referred to the following excerpt from the commentary to the Framework Principles on Human Rights and the Environment:

> "Prior assessment of the possible environmental impacts of proposed projects and policies ... should be undertaken as early as possible in the decision-making process for any proposal that is likely to have significant effects on the environment; the assessment should provide meaningful opportunities for the public to participate, should consider alternatives to, the proposal, and should address all potential environmental impacts, including transboundary effects and cumulative effects."

2. The European Network of National Human Rights Institutions

250. The European Network of National Human Rights Institutions ("ENNHRI"), relying on the IPCC's reports, on official Norwegian authority sources and on academic papers, submitted that climate change was primarily caused by the extraction and ultimate combustion of fossil fuels, which accounted for 81-91% of anthropogenic CO_2 emissions. In their view, those emissions could be traced back to specific decisions allowing exploration and extraction. For instance, 17 $GtCO_2$ of historic exported emissions from the NCS had originated in nine decisions to open areas for extraction taken between 1965 and 2013.

251. ENNHRI also pointed out that, according to the scientists, oil and gas in the Arctic should remain undeveloped if the world was to limit warming to 1.5°C. It was estimated that 17 $GtCO_2$ worth of recoverable oil and gas remained in the NCS, half of which was undiscovered, and approximately 65% of which was in the Arctic (that is, in the Barents Sea). The process from the opening of a field for exploration to production could take as long as 17 years. The short term need for gas in Europe resulting from the situation in Ukraine could not, in any event, be met by exploration for new oil and gas in the Arctic. The intervener also observed that, as stressed by the EU, gas was merely "a transitional energy source", while renewables were a "strategic investment" (Statement by President von der Leyen and Norwegian Prime Minister Støre, 23 February 2022).

252. Looking at whether Article 2 and 8 of the Convention were applicable, ENNHRI noted, among other things, that as confirmed by the IPCC there was a near-linear relationship between cumulative anthropogenic CO_2 emissions and the global warming they caused. Every tonne of CO_2 emissions added to global warming, causing ever-increasing extremes of temperature and increasing the risk of triggering tipping points (IPCC, AR6 Climate Change 2021 The Physical Science Basis, 2021). For example, the 8.6-27.9 $MtCO_2$ emissions that could result from the combustion of the

20-65 million barrels of oil discovered in the Sputnik well (Barents Sea South, see paragraph 42 above) as a result of the 23rd licensing round could, in principle, constitute a sufficient link with interests protected by Articles 2 and 8, as it could add significantly to the exceeding of an already depleted 1.5°C carbon budget. Moreover, in the interveners' view, Articles 2 and 8 could not be engaged retrospectively in cases where fossil fuel exploration had not in in fact led to the discovery of any exploitable resources. Since it was for companies to decide whether to pursue a discovery or relinquish a licence, question of whether Convention rights were engaged was left to the companies' discretion. That interpretation would also deprive Articles 2 and 8 of their preventative scope and would allow States to use the inherent uncertainties of preduction to the detriment of the environment, contrary to the principle of precaution. ENNHRI submitted that the public's right to information, to be effective, had to be exercised early in a process and could not be limited only to dealing with supervening facts. The guarantees enshrined in Articles 2 and 8 would be made illusory if they were postponed until a fossil fuel project was on the brink of approval. The question of their engagement had to turn on an assessment of the likely risks at the time of a decision allowing exploration, taking a view of what the ultimate impacts of extraction might be.

253. ENNHRI invited the Court to declare that, in principle, exploration of new areas and facilitation of new fossil fuel infrastructure was likely to move the 1.5°C target out of reach, exposing individuals to physical and psychological harm that was "likely", "real" and "immediate", and with a "sufficiently close link" to the interests protected by Articles 2 and 8 of the Convention.

254. Regarding the issue of whether the environmental consequences of granting licences could realistically be considered at any later stages of the administrative process, ENNHRI submitted that, a matter of practice, the climate effects of combustion emissions were not assessed as part of an EIA prior to PDO approvals.

255. Firstly, although the Ministry had argued in the Supreme Court that it would be preferable to conduct an EIA of combustion emissions at the PDO stage as opposed to the opening stage, combustion emissions had not been included in EIAs in a manner consistent with the Supreme Court's interpretations. The Norwegian National Human Rights Institution ("NHRI") had pointed out that the Ministry had also approved PDOs without a prior or publicly available EIA of combustion emissions after the Supreme Court's judgment of 22 December 2020. It was only on 8 April 2022, after the Norwegian NHRI had warned that the practice violated the Constitution, that the Ministry had declared that it would follow the Supreme Court judgment in future. However, the Ministry had so far failed to withdraw PDO approvals that had been granted without an EIA of combustion emissions after the Supreme Court's decision, effectively meaning that the EIA requirements

could be ignored without any legal consequences. While little information had been given about future assessments, it seemed that those would not be required as part of the publicly available EIAs prior to any decision-making. Rather, they would be communicated in the PDO decisions themselves. In ENNHRI's opinion that constituted a failure to comply with the domestic and EEA environmental regulations requiring publicly available EIAs prior to – not as part of – the final decision. Failure to comply with domestic environmental regulations, or an undue delay of the obligation to carry out EIAs, deprived procedural guarantees of any useful effects.

256. Secondly, the Ministry was entitled under current law to waive the PDO and EIA requirements for minor projects or new fields where there was existing infrastructure (Petroleum Act, section 4-2 (6); Petroleum Regulations, paragraphs 22a and 22b; EIA Directive, Article 4.1, Annex I, no. 14). Since December 2020, the Ministry had excused as many projects from the PDO requirement as it had approved. As a result, the climate effects could be spread across several minor or adjacent projects and might never be included in any later assessment.

257. Thirdly, even if rigorous EIAs of the climate effects of combustion emissions were to be conducted at the PDO stage, it would still be too late to fundamentally reassess any given project. To illustrate this point, only two PDO applications have ever been refused by the Ministry.

258. ENNHRI also addressed the issue of whether the scope, depth, quality and efficiency of a subsequent assessment would make a prior assessment of the environmental consequences of future extraction for Convention rights unnecessary, and made the following submissions.

259. The Convention as interpreted in the Court's case-law (*Taşkın and Others v. Turkey*, no. 46117/99, § 119, ECHR 2004-X, and *Dubetska and Others v. Ukraine*, no. 30499/03, § 143, 10 February 2011) required that the authorities evaluated potential long-term risks from future emissions resulting from the combustion of exported oil and gas.

260. ENNHRI suggested that any assessment of a State's compliance with the procedural obligations inherent in Articles 2 and 8 of the Convention should be informed by the requirements set out in the Strategic Environmental Assessment Protocol to the Espoo Convention (Articles 1 and 8, see paragraph 143 above), Articles 5, 6.4 and 6.6(b) of the Aarhus Convention (see paragraph 140 above), the SEA Directive (see paragraph 146 above) and EIA Directive (see paragraphs 147-156 above). The importance of the environmental impact being assessed and the report made publicly available at an early stage, when all options were open, was generally acknowledged. Moreover, both SEAs and EIAs had to identify, describe and assess the likely indirect significant effects on the climate of the plan they were assessing. Those effects included future combustion emissions viewed against international environmental protection objectives such as the temperature targets of the Paris Agreement. The intervener argued that, given

that an EIA could lead to an exemption from the obligation to carry out a SEA or could be used to circumvent that obligation, the assessment of future combustion emissions should not be deferred to an EIA at the PDO stage. The European consensus on SEAs suggested that the margin of appreciation for assessing combustion emissions should be narrow.

