OPPORTUNITY GREEN

Reaping what we sow: how agribusiness contributes to global heating, and the rise of strategic litigation

Legal briefing | September 2025

Executive summary

Agriculture and land use are increasing areas of focus for climate litigation, with cases against corporates generally having higher success rates than those against governments.[1] This focus is understandable: the agricultural sector has created around a quarter of all human-caused climate warming[2] as a result of high levels of non-CO_2 emissions, and is yet to start a meaningful decarbonisation trajectory. Legal approaches vary, but cases thus far have targeted not only producers, but also those contributing to the industry in other ways, such as professional services, physical inputs (such as fertiliser) or sales to consumers.

Principles established in recent key climate cases outside the sector can also be applied to agriculture, in particular the corporate liability of high-emitting companies and their obligation to reduce emissions.

As a result, it is important that those active in the sector are aware of the legal risks and are focussed on emission reductions. We set out a number of recommendations for companies in this briefing, the key takeaways of which are:

✓ **Understanding and framing the issues**

Companies should consider the risks to their business due to a changing climate, nature damage and biodiversity loss, and plan for mitigation. This must include considering the emissions and / or damage created by the business itself and how it can improve.

A reporting framework (including supply chain considerations) is key to establishing this, however…

✗ **Companies should not see reporting as the end of their responsibility – it is the beginning**

Action responding to the risks identified in reporting should be the focus. Addressing the issues raised is likely to reduce the risk of legal action.

Whilst this briefing takes a narrow look at what 'climate' litigation means, the complexity of the food system means that considering agriculture and land use necessarily means also considering biodiversity and nature, pollution, and the relationship land has with producing feedstocks for energy production.

[1] Joana Setzer and Catherine Higham, 'Global Trends in Climate Change Litigation: 2025 Snapshot' (Grantham Research Institute on Climate Change and the Environment and Centre for Climate Change Economics and Policy, London School of Economics and Political Science 2025) https://www.lse.ac.uk/granthaminstitute/publication/global-trends-in-climate-change-litigation-2025-snapshot/, accessed 16 September 2025.
[2] See footnote n. 3 below.

The structure of this briefing is as follows:

- A summary of the impact of the agriculture and land use sector on climate change and progress made so far.
- Summary of selected legal risks for companies operating in the sector through review of recent cases, split into thematic subsections.
- The potential application of principles determined in other climate cases to the sector.
- Conclusions and recommendations.
- Annexes considering of the role of the government and policy opportunities.

Box 1 – Terminology

It is worth noting that the terms 'agriculture' and 'land use' are broad – for the purposes of this paper we are loosely defining 'agriculture' to include the production, processing and distribution of crops, livestock and fisheries, and 'land use' to include soil health, water health, and the preservation, conservation and deforestation of land relating to agricultural purposes, including carbon sequestration. We will refer to certain sub-topics within the sector later in this paper. We also include reference to agro-chemical production, a key part of the supply chain.

To avoid repetition, references to 'agriculture' can be read 'agriculture and land use' throughout. References to the 'food system' and 'agri-food' are used as a catch-all term for the production, processing, transport and consumption of food.

Agriculture and the planet

Emissions

The agriculture industry is one of the planet's biggest emitters, estimated to be responsible for 16-27% of human-caused climate-warming emissions worldwide. Other estimates have put this figure closer to a third.[3] To put corporate agricultural emissions in

[3] Arneth A and Others, "Summary for Policymakers — Special Report on Climate Change and Land" (*IPCC*) https://www.ipcc.ch/srccl/chapter/summary-for-policymakers/ para 13, A.3.6; Crippa M and others, "Food Systems Are Responsible for a Third of Global Anthropogenic GHG Emissions" (2021) 2 Nature Food 198; Dan Blaustein-Rejto and Chris Gambino, "Livestock Don't Contribute 14.5% of Global Greenhouse Gas Emissions" *The Breakthrough Institute* (20 March 2023)

context, using 2024 InfluenceMap data, Greenpeace has estimated the annual methane emissions of five leading meat and dairy companies (Cargill, Dairy Farmers of America, Minerva, Marfrig and JBS) equal those of five leading fossil fuel companies (BP, TotalEnergies, Shell, Chevron and ExxonMobil).[4] Methane is the primary emission,[5] followed by carbon dioxide and nitrogen. It is worth noting that methane creates a shorter and more intense period of warming than carbon dioxide – 86 times stronger over 20 years, and 28 times stronger over 100 years.[6] Nitrous oxide, the emission created by synthetic fertiliser, is as similarly long-lived as carbon dioxide, creating 273 times the warming over a 100-year period.[7]

Moreover, agricultural emissions are growing. Annual worldwide GHG emissions from agriculture increased by 18% between 1990 and 2021,[8] and as the world's population continues to grow, food consumption alone could create nearly 1°C of warming by the end of the century.[9] Clearly, failure to reduce agriculture's emissions will jeopardise chances of limiting warming to 1.5°C (or even 2°C).[10] At the same time, the sector is itself deeply vulnerable to the impacts of climate change – changes in weather patterns, increased risk of natural disasters such as fires and floods, and rising sea levels affect soil quality, crop yields, health of both livestock and agricultural workers, and can render land unprofitable or unusable. The two-fold nature of the issue means the climate imperative for decarbonising the agriculture sector and wider land use considerations is clear and there is a critical need for immediate action.

Given the complexity of the food system, a multi-pronged approach to transforming the system is required to create meaningful change in emissions levels, and in doing so it would be possible to reduce up to 55% of anticipated warming from global food consumption – equivalent to 0.5°C.[11]

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https://thebreakthrough.org/issues/food-agriculture-environment/livestock-dont-contribute-14-5-of-global-greenhouse-gas-emissions. Such variations can be due to some calculation methods including emissions attributed to consumer cooking, food waste, and / or non-food agricultural products, as well as differences in how deforestation is treated. See: Hannah Ritchie, "How Much of Global Greenhouse Gas Emissions Come from Food?" (*Our World in Data*, March 18, 2021) https://ourworldindata.org/greenhouse-gas-emissions-food, accessed 16 September 2025.

