

# ENVIRONMENT AND CLIMATE CHANGE



**Department for the  
Execution of  
Judgments of the  
European Court  
of Human Rights**

**DGI**

**Thematic factsheet**

**Last update**  
December 2025

**French version:**

*Fiche thématique sur l'environnement et le changement climatique*

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Cover design and layout:

Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe

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## INTRODUCTION

The European Convention on Human Rights does not contain an explicit right to a clean or healthy environment. However, the Court has developed a rich body of case law recognising that environmental harm and exposure to environmental risks can undermine the effective enjoyment of Convention rights. Serious environmental damage may affect life, health, private and family life, property, access to justice, and freedom of expression, amongst other rights.

The Court has underlined that such damage can interfere with the well-being of individuals and may trigger both **negative and positive obligations** for states. Governments are therefore not only required to refrain from unlawful, disproportionate or arbitrary interferences but must also adopt reasonable and adequate measures to protect individuals from environmental harm. In April 2024, the Grand Chamber delivered its landmark judgment in [Verein KlimaSeniorinnen Schweiz and Others v. Switzerland](#) (no. 53600/20), holding for the first time that Article 8 of the Convention encompasses a right to effective protection by state authorities against the serious adverse effects of climate change on life, health, well-being and quality of life.

At the Council of Europe level, the protection of the environment has been given renewed priority. In 2022, the Committee of Ministers adopted [Recommendation CM/Rec\(2022\)20 on human rights and the protection of the environment](#), providing guiding principles for integrating environmental considerations into the protection of Convention rights. At the [4th Summit of Heads of State and Government \(Reykjavik, May 2023\)](#), member states recognised the urgency of addressing the “triple planetary crisis” of pollution, climate change and biodiversity loss, and launched the Reykjavik process on the environment. Two major milestones took place in 2025: the adoption of the [Council of Europe Convention on the Protection of the Environment through Criminal Law](#) and the adoption of the [Council of Europe Strategy on the Environment](#).

In the context of the execution of judgments of the European Court, the states concerned have adopted a range of measures to prevent and remedy environmental harm and climate change. These include legislative reforms (such as compulsory environmental impact assessments, regulation of hazardous activities and recognition of compensation rights), improvements in access to information, establishment of monitoring and early-warning systems, as well as enhanced judicial review and remedies for those affected. Domestic courts have also adapted their case law in light of Strasbourg judgments, thus reinforcing the domestic protection.

The examples provided in this factsheet highlight some of the most significant and effective measures reported by states. They are not exhaustive, but they demonstrate the concrete impact of the Court’s judgments and of the Committee of Ministers’ supervision of their implementation in advancing environmental protection across Europe. At the same time, environmental degradation and climate change remain a global challenge shared by all states and societies, requiring collective efforts, international cooperation and the effective implementation of Convention standards to safeguard the rights and well-being of present and future generations.

## 1. PROTECTION AGAINST ENVIRONMENTAL HARM (industrial pollution, waste, environmental disasters, noise, air pollution)

### New legislation enhancing protection from noise caused by bars

To address the failure of the authorities to protect individuals from excessive night-time noise caused by nearby bars, due to inadequate noise protection measures and shortcomings in administrative proceedings which failed to ensure effective participation and balancing of interests, a series of legislative and institutional reforms were undertaken. In 2018, the Act on State Inspectorate was adopted and entered into force in 2019. Pursuant to its provisions eight ministries including the Ministry of Health delegated the power to carry out environmental and other inspections to the State Inspectorate. This ensured that inspections are now being carried out in an efficient manner by one, specialized and independent authority. In addition, fines for failing to respect inspectors' orders to reduce the level of noise were reinforced following the adoption of the above Act.

As to the shortcomings in the administrative proceedings at issue in these cases, the new Administrative Inspection Act entered into force in 2018, to ensure effective participation of the parties in the proceedings and protection of their rights and interests, notably to ensure that administrative decisions are complied with.

As regards the applicant in the *Oluić* case, the last measurement taken showed that the noise level had not exceeded the standards.

As regards the applicant in the *Udovičić* case, the sources of the nuisance were eliminated. Following the closure of the shop and the bar, the administrative proceedings concerning the noise levels, were also terminated.