261. Against this background, and considering that the right to information was a prerequisite for democracy, ENNHRI invited the Court to hold that Articles 2 and 8 required States to assess whether the combustion emissions that were likely to arise from the opening of new oil and gas fields would be compatible with limiting warming to 1.5°C, or at the very least well below 2°C.

3. The International Commission of Jurists (ICJ International) and ICJ Norge

262. ICJ International and ICJ Norge, jointly, submitted among other things comments on the difference between the cessation of the petroleum industry, its continuation, and its expansion.

4. ClientEarth

263. ClientEarth submitted that assessing the full climate impact of new oil and gas licences – including their downstream emissions impact – at the SEA stage, that is prior to the granting of licences, was necessary to ensure that the overall assessment of environmental impact was effective. Downstream emissions were the main climate impact of fossil fuels, typically exceeding the emissions from "upstream" extraction processes by a substantial degree and as much as 900%.

264. The legal duty to conduct an environmental assessment was firmly established in international law and in EU/EEA law. The SEA and EIA had to be carried out by independent and professionally responsible operators.

265. Failure to assess a significant environmental impact – including the impact of downstream emissions from oil and gas – in an SEA risked undermining the overall effectiveness of the environmental assessment of any proposed activity.

266. ClientEarth referred to the report "Assessing Environmental Impacts – A Global Review of Legislation" prepared in 2018 by the UN Environment Programme (UNEP). They submitted that an EIA had several inherent limitations as opposed to an SEA. In particular, EIAs reacted to rather than anticipated development proposals which meant that they could not steer development away from environmentally sensitive sites. They were financed by whoever was proposing the project and therefore were often inclined to lean in favour of the project and not the environment. They did not adequately consider the cumulative impact of several projects or even of the component parts of a single project or developments ancillary to it.

267. To ensure that an environmental assessment could influence policy-making, it was crucial that all significant types of environmental impact were assessed and considered at the strategic level, before options were narrowed and alternatives reduced. The intervener reiterated points from the Protocol on Strategic Environmental Assessment – Facts and Benefits, prepared in 2016 by the United Nations Economic Commission for Europe (UNECE): an SEA could prevent irreversible effects and costly mistakes being made because of poor planning. An SEA should be undertaken at the level of planning and programme development at which the framework for future projects subject to an EIA would be set and which could potentially affect many other actions that could have an impact on the environment. The potential for environmental gain was therefore much higher if the issues were addressed in an SEA than in an EIA.

268. ClientEarth also relied on the Good Practice Guidance on Cumulative Effects Assessment in Strategic Environmental Assessment, produced in 2020 for the Irish Environmental Protection Agency and on the "Arctic Offshore Oil and Gas Guidelines" adopted by the Arctic Council in 2009. They asserted that an SEA was the most effective procedure for identifying, avoiding and mitigating the cumulative effects of emissions, including at a regional level. Climate change was considered the "ultimate cumulative effect", nationally and internationally.

269. The intervener also warned that if an SEA took into account only a limited category of the emissions related to a plan or programme, it would provide a partial and likely significantly understated assessment of the environmental effects. Numerous domestic examples demonstrated that the assessment of the downstream emissions impact of offshore oil and gas by an SEA was feasible and effective.

270. ClientEarth submitted, among other things, that Articles 2 and 8 of the Convention were engaged because fossil fuel extraction projects constituted "dangerous industrial activities" within the meaning of the Court's case-law, including because of their severe impact on the climate. That impact resulted from CO_2 and other GHG being emitted when fossil fuels were burnt (including in the extraction process itself), and from the release of methane (a particularly potent greenhouse gas) during extraction and supply processes.

271. They stressed the importance of intergenerational equity, requiring that present development needs should not be met at the cost of the ability of future generations to meet their own needs. They argued that intergenerational equity was breached in two ways: firstly, because of the emissions of GHG that would accumulate in the atmosphere for thousands of years, affecting future generations, and secondly, because of the emergence of climate change anxiety in children and young people.

5. The Norwegian Grandparents' Climate Campaign

272. The Norwegian Grandparents' Climate Campaign submitted, among other things, that exported combustion emissions from fossil fuel production were relevant to a State's Convention obligations. Emissions caused harm within a State's territory regardless of where in the world they were combusted. The intervener also observed that various studies had reported that reducing oil and gas extraction in one location or market would decrease global GHG emissions. Moreover, Norwegian oil production contributed to reaching a "tipping point" in the climate system. That production therefore conflicted with the principles of prevention, precaution and intergenerational equity which was not only found in international environmental and EU law but also stemmed from the very idea of protecting human rights through conventions and constitutions.

273. The intervener then referred to, among other things, the 2021-2022 correspondence between the Norwegian National Human Rights Institution ("NHRI") and Ministry of Petroleum and Energy, and the 2022-2023 correspondence about the SEA and EIA Directives exchanged between the EFTA Surveillance Authority and Norway's Ministry of Climate and Environment in the framework of case no. 86939. The intervener submitted that, as confirmed by those sources, the Government had not required any EIA of the climate effects of combustion emissions for any PDO approved prior to or since the Supreme Court's judgment in the present case.

274. The intervener stressed that that practice had continued despite the explicit assurances to the contrary given in the supplementary report to the 2020-2021 orientation paper (see paragraph 90 above). In the intervener's view, that undermined the submissions that the Government had made to the Court on the adequacy of future assessments.

275. The intervener further asserted that the assessment of exported combustion emissions also had to be conducted when new fields were opened for exploration. Although uncertainty would be inherent in any forecast of potential combustion emissions at that stage, it would nevertheless enable decision-makers and the public to make strategic choices about whether there should be any extraction of oil and gas from this area at all. Given that it often took years from the opening of an area to the issuing of production licences, postponing assessments until the very last phase of approvals before extraction (the PDO stage) began would erode the effective protection of rights. In the intervener's view, it would be too late to change direction, any major impact could be sliced up and presented as a minor impact in several different assessments, and challenges would be futile in view of the Government's reluctance to revoke PDOs even where the IEAs were flawed or had never been undertaken.

6. The parties' comments on the third-party interveners' submissions

276. The applicants agreed with all the submissions of the third-party interveners.

277. They stressed that their intention was not to challenge Norwegian petroleum policy as a whole or to question whether the resources should be brought to market in the short or medium term. Instead, they argued that Norway's plan to expand its petroleum industry was in breach of the obligation to protect the life and physical integrity of the applicants.

278. The applicants also claimed that there was a division of responsibility between, on the one hand the State, to carry out a SEA and, on the other hand the developer, to carry out an EIA, both under EU directives and also equally under the Norwegian Petroleum Act. While the domestic courts in the case at hand had not addressed that division of responsibility, the applicants stressed that, in addition to when the environmental assessment was made, it was also important who made it.