[4] Greenpeace Nordic "Turning down the heat: pulling the climate brake on big meat and dairy with special focus on methane" (October 2024) https://www.greenpeace.org/static/planet4-sweden-stateless/2024/10/2996f732-2024.10.07_turning-down-the-heat-report-with-design_english.pdf?gp_anonymous_id=754f6356-85a5-4348-b8a1-17078ffbede7 p 21, accessed 16 September 2025.

[5] Accounting for 58% of the UK's agriculture GHG emissions in 2023 (27.2 $MtCO_2e$).

[6] Climate & Clean Air Coalition, "Methane" https://www.ccacoalition.org/short-lived-climate-pollutants/methane; Dmitry Yumashev and others, *GWP*: Applications & Misapplications* (2023) https://www.sw-consulting.co.uk/_files/ugd/f0a44c_4bf65e292ab443d7bb03f21c20fed424.pdf, accessed 16 September 2025. Please see debate surrounding use of GWP100 and GWP*.

[7] Tian H and others, "A Comprehensive Quantification of Global Nitrous Oxide Sources and Sinks" (2020) 586 Nature 248; Environmental Protection Agency, "Understanding Global Warming Potentials" (*US EPA*, January 12, 2016) https://www.epa.gov/ghgemissions/understanding-global-warming-potentials, accessed 16 September 2025.

[8] Tiseo I, "Agriculture Greenhouse Gas Emissions Worldwide 1990-2021" (*Statista*, November 6, 2024) https://www.statista.com/statistics/1351598/agriculture-ghg-emissions-worldwide/, accessed 16 September 2025.

[9] Ivanovich CC and others, "Future Warming from Global Food Consumption" (2023) 13 Nature Climate Change 297.

[10] Clark MA and others, "Global Food System Emissions Could Preclude Achieving the 1.5° and 2°C Climate Change Targets" (2020) 370 Science 705.

[11] See footnote n. 9 above.

What has changed?

Despite this, few emission reductions have been made in this area.[12] Whilst there has been recognition of the need for collaborative action at a global scale,[13] a combination of factors has resulted in this sector being slow to address its climate impact. These include:

- Food security concerns (notwithstanding the fact that climate change is creating food security issues[14]).
- The need for a just transition and the risk of farmers suffering the impact of climate change (increasing "farmer v government" legal challenges).
- Difficulty in establishing, and fragility of trust between farmers and governments (as evidenced by widespread protests in the UK and EU).
- Lobbying impact – big agri-food companies have influence both on the UN Food and Agriculture Organisation (FAO)[15] and at the annual Conference of Parties (COP).[16]

As a result, governments have been reluctant to effect policy change. Moreover, recent examples of progressive policy change relating to agriculture made by Aotearoa New Zealand and the European Commission, were subsequently reversed.[17]

In the absence of policy and regulation fuelling a change, strategic legal action is being increasingly turned as a method of driving impactful climate action.

There is an emerging body of cases relating to agriculture and land use,[18] and research indicates this will continue to grow, including against 'methane majors'.[19] Legal interventions in the agriculture sector could have various impacts, whether driving corporate behaviour change, holding governments and corporates accountable, bringing about policy change, redirecting finance flows in the industry, raising awareness of the issues in the industry, or crystallising the climate risks of inaction.

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[12] Climate Change Committee, "The Seventh Carbon Budget: Advice for the UK Government" (2025) fig 1.4 https://www.theccc.org.uk/publication/the-seventh-carbon-budget/?trk=public_post_comment-text, accessed 16 September 2025.
[13] Food and Agriculture Organization of the United Nations, *The State of Food and Agriculture 2024: Value-driven Transformation of Agrifood Systems* (FAO 2024) https://doi.org/10.4060/cd2616en, accessed 16 September 2025.
[14] Alisher Mirzabaev, Rachel Bezner Kerr, Toshihiro Hasegawa, Prajal Pradhan, Anita Wreford, Maria Cristina Tirado von der Pahlen, Helen Gurney-Smith, "Severe climate change risks to food security and nutrition" Climate Risk Management, Volume 39, 2023, https://doi.org/10.1016/j.crm.2022.100473, accessed 16 September 2025.
[15] Arthur Neslen, "Ex-Officials at UN Farming Body Say Work on Methane Emissions Was Censored" *The Guardian* (October 20, 2023) https://www.theguardian.com/environment/2023/oct/20/ex-officials-at-un-farming-fao-say-work-on-methane-emissions-was-censored, accessed 17 September 2025.
[16] Rachel Sherrington, "Big Meat Unveils Battle Plans for COP28" (*DeSmog*, November 29, 2023) https://www.desmog.com/2023/11/29/big-meat-unveils-battle-plans-for-cop28/, accessed 16 September 2025.
[17] Karl Mathiesen and Eddy Wax, "Facing Farm Protests, EU Eases Demands in 2040 Climate Proposal" *POLITICO* (February 6, 2024) https://www.politico.eu/article/eu-eases-farming-demands-in-2040-climate-proposal/?utm_source=RSS_Feed&utm_medium=RSS&utm_campaign=RSS_Syndication, accessed 17 September 2025.; Todd McClay and others, "Agriculture to Come out of the ETS" (*Beehive.govt.nz*, June 11, 2024) https://www.beehive.govt.nz/release/agriculture-come-out-ets, accessed 16 September 2025.
[18] Joana Setzer and Catherine Higham, 'Global Trends in Climate Change Litigation: 2024 Snapshot' (Grantham Research Institute on Climate Change and the Environment and Centre for Climate Change Economics and Policy, London School of Economics and Political Science 2024) 19 https://www.lse.ac.uk/granthaminstitute/wp-content/uploads/2024/06/Global-trends-in-climate-change-litigation-2024-snapshot.pdf, accessed 17 September 2025; and Emily Bradeen, Catherine Higham and Joana Setzer, "Ruminating on Litigation's Role in Bridging the Policy Gap on Animal Agriculture and Its Emissions" (*Grantham Research Institute on climate change and the environment*, April 9 2025) fig 1 https://www.lse.ac.uk/granthaminstitute/news/ruminating-on-litigations-role-in-bridging-the-policy-gap-on-animal-agriculture-and-its-emissions/, accessed 16 September 2025.
[19] Daina Bray and Thomas M. Poston, "The Methane Majors: Climate Change and Animal Agriculture in U.S. Courts" (2024) 49 Columbia Journal of Environmental Law 145.