**CRO / *Oluić*** (61260/08)  
Judgment final on 20/08/2010  
**Final Resolution**  
**CM/ResDH(2020)158**

**CRO / *Udovičić*** (27310/09)  
Judgment final on 24/07/2014  
**Final Resolution**  
**CM/ResDH(2020)158**

### Strengthening the legal framework for environmental protection to prevent industrial pollution

In response to the Court's findings of a violation of Article 8 on account of environmental pollution caused by a thermal power plant operating in close proximity to the applicants' home, without a buffer zone or adequate filters, the authorities adopted a series of reforms. Under the 2014 EU-Georgia Association Agreement, the authorities implemented reforms in the sphere of environmental protection and sustainable development. The Law on Environmental Protection, as amended in 2017, provides that the issuance of environmental authorisations of public and private activities should be subject to a prior compulsory Environmental Impact Assessment (EIA) procedure in accordance with the Environmental Assessment Code, also adopted in 2017.

In contrast to the previous regulations, the new EIA system requires any private or public company to conduct an EIA for a planned activity. One of the main innovations of the current law concerns public involvement in the process of rendering decisions, access to relevant information and holding of public reviews at all stages.

In 2018, the authorities adopted the Technical Regulation on Ambient Air Quality Standards providing for air quality assessment and regulating emissions of harmful substances into the air. Moreover, a draft Law on Environmental Responsibility provides for ways to prevent and remedy significant environmental damages based on the "polluter pays" principle. Consequently, those who pollute will bear the costs

**GEO / *Jugheli and Others***  
(38342/05)  
Judgment final on 13/10/2017

**Final Resolution**  
**CM/ResDH(2020)255**

not only through monetary compensation, but also by carrying out appropriate measures to restore the environment in its previous state (*restitutio in integrum*).

As to the applicants, they are no longer affected by the pollution, as the litigious power plant has not been operating since January 2001 and the clearing of the area is under way.

## **Combating systemic illegal waste disposal and protecting public health in Campania (*Terra dei Fuochi*)**

This pilot judgment concerns the systemic, decade-long, and widespread dumping, burying and burning of waste on private land in parts of Campania known as the *Terra dei Fuochi*, affecting a population of approximately 2.9 million and associated with increased cancer rates and groundwater pollution. The Court found that the authorities, despite their longstanding knowledge of the problem, failed to respond with the diligence and expedition required in assessing the risks, preventing their continuation, and communicating effectively with the affected public. Under Article 46, the Court required Italy to draw up a comprehensive strategy to address the *Terra dei Fuochi* situation, establish an independent monitoring mechanism and create a public information platform within two years.

As part of the execution process, on 8 August 2025, the Government adopted urgent legislative measures to strengthen the criminal-law response to serious environmental crime (Law Decree No. 116), which entered into force on 9 August 2025. The decree intensifies penalties for unauthorised waste abandonment and illegal trafficking and introduces ancillary measures such as licence suspension and exclusion from the register of environmental operators for non-compliant companies.

**ITA / Cannavacciuolo and Others** (51567/14)  
Pilot judgment final on  
30/04/2025

**Status of execution:**  
**pending**

## **Ensuring protection from pollution caused by the ex-ILVA steel plant in Taranto**

This group of cases concerns the national authorities' failure to take the necessary measures to ensure the protection of the applicants from the environmental pollution emitted by the ex-ILVA steel plant in Taranto, causing serious risks to human health, and the lack of effective remedies enabling them to obtain measures securing the depollution of the areas concerned. The Court also criticised the repeated adoption of special legislative decrees that ensured the continued operation of the plant despite domestic court decisions finding serious risks to human health and the environment, as well as the criminal immunity enjoyed at the time by those responsible for ensuring compliance with environmental requirements. Under Article 46, the Court indicated that the authorities should implement as rapidly as possible the environmental plan adopted in 2014.

In the execution process, the authorities highlighted that almost all the works envisaged by the 2014 environmental plan aimed at reducing the atmospheric emissions of the plant had been completed, including the installation of advanced filtration systems and other technologies designed to lower particulate matter and toxic emissions, and the Italian National Institute for Environmental Protection and Research continues to monitor the finalisation of certain residual interventions. They also noted that the full implementation of the plan should lead to a 40% reduction of pollutant dust at a production level of six million tonnes of steel per year. The renewal of the permit to operate the steelworks, launched in 2023, requires a comprehensive assessment of the impact of the functioning of the plant on the environment and human health, as required by the Committee of Ministers and the relevant case law of the Court of Justice of the European Union.

**ITA / Cordella and Others**  
(54414/13)  
Judgment final on 24/06/2019

**Status of execution:**  
**pending**



Further information is awaited on the completion of the outstanding works, the comprehensive and independent study assessing the current impact of the plant on human health and the environment, the effectiveness in practice of the remedies indicated by the authorities, and the authorities' assessment of the 2023 legislation reintroducing criminal immunity for those responsible for operating industrial plants of strategic interest.

