



May 2023

“The Just Cause” (“*La giusta causa*”) - MEDIA BRIEFING

In May 2023, twelve Italian citizens from affected regions, Greenpeace Italy, and ReCommon filed a lawsuit against the fossil fuel company ENI for past and potential future damages resulting from its contribution to climate change, of which ENI was well aware but chose to ignore for decades.

WHY A LAWSUIT

The primary objective of the lawsuit against ENI, Italy's largest multinational company, 30% owned by the state, is to establish an important precedent in an Italian court, namely that the commitments of the Paris Agreement also apply to large private energy companies such as ENI directly. The plaintiffs are also asserting their right to claim damages for the effects of climate change, for which Italy's largest energy companies bear a heavy responsibility. Establishing these damages would imply a series of violations of fundamental human rights, such as the right to life, health and private and family life¹.

A condemnation of ENI would finally force the company to review its industrial strategy. A condemnation of the Ministry of Economy and Finance and the public investment bank Cassa Depositi e Prestiti, under the control of the same ministry, would also force the Italian state to play a stronger role in ensuring that ENI complies with the Paris Agreement and respects human rights.

ENI'S ROLE IN FUELING CLIMATE CHANGE

ENI's operations around the world produce more greenhouse gas emissions than Italy produces annually². These emissions contribute to global warming and consequent climate change. ENI is the 19th largest fossil fuel company by production of oil and gas and the 20th largest by expansion of fossil fuel production in the world. In particular, ENI is the third largest oil and gas company in the world leading the expansion of oil and gas exploitation in Africa.

ENI's own decarbonization strategy is not in line with the goals enshrined in the Paris Agreement and the best available climate science recommendations to limit climate impacts. The company's insistence on increasing its oil and gas production to a peak by 2030 is irreconcilable with the international scientific and political consensus, according to which³ ENI should stop oil and gas expansion immediately and progressively reduce its production with existing facilities.

According to attribution science models developed by Heede, Ekwurzel and Licker (2013-2019)⁴ in the field of climate science, which establishes a causal link between climate-altering emissions and who created them, the cumulative CO₂ and CH₄ (methane)

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https://www.echr.coe.int/documents/convention_eng.pdf&sa=D&source=docs&ust=1683618051663920&usq=AOvVaw1ktef6w1_52pIXAjIrx-_4

² Italian emissions <http://emissioni.sina.isprambiente.it/wp-content/uploads/2023/04/NIR2023.pdf>

ENI's emissions <https://www.eni.com/it-IT/net-zero/come-ridurre-emissioni-co2.html>

³ <https://www.iea.org/reports/net-zero-by-2050>

⁴ <https://science.sciencemag.org/content/353/6302/858.summary>

<https://b8f65cb373b1b7b15feb-c70d8ead6ced550b4d987d7c03fcd1d.ssl.cf3.rackcdn.com/cms/reports/documents/000/002/327/original/Carbon-Majors-Report-2017.pdf>

emissions attributed to ENI in the period 1988-2015 amount to 0.6% of global cumulative industrial emissions. This means that ENI was responsible for up to 0.395 ppm of the increase in the concentration of CO₂ in the atmosphere, up to the 0.0037 °C rise in the global mean temperature of the earth, and up to 0.21 mm of global sea level rise.

According to models that allocate a maximum carbon budget to the major polluters on the planet⁵ to stay below the 1.5 degree Celsius warming limit, with the current level of oil and gas production and the expected expansion in the coming years, by 2030 ENI will have exceeded by as much as 22 per cent the share it can afford based on the International Energy Agency's 'net zero emissions' scenario. For over 50 years, ENI and other fossil fuel companies have known about the detrimental impact that their activities have on the climate, so much so that they have implemented lobbying and [greenwashing strategies to mask their responsibilities](#).

The company's conduct not only contributes to climate change, with all that it entails in terms of environmental risks and health consequences, it also violates human rights that are safeguarded and protected both by the Italian Constitution and by international norms and agreements⁶. Companies have the obligation to comply with all applicable laws and respect internationally recognized human rights and global agreements, especially those that companies like ENI have expressly declared to adhere to and be subject to⁷.

PLAINTIFFS DEMAND CLIMATE JUSTICE FOR AFFECTED COMMUNITIES

In addition to ENI, the case is also being brought against Italy's Ministry of Economy and Finance and against the Italian public investment bank, Cassa Depositi e Prestiti, who have both strongly influenced ENI's policies since its foundation. As ENI's main shareholders, they are jointly responsible for the company's choices made with regard to energy-climate strategies and the resulting emissions of CO₂ and other greenhouse gases that cause climate change.

The plaintiffs seek a conviction by the judge that ENI, the Ministry of Economy and Finance and Cassa Depositi e Prestiti are jointly and severally liable to the applicants for current and future damages, both material, economic, and moral damages as well as damages to their health and property, as a result of the consequences of climate change.

The plaintiffs further request that the Court, by means of an injunction:

- make ENI cease its damaging conduct and order the company to adopt an industrial strategy to reduce the climate-changing CO₂ emissions associated with its operations by 45 per cent by 2030 against the company's 2020 baseline, in line with the requirements of the Paris Agreement;
- order the Ministry of Economy and Finance and Cassa Depositi e Prestiti to adopt their own policies that guide their participation in the company by setting and monitoring ENI's climate objectives in line with the Paris Agreement and human rights.

The twelve individual plaintiffs and the two organisations do not seek a quantification of damages but only an ascertainment of the defendants' liability for the damage caused.

⁵ <https://science.sciencemag.org/content/353/6302/858.summary>

<https://b8f65cb373b1b7b15feb-c70d8ead6ced550b4d987d7c03fcdd1d.ssl.cf3.rackcdn.com/cms/reports/documents/000/002/327/original/Carbon-Majors-Report-2017.pdf>

⁶ https://www.echr.coe.int/documents/convention_eng.pdf

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf

⁷ <https://www.eni.com/static/en-IT/infographics/eni-for-2021/carbon-neutrality>

BACKGROUND

#LaGiustaCausa, #TheJustCause - that's the name of the campaign promoting the legal action against ENI - is the first initiative of its kind against a private company in Italy. Globally, the cumulative number of climate litigation actions has more than doubled since 2015, bringing the total number of cases to over 2,000, with an increase in cases filed by individuals and non-governmental organisations that assert the rights of people impacted by the climate crisis.

This case is part of a global climate justice movement, led by affected communities, who despite having contributed the least to the climate crisis are already facing disproportionate climate impacts. Science shows that atmospheric concentrations of CO₂ are higher than ever in the last 2 million years and that GHG emissions are on the rise⁸. Corporations like ENI refuse to take real climate action and to respect human rights, a global standard of expected conduct for all business enterprises wherever they operate. Every increment of global warming will intensify current climate impacts, which are already affecting people's right to life and to a healthy environment, among other human rights. Communities all over the world are successfully using the law to demand real climate action and hold governments and polluting corporations to account⁹.

END

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<https://public.wmo.int/en/media/press-release/more-bad-news-planet-greenhouse-gas-levels-hit-new-highs>

⁹

<https://www.lse.ac.uk/granthaminstitute/wp-content/uploads/2022/08/Global-trends-in-climate-change-litigation-2022-snapshot.pdf&sa=D&source=docs&ust=1683268635794432&usq=AOvVaw1u1V3EOGLNULn4JqMnQBe4>