279. The Government did not make any comment on the individual submissions of the third-party interveners.

280. They disputed, among other things, that measures such as banning the export of fossil fuels, offsetting emissions after fossil fuels were imported or limiting emissions from activities "abroad", were dictated by a "common ground" in international or domestic law or supported by any State practice. In their view, there was no basis in the international climate change framework for one State to be responsible for emissions stemming from the territory of other States.

C. The Court's assessment

1. Preliminary points

281. The Court reiterates from the Grand Chamber judgment in *Verein KlimaSeniorinnen Schweiz and Others* (cited above, §§ 410-51) its general observations about climate change, the role of the courts in this field, and the legal issues arising in climate-change cases, such as causation, proof, effects of climate change on the enjoyment of Convention rights, the proportion of State responsibility, and the scope of the Court's assessment.

282. The Court further notes that the present case concerns an allegedly faulty decision-making process in one specific round of licensing of petroleum exploration, which would precede petroleum production. That is the scope of the case as determined, given the principle of subsidiarity, by the subject matter of the domestic proceedings brought by the applicant organisations against the State and which they complained about before this Court (see paragraphs 43, 44, 67 and 213 above). It follows that the general complaint against Norwegian climate or petroleum policy, namely, about certain measures of climate change mitigation, such as the omission to phase

out of petroleum production from undiscovered deposits (see paragraph 212 above), is outside of the scope of the Court's examination (contrast, *Verein KlimaSeniorinnen Schweiz and Others*, cited above, § 555).

283. The Court observes, however, as did the Supreme Court during the disputed proceedings, that the challenge to the validity of the administrative decision on the 23rd round of licensing of petroleum exploration cannot be assessed in a vacuum but must necessarily be considered in the light of its cumulative consequences for petroleum policy and for the climate as a whole (see paragraphs 60 and 61 above). It follows that the present case certainly differs from the case of *Verein KlimaSeniorinnen Schweiz and Others* (cited above), in that it concerns the State's procedural, rather than substantive, obligations, and is moreover limited to ten exploration licences. The case still, however, raises the issue of an alleged failure of the State to effectively protect individuals from the serious adverse effects of climate change on their life, health, well-being and quality of life. It follows that the Court's approach in *Verein KlimaSeniorinnen Schweiz and Others* and the general principles elaborated in that case will guide, *mutatis mutandis*, its examination of the present case.

284. The Court reiterates that the applicants have formulated the same complaints in terms of both Article 2 and Article 8 of the Convention. In this respect, the Court observes that, when examining cases involving environmental issues under Article 8, it has, to a great extent, applied the same principles as those set out in respect of Article 2. It notes that, in its recent inadmissibility decisions on applications regarding the alleged effects of climate change, the Court, sitting in committee formations, declared the applicants' Article 2 complaints inadmissible, as being either incompatible *ratione personae* (see *De Conto v. Italy and 32 Others* (dec.), no. 14620/21, § 16, 7 May 2025 [Committee], and *Uricchio v. Italy and 31 Others* (dec.), no. 14615/21, § 16, 7 May 2025) or incompatible *ratione materiae* (see *Engels and Others v. Germany* (dec.), no. 46906/22, § 11, 1 July 2025 [Committee]). Following the approach it took in *Verein KlimaSeniorinnen Schweiz and Others* (cited above, § 536), and recalling that the Court is the master of the characterisation to be given in law to the facts of the case, the Court considers it appropriate, in the circumstances of the present case, to examine the applicants' complaints from the standpoint of Article 8 only (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, §§ 114 and 126, 20 March 2018, and *Grosam v. the Czech Republic* [GC], no. 19750/13, § 90, 1 June 2023).

285. The Court thus considers that it is not necessary to examine separately the applicants' complaints under Article 2 of the Convention.

2. Admissibility

(a) Victim status/*locus standi* (representation)

(i) General principles

286. The Court's approach and the general principles applicable to complaints under the Convention concerning legal standing in the context of climate change cases were set out by the Grand Chamber in *Verein KlimaSeniorinnen Schweiz and Others* (cited above, §§ 458-503).

287. In summary, the two key criteria for recognising the victim status of natural persons in the climate-change context are:

(a) a high intensity of exposure of the applicant to the adverse effects of climate change; and

(b) a pressing need to ensure the individual protection of the applicant (ibid., § 487).

The Court stated that the threshold for fulfilling these criteria is especially high (ibid., § 488).

288. In respect of the *locus standi* of associations in the context of a case about climate change, the Court requires the association in question:

(a) to be lawfully established in the jurisdiction concerned or to have *standing* to act there;

(b) to be able to demonstrate that it pursues a dedicated purpose in accordance with its statutory objectives in the defence of the human rights of its members or other affected individuals within the jurisdiction concerned, whether limited to or including collective action for the protection of those rights against threats arising from climate change; and

(c) to be able to demonstrate that it can be regarded as genuinely qualified and representative to act on behalf of members or other affected individuals within the jurisdiction who are subject to specific threats or adverse effects of climate change on their lives, health or well-being as protected under the Convention. In this connection, the Court will have regard to such factors as the purpose for which the association was established, that it is of non-profit character, the nature and extent of its activities within the relevant jurisdiction, its membership and representativeness, its principles and transparency of governance and whether on the whole, in the particular circumstances of a case, the grant of such standing is in the interests of the proper administration of justice. The *locus standi* of an association to act on behalf of the members or other affected individuals within the jurisdiction concerned will not be subject to a separate requirement of showing that those on whose behalf the case has been brought would themselves have met the victim-status requirements for individuals in the climate-change context (ibid., § 502).

(ii) Application of these principles to the present case

289. The respondent Government challenged the victim status and the *locus standi* of all the applicants to make complaints under Article 8 (see paragraphs 229 and 230 above).

290. Having regard to the approach taken by the Court in the case of *Verein KlimaSeniorinnen Schweiz and Others* (cited above, § 459), the Court will examine the issues of the victim status of applicants nos. 2-7 and the *locus standi* of the applicant organisations (applicants nos. 1 and 8) in the context of its assessment of the applicability of Article 8 of the Convention (see paragraphs 301-312 below).

(b) Applicability of Article 8 of the Convention

(i) General principles

291. The Grand Chamber set out the Court's approach to the question of whether Article 8 of the Convention may be applicable and the general principles in cases about climate change in *Verein KlimaSeniorinnen Schweiz and Others* (cited above, §§ 506, 514-20).

292. In particular, the Court reiterates that Article 8 guarantees a right for individuals to enjoy effective protection 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 (ibid., §§ 519 and 544). For a complaint to fall within the scope of Article 8, there must be an "actual interference" with the applicant's enjoyment of his or her private or family life or home. In general, the question of "actual interference" in practice relates to the existence of a direct and immediate link between the alleged environmental harm and the applicant's private or family life or home (ibid., §§ 514-15). Article 8 may also be engaged through a person's exposure to a serious environmental risk. Article 8 has been found to apply where the dangerous effects of an activity to which the individuals concerned may potentially be exposed establishes a sufficiently close link with private and family life (ibid., § 518). In the specific context of climate change, the question of "actual interference" or the existence of a relevant and sufficiently serious risk entailing the applicability of Article 8 essentially depends on the assessment of similar criteria to those set out in paragraph 287 above concerning the victim status of individuals, or in paragraph 288 above concerning the *locus standi* of associations. These criteria are therefore determinative for establishing whether Article 8 rights are at stake and whether this provision applies. In each case, these are matters to be examined on the facts of a particular case and on the basis of the available evidence (ibid., § 520).

