

Ius Commune Conference 2024

Workshop: Corporate Climate Transition Plans

Thursday, 28 November 2024 (14.00 - 18.00)

Room, TBC, Utrecht

Participants

To avoid irreversible and abrupt climate impacts, governments have agreed to rapidly transition towards an economy with net-zero greenhouse gas emissions and to pursue efforts to limit global warming to a maximum of 1.5°C. However, with the implemented policies, we are currently heading towards 3.2°C warming. The required emissions reductions for preventing dangerous global warming cannot be achieved by governments alone. Companies emit the largest share of the world's GHGs and play a key role in shaping the global economy. Therefore, sustaining a liveable planet hinges on companies aligning their actions with climate goals.

Until recently, companies never had a direct obligation to reduce their emissions. Building on the recently implemented *Corporate Sustainability Reporting Directive* (CSRD), the *Corporate Sustainability Due Diligence Directive* (CSDDD) requires large companies to adopt a 'Climate Transition Plan' (CTP) containing 'time-bound reduction targets' to ensure that 'their business model and strategy are compatible with the limiting of global warming to a maximum of 1.5°C'.

While the CSDDD can be hailed as a major breakthrough for mitigating global warming, it also challenges elementary principles of corporate law and adds a set of profoundly new requirements for companies to the already complex legal landscape, leading to various fundamental questions. For instance, how can be determined whether a particular climate transition plan is, in fact, compatible with the 1.5°C-target? How can the reduction obligation be reconciled with other duties a company has, for instance vis-à-vis contractual relations? Is the company supposed to achieve its climate goals even when profitability is at stake? And what are the legal consequences for a company and its board when a company does not meet its reduction targets?

Duration: 4 hours, 7 presenters, 12 minutes per presentation

Chairs: Tineke Lambooy and Tim Bleeker

Introduction

- 14.00 - 14.08 **Prof. Tineke Lambooy** (Nyenrode Business University/Utrecht University)
Sketching the wider CTP framework of CSDDD, CSRD, OECD Guidelines
- 14.08 - 14.15 **Dr. Tim Bleeker** (Vrije Universiteit Amsterdam)
CTP requirements based on the CSDDD

Sustainability Targets

Chair: Tineke Lambooy

- 14.15 – 14.27 **Dr. Brice Laniyan** (Lawyer at Notre Affair à Tous)
The limits of the science behind corporate target-setting climate litigation
- 14.27 – 14.40 **Eve Ernst MSc** (Vrije Universiteit Amsterdam)
Moving towards mandatory disclosure of non-financial information in the EU: the influence of the NFRD on CSR
- 14.40 – 15.05 **Discussion**
- 15.05 – 15.20 **Coffee break**

Sector Focus: Financial Institutions and Forestry

Chair: Tim Bleeker

- 15.20 – 15.32 **Dr. Federica Agostini** (Florence School of Banking & Finance) & **Dr. Nicolò Galasso** (University of Venice)
“Hoping for the best but (preparing for) the worst”: the EU framework for banks’ climate and nature scenario analysis
- 15.32 – 15.44 **Dr. Jasper Blom, Dr. Nicky van Dijk, Jonas Hulsens MA** (Milieudefensie)
Climate Transition Plans of Financial Institutions: The ING Climate Court Case of Friends of the Earth NL
- 15.44 – 15.56 **Johan Vanderlugt Ma** (Nyenrode Business University)
A Forest Economy in Transition: The Impact of Changing Regulation and International Frameworks on Business Activity
- 15.56 – 16.30 **Discussion**
- 16.30 – 16.45 **Coffee break**

Directors’ Duties

Chair: Tineke Lambooy

- 16.45 – 16.57 **Seniha Irem Akin LLM** (Erasmus School of Law)
Directors’ Dilemma in the Climate Challenge: To Transition or Not to Transition
- 16.57 – 17.09 **Prof. Tomas Arons** (Utrecht University)
Company and Director Liability in climate litigation
- 17.09-17.45 **Discussion**
- 17.45 – 18.00 **PhD pitches (max. 5 minutes each, introduction of topic)**
- Robin Kautz LLM (Vrije Universiteit, Amsterdam)
 - Lotte Gunneweg LLM (University of Leiden)
 - Sofia de Jong LLM (University of Leiden)
- 18.00 **Closing**