## **Legislative and administrative reforms to ensure effective waste collection, treatment and disposal**

In response to the Court's findings of a violation of Article 8 due to the authorities' prolonged inability to ensure the proper functioning of waste collection, treatment and disposal in Campania, where rubbish was left in the streets for months in 2007–2008, the authorities undertook a series of measures to strengthen the waste management cycle.

Most recently, the Campania region adopted an updated urban waste management plan in July 2024, incorporating national objectives under the supervision of the Ministry of the Environment. The level of sorted waste treatment reached 56.6% in 2023, with a positive upward trend. To strengthen the capacity for organic waste treatment, additional plants have been established, expected to cover 96% of regional needs, with further initiatives underway. Two new landfill sites are also being created to improve regional self-sufficiency.

Significant progress has been made in eliminating the "historical waste" accumulated prior to 2009: special processing plants are operational and, by November 2024, had treated 947,500 tonnes; tenders have been concluded for the transfer of a further 1.2 million tonnes outside the region.

A new system of waste traceability became operational in June 2023, digitising data on transportation and relocation of waste and assisting law-enforcement agencies in preventing and prosecuting environmental crimes. In recent years, various monitoring mechanisms have been established to oversee the functioning of the waste management cycle and to prevent the illegal disposal of waste. The issue of domestic remedies continues to be followed in the framework of the *Cordella and Others* group of cases.

**ITA / Di Sarno**  
(30765/08)  
Judgment final on 10/04/2012

**Final Resolution**  
**CM/ResDH(2025)33**

## **Protecting residents from pollution linked to the *Lo Uttaro* landfill site**

This case concerns the authorities' failure to take all necessary measures to ensure effective protection of the applicants in respect of the environmental pollution caused by the *Lo Uttaro* landfill site located in the area where they lived, and the prolonged inability of the authorities, until December 2009, to ensure the proper functioning of waste collection, treatment and disposal in Campania.

In their action plan, the authorities indicated that measures have been taken to safeguard the health of the population residing in the *Lo Uttaro* area, including constant monitoring, the sealing of several wells, and activities to classify the area in accordance with risk levels. Long-term monitoring carried out in 2021–2022 showed that while contamination of the groundwater persisted, substantial improvements in its quality and in the overall situation could be observed. A plan for the remediation of the *Lo Uttaro* area has been adopted, ten million euros have been allocated for its implementation, and on 22 November 2023 a project to permanently secure the landfill site was adopted and further amended in 2024, with final approval envisaged shortly. Additional funds have also been allocated to permanently secure another landfill site in the same area.

**ITA / Locascia and Others**  
(35648/10)

Judgment final on 19/01/2024

**Status of execution:**  
**pending**

Further information is awaited on the authorities' assessment of the current situation on the ground, their overall strategy for the remediation of the entire area concerned and its implementation, as well as clarification on whether the projects to permanently secure the landfill also envisage measures to reclaim the areas concerned.

## Improved legislative framework regulating hazardous industrial activities

To address the authorities' failure to protect residents from risks linked to cyanide use in the Baia Mare gold mine, particularly after the 2000 dam breach which released 100,000 m<sup>3</sup> of contaminated tailings water, the tanks used for the cyanide treatment were reinforced and were regularly subjected to safety inspections. The water discharged from the plant site and the groundwater are monitored as to their quantity and quality. The last check carried out in January 2016 did not find any irregularities.

The Court was not explicitly critical of the domestic legal framework, but by the time the judgment was delivered, the authorities had adopted, in 2005, two Emergency Ordinances on prevention and integrated control of pollution and on Environmental Protection. Subsequently new legislation regulating hazardous industrial activity comprising the Industrial Emissions Act (No. 278/2013) and the Act on the Control of major accident hazards involving hazardous substances (No. 59/2016) were adopted. According to these laws, new industrial activities are subject to either a simple (five years validity) or an integrated (ten years validity) mandatory environmental authorisation. If new issues with an impact on the environment arise, industrial authorisations can be revised. In case of breaches the authorisations may be suspended, and/or penalties may be imposed. Following the adoption of the judgment, access to information, public participation in decision-making and access to justice in environmental matters have been strengthened.

**ROM / Tătar**  
(67021/01)  
Judgment final on 06/07/2009

**Final Resolution**  
**CM/ResDH(2016)349**

## Preventing loss of life and property caused by flooding from unsafe hydraulic structures

The case concerns the failure by the authorities to protect lives and property during a large-scale flood in 2001 caused by the emergency release of water from the Pionerskoye reservoir near Vladivostok, which damaged the applicants' homes and put their lives in danger. In response, the authorities cleared the riverbed, repaired the catch water system, and introduced annual anti-flooding and regular clearing measures. The Pionerskoye river valley was declared a flood hazard zone and any housing construction near the reservoir is prohibited. Measures to take in an emergency scenario were defined, a regional rescue team of 64 persons was set up, and an emergency warning system established.