(ii) Application of these principles to the present case

(α) *Whether there is a sufficiently close link between the 23rd licensing of petroleum exploration and climate change*

293. The Court notes that the Parties were in dispute as to whether there was a sufficiently close link between the disputed 2016 licensing decision and the risk that climate change would adversely affect individuals' Convention rights.

294. The Court observes that while exploration will not always, and certainly not automatically or unconditionally, be followed by extraction, in Norway, it is both a legal and a practical precondition for it. The Court agrees with the argument made by the applicants, which also extends the logic of the UK Supreme Court in the *Finch* case (see paragraphs 178 and 201 above), that petroleum would not be extracted but for the opening of an area for extraction, and the granting of production licences. The fact that other events and permits are also necessary before extraction can take place does not break that chain of causation. When considering causation for the purposes of attributing responsibility for adverse effects arising from climate change, the Court has not required it to be shown that "but for" a failing or omission of the authorities the harm would not have occurred (see, *mutatis mutandis*, *Verein KlimaSeniorinnen Schweiz and Others*, cited above, §§ 425 and 444). The Court further observes that the link between petroleum exploration and its future production is inherent. That is demonstrated by the very purpose of the mechanism, whether under Norwegian law or under EU/EAA law requiring the strategic assessment of plans and programmes and an economic, environmental and social assessment of the production *potential* of an area, based on different scenarios, estimates or assumptions, and guided by the precautionary principle (see point 1 of the preamble to the SEA Directive, paragraph 146 above). The Supreme Court itself observed that the SEA had to include all stages of the petroleum production, from exploration to development, extraction, transport, exploitation and termination (see paragraph 74 above). In the present case, possible future production estimates have indeed been made in the impact assessment for the opening of the south-east Barents Sea, and then given consideration by the Court of Appeal, even though, those were ultimately discarded as uncertain by the Supreme Court (see paragraphs 28 and 64 above). In these circumstances, it is clear that the petroleum project in question was of such a nature as to entail potential risks of extraction (compare, *mutatis mutandis*, *Hardy and Maile v. the United Kingdom*, no. 31965/07, §§ 191-92, 14 February 2012).

295. The Court also finds that the subsequent relinquishment of the ten licences in question does not break the required causal nexus for the applicability of Article 8 of the Convention. It observes that, just like Article 112, subparagraph 2 of Norway's Constitution, certain domestic regulations, and Article 5 of the Aarhus Convention (see paragraphs 91, 97 and 140), the Convention guarantees a right for affected individuals to be

informed about the environmental effects of a planned activity (see *Verein KlimaSeniorinnen Schweiz and Others*, cited above, §§ 538 and 554). The purpose of that procedural safeguard is, firstly, to enable individuals to assess and avert the risk to which they are exposed (see, among many others, *Guerra and Others v. Italy*, 19 February 1998, §§ 57-60, Reports 1998-I, and *Verein KlimaSeniorinnen Schweiz and Others*, cited above, § 554). Secondly, it is to ensure that the authorities properly balance the competing interests at stake and act within their State's margin of appreciation (see *Büttner and Krebs v. Germany* (dec.), no. 27547/18, § 73, 27 June 2024). The procedural nature of the right to information and the preventive function of that right make the applicability of the provisions in question independent of the later materialisation of the risk (see *Vilnes and Others v. Norway*, nos. 52806/09 and 22703/10, §§ 235-365, December 2013, and compare *Büttner and Krebs,* cited above, § 71 *in fine*). The Court previously accepted that a "sufficiently close link" with an applicant's private and family life existed where the dangerous effects of an activity had not been known at the time of the exposure (see *Vilnes and Others*, cited above, § 222; *McGinley and Egan v. the United Kingdom*, 9 June 1998, §§ 96, 97 and 99, Reports 1998-III; and *Roche v. the United Kingdom* [GC], no. 32555/96, §§ 155 and 161, ECHR 2005-X).

296. Furthermore, the Court attaches importance to the fact that certain areas of the south Barents Sea which have been opened for exploration under a licence that was subsequently relinquished can enter an automatically extended re-licensing cycle under the APA system. This has indeed happened with the area subject to licence no. 855, which was issued in the 23rd licensing round and then relinquished, and the area being ultimately relicensed under a new production licence no. 1170 (see paragraph 42 above). In the Court's view, this example demonstrates the applicants' argument that even a relinquished licence maps out an opened area for future discoveries.

297. Having established the link between exploration licensing and extraction, the Court also notes that oil and gas extraction is the most important source of GHG emissions of Norway (see paragraph 18 above), and that the burning of fossil fuels, including oil and gas, is among the main causes of climate change (see paragraphs 133, 138, 174 and 176 above).

298. The Court has accepted that there are sufficiently reliable indications that anthropogenic climate change exists, that it poses a serious current and future threat to the enjoyment of the human rights guaranteed under the Convention, that States are aware of it and capable of taking measures to effectively address it, that the relevant risks are projected to be lower if the rise in temperature is limited to 1.5°C above pre-industrial levels and if action is taken urgently, and that current global mitigation efforts are not sufficient to meet that target (see *Verein KlimaSeniorinnen Schweiz and Others*, cited above, §§ 436 and 499).

299. In the light of all the above considerations and the applicable general principles, the Court finds that there is a sufficiently close link between the disputed procedure for the licensing of exploration and serious adverse effects of climate change on the lives, health, well-being and quality of life of individuals.

300. The Court will now assess the link, at the individual level, between the ongoing harm and the allegation of the risk of further harm in the future to specific persons (the individual applicants) or groups of persons (represented by the applicant organisations).

(β) Whether the individual applicants have victim status

301. The Court notes that no grievances about the personal situation of the six individual applicants were examined in the disputed judicial review of the 23rd licensing round (compare *Duarte Agostinho and Others v. Portugal and 32 Others* (dec.) [GC], no. 39371/20, §§ 226-28, 9 April 2024). Leaving that aside, however, the Court notes that the crux of these applicants' complaint concerns the adverse effects of climate change which they, as young people, are suffering as a result of the respondent State's allegedly inadequate action on climate change, particularly as a result of the authorisation of further petroleum production. The circumstances underlying their complaint may be seen as being localised and focused on the specific situation – namely, the past, present and future adverse effects of climate change – prevailing in Norway.

302. In this connection, the applicants submitted that younger generations bore a heavier burden of climate adaptation, and faced greater risk of climate change impacts (see paragraph 205 above).They also pointed to many phenomena particular to Norway and the Arctic (see paragraphs 185 and 190-192 above). Similar findings about the regional impact of climate change were also made by the Supreme Court in the proceedings subject of the present application (see paragraphs 53 and 54 above). The data provided to the Court by the applicants, which had been published by domestic and international expert bodies and the relevance and probative value of which has not been called into question shows that Norway has registered substantial negative climate change impact, including phenomena described by several applicants, namely, the warming of the oceans and rising air temperatures, localised or seasonal effects such as freezing rain or rain-on-snow events – directly affecting reindeer herding and causing the spread of birch beetles – the increasing degradation of forests, or the depletion of available fish stocks (see paragraphs 10-15 above).