In this briefing we are focussing on the legal risks faced by corporates in the sector, by considering the legal actions that have been taken so far, and areas for consideration in the future.

Review of existing litigation

Legal risks for companies in the sector

For the purposes of this briefing, we are focussing on a subset of climate litigation in agriculture: cases against **corporate entities**. Applying the 'polluter pays' principle, the reason for the prevalence of these cases is clear – **for methane alone, the emissions of 15 of the world's top meat and dairy companies combined exceed the livestock-related methane emissions of each of the United States and the European Union, by 47% and 52% respectively.**[20]

The cases against companies can be split into a number of different categories:

- Greenwashing and consumer protection
- Climate targets, policies and plans
- Climate risk and finance
- Human rights
- Damage and harm

We have not prepared this briefing in relation to a particular jurisdiction, considering global developments in the sector, however Opportunity Green's legal expertise and current focus is on the UK and EU. We recognise the innate inequity of this approach, and of climate change impacts of the agriculture sector, and will endeavour to address this in future work.

Box 2 -Triple planetary crisis and agriculture?

Agriculture, and the climate impact thereof, is inextricably linked to two key other topics – together forming the 'triple planetary crisis' of climate change, pollution and biodiversity loss.[21]

Biodiversity loss

Agriculture is a leading driver of nature and biodiversity loss.[22] GHG emissions created by the sector causes global heating, rising sea levels,

[20] Institute of Agriculture & Trade Policy and Changing Markets Foundation 'Emissions Impossible: Methane Edition' (Institute for Agriculture & Trade Policy, 15 November 2022) https://www.iatp.org/emissions-impossible-methane-edition – figure 3, accessed 16 September 2025.
[21] United Nations Climate Change, "What Is the Triple Planetary Crisis?" (April 13 2022) https://unfccc.int/news/what-is-the-triple-planetary-crisis, accessed 16 September 2025.
[22] Tim Benton and Others, "Food System Impacts on Biodiversity Loss" (Chatham House, 3 February 2021) https://www.chathamhouse.org/2021/02/food-system-impacts-biodiversity-loss, accessed 16 September 2025.

increased risk of natural disasters such as fire and flooding, and changes in weather patterns. This:

- Renders existing agricultural land unusable, therefore requiring further conversion of land and reducing the quantity of land available as a natural habitat (for example: over half of England's top quality agricultural land is already at risk of flooding[23]).
- Increases the extinction risk for many species.[24]
- Increases the need to sequester and store carbon in the land as a form of climate change mitigation, in turn increasing competition for land use and thereby motivation to farm intensively and / or claim further land for agricultural purposes.[25]

This creates a vicious cycle of land degradation and reduction in resilience of the planet's ecosystem – further damaging the agriculture sector as loss of pollinator species threatens crop yields,[26] and affecting gross domestic product (GDP).[27]

Despite the biodiversity crisis being both linked to, and as similarly urgent as, the climate crisis, strategic litigation regarding the former has not been as common as the latter. This is arguably mainly due to the lack of a framework equivalent to the Paris Agreement – the Kunming-Montreal Global Biodiversity Framework was adopted at COP15 in 2022, but is not legally binding.

The Intergovernmental Panel on Climate Change (IPCC) and Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) have shown[28] that pro-biodiversity actions have overwhelmingly positive impacts from a climate perspective.[29]

Pollution

Beyond the creation of greenhouse gases, agricultural pollution affects biodiversity, plant animal and human health. Failure to manage such pollution has formed the basis of a growing number of legal claims, whether in relation

[23] UK Climate Change Committee, "The country is not prepared for climate impacts, say advisors" (April 30 2025) https://www.theccc.org.uk/2025/04/30/the-country-is-not-prepared-for-climate-impacts-say-advisors/, accessed 16 September 2025.
[24] The IPCC has found that it is likely that the proportion of all terrestrial and freshwater species "at very high risk of extinction will reach 9% (maximum 14%) at 1.5°C". This rises to 10% (18%) at 2°C and 12% (29%) at 3°C. IPCC, "Sixth Assessment Report" https://www.ipcc.ch/assessment-report/ar6/, accessed 16 September 2025.
[25] Benton et al. (n. 22).
[26] The value of such threatened crops being $577bn globally. IPBES - Eduardo Brondizio and others eds, "Global Assessment Report on Biodiversity and Ecosystem Services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services" (Zenodo, May 4 2019) https://zenodo.org/doi/10.5281/zenodo.3831673, accessed 16 September 2025.
[27] Nature degradation could cause a 12% loss to UK GDP. Green Finance Institute, "Assessing the Materiality of Nature-Related Financial Risks for the UK" https://hive.greenfinanceinstitute.com/gfihive/assessing-the-materiality-of-nature-related-financial-risks-for-the-uk/, accessed 16 September 2025.
[28] Hans-Otto Pörtner and others "Scientific Outcome of the IPBES-IPCC Co-Sponsored Workshop on Biodiversity and Climate Change" (Zenodo, 24 June 2021) 152 fig 7 2 https://zenodo.org/records/5101125, accessed 16 September 2025.
[29] Ibid; Another example worth noting is the concern raised with the French government by UN Special Rapporteurs regarding 'mega-basin' projects (which store water for use in large-scale agriculture and thus can be considered climate change adaptation measures but have impacts on small-scale farming and biodiversity). Climate Case Chart, "Communication to France about the Continued Development of Mega-Basin Projects" (2023) https://climatecasechart.com/non-us-case/communication-to-france-about-the-continued-development-of-mega-basin-projects/, accessed 16 September 2025.

to inadequate regulation (or lack of enforcement) or the disposal methods employed in accordance with such regulation.