The 2006 Water Code of the Russian Federation introduced detailed regulations concerning the use of water facilities, the establishment of flood hazard zones and water protection zones where a special regime for carrying out business activities and constructions is applied, in line with the General Rules on Exploitation of Water Reservoirs which were adopted in 2010.

The regulations on the Unified State System of prevention and liquidation of emergency situations were amended in 2012 to provide for four functional regimes and four levels of reaction (local, regional, federal and special). The Russian Complex Awareness and Information System (RCAIS) is responsible for informing the population in case of emergency.

**RUS / Kolyadenko and Others** (17423/05)  
Judgment final on 09/07/2012

**Status of execution:**  
**pending**



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| <p><b>Adoption of a legislative and regulatory framework improving safety of hazardous waste sites</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                       |
| <p>The case concerns the authorities' failure to take all necessary measures to prevent the accidental death of nine close relatives of the applicant in a methane explosion at a rubbish tip, in Ümraniye, Istanbul, in 1993, as well as lack of an effective investigation into this fatal accident provoked by the operation of a dangerous activity and lack of adequate legal protection. It further concerns negligent omissions by the authorities resulting in the loss of the applicant's house and all his movable property and the failure to pay the amounts awarded by domestic courts in the administrative proceedings. In response to this violation, development works to improve the Ümraniye waste disposal were completed between 1993-1996. Currently, the area, also hosting social facilities, is therefore safe. A new Regulation on Storage of Waste, complying with the EU Landfill Directive, entered into force in 2010 while the Regulation on Environmental Impact Assessment entered into force in 2014. Moreover, the Regulation on Solid-Waste Control was repealed and replaced in 2015 by the Regulation on Waste Management. The new regulatory framework makes the establishment of waste storage facilities subject to the granting of permits and licences, which should be preceded by an Environmental Impact Assessment. The waste storage areas are subject to regular inspections and irregularities can be fined. Activities of waste storage facilities, posing risks or causing damage to the environment and human health can be suspended and the competent authorities shall be responsible for the damage caused.</p> <p>As regards the redress of the applicant's individual situation: in addition to the just satisfaction for pecuniary and non-pecuniary damage awarded to him by the Court, the applicant was allocated housing in 2003.</p> | <p><b>TUR / Oneryildiz</b><br/>(48939/99) <a href="#">Grand Chamber judgment final on 30/11/2004</a></p> <p><b>Final Resolution</b><br/><b>CM/ResDH(2022)434</b></p>                                                                  |
| <p><b>Stopping burials and closing cemeteries situated next to residential homes</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                       |
| <p>The cases concern the authorities' failure to enforce domestic judgments proscribing the use of land plots for burials in cemeteries located next to the applicants' houses, contrary to environmental and sanitary regulations, and the resulting interference with their right to respect for their home and private and family life. To remedy the violations, burials in the cemeteries near the applicants' houses were stopped in 2018 and 2019 respectively, and the cemeteries were closed. In the <i>Dzemyuk</i> case, the authorities made numerous attempts to agree individual solutions with the applicant, including proposals for resettlement, for the purchase of an alternative land plot and for the construction of housing, but the applicant refused these offers. At his request, his home was connected to a newly constructed village water supply system providing drinking water, and a fence was erected to block the cemetery from the applicant's view. The general measures in these cases continue to be supervised within the framework of the <i>Dubetska and Others</i> case.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p><b>UKR / Dzemyuk</b><br/>(42488/02) <a href="#">Judgment final on 04/12/2014</a></p> <p><b>UKR / Tonyuk</b> (6948/07) <a href="#">Judgment final on 01/09/2017</a></p> <p><b>Final Resolution</b><br/><b>CM/ResDH(2022)137</b></p> |
| <p><b>Introduction of compulsory Environmental Impact Assessment (EIA) to protect from noise nuisance</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                       |
| <p>The case concerns the disproportionate interference with the applicant's private and family life due to noise, vibration, air and soil pollution caused by operation of a motorway (until 2002) next to her home without an environmental feasibility study, reasonable environmental management policy, or meaningful opportunity for the applicant to participate in decision-making processes.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p><b>UKR / Grimkovskaya</b><br/>(38182/03) <a href="#">Judgment final on 21/10/2011</a></p> <p><b>Final Resolution</b><br/><b>CM/ResDH(2020)88</b></p>                                                                               |

In 2010, the authorities limited traffic on the street at hand to passenger cars only, installed the respective traffic regulation signs and repaired the road surface. As of September 2012, the level of air pollution did not exceed applicable sanitary standards. In addition to the just satisfaction awarded by the Court in respect of non-pecuniary damage, in 2014, the applicant was awarded further compensation for non-pecuniary damage following the reopening of domestic proceedings.

