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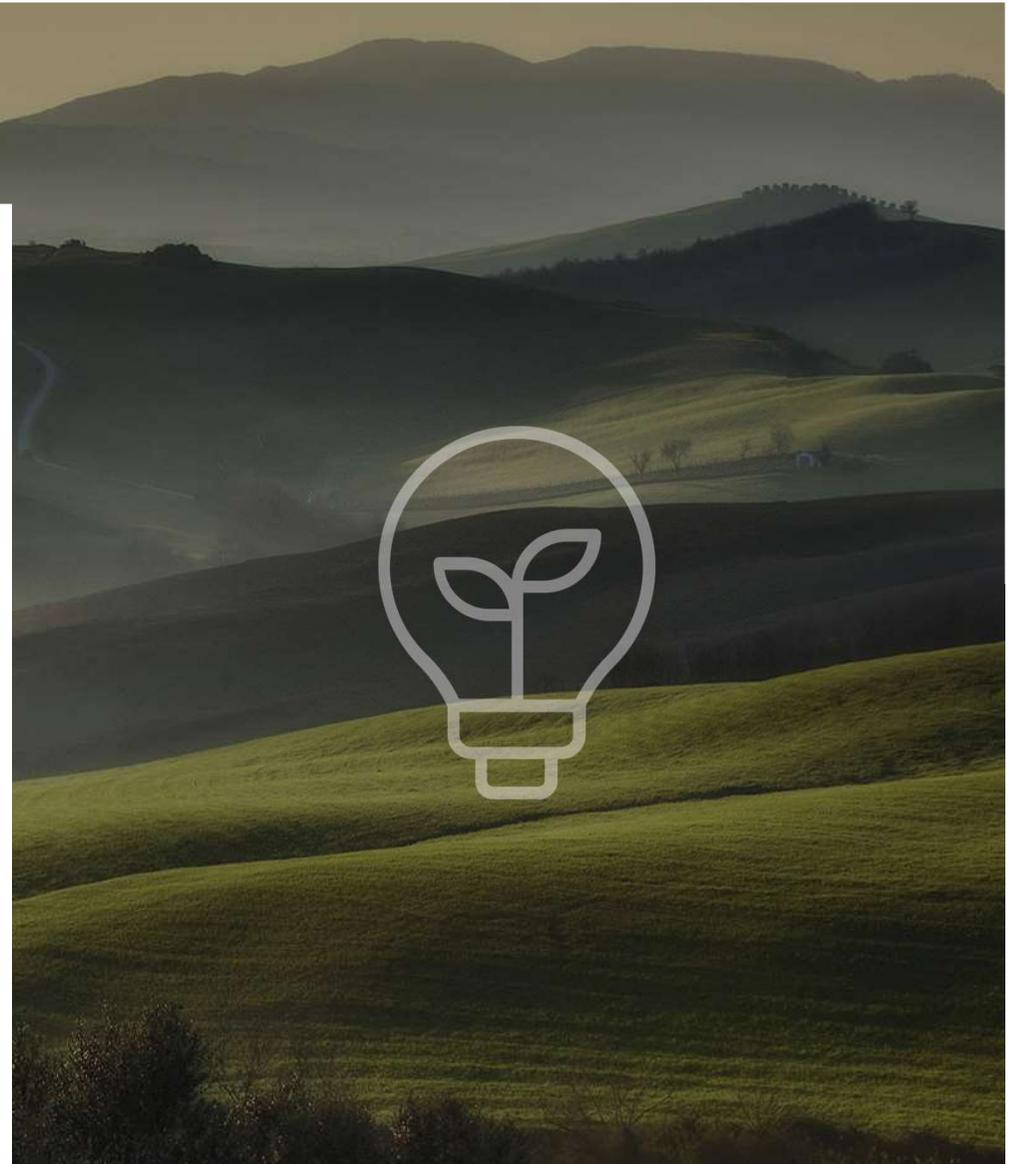
## Greenwashing: Current Trends in Corporate Climate Litigation



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# Greenwashing

***“the use of unsubstantiated or misleading claims about, or selective disclosure of, environmental performance or best practice for commercial or political gain”***

(CCSN Research Report 2022 – Adopted by Sir Julian Flaux C  
Combar Lecture 2022)



## Theatres of Dispute

### **Regulatory Challenges**

- Financial Regulation: R (ClientEarth) v Financial Conduct Authority [2023] EWHC 3301
- Environmental Impact Assessment: R(Finch) v Surrey CC [2024] UKSC 20

### **Consumer Protection**

- Vehicles Emissions: Various Claimants v Mercedes-Benz Group AG [2024] EWHC 2904 (KB); Re VW NOx EGL [2020] EWHC 783 (QB)
- Green Deal Energy Plans: GDFC Assets Ltd v Heaney [2024] UKUT 345 (AAC)
- Advertising Standards: Rulings against Airlines (Air France, Lufthansa and Etihad), Fashion (Charles Tyrwhitt), Energy (Equinor)
- Competition Markets Authority: Green Claims Code investigations into Fashion (ASAO, Boohoo, Asda) and FMCG (Unilever)

### **Shareholder Activism**

- ClientEarth v Shell PLC [2023] EWHC 1897 (Ch)
- McGaughey and Davies v Universities Superannuation Scheme Ltd and Directors [2023] EWCA Civ 873

### **Policy Challenges**

- Net Zero Targets: R (Friends of the Earth) v SSESNZ [2022] EWHC 1841 (Admin) and [2024] EWHC 995 (Admin) (Net Zero Strategy/ Carbon Budget Delivery Plan)
- Climate Adaptation: R (Friends of the Earth) SSEFRA [2024] EWHC 2707 (Admin) (National Climate Adaptation Programme)
- Other Strategies: R (Global Feedback Ltd) SSEFRA [2023] EWCA Civ 1549 (Food Strategy)



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## **R (ClientEarth) v Financial Conduct Authority [2023] EWHC 3301**



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# **GDFC Assets Ltd v Heaney [2024] UKUT 345 (AAC)**





## Advertising Standards Agency Investigations



- Air France “committed to protecting the environment: travel better and sustainably”,
- Deutsche Lufthansa “Fly more sustainably”
- Ethiad “Explore the World With Confidence and Total Peace of Mind With Ethiad Airways. Environmental Advocacy. Award-Winning Service”



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## Competition Markets Authority

- ASOS
- Boohoo
- George at Asda





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**Re VW NOx Emissions Group  
Litigation [2020] EWHC 783  
(QB)**

**Various Claimants v  
Mercedes-Benz Group AG  
[2024] EWHC 2904 (KB)**



**#Dieselgate**



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**ClientEarth v Shell PLC  
[2023] EWHC 1897 (Ch)**

**McGaughey v Universities  
Superannuation Scheme Ltd  
[2023] EWCA Civ 873**





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## **R (Harris) v Broads Authority [2017] 1 WLR 567**