In the UK, the High Court[30] recently held that chicken manure is to be classified a waste product. This has planning / permitting implications for industrial poultry farmers in the county in question, as a disposal plan for the waste is required at application stage.

Across the EU there have been Water Framework Directive and Nitrates Directive cases finding current agricultural practices in breach of the legal requirements – such as the European Commission referral of the German government[31] for excessive manure use as fertiliser, violating the Nitrates Directive which aims to reduce water pollution from agricultural nitrate sources.

As a result, strategic litigation in agriculture can seek to address one of the three crises (with a relevant legal 'hook') but can create outcomes relevant for the other two.

A wide definition of climate litigation in agriculture would include all three. For the purpose of this briefing, however, we focus on climate change primarily.

Greenwashing and consumer protection

Key cases

The best-known example in this category is *Vegetarian Society et al. Of Denmark v Danish Crown*,[32] a Danish case in which it was held that 'climate-controlled' pork was a misleading term, with use of the label suggesting an authorised scheme had carried out a control exercise. However, this ruling was only a partial success for the claimants, who subsequently appealed the court's finding that "Danish pork is more climate-friendly than you think" was not misleading. As a result of this appeal, Danish Crown contacted the court[33] hearing the appeal to admit that use of both phrases listed above constituted illegal greenwashing, and accordingly both would be removed.

Another recent example is Greenpeace Aotearoa against Fonterra[34] – a suit for false claims made on packaging of one of the dairy conglomerate's brands, Anchor butter,

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[30] *The National Farmers' Union v Herefordshire Council & Ors* [2025] EWHC 536 (Admin).
[31] Emily Macintosh, "Germany Faces Billions in Fines for Breaking EU Laws on Nitrate Pollution" (*New Leaf*, 21 June 2018) https://meta.eeb.org/2018/06/21/germany-faces-billions-in-fines-for-breaking-eu-laws-on-nitrate-pollution/, accessed 16 September 2025.

[32] *Vegetarian Society et al of Denmark v Danish Crown* (Western High Court, 2021).
[33] Danish Crown, "Danish Crown Responds Affirmatively in the Danish Supreme Court Case" https://www.danishcrown.com/global/contact/media-and-news/news/danish-crown-responds-affirmatively-in-the-supreme-court-case/, accessed 16 September 2025.
[34] Sinéad O'Flynn, "Greenpeace sues Fonterra for misleading consumers with palm kernel greenwash" (*Greenpeace*, 30 September 2024) https://www.greenpeace.org/aotearoa/press-release/greenpeace-sues-fonterra-for-misleading-consumers-with-palm-kernel-greenwash/#:~:text=Greenpeace%20Aotearoa%20is%20suing%20Fonterra,of%20rainforests%20in%20Southeast%20Asia , accessed 17 September 2025.

stating it was '100% New Zealand grass-fed'. Whilst Fonterra amended the contested wording in response,[35] the term 'grass-fed' remains. Greenpeace maintain this itself is misleading, given Fonterra's definition thereof allows for up to 20% of the dairy herd's diet to be palm kernel – an imported feedstock from the palm oil industry, a major driver of deforestation and therefore contributor to climate change and habitat loss. This definition of grass-fed adopted by Fonterra is not specified.

Why is this important?

Food choices are inextricably linked to the health of individuals making those choices, as well as the health of the planet. Given that climate change is a cause of concern for many individuals (for example – in summer 2024, a UK government survey found 80% of people to be 'very or fairly' concerned about climate change[36]), it follows that consumers are likely to take claims about the environmental credentials of a product into account when making food choices. A 2021 UK Food Standards Agency survey found that 73% reported it was 'very' or 'fairly' important to them to buy food that is more sustainable/has a low environmental impact.[37]

This is a growing area of legal action across a number of sectors, with potential for claims from investors as well as civil society and consumers, given the increase in climate-related financial disclosure requirements. Legislation surrounding greenwashing and misleading practices continues to enter into force.[38]

Greenwashing enables companies to avoid scrutiny and responsibility by spreading false or misleading information. It causes consumer and investor confusion and further undermines genuine sustainability efforts. Ultimately, greenwashing helps companies to continue with business-as-usual behind a smokescreen of perceived climate action and hinders the uptake of the necessary and crucial changes to address the climate emergency. For a climate-vulnerable sector such as agriculture, this is likely to be damaging in the long term.

Climate targets, policies and plans

Key cases

Greenpeace Denmark complaint to the Danish Business Authority regarding Arla[39] – filed in June 2025, this complaint goes to the emission calculation methodology in Arla's reporting. Greenpeace argue that the methodology used has developed over a number