The 1991 Law "On the Protection of the Environment" was amended in order to enhance the regulation of issues concerning the environment, protection of life and public health from environmental pollution. In 1999, Ukraine had ratified the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters and, in 2017, adopted the Law on Environmental Impact Assessment which introduced a new form of EIA. A series of EIA trainings were held for representatives of Ecology Departments of the Regional State Administrations in order to enable them to apply the new environmental standards. The Supreme Court adapted its case law accordingly when examining decisions of lower courts.

## 2. PROCEDURAL GUARANTEES IN ENVIRONMENTAL MATTERS (access to information, courts, remedies, and compensation)

### Strengthening access to courts and judicial review in environmental matters related to nuclear waste management

The case concerns the domestic courts' refusal of the to recognise the legal standing of one of the applicant environmental associations to challenge the information disseminated by the National Radioactive Waste Management Agency on the "Cigéo" deep geological disposal project at Bure, Grand Est. Although the association held ministerial accreditation under the French Environment Code and its statutory purpose covered environmental protection, the Court of Appeal of Versailles rejected its action as inadmissible. The European Court found that this restrictive approach amounted to a disproportionate interference with the association's right of access to a court.

In response, in addition to the dissemination of the judgment to the Defender of Rights, the National Human Rights Commission, the Ministry of Justice, the Court of Cassation, and the Versailles Court of Appeal, the authorities submitted that subsequent case law of the Court of Cassation clarified that environmental associations have standing in comparable situations, thereby eliminating the risk of similar restrictive interpretations.

**FRA / Association  
BURESTOP 55 and Others**  
(56176/18)  
[Judgment final on 01/12/2022](#)

**Final Resolution  
DH(2022)300**

### Ensuring judicial review against administrative decisions designating special conservation areas

Following the Court's finding that the applicant had been denied access to court, namely to the Council of State (Conseil d'État), to challenge a decree designating an area as being of outstanding beauty, the Ministry of the Environment has implemented a new practice whereby administrative decisions designating special conservation areas are systematically published when they do not comprise any

**FRA / De Geouffre de la  
Pradelle** (12964/87)  
[Judgment final on 16/12/1992](#)

**Final Resolution  
DH(2000)43**

specific provision leading to changes in the state or use of places in question, so that interested parties can lodge an appeal before the Council of State.

Decisions to designate sites as “places of interest” (i.e. conservation areas) are now systematically transmitted by the services of the Prime Minister, after their publication in the Official Journal, to the Directorate of Nature and Landscapes of the Ministry of the Environment. The said Ministry ensures that the decision is made public, by forwarding it to prefects who are responsible for sending them to the mayors of the municipalities concerned and to the press, to ensure that the decision is posted in the town halls and published by the press.

## **Enforcement of Council of State decisions ordering removal of aerals close to a monastery to preserve environment**

The case concerns the failure of the authorities to comply with three judgments of the Council of State ordering the removal of aerals near the applicant monastery on Santorini. The aerals and related installations were taken down in 2005, and the applicant monastery withdrew its non-compliance complaint before the Council of State.

The issue of the administration’s non-compliance with domestic judgments, has been dealt with in the context of *Hornsby v. Greece* and other cases (see Final Resolution [ResDH\(2004\)81](#)), in the context of which the authorities adopted a series of constitutional, statutory and other measures for the prevention of similar violations. Additional measures taken by the Greek authorities were supervised by the Committee of Ministers in the *Beka-Koulocheri* group and continue to be supervised in the context of the *Kanellopoulos* and *Mastrogiannis* groups and the case *Micha*.

**GRC / Iera Moni Profitou Iliou Thiras** (32259/02)

Judgment final on  
22/03/2006

**Final Resolution  
CM/ResDH(2010)193**

## **Adoption of a legislative and administrative framework to protect from asbestos-related risks**

This case concerns the failure of the Maltese authorities to protect shipyard workers from prolonged asbestos exposure between the 1950s and early 2000s, leading to asbestos-related illnesses and deaths. In 2002, legislation to prevent and reduce environmental pollution by asbestos was enacted. Furthermore, in 2003 and 2006, subsidiary legislation was enacted under the Occupational Health and Safety Authority Act which ensured the effective protection of employees from the risk of exposure to asbestos and other carcinogens.