303. The Court notes that three out of the six individual applicants identify as members of the Sámi people (applicants nos. 2, 6 and 7), whose way of life, culture and traditional means of subsistence are especially dependent on a stable climate because of their deep connection to their traditional lands, waters and resources (see paragraphs 10, 14 and 15 above). While the Court

fully appreciates that climate change poses a threat to the traditional Sámi way of life and culture (see paragraphs 187-192 above), it cannot conclude that the hardships that the situation complained about may be causing the three applicants personally are of "high intensity" (see paragraph 287 above).

304. The Court also notes that the common thread in the complaints of the individual applicants (except for the fourth applicant, see paragraph 12 above) – whether or not they identify as indigenous persons – is the alleged impact of climate change on their mental health and/or life choices (see paragraphs 9-15 above). While the Court does not dismiss the seriousness of conditions such as climate anxiety or climate grief (see paragraph 186 above), it observes that the applicants' claims have not been supported by any medical certificates that would, on the one hand, confirm the alleged diagnosis, and, on the other hand, elaborate on the severity of the alleged condition for each applicant personally. It follows that the Court does not have sufficient information to enable it to identify a correlation between the applicants' alleged psychological conditions and their complaints before the Court (see, *mutatis mutandis*, *Verein KlimaSeniorinnen Schweiz and Others*, cited above, § 534; *De Conto*, cited above, § 14, 7 May 2025 [Committee]; and *Uricchio*, cited above, § 14).

305. The Court, moreover, observes that, apart from general statements unsupported by any medical documents or otherwise, the six individual applicants did not indicate any particular morbidity or any other serious adverse effect on their health or well-being that had been created by climate change and would go beyond the effects which any young person living in Norway and having a degree of awareness about climate change might experience (see, *mutatis mutandis*, *Verein KlimaSeniorinnen Schweiz and Others*, cited above, § 534). It can neither be said that the applicants suffered from any critical medical condition whose possible aggravation linked to the adverse effects of climate change could not be alleviated by the adaptation measures available in Norway or by means of reasonable measures of personal adaptation (ibid., § 533, and *Engels and Others,* cited above, § 10). The case file contains no other materials which would lead the Court to conclude that the six individual applicants had been subjected to a high intensity of exposure to the adverse effects of climate change which had affected them personally, or that there was a pressing need to ensure their individual protection from the harm which the effects of climate change might have on their enjoyment of their human rights (ibid., §§ 531 and 533).

306. It follows from the above findings that applicants nos. 2-7 do not fulfil the criteria for victim status under Article 34 of the Convention. This suffices for the Court to conclude that their complaints should be declared inadmissible as being incompatible *ratione personae* with the provisions of the Convention within the meaning of Article 35 § 3.

307. In the light of this conclusion, the Court does not consider it necessary to address the Government's objection that the individual

applicants had not exhausted domestic remedies in respect of this complaint (see paragraph 234 above).

(γ) Whether the applicant organisations have *locus standi* and whether Article 8 is applicable to their complaint

308. Having regard to the criteria set out in paragraph 288 above, the Court observes that the applicant organisations' statutes and by-laws show them to be non-profit regional environmental associations established under Norwegian law. They have standing in the Norwegian courts, as demonstrated by the domestic proceedings in the present application before this Court and by other cases litigated by them in the domestic courts (see paragraphs 43 and 117 above).

309. The Court also observes that Greenpeace Nordic is not a membership organisation. It acts on behalf of its supporters and donors, and on behalf of other affected individuals in the country (see paragraph 6 above). Young Friends of the Earth has several thousand individual members who are aged 13 to 25 and who live in Norway (see paragraph 7 above). The applicant organisations are committed to engaging in various activities aimed at reducing GHG emissions in Norway and addressing the effects of fossil fuel emissions on global warming. They act in the interest of the general public and of future generations – and, in the case of Young Friends of the Earth, also in the interest of its members – with the aim of ensuring effective climate protection. The applicant organisations pursue their aims through various actions, including by taking legal action to address the effects of climate change in the interests of its members and/or other persons affected by specific climate change impacts (see paragraphs 5-8 above, and see, *mutatis mutandis*, *Verein KlimaSeniorinnen Schweiz and Others*, cited above, § 521).

310. Moreover, given the membership basis of the Young Friends of the Earth and the wide range of people represented by the two applicant organisations (see paragraphs 6, 7 and 197 above), as well as the purposes for which they had been established, the Court is satisfied that those organisations are a collective means of defending the rights and interests of individuals against the threats of climate change in the respondent State. Taking an overall view, granting *locus standi* to the applicant organisations before the Court is in the interests of the proper administration of justice (see, *mutatis mutandis*, *Verein KlimaSeniorinnen Schweiz and Others*, cited above, § 523).

311. Having regard to the above considerations, the Court finds that the applicant organisations are lawfully established, they have demonstrated that they pursue a dedicated purpose in accordance with their statutory objectives in the defence of the human rights of their members and/or other affected individuals against the threats arising from climate change in the respondent State and that they are genuinely qualified to act on behalf of and to represent individuals who may arguably claim to be subject to specific threats or

adverse effects of climate change on their life, health, well-being and quality of life as protected under the Convention (ibid., § 524).

312. Accordingly, it follows that the applicant organisations have the necessary *locus standi* in the present proceedings and that Article 8 is applicable to their complaint. The Government's objections must therefore be dismissed.

(iii) Conclusion on the admissibility of the applicant organisations' Article 8 complaint

313. In addition to finding that the applicant organisations had the necessary *locus standi* in the present proceedings and that Article 8 was applicable to their complaint, the Court notes that the application is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

3. Merits

(a) General principles

314. The Court reiterates 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 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 (see *Verein KlimaSeniorinnen Schweiz and Others*, cited above, §§ 544 and 545).

315. The Court further reiterates 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 (see *Verein KlimaSeniorinnen Schweiz and Others*, cited above, § 543). 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.

316. Taking all this into account, the Court reiterates that climate protection should carry considerable weight in the balancing of any competing considerations. Other factors militating in favour of the same conclusion include the global nature of the effects of GHG emissions, as opposed to environmental harm that occurs solely within a State's own borders, and States' generally inadequate track record in taking action to address the risks of climate change that have become apparent in the past several decades, as evidenced by the IPCC's finding of "a rapidly closing window of opportunity to secure a liveable and sustainable future for all." These are circumstances which highlight the gravity of the risks arising from non-compliance with the overall global objective (ibid., § 542).

(b) Application of these principles to the present case

317. The Court reiterates that the scope of the present application is limited to the procedural obligations of the State within its broader duty to effectively protect individuals from serious adverse effects of climate change on their life, health, well-being and quality of life (see paragraph 282 above). The Court must thus examine the decision-making process regarding the 2016 licensing of petroleum exploration in the south and south-east Barents Sea.

318. In environmental cases examined under Article 8 of the Convention, the Court has frequently reviewed the domestic decision-making process, taking into account that the procedural safeguards available to the individual will be especially material in determining whether the respondent State has remained within its margin of appreciation (see *Verein KlimaSeniorinnen Schweiz and Others*, cited above, § 539). Considering the Court's established case-law on the environment and climate change (ibid., §§ 539 and 554), 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 authorising 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.

