

## **Legal challenges at the end of the fossil fuel era: Shaping energy futures through legal intervention**

VII Tarragona International Environmental Law Colloquium (TIEC)  
26-27 May 2022  
www.tiecolloquium.com



### **PANEL 3. Environmental and social energy justice**

## **Environmental Public interest litigation (PIL) – a legal pathway for environmental justice and energy transition in China?**

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China burns half of the coal produced in the world. As of 2021, coal still makes up more than 50 percent of China's total primary energy use. China's dependence on coal poses significant and enduring impact on its energy transition and the prospect of global climate goals. On the other hand, the environmental, social and health impact of coal has also been increasingly recognized. In recent years, environmental NGOs in China have turned to environmental public interest litigation (EPIL) as a legal vehicle to support the affected communities and recover the damage caused to the environment. Based on a comparative analysis of 40 coal-related (coal mining, coal-fired power plant, coking and coal chemical, etc) EPIL cases and interviews with stakeholders involved in the EPILs during a fieldwork in China, this paper aims to understand the role of EPILs, especially those filed by NGOs, in addressing environmental and social justice concerns in the coal value chain and contributing to a just energy transition in the context of China's 'dual carbon' goals. These 40 cases have been documented based on the framework of the Environmental Justice Atlas (EJAtlas), which is an open-source online database of environmental justice movements around the world. While there has been an explicit increase in the role played by NGOs in EPILs since the revised Environmental Protection Law came into effect in 2015, the comparative analysis of these 40 EPIL cases manifests the challenges faced by NGOs in the filing and financing of EPILs, the limitations of the EPIL mechanism in enhancing public participation, as well as an under-utilized potential of preventive PIL. On the positive side, some of the cases indicate the potential of PIL to be utilized for climate litigation in the future.