As to the duty to provide access to essential information enabling individuals to assess risks to their health and lives, the Occupational Health and Safety Authority was created in 2000; its aim is to provide information and guidelines concerning the use of asbestos (and other health and safety issues) in order to prevent occupational injury, illness or death related to asbestos. As to the remedies for persons who were exposed to asbestos, in similar cases, prior to the introduction of the legislative and administrative framework, the Maltese Constitutional Court adopted the reasoning of the European Court and referred the cases back to the First Hall of the Civil Court in order to ensure that compensation was awarded to victims.

The Court acknowledged in its judgment that the above-mentioned regulatory framework enacted after the facts of this case was sufficient as it had implemented the necessary measures to protect the applicants including the duty to provide them, as well as other persons in their situation, with information about the risks to health and safety that they were facing.

**MLT / Brincat and Others**  
(60908/11)

Judgment final on  
24/10/2014

**Final Resolution  
CM/ResDH(2016)196**

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| <p><b>Compensation scheme for former deep-see divers</b></p> <p>The case concerned complaints by former divers who became disabled as a result of deep-sea diving during the pioneer period of oil exploration in the North Sea (1965–1990). The Court found a violation of Article 8 due to the authorities’ failure to ensure that the applicants received essential information enabling them to assess the health and safety risks resulting from the use of rapid decompression tables.</p> <p>Following the judgment, the Ministry of Labour and Social Affairs introduced a new compensation arrangement, under which divers and survivors of deceased divers who had already received redress under the 2004 scheme became entitled to an additional EUR 8,000. Relevant individuals were contacted by the Norwegian Labour and Welfare Administration, and others could submit applications. By 2015, around 250 divers and survivors had received redress totalling approximately EUR 1.9 million.</p>                                                                                                                                                                                                                                                                                                                 | <p><b>NOR / Vilnes and Others</b><br/>(52806/09+)</p> <p>Judgment final on<br/>24/03/2014</p> <p><b>Final Resolution</b><br/><b>CM/ResDH(2015)81</b></p>      |
| <p><b>Compensation mechanism and extension of deadlines for lodging asbestos-related damage claims</b></p> <p>The case concerns the restriction of the applicant’s access to court on account of the ten-year limitation period for asbestos-related claims, which began to run regardless of whether the claimant was aware of the damage. To remedy this situation, a round table was held in 2015 with the participation of all the parties concerned. Following this round table, an Asbestos Victims Compensation Fund in the form of a foundation (“the EFA Foundation”) was created and became operative in 2017. It offers victims of asbestos exposure rapid access to several types of benefits, in particular financial compensation. Furthermore, a law modifying the limitation period was adopted in 2018 and entered into force in 2020. According to this law, the general limitation period in cases related to death or bodily injuries (including for asbestos victims) was extended to 20 years.</p> <p>The applicants made a claim before the EFA Foundation and a settlement was reached. Consequently, the revision request lodged after the Court’s judgment became void. As to the compensation mechanism, until 2018 the EFA Foundation awarded a total of more than five million CHF in 56 cases.</p> | <p><b>SUI / Howald Moor and Others</b> (52067/10)</p> <p>Judgment final on<br/>11/06/2014</p> <p><b>Final Resolution</b><br/><b>CM/ResDH(2019)232</b></p>     |
| <p><b>Change of Supreme Administrative Court’s case law concerning judicial review of the decisions permitting road construction near houses</b></p> <p>By the time the Court issued its judgment, which indicated that property owners had been denied full judicial review of Government decisions authorising the construction of a railway on or near their land, the relevant case law of the Supreme Administrative Court had evolved. In a judgment issued in 2011, the Supreme Court had clarified that a government’s decision allowing the construction of a road was to be subjected to judicial review in order to assess the impact of the road construction on the applicants’ civil rights or obligations within the meaning of Article 6§1 of the Convention. Accordingly, there is now a well-established right to judicial review of government decisions concerning road constructions affecting persons in a situation similar to that of the applicants.</p> <p>A number of the applicants have received monetary compensation or reached friendly settlements with the Swedish National Road Administration. In addition, noise barriers have been built in relation to the properties of some of the applicants and noise-reducing windows have been provided to one of the applicants.</p>               | <p><b>SWE / Karin Andersson and Others</b> (29878/09)</p> <p>Judgment final on<br/>25/12/2014</p> <p><b>Final Resolution</b><br/><b>CM/ResDH(2016)239</b></p> |

## Improving access to information about health risks of military tests

In response to the Court's finding that the applicant had insufficient access to information concerning the mustard and nerve gas tests conducted at Porton Down in the 1960s, a number of measures were undertaken to ensure effective procedures for obtaining relevant information. In 1998, a helpline was set up aimed at helping former volunteers or their representatives to gain easy access to information relating to their participation in these tests. Furthermore, legislative measures were adopted to ensure that individuals may submit a request to public authorities for information about their actual or possible exposure to health risks, and additional measures were taken to improve the public availability of information about military tests, by publishing a historical survey of the Service Volunteer Programme.