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[35] Rhiannon Mackie, "Fonterra Quietly Removes 100% Grass-Fed Label from Anchor Butter as Greenpeace Lawsuit Approaches" (*Greenpeace*, February 10, 2025) https://www.greenpeace.org/aotearoa/press-release/fonterra-quietly-removes-100-grass-fed-label-from-anchor-butter-as-greenpeace-lawsuit-approaches/, accessed 16 September 2025.
[36] Department for Energy and Net Zero, "DESNZ Public Attitudes Tracker: Net Zero and climate change, Summer 2024, UK" (29 October 2024) https://www.gov.uk/government/statistics/desnz-public-attitudes-tracker-summer-2024/desnz-public-attitudes-tracker-net-zero-and-climate-change-summer-2024-uk#information-on-tackling-climate-change, accessed 16 September 2025.
[37] Helen Heard and Alex Bogdan, "Healthy and Sustainable Diets: Consumer Poll" (Food Standards Agency, October 2021) https://webarchive.nationalarchives.gov.uk/ukgwa/20250404191624/https://www.food.gov.uk/sites/default/files/media/document/healthy-and-sustainable-diets-consumer-poll.pdf, accessed 16 September 2025.
[38] Similarly to the EU Omnibus Simplification Package which has reduced the ambition of the EU Corporate Sustainability Due Diligence Directive, the future of EU Green Claims Directive (requiring companies to substantiate, communicate and verify green claims) remains uncertain.
[39] Greenpeace Denmark, "Complaint against Arla Foods Amba's Annual Reporting" (2 June 2025) https://www.greenpeace.org/static/planet4-denmark-stateless/2025/06/98c06bf7-complaint-against-arla-foods-ambas-annual-reporting.pdf, accessed 16 September 2025.

of years without applying the amended methods to the baseline year of 2015 or communicating the significance of the changes. As a result, a CO_2 emission reduction of 6% is shown which is attributable only to the methodology, rather than Arla's actual business practices, misleading readers as to the true climate impact of the company.

People v JBS USA Food Co.[40] – meat conglomerate JBS is currently the subject of an ongoing complaint submitted by the New York State Attorney General regarding misleading and unsubstantiated claims surrounding its 'Net Zero by 2040' strategy. In response to the initial complaint, JBS amended the strategy to refer to an 'ambition' rather than a 'commitment' to reach net zero, but this does not address aspects of the original complaint regarding the omission of scope 3 emissions from calculations, or the tension between a net zero commitment and JBS's plans to increase demand for its products.

Why is this important?

The public sets store by the commitments made by companies, and it is important that those responsible for emissions (and with the resources to make impactful changes) are held accountable. **A 2021 survey in the UK found that 66% of respondents felt businesses should do more to help their customers reduce their own impact on climate change, and that 63% agreed that businesses should act immediately on climate change.**[41]

Further legal challenges in this vein are likely as national and international obligations surrounding climate reporting develop, potentially including the requirement for transition plans for climate-vulnerable sectors such as food production. Not only this, but fossil-fuel dependent businesses are exposed to the volatility of oil and gas prices and associated geo-political risks, making achievable transition planning an important risk-mitigation tool. The same applies for inclusion of nature-related dependencies in financial risk analysis (see below regarding climate risk and finance).

The sector has thus far been shielded from scrutiny in climate policymaking,[42] but transition risk (particularly in areas of the industry with high fossil fuel consumption, such as pesticide[43] and fertiliser production[44]) can no longer be ignored.

[40] *People v JBS USA Food Co* (NY Sup Ct, 2024).
[41] WRAP, "Six in ten consumers think UK businesses need to act now on climate change" (3 November 2021) https://www.wrap.ngo/media-centre/press-releases/six-ten-consumers-think-uk-businesses-need-act-now-climate-change, accessed 16 September 2025.
[42] Alexander Zahar, "Agricultural Exceptionalism in the Climate Change Treaties" (2023) 12 Transnational Environmental Law 42-70.
[43] Pesticide Action Network UK, "Pesticides and the climate crisis" (October 2024) https://www.pan-uk.org/pesticides-and-the-climate-crisis/, accessed 16 September 2025.
[44] 99% of synthetic nitrogen fertilisers are produced from fossil fuels as a result of their key ingredient being ammonia. Please also see Opportunity Green's work regarding the climate considerations of ammonia as a shipping fuel. Opportunity Green, "Policy briefing on ammonia as a shipping fuel" (Opportunity Green, July 2025) https://www.opportunitygreen.org/publication-policy-briefing-ammonia-shipping-fuel, accessed 16 September 2025.

Climate risk and finance

Key cases

In *Comissão Pastoral da Terra and Notre Affaire à Tous v BNP Paribas,*[45] the two claimant NGOs argue that BNP Paribas have violated the French law on the duty of vigilance (articles L. 225-102-4 and 225-102-5 of the French Commercial Code) by providing finance to meatpacking multinational Marfrig without the requisite due diligence. The NGOs argue BNP's internal process was insufficient to prevent violation of human rights and environmental damage due to their lending operations, and BNP are liable for damages under the relevant law. Whilst the case was dismissed on a procedural point, a follow-up criminal complaint has been filled on the basis of climate harm and money-laundering.

This law has also been applied in a context outside of finance – in *Envol Vert v Casino,*[46] the same charge is levied against a supermarket chain in relation to failure to prevent deforestation and human rights breaches, via Casino's sale of certain beef products. The case is ongoing.

Finance at the company level, rather than at investment level, is also an avenue that has been probed by agriculture litigation. In 2023, environmental NGO Mighty Earth began a series of legal submissions in relation to bonds issued by JBS that JBS claimed to be sustainability-linked.

Why is this important?

In 2017, the OECD estimated that $6.3tn of investment is needed annually until 2030 to meet climate goals, of which only a small proportion will be met by states. The inclusion of financial institutions in agricultural strategic litigation work can help disincentivise investment in climate-damaging actions and conversely incentivise investment in climate solutions.

This can also map onto individual decision making within an organisation, via directors' duties. Whilst not strictly climate-specific (but intrinsically linked – see Box 2) nature-related considerations are featuring more heavily in organisational considerations. An example is a recent opinion published by a group of barristers in England and Wales, taking the view that company directors' duties may be breached by a failure to consider non-trivial nature-related risks and take appropriate steps to mitigate them.[47] For corporates operating in / adjacent to the agriculture sector, nature-related risks cannot be avoided, given reliance on natural inputs such as healthy soil and pollinators, and the impact the sector can have on nature – e.g. deforestation and contamination of water supply.[48]

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[45] C*omissão Pastoral da Terra and Notre Affaire à Tous v BNP Paribas* (Judicial Court of Paris, 2023).
[46] *Envol Vert et al v Casino* (Saint-Étienne Judicial Court, 2021).
[47] Sharif A. Shivji KC and Rebecca Stubbs KC, James Burton, Karl Anderson, Hossein Sharafi "Nature-related risks and directors' duties under the law of England and Wales – Opinion" (Pollination Law, 11 March 2024) https://pollinationgroup.com/wp-content/uploads/2024/03/Nature-related-risks-and-directors-duties-under-the-law-of-England-and-Wales.pdf, accessed 16 September 2025.
[48] Taskforce on Nature-related Financial Disclosures, "Asking Better Questions on Nature – For board directors" (TNFD, May 2025) https://tnfd.global/publication/asking-better-questions-on-nature-for-board-directors/#publication-content, accessed 16 September 2025.