319. 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; compare, *mutatis mutandis*, *Verein KlimaSeniorinnen Schweiz and Others*, cited above, § 550). 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 consultation must take place at a time when all options are still open and when pollution can realistically be prevented at source.

320. The Court's view on the existence of such a procedural obligation is paralleled by recent rulings of other international courts relating to other international legal instruments and, more broadly, to international law.

321. The Court thus notes that, in its 2024 Advisory Opinion on climate change and international law the International Tribunal for the Law of the Sea held that States were under an obligation to carry out EIAs for any planned activity which could cause substantial pollution to the marine environment or significant and harmful changes to it through anthropogenic GHG emissions (see paragraph 131 above).

322. The Court also refers to the observations of the Inter-American Court of Human Rights in its Advisory Opinion OC-32/25 on Climate emergency and human rights (see paragraph 132 above). The IACtHR declared, in particular, that, because of the general obligation to prevent environmental damage, any projects or activities that involved the risk of generating significant GHG emissions had to undergo a climate impact assessment (see paragraph 135 above).

323. The Court also reiterates that the EFTA Court held, in its 2025 advisory opinion, that an EIA must set out, among other things, any indirect effects of the project such as secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary effects. It was stressed that effects that had to be discussed were not limited to those that were close in time or space to the installation or scheme, or to the relevant authority's geographical jurisdiction (see paragraph 169 above).

324. Lastly, the Court notes that the ICJ in its 2025 advisory opinion on climate change declared that the customary international law obligation to prevent significant harm to the environment required States, among other things, to undertake specific climate-related assessments in cases of proposed industrial activities in a transboundary context (see paragraph 137 above). Irrespective of the procedure chosen for these purposes by the State, it was reasonable to expect that such EIAs should assess the possible downstream effects of activities contributing to GHG emissions, based on the best available science.

325. Turning to the present case, the Court notes at the outset that it is not disputed that Norway has adhered to the international legal framework on climate change (see paragraph 130 above) and has devised national laws setting the requisite objectives and goals (see paragraphs 93-96 above, and compare, *mutatis mutandis*, *Verein KlimaSeniorinnen Schweiz and Others*, cited above, § 562).

326. The Court also notes that petroleum activities in Norway are highly regulated under the framework that distinguishes three consecutive stages (see paragraph 98 above). The first stage is the opening of an area to exploration, which, under domestic law, must be preceded by a strategic environmental impact assessment conducted by the Ministry of Petroleum and Energy and by a public consultation (see paragraphs 99-102 above). The second stage is licensing, which corresponds to the exploration phase and does not formally require any environmental impact assessment or public consultation (see paragraphs 103-107 above). The third and final stage is the PDO, which corresponds to petroleum extraction and must, in principle, be preceded by an environmental assessment conducted by the licensee, as well as by a public consultation – in certain circumstances, the requirement of an impact assessment can be waived (see paragraphs 108-115 above). The second and the third stages of the administrative procedure described above can each be judicially reviewed.

327. In the present case, the applicant organisations challenged and obtained a judicial review of the 2016 decision to grant ten licences for exploration in the south and south-east Barents Sea. The Court observes that there are two main aspects to the applicant organisations' challenge to the authorities' decision.

328. The first concerned the absence of an adequate assessment of climate-related harm before the licences were granted. In particular, the applicants pointed to: the lack of quantification of a carbon budget for 1.5°C or assessment of the potential emissions from the south and south-east Barents Sea against any such budget; failure to assess exported emissions; and the focus of the available studies on economic benefits rather than on climate effects (see paragraphs 215 and 225-228 above).

329. The second aspect of the applicants' challenge concerned the Supreme Court's majority finding that the assessment of significant environmental effects could be deferred to the later PDO stage. The applicants maintained that such deferral was contrary to EEA and international law and, in practice, ineffective, as it risked narrowing the scope of review and excluding important climate impacts, including exported emissions (see paragraphs 216-224 above).

330. The Court cannot but agree with the applicants that the processes leading to the 2016 decision were not fully comprehensive. Indeed, the orientation paper explicitly deferred the assessment of climate effects, ecological relationships, ocean acidification, and so on, to the stage at which management plans were being laid (see paragraph 37 above). The judgment of the Supreme Court in turn deferred the subject of exported combustion emissions either to general climate policy (decided by the Parliament and the Government) or to any future PDO decisions (see paragraphs 61, 65, 66, 78 and 81 above).

331. The Court notes, however, that, under Norwegian law, petroleum extraction requires authorisation and a licensee does not have a legitimate expectation that a PDO will be approved merely because it has previously held an exploration licence (see paragraphs 79 and 109 above). As stated by the Supreme Court, the authorities cannot authorise a project which is incompatible with Article 112 of the Constitution (the right to a healthy environment, see paragraph 79 above). The Supreme Court further held that a failure to assess the effects of exported combustion emissions at the strategic assessment stage could be remedied at a later procedural stage, namely, either through the environmental assessment at the PDO stage or through a general political decision to reduce petroleum activities overall (see paragraph 81 above *in fine*).

332. Admittedly, while the approval of a PDO requires an impact assessment, that requirement can be waived on a case-by-case basis (see paragraphs 109 and 114 above). The Court notes that several petroleum extraction projects had apparently been authorised by the Ministry without any assessment of their projected combustion emissions or their impact on climate change (see paragraphs 117-119, 255 and 256 above). The Court agrees with the applicants that a widespread use of such waivers could indeed circumvent, and, in reality, completely undermine, the very purpose of a comprehensive and timely EIA, as means of protection of the Convention rights against serious impacts of climate change on the life, health, well-being and the quality of life of individuals.

333. At this stage, and recalling the member States' wide margin of appreciation in respect of the choice of means in this field (see *Verein KlimaSeniorinnen Schweiz and Others*, cited above, § 543), the Court would, nevertheless, attach greater importance to the developments which structurally reinforce the guarantee to effectively implement the relevant procedural obligations with regard to PDOs. Those obligations are meant to ensure that before a PDO is approved there is a comprehensive EIA of the petroleum production effects on the climate, including the effects of combustion emissions in Norway and abroad.

334. The Court notes firstly that the Supreme Court clearly stated in its judgment of 22 December 2020 that the Norwegian authorities had a constitutional "obligation not to approve a PDO if the general consideration for the climate and environment at the time so indicates" (see paragraph 79 *in fine*, above). Secondly, the Court refers to the recent adoption of a ruling of the EFTA Court in respect of the domestic proceedings concerning three other projects, in the North Sea. The EFTA Court found that the EIA Directive required a national court to eliminate the unlawful consequences of a failure to carry out a full EIA which accounted for petroleum combustion emissions (see paragraph 161 above). Regularisation is indeed permitted by conducting an assessment while the project is under way or even after it has been completed, but only if it does not serve to circumvent the rules of EEA

law and if the assessment takes a retrospective view of the environmental impact of the project (ibid.). Thirdly, the Court notes the official assurance from the Government that the climate impacts of petroleum production and combustion emissions would be assessed when any new PDO was considered, and that they would be set out in approval decisions (see paragraphs 90 and 240 above).

335. In the light of the above considerations and guarantees, the Court is satisfied that the PDO stage of the decision-making process will involve a comprehensive assessment of the effects of the anticipated petroleum production on climate change, comprising, among other things, the assessment of combustion emissions, and that informed public consultation will take place before the decision is taken (see paragraphs 318 and 319 above).