In 2007, the Pensions Appeal Tribunal found that the applicant's exposure to mustard gas during tests had caused his health problems and that these were attributable to his service. In 2008, the Service Personnel and Veterans Agency assessed the level of disability of the applicant and increased the amount of his service pension.

**UK / Roche** (32555/96)  
Grand Chamber judgment  
final on 19/10/2005

**Final Resolution**  
**CM/ResDH(2009)20**

## 3. OTHER CONVENTION RIGHTS IN THE ENVIRONMENTAL CONTEXT (freedom of expression, property rights)

### Change in the Council of State's case law concerning reforestation

To address the Court's finding that the compulsory reforestation of land on the basis of a 1934 ministerial decision, without any fresh assessment of the situation and without compensation, amounted to a disproportionate interference with property rights, the Council of State, in 2011-2012, changed its case law, reaffirming the obligation of the authorities to carry out a fresh assessment before adopting reforestation decisions where a long time has elapsed since the original decision. Furthermore, compensation may now cover any potential damages that individuals may have suffered during the period in which they have been unable to use their property due to pending proceedings concerning ownership, as recognised by the Supreme Court and the Council of State in a judgment of 2005. Furthermore, by virtue of a 2003 law, people possessing land in good faith for 30 years may be considered, under certain conditions, as owners in the dispute against the state (the required duration of the possession is limited to 10 years if the people concerned also provide a property title). Moreover, a process to establish a land register began in 1995. Certain regions still had to be integrated into the land register by mid-2021.

**GRC / Papastavrou and Others** (46372/99)  
Judgment (Merits) final on  
10/07/2003  
Judgment (Just Satisfaction)  
final on 18/02/2005

**Final Resolution**  
**CM/ResDH(2019)178**

### Change of administrative courts' case law ensuring compensation for land restrictions imposed for environmental reasons

The case concerns the failure of the Supreme Administrative Council to take into account the specific features of land plots subject to restrictions on use to preserve environmental or cultural interests, resulting in a disproportionate interference with property rights and excessive length of related proceedings. Drawing on the European Court's case law, the Council of State changed its own case law in 2009 and 2013 thus considering that if a land situated outside an urban zone is concerned by restrictions to its constructability, the mere fact that it is situated outside the urban zone does not constitute a legitimate reason to exclude a land owner from

**GRC / Anonymos Touristiki Etairia Xenodocheia Kritis** (35332/05)  
Judgment (Merits) final on  
21/05/2008  
Judgment (Just Satisfaction)  
final on 11/04/2011

