

# Corporate Climate Liability in Private International Law (summary)

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This article examines the increasing significance of climate change litigation as a key tool in the pursuit of climate neutrality. It explores two main categories of litigation: public law cases between citizens and the state, and private law cases between private parties. The article identifies three primary types of private climate actions: compensation claims for climate-related damages, adaptation claims for measures to address climate impacts, and mitigation claims to reduce CO<sub>2</sub> emissions.

Given the cross-border nature of many climate cases, the article highlights the role of private international law, particularly within the European Union. It discusses the application of the Rome II Regulation, which generally applies the law of the place where the damage occurred but allows for the choice of law based on the event causing the damage in environmental cases.

The article also examines the challenges in determining the “event giving rise to the damage”, especially when multiple sources of emissions are involved. It proposes a framework for courts to assess liability and emphasizes considering the place of business decisions in mitigation claims. Additionally, it notes that public law operating permits under foreign law may offer indemnity in cross-border climate litigation under specific conditions.