336. Moreover, it cannot be said that there is any structural problem that would undermine the conclusion that the above legal framework is being implemented effectively. There is no indication that a deferred EIA assessment is inherently insufficient to support the State's guarantees of private and family life within the meaning of Article 8 of the Convention, particularly in terms of its timeliness or its contents. The Court reiterates that persons affected by the risks of climate change linked to petroleum production – and relevant associations, such as the applicant organisations in the present case – will be able to act on information obtained through an EIA in time to effectively challenge the authorisation of a project. Moreover, any assessment of GHG emissions, project by project, that would disregard the cumulative GHG emissions of all those projects combined, is prohibited under the EIA Directive (see paragraph 154 above). Lastly, the Court finds that the fact that any EIA must, by law, be based on relevant, up-to-date and sufficient information constitutes an important safeguard against any bad faith assessments prepared by licensee developers.

337. Considering the above, the Court finds that there has been no violation of Article 8 of the Convention.

II. ALLEGED VIOLATION OF ARTICLE 14 OF THE CONVENTION, IN CONJUNCTION WITH ARTICLES 2 AND 8 OF THE CONVENTION

338. The applicants also complained that Norway's climate change policy and the outcome of the 23rd licensing round had breached their rights guaranteed under Article 14 of the Convention. In particular, that policy had, in their view, had disproportionately prejudicial effects on applicants nos. 2-7, who were also members of applicant no. 8, and who belonged to a young generation, and on the second, sixth and seventh applicants, who were members of the indigenous minority Sámi population. The individual

applicants also stressed that they had had no opportunity to participate in the decision-making process regarding the extraction of fossil fuels in Norway.

339. Article 14 of the Convention reads as follows:

> "The enjoyment of the rights and freedoms set forth in [the] Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

340. The Government essentially argued that this complaint was inadmissible for non-exhaustion of domestic remedies.

341. Firstly, the individual applicants had not been parties to the domestic proceedings in the present case and so their individual situations had not been presented to the domestic courts. Secondly, the applicant organisations, as claimants, had only made complaints under Articles 2 and 8 of the Convention, and had not, even in essence, argued that young people were subjected to discrimination based on their age. Although they had emphasised that young people would bear the burden of the effects of climate change, the Government's view was that this did not amount to making a complaint about discriminatory treatment. Moreover, the allegation of the discrimination of the Sámi minority had not at all been invoked before the domestic courts.

342. The Government also claimed that neither the rules of litigation in Norway nor the facts of the present application placed an excessive burden on the applicants that could justify an exemption from the requirements of Article 35 § 1 of the Convention.

343. The applicants claimed that the applicant organisations had exhausted domestic remedies as they had been parties to the disputed proceedings. In their view, when the Supreme Court held that Articles 2 and 8 of the Convention were not engaged, it had thereby ruled out any prospect of success for any accessory grievances under Article 14.

344. They also argued that applicants nos. 2-7 had exhausted domestic remedies given that at the time of the disputed judicial review they had been full members of the Young Friends of the Earth (the eighth applicant), they had actively participated in or followed the proceedings, and applicant no. 8 had represented their interests in the domestic proceedings. Moreover, the applicants claimed that no other alternative procedure could have been used by the individual applicants to raise their grievances whether under Articles 2, 8 or 14 of the Convention (see paragraph 209 above).

345. The Court notes that it has considered unnecessary to examine the applicants' complaints under Article 2 of the Convention (see paragraphs 284 and 285 above). It also reiterates that, on the one hand, Article 14 of the Convention has no independent existence (see, among many other authorities, *Molla Sali v. Greece* [GC], no. 20452/14, § 123, 19 December 2018), and, on the other hand, that the scope of Article 14 read in conjunction with Article 8 may be more extensive than that of Article 8 taken alone (see *Beeler v. Switzerland* [GC], no. 78630/12, §§ 47-48 and 62, 20 October 2020, and

Valiullina and Others v. Latvia, nos. 56928/19 and 2 others, §§ 136 and 145-47, 14 September 2023).

346. It notes, in this context, that it has previously found that Article 8 of the Convention does not apply in respect of the six individual applicants because of the lack of victim status (see paragraph 306 above). The Court considers that it is not necessary to examine whether Article 14 of the Convention was applicable in the circumstances of the case as regards applicants nos. 2-7 because this complaint is in any event inadmissible for reasons stated below.

347. Article 35 § 1 of the Convention provides:

> "The Court may only deal with the matter after all domestic remedies have been exhausted, according to the generally recognised rules of international law ..."

348. The Court reiterates that Article 35 § 1 requires that complaints intended to be made subsequently before the Court should have previously been made to the appropriate domestic body, at least in substance (see *Vučković and Others v. Serbia* (preliminary objection) [GC], nos. 17153/11 and 29 others, § 72, 25 March 2014).

349. This means that the applicant must raise legal arguments to the same or like effect on the basis of domestic law, in order to give the national courts the opportunity to redress the alleged breach. However, to genuinely afford a Contracting State the opportunity of preventing or redressing the alleged violation requires taking into account not only the facts but also the applicant's legal arguments, for the purposes of determining whether the complaint submitted to the Court had indeed been raised beforehand, in substance, with the domestic authorities. That is because "it would be contrary to the subsidiary character of the Convention machinery if an applicant, ignoring a possible Convention argument, could rely on some other ground before the national authorities for challenging an impugned measure, but then lodge an application before the Court on the basis of the Convention argument" (see *Radomilja and Others*, cited above, § 117).

350. The Court reiterates that the individual applicants did not avail themselves of any domestic remedy in their own name. This could render their complaint inadmissible, unless it is considered that they had exhausted the domestic remedies through the intermediary of the Young Friends of the Earth Norway (the eighth applicant), the association of which they were members and which represented their "interests" in the domestic proceedings in question (see, *mutatis mutandis*, *Gorraiz Lizarraga and Others v. Spain*, no. 62543/00, §§ 38 and 39, ECHR 2004-III, and *Beizaras and Levickas v. Lithuania*, no. 41288/15, § 81, 14 January 2020). However, the Court, does not need to pronounce itself on this issue, because the complaint is in any event inadmissible for the following reasons.

351. In the present case, while the applicants complained before the Court that not invalidating the 2016 licensing decision constituted indirect

discrimination on the grounds of the individual applicants' age and of ethnic status, no such complaint had been made, even in substance, in the course of the domestic judicial review proceedings, and, in particular, before the Supreme Court. During the judicial review proceedings, the applicant associations did say that one of the consequences of petroleum production, and potentially of the ten licences in question, was the heavy burden that climate change would put on the younger generation. That however was not enough. The Court is also not satisfied that, as the applicants seem to argue, any Article 14 claim would have had no prospect of success domestically given that the Supreme Court had found that Articles 2 and 8 of the Convention were not engaged.

352. The Court concludes that the applicants did not provide the domestic courts the opportunity to address their grievances and thereby to prevent or remedy the alleged violation of the Convention.

353. In light of the foregoing, the application must be rejected as inadmissible in accordance with Article 35 §§ 1 and 4 of the Convention.