More broadly, research has determined that 55% of global GDP is either highly or moderately dependent on biodiversity and ecosystem services,[49] meaning that **understanding the climate and nature-related risks of a business will only become more important** for those running, collaborating with or investing in that business. Reporting standards and disclosures will require understanding of risks and determining action required. This is linked to transition risk, discussed in the section above.

Human rights

Key cases

Members of Indigenous community "Gran Cumbal" v SVP Business SAS, Global Consulting and Assessment Services SA, Deutsche Certification Body SAS, COLCX and the Indigenous authority of "Gran Cumbal"[50] – a Colombian case regarding land use, in which it was found that the defendants had violated the human rights of the local Indigenous community in failing to carry out the required consultation process ahead of concluding a REDD+ carbon credits contract. This is a sub-category of case known as 'green v green' – where the defendant's actions are rooted in positive climate action, but nonetheless fall foul of a legal requirement.

Similarly, the two French 'duty of vigilance' law cases mentioned above also go to human rights as part of supply chain due diligence.

Why is this important?

This is an area currently dominated by claims against governments rather than companies, so examples outside supply chain due diligence are more limited. Companies are more likely to be subject to human rights / public health litigation as a result of pollution / chemicals – noting that health issues such as a) prevalence of cancer and Parkinson's as a result of exposure to chemicals used in agriculture and b) transmission of disease between livestock animals and humans have formed the basis of claims against agri-food and agro-chemical companies in the USA.

The interaction between human rights and climate change is the topic of the recent advisory opinion adopted by the Inter-American Court of Human Rights (IACtHR) in May 2025.[51] In a strongly-worded opinion setting out obligations of states to ensure human rights are protected by addressing the climate emergency, **the Court expressed 'no doubt that companies are called upon to play a fundamental role in addressing the climate emergency'.** The opinion goes on to call on states to ensure companies under their respective jurisdictions take effective measures to combat climate change and human rights impacts, enacting and enforcing legislation to do so. The recognition of a distinct right to a healthy climate in light of the climate emergency is also relevant.

Please see Box 3 below with further detail on the IACtHR advisory opinion and other recent international advisory opinions.

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[49] PwC, Managing Nature Risks: From Understanding to Action (19 April 2023), p.3. Swiss Re Institute, Biodiversity and Ecosystem Services: A business case for reinsurance (28 August 2020), p. 32.
[50] *Members of Indigenous community "Gran Cumbal" v SVP Business SAS, Global Consulting and Assessment Services SA, Deutsche Certification Body SAS, COLCX and the Indigenous authority of "Gran Cumbal"* (Superior Court of Justice Administration, 2023).
[51] Inter-American Court of Human Rights, "Advisory Opinion 32 of 2025: Climate Emergency and Human Rights" https://corteidh.or.cr/tablas/OC-32-2025/index-eng.html#, accessed 16 September 2025.

Box 3 – International advisory opinions (AOs)

Whilst non-binding, AOs are often influential in national policymaking given the robust legal and factual summaries they contain. There has been a recent spate of AOs – indicating the need for clarity regarding the obligations of international law as regards climate change. For example:

- The International Tribunal for the Law of the Sea issued an AO in May 2024 regarding protection of the oceans from GHG.
- The African Court on Human and Peoples' Rights (ACtHPR) has been provided with a petition requesting an AO clarifying the positive climate obligations of African states in relation to human rights.

Interestingly, the ACtHPR petition includes reference to African states' responsibility "in relation to third parties, including international monopolies, multinational corporations, and non-state actors operating on the continent", linking corporate accountability and human rights.

IACtHR opinion – May 2025

In addition to the human rights related points raised in the section above, a number of other points made in the opinion are relevant for strategic climate litigation, in particular:

- The recognition of the role of climate litigation and requirement of action by states to support it – including training those operating in the judicial system, establishment of new judicial / administrative bodies, provision of resources to enable the best available science to be applied.
- The finding that the obligation not to cause irreversible damage to the climate and environment is of *jus cogens* nature – an international principle of law which applies to certain fundamental values that cannot be set aside by any other law or treaty.

In light of the above and the gravity of the climate emergency, the opinion may prompt further legislation, regulation, oversight and/or scrutiny of companies in the relevant jurisdictions. The agriculture sector is mentioned throughout the opinion, both as a high-emitter and a sector that will suffer high economic losses as a result of climate disasters.

International Court of Justice opinion – July 2025[52]

This AO aimed to clarify states' obligations under international law to protect the rights of present and future generations against the adverse effects of climate change. Whilst agriculture was not specifically mentioned, a powerful precedent was set – all states are obligated under international law to take decisive action to prevent climate change and limit global warming to 1.5°C. This may encourage further regulation of high-emitting industries, such as agriculture.

[52] International Court of Justice, "Obligations of States in respect of Climate Change: Advisory Opinion" (23 July 2025) https://www.icj-cij.org/case/187/advisory-opinions, accessed 16 September 2025.