**Final Resolution**  
**CM/ResDH(2014)233**



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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>compensation. First-instance and appeal courts changed their case law accordingly in 2009 and 2012. It follows from current case law that, when courts deal with a case relating to compensation for land whose constructability has been limited for reasons of environmental and cultural protection, they make an assessment on a case-by-case basis which takes into account the specificities of the land concerned, and grant compensation when the restrictions constituted a disproportionate burden for the owner. In addition, under the Council of State's case law both the Constitution and statutory legislation provide a basis for compensation claims in this context.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                             |
| <p><b>Decriminalisation of defamation in the context of a public debate concerning quality of water</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                             |
| <p>To address the Court's finding that the applicant's conviction for defamation of a public official in the context of a debate on water quality amounted to an unnecessary interference with his freedom of expression, the authorities took steps to rectify the situation. In June 2012, the impugned criminal proceedings, which had resulted in a suspended prison sentence for the applicant, former Director of the Water Supply Company, following his criticism of the Chief State Water Inspector at a press conference on drinking-water quality, were reopened. In September 2012, the Court of First Instance of Podgorica acquitted the applicant on the ground that defamation did not constitute a criminal offence any longer and quashed the impugned judgment of 2003. In May 2013, the High Court of Podgorica upheld this decision. The impugned conviction of 2003 could be deleted from criminal records upon the applicant's request. The Criminal Code of Montenegro was amended in June 2011 decriminalising defamation and criminal insult, in line with the Council of Europe Parliamentary Assembly's Resolution 1577(2007) <i>Towards decriminalisation of defamation</i>.</p> | <p><b>MON / Šabanović</b><br/>(5995/06)<br/><i>Judgment final on 31/08/2011</i></p> <p><b>Final Resolution</b><br/><b>CM/ResDH(2016)44</b></p>                                                                              |
| <p><b>Seal hunting - change of Supreme Court's case law concerning freedom of expression</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                             |
| <p>In response to this judgment, in which the applicants, a newspaper and its former editor, were held liable in civil proceedings for defamation, in 1992, for having published statements contained in a report of a seal hunting inspector, the Supreme Court changed its case law. In a 2000 judgment the Supreme Court adapted its interpretation of the offence of defamation to the requirements of Article 10, as interpreted by the European Court in this case.</p> <p>As to the applicants, the compensation paid by the applicants as a sanction for defamation was reimbursed through the payment of the just satisfaction awarded by the Court. The domestic judgments had no effect on the applicants' criminal records. Furthermore, the applicants could request reopening of domestic proceedings following the Court's judgment.</p>                                                                                                                                                                                                                                                                                                                                                       | <p><b>NOR / Bladet Tromsø and Stensaas</b> (21980/93)<br/><i>Grand Chamber judgment final on 20/05/1999</i></p> <p><b>Final Resolution</b><br/><b>CM/ResDH(2002)70</b></p>                                                  |
| <p><b>Establishing state responsibility and ensuring compensation for damages caused by incorrect registration of land</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                             |
| <p>The cases concerned the annulment of land titles by domestic courts on the grounds that the properties lay within public forest land or the coastline and therefore could not be privately owned under domestic legislation. No compensation was awarded to the applicants, and the Court found that deprivation of property without compensation amounted to a violation of Article 1 of Protocol No. 1. In November 2009, the Court of Cassation established new case law, based on the European Court's case law, according to which the state has an objective</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p><b>TUR / N.A. and Others</b><br/>(37451/97)<br/><i>Judgment (Merits) final on 15/02/2006</i><br/><i>Judgment (Just Satisfaction) final on 23/05/2007</i></p> <p><b>Final Resolution</b><br/><b>CM/ResDH(2012)105</b></p> |



responsibility for keeping the records in the land registries and the administration has to pay damages to those who sustain loss as a result of incorrect registration. The joint civil divisions of the Court of Cassation held that where a private individual's property title has been declared void because the land was part of the public forest estate or was situated on the coastline, the individual concerned was entitled to claim compensation under Article 1007 of the Civil Code. In October 2011, the 20th Civil Division of the Court of Cassation ruled that anyone whose title to property had been annulled and transferred to the state treasury could bring a claim for compensation under Article 1007 of the Civil Code within ten years, in accordance with Article 125 of the Code on Obligations. It specified that the state incurred strict liability for any irregularities in the land register and that the amount of compensation should be assessed on the basis of the use, nature and value of the property in question.

**TUR / Turgut and Others**  
(1411/03)  
Judgment (Merits) final on  
26/01/2009  
Judgment (Just Satisfaction)  
final on 13/01/2010  
**Final Resolution**  
**CM/ResDH(2012)106**

## 4. CLIMATE CHANGE

### Adoption of a legislative and regulatory framework for climate action

To address the Court's finding of insufficient regulation to mitigate the adverse effects of climate change, Switzerland adopted in 2025 a comprehensive legislative and regulatory framework. The Federal Act on Climate Protection Objectives, Innovation and the Strengthening of Energy Security (Climate Act) entered into force on 1 January 2025, setting the objective of net zero by 2050 with decade-by-decade reduction targets. On the same date, the revised CO<sub>2</sub> Act entered into force, implementing the Climate Act by defining measures to reduce greenhouse gas emissions by 50% by 2030 compared to 1990 levels. The Act on Secure Electricity Supply also entered into force on 1 January 2025, promoting renewable energies and strengthening energy security. These legislative measures are complemented by the Climate Protection Ordinance, adopted in 2024, and by the revised CO<sub>2</sub> Ordinance of 2 April 2025, which is entering into force gradually from 1 January 2025. Switzerland has also, by a method of its own choosing, quantified its future greenhouse-gas emissions corresponding to the general measures and timetable it has put in place. This addresses two fundamental shortcomings identified by the Court. The Committee of Ministers continues to follow the effective implementation and updating of these measures, including the establishment of possible additional safeguards such as an independent monitoring mechanism. Updated information is awaited "on the evolution of domestic case-law, regarding both the standing of associations to bring climate change-related cases and on courts' assessments of the merits of such cases" (CM/Del/Dec(2025)1537/H46-37).

**SUI / Verein**  
**KlimaSeniorinnen**  
**Schweiz and Others**  
(53600/20)  
Grand Chamber judgment  
final on 09/04/2024

**Status of execution:**  
**pending**

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