III. ALLEGED VIOLATION OF ARTICLE 13 OF THE CONVENTION

354. Lastly, the applicants complained that the State had failed to secure their access to an effective domestic remedy under Article 13 in that the domestic courts' assessment of their claims had been superficial and seriously erroneous.

355. Article 13 of the Convention reads as follows:

> "Everyone whose rights and freedoms as set forth in [the] Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity."

356. The Government argued that the present complaint was inadmissible as manifestly ill-founded.

357. The applicants argued that the domestic courts had not adequately assessed their Convention claims given that, according to the applicants, they had assessed the State's obligations under Articles 2 and 8 of the Convention against the wrong standards and so had not offered an effective remedy for the procedural shortcomings of the environmental impact assessment. Moreover, in the applicants' view, the domestic courts had erred in deferring the obligation to assess combustion emissions to the later PDO stage. The applicants claimed that, by doing that, the domestic courts had, firstly, waived judicial control over the licensing procedure for the point when a licence still had a reasonable chance of being found invalid, which failed to meet the obligation of promptness in decision-making. Secondly, they had not dealt with the State's procedural obligations under Articles 2 and 8 and so had failed to take into account the full extent of the applicants' claims under the Convention. The applicants also claimed that the Supreme Court had failed to engage in a sufficient examination of the scientific evidence for climate

change, which was demonstrated by inaccuracies in their description of temperature projections, for example, while refusing the applicant organisations' application for the admission of expert evidence.

358. The Court reiterates that Article 13 has been consistently interpreted by the Court as requiring a remedy in domestic law only in respect of grievances which can be regarded as "arguable" in terms of the Convention (see *Hatton and Others v. the United Kingdom* [GC], no. 36022/97, § 137, ECHR 2003-VIII).

359. In the present case, the Court has considered unnecessary to examine the complaints under Article 2 of the Convention (see paragraphs 284 and 285 above), and declared the Article 8 complaint brought by the six individual applicants incompatible *ratione personae* because the applicants do not have victim status (see paragraph 306 above). It follows that applicants nos. 2-7 have no arguable claim under Article 13 and that their complaint is incompatible *ratione materiae* with the provisions of the Convention and must be rejected in accordance with Article 35 § 4 of the Convention (see, *mutatis mutandis*, *Verein KlimaSeniorinnen Schweiz and Others*, cited above, § 645).

360. The Court also found no violation of Article 8 in relation to the complaints of the applicant organisations (see paragraph 337 above). The Court considers, however, that given its finding that the applicant organisations' Article 8 complaint was admissible both *ratione personae* and *ratione materiae* (see paragraph 312 above), it will accept that the claim under Article 8 was arguable (see, *mutatis mutandis, Hatton and Others*, cited above, § 137). The complaint under Article 13 of the applicant organisations must therefore be considered.

361. The question which the Court must address is whether the applicants had a remedy at the national level to "enforce the substance of the Convention rights ... in whatever form they may happen to be secured in the domestic legal order" (ibid., §140). The Court reiterates, however, that the expression "effective remedy" used in Article 13 of the Convention cannot be interpreted as a remedy that is bound to succeed; it simply means an accessible remedy before an authority competent to examine the merits of a complaint (see *C. v. the United Kingdom* (dec.), no. 9276/81, 17 November 1983 [Commission decision]; *Nationaldemokratische Partei Deutschlands (NPD) v. Germany* (dec.), no. 55977/13, § 23, 4 October 2016; and *Simatupang Hermann and Others v. Germany* (dec.), no. 12974/20, § 9, 8 October 2024).

362. The Court observes that, in the present case, the 2016 licensing decision could have been declared unlawful in the judicial review proceedings on the basis of the shortcomings alleged by the applicant organisations and, in particular, the lack of prior assessment of the effects on the climate of combustion emissions from petroleum production and the impact of the decision to enable petroleum production on the right to life and the right to respect for private and family life of individuals affected by

climate change and represented by the applicant organisations, which the applicant organisations had alleged was disproportionate. The scope of review by the domestic courts was not limited, in a sense that the domestic courts were not precluded, under any particular legal provision or doctrine, from examining those issues (contrast *Hatton and Others*, cited above, § 141).

363. The domestic courts duly engaged with the applicant organisations' arguments. They ultimately held that the omission to conduct such an assessment did not invalidate the licensing decision, as that could be rectified at the next PDO stage, which did not mean that their examination of the issues had been superficial. Moreover, the Court has already found that effective judicial control over the licensing procedure was not lost by the deferral of the EIA to the next, PDO stage (see paragraphs 335-337 above).

364. The domestic courts found the licensing decision valid from the perspective of the right to life and the right to respect for private and family life. The applicant organisations had given breaches of these rights as alternative grounds for their challenge (see paragraphs 46 and 49 above). The Court is satisfied that the case was duly examined. The Supreme Court devoted a separate section of its judgment to a comprehensive consideration of whether Convention rights were engaged, responding to the arguments in the applicant organisations' pleadings and discussing the Court's case-law (see paragraphs 68-71 above). The fact that the Supreme Court's conclusion on whether the Convention rights were engaged may now be called into question in the light of the Court's findings in the present case does not mean that the assessment was insufficient or that it was not diligently undertaken. The Court's present approach reflects a significant development in Convention case-law, based on a Grand Chamber judgment which brought in a new and special regime for the assessment of States' obligations to effectively protect individuals from the serious adverse effects of climate change on their life, health, well-being and quality of life (see *Verein KlimaSeniorinnen Schweiz and Others*, cited above, § 422).

365. Having regard to the reasons given by the domestic courts for their findings, the Court considers that there are no indications that the extent of their review was not sufficient to comply with Article 13 of the Convention (compare and contrast *Hatton and Others*, cited above, §§ 141 and 142).

366. It follows that, leaving aside any other possible grounds of inadmissibility, particularly, in respect of the individual applicants, the present complaint under Article 13 of the Convention in conjunction with Article 8 of the Convention is manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Joins* the issue of the victim status/*locus standi* of the applicants under Article 8 of the Convention to the assessment of the applicability of that provision;

2. *Holds* that the complaint under Article 8 introduced by the applicant organisations is admissible and that the complaints introduced by the individual applicants under Article 8 and by all applicants under Article 13 and Article 14, in conjunction with Article 8 are inadmissible;

3. *Holds* that there has been no violation of Article 8 of the Convention; and

4. *Holds* that it is not necessary to examine separately the complaints under Article 2 of the Convention.

Done in English, and notified in writing on 28 October 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Hasan Bakırcı Registrar	Saadet Yüksel President

APPENDIX

No.	Applicant's Name	Year of birth/registration	Nationality	Place of residence
1.	GREENPEACE NORDIC	1998	Norwegian	Oslo
2.	Lasse Eriksen BJORN	1997	Norwegian	Oslo
3.	Mia Cathryn Haugen CHAMBERLAIN	1998	Norwegian	Oslo
4.	Gaute EITERJORD	1995	Norwegian	Oslo
5.	Gina GYLVER	2001	Norwegian	Oslo
6.	Ella Marie Haetta ISAKSEN	1998	Norwegian	Oslo
7.	Ingrid Eline Morsund SKJOLDVAER	1993	Norwegian	Oslo
8.	YOUNG FRIENDS OF THE EARTH NORWAY	1967	Norwegian	Oslo