Damage and harm

Key cases

Luciano Lliuya v RWE AG[53] – 10 years after Peruvian farmer Saúl Luciano Lliuya brought a claim against energy giant RWE, in May 2025 the German courts issued their judgement. Critically, it was held that companies can be held liable for the climate impact they create, regardless of the location thereof – a key precedent of corporate responsibility. Whilst in this particular case, the risk to property was considered too low for RWE to be liable for the amounts claimed, the legal principle established can be used to hold polluters accountable in future cases.

Falys v TotalEnergies[54] – a second farmer-led claim, by Belgian farmer Hugues Falys, and the first taking a multinational to court in Belgium for a climate dispute. Falys is seeking damages (which he intends to donate to an environmental charity) as well as an injunction against TotalEnergies to stop new fossil fuel projects, reduce GHG emissions and oil and gas production, and adopt a realistic transition plan in line with the Paris Agreement. Whilst also a cross-border claim for damages (TotalEnergies is French), this differs from *Lliuya* in seeking a prohibition on new projects and the resultant future harm. Scope 3 emissions form a key part of the claimant's argument. Hearings are scheduled for late 2025.

Smith v Fonterra (Aotearoa New Zealand)[55] is now proceeding to trial as it was found that common law tort claims were an appropriate way to address climate damage, in the absence of relevant regulation. The defendants are corporates in industries contributing to climate change including a dairy conglomerate, distinguishing it from the two cases above with an agricultural defendant rather than claimant.

Why is this important?

These three 'first of a kind' cases in different jurisdictions demonstrate the increasing scope for corporate liability. In particular, it was noted in the *Lliuya* case that the **risks of climate change have been reasonably foreseeable by major emitters from at least 1965 onwards.**

The improvement in attribution science and data collection since *Lliuya* was filed means the principle of responsibility established can be more precisely applied, shattering the 'liability shield' high-emitting companies have been able to use whilst it was not possible to attribute specific climate risk and damage to individual companies' emissions. The decision will also likely have far reaching impact – the legal team representing Lliuya say that the legal basis of this decision exists in a similar form in 50 states around the world.

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[53] *Luciano Lliuya v RWE AG* (2015) Case No 2 O 285/15 (Essen Regional Court).
[54] Sabin Center for Climate Change Law "Hugues Falys, FIAN, Greenpeace, Ligue des droits humains v. TotalEnergies (The Farmer Case)" (Climate Case Chart) https://climatecasechart.com/non-us-case/hugues-falys-fian-greenpeace-ligue-des-droits-humains-v-totalenergies-the-farmer-case/, accessed 17 September 2025.
[55] *Smith v Fonterra Co-Operative Group Ltd* [2024] NZSC 5.

Looking forward - application of legal principles established in non-agriculture cases

Three of the most high-profile climate cases in recent years can be mapped onto the agriculture sector.

- *R (Finch on behalf of the Weald Action Group & Others) v Surrey County Council (& Others)* (UK)[56] - finding planning permission for proposed oil wells was unlawful as the Environmental Impact Assessment (EIA) didn't take scope 3 emissions into account. This precedent has already been identified as applicable for agricultural cases – a group of NGOs have suggested it could be used to challenge a proposed poultry and pig unit without a full GHG assessment, an argument that was recognised by the council in its decision to reject the proposal.[57]

- *Milieudefensie et al. v Royal Dutch Shell plc.* (The Netherlands)[58] – the Court of Appeal in the Hague found that high-emitting companies have an obligation to reduce their emissions (including scope 3) in line with the Paris Agreement. The Court put a particular emphasis on the companies "whose products have contributed to the creation of the climate problem and have it in their power to contribute to combating it".[59] Similarly to the *Lliuya* case discussed above, this case rejected the specific claim in question but in establishing a principle, invites future claims that would meet the required threshold. Given the high levels of emissions created in the agricultural sector, it is possible that this obligation would apply to agri-food and / or agro-chemical companies.

- *KlimaSeniorinnen v Switzerland*[60] – the European Court of Human Rights found that Switzerland's failure to meet GHG reduction targets and create a national legislative framework to meet its obligations under the Paris Agreement constituted a breach of Article 8 of the European Convention on Human Rights (ECHR), which, as part of the right to family and private life, provides a right to effective protection by the State authorities from the serious adverse effects of climate change on lives, health, wellbeing and quality of life. The combination of a) high emissions from the agriculture sector and b) a general lack of reduction targets to address such emissions[61] could make it an area of focus for legislation for states seeking to avoid similar claims. This case and the precedent it set bring scrutiny to the 'margin of appreciation' – the space for manoeuvre that states (and their courts) are afforded when applying the Convention when balancing it against

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[56] *R (Finch on behalf of the Weald Action Group & Others) v Surrey County Council (& Others)* [2024] UKSC 20.
[57] Ruth Westcott, LinkedIn post (March 2025) https://www.linkedin.com/posts/ruth-westcott-62ba8b2a_farms-face-being-blocked-from-expansion-by-activity-7302038906215022592-v2-2/?utm_source=share&utm_medium=member_desktop&rcm=ACoAACXEsAYB4sdqpC_PsgZLWTkvqcEOfZgSHul. The plans for the farm in question were ultimately rejected by the relevant county council in any case; Sandra Laville, "Plan for Norfolk Megafarm Rejected by Councillors over Environmental Concerns" *The Guardian* (April 3, 2025) https://www.theguardian.com/environment/2025/apr/03/plan-for-norfolk-megafarm-rejected-by-councillors-over-environmental-concerns, accessed 16 September 2025.
[58] *Milieudefensie and others v Royal Dutch Shell plc.* (The Hague Court of Appeal, 12 November 2024).
[59] paragraphs 7.26 and 7.27 of the ruling.
[60] *Verein KlimaSeniorinnen Schweiz & Others v Switzerland* (European Court of Human Rights, Application No. 53600/20, 9 April 2024).
[61] In 2021, only 1/3 of states included agriculture-specific mitigation methods in their nationally determined contributions (NDCs) to the Paris Agreement, with only 12 pledging to reduce emissions from the meat and dairy sectors (Sabrina Rose and others, "Agricultural Sub-Sectors in New and Updated NDCs: 2020-2021 Dataset" (*CGIAR Research Program on Climate Change, Agriculture and Food Security (CCAFS)*, November 10, 2021) https://hdl.handle.net/10568/115962, accessed 17 September 2025). Following the deadline in February 2025, 178 states are still to submit updated NDCs. The UK has made its submission, with no agriculture-specific mitigation policies (Climate Watch, "NDC Tracker" https://www.climatewatchdata.org/ndc-tracker), accessed 16 September 2025.

other rights or needs. See also the 'human rights' section above regarding advisory opinions on states' obligations regarding the climate emergency, which may impact the way states strike the balance.

