

Estonia – Climate litigation against shale oil

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Shale oil plant

Enefit280-2

- ▶ State-owned
- ▶ Shale oil=fossil fuel, exported and used as fuel for long-range ships
- ▶ Yearly CO₂ emissions:
 - ▶ Production: 0,81 mln t/CO₂e = 6% of Estonia's total current yearly GHG emissions
 - ▶ Burning of the oil: 0,84 mln t/CO₂e
- ▶ Building permit (2020/2023)
 - ▶ Court case: Fridays for Future Estonia vs. Eesti Energia (2020 →2023)
- ▶ Environmental integral permit (2024)
 - ▶ Court case: Fridays for Future Estonia vs. Environmental Board (June 2024 →)



Climate litigation VOL 1 – challenging the construction permit

- ▶ Fridays for Future Estonia vs. Eesti Energia
- ▶ April 2020 → October 2023 (Supreme Court)
- ▶ Plaintiff: Fridays for Future Estonia
- ▶ Defendant: Narva-Jõesuu municipality
- ▶ Main arguments relate to inadequate assessment of climatic factors in SEA; project's incompatibility with Estonia's climate obligations; inadequate weighting of interests
- ▶ Supreme Court decision – important aspects:
 - ▶ The failure to evaluate climate resilience of a project can be a ground to nullify a permit.
 - ▶ The authority must deny a permit to a project with a significant climate impact (GHG emissions).
 - ▶ The Estonian constitution requires a proportionate contribution to the Paris climate agreement's goal.

Climate litigation VOL 2 – challenging the integrated environmental permit

- ▶ Fridays for Future Estonia vs. Environmental Board
- ▶ June 2024 → ...
- ▶ Plaintiffs: Fridays for Future Estonia and Elo-Lee Maran
- ▶ Defendant: Estonian Environmental Board
- ▶ Main arguments relate to inadequate assessment of climatic factors in EIA; project's incompatibility with Estonia's climate obligations; inadequate weighting of interests
- ▶ Important aspects:
 - ▶ What constitutes a significant environmental impact in the context of climate change?
 - ▶ Cumulative impacts and carbon budget
 - ▶ Targets in NECP – legally binding?
 - ▶ Scope 3 emissions that are emitted outside the borders of Estonia



Thank you!

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