Conclusion and recommendations

Legal risk

Through consideration of the small selection of cases set out above, it is clear that there are multiple legal vulnerabilities for organisations operating in the agriculture sector when considered from a climate perspective, which are being identified and underscored by litigation.

The overlaps between the examples identified above (and the fact that some defendants feature multiple times, such as Fonterra and JBS) demonstrate the interlinked nature of these vulnerabilities, and that the risk does not necessarily fall on those with spades in the ground.[62]

As an era of increased reporting obligations and climate disclosures dawns – the impacts of the market participants will be brought into focus, and so too will scrutiny of their operations, likely bringing to light causes for legal challenge such as those set out above. It is also worth noting that as there is increased scrutiny on the key players in the agricultural industry, legal vulnerabilities that are not necessarily climate-related may come to light. As noted in Box 2 above, biodiversity and nature-related claims run parallel with climate change – the same can be said for public health claims, including for, example, anti-microbial resistance. Climate considerations are an entry point to wider impacts, particularly in the agriculture sector. Ensuring sustainability measures do not exclude nature impacts is key – please see our recommendations below reflecting this.

Participants across the ecosystem of food production should be aware of both a) the impact of continuing practices that are damaging to the climate and b) the legal implications thereof. From inputs into food production, such as agro-chemical companies and investors through to those selling products to consumers – failure to address climate risk creates exposure to increasing legal risk. The impact of "unsuccessful" cases is not to be underestimated, as the evolving legal landscape builds on cases such as *Lliuya* and the corporate responsibility principle established.

Financial markets are also starting to recognise these risks - research considering over 100 climate lawsuits filed against US- and European-listed firms has found stock returns fall after a filing or unfavourable decision.[63]

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[62] Whilst a key part of the food system, non-industrial / smallholder farmers are unlikely to be suitable targets for strategic litigation given the tension it would create with the need for a just transition – such farmers are directly impacted by the changing climate and will need support to adapt to changing conditions.

[63] Misato Sato, Glen Gostlow, Catherine Higham. *et al.,* "Impacts of climate litigation on firm value" *Nat Sustain* 7, 1461–1468 (2024). https://doi.org/10.1038/s41893-024-01455-y, accessed 16 September 2025.

Has there been a policy response to address this?

There has historically been a lack of transparency in non-CO_2 emissions, such as methane and nitrous oxide (which feature heavily in agriculture) with emission levels not being separately reported or excluded from governmental emission reduction strategies.

This is an increasing area of focus and a vital one – significant methane reduction would slow global heating sooner than carbon dioxide reduction, given its comparatively shorter and more intense warming period, providing a window in which deeper decarbonisation can take place across the sector (and more widely).

Increased scrutiny on these emissions via litigation may act as a driver of policy change. Please see Annex 1 below regarding the role of the government – both as a defendant in legal action and via policy response.

Land use and land use change is also increasingly relevant for the decarbonisation of other sectors and policies enacted to effect that decarbonisation. The problematic growing of feedstock crops for biofuel to 'support' the fuel transition of other sectors, such as shipping and aviation[64] could perpetuate land degradation[65] due to monocultural farming. The increasing use of biomethane as an energy source can also encourage the monocultural production of energy crops and high methane emissions from the livestock consuming them.[66] Such land uses (and policies encouraging them) will also be scrutinised as decarbonisation strategies develop.

In short – we expect that both climate litigation and regulation in the sector is likely to increase, meaning climate and nature-related issues should form part of corporate risk evaluations.

Recommendations

Having outlined the risks that may arise, we have compiled a 'minimum standard' checklist of actions we propose companies in the sector take to address the risks. These (and any other actions) should be carried out in accordance with the law and regulation applicable in the jurisdiction of incorporation and any other relevant jurisdictions (noting operations in other countries can render a business subject to certain regimes in that country). Companies should:

- Understand risks to the business as a result of a changing climate, damage to nature and biodiversity loss.

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[64] Please see Opportunity Green's report on the risks of advertising 'sustainable aviation fuel' – Opportunity Green "Fuelling misconceptions: the legal risks of advertising 'sustainable aviation fuel'" (Opportunity Green, July 2025) https://www.opportunitygreen.org/publication-legal-risks-advertising-sustainable-aviation-fuel-saf, accessed 17 September 2025; and the SASHA Coalition's report on alternative fuels and biodiversity loss SASHA Coalition and Cerulogy, "Fuelling nature: how e-fuels can mitigate biodiversity risk in EU aviation and maritime policy" (Opportunity Green, November 2024) https://www.sashacoalition.org/biodiversity-risks-eu-aviation-maritime-policy, accessed 16 September 2025.

[65] Transport & Environment, "Biofuels: An obstacle to real climate solutions" (9 March 2023) https://www.transportenvironment.org/articles/biofuels-an-obstacle-to-real-climate-solutions accessed 17 September 2025; and Biofuelwatch "Shipping industry's biofuels plan threatens rainforests, communities and climate - Open Letter to the Secretariat of the International Maritime Organisation (IMO)" (17 February 2025) https://www.biofuelwatch.org.uk/2025/open-letter-to-imo/, accessed 16 September 2025.

[66] Maximilian Herzog "Joint call: 16 organisations condemn the current biomethane rush" (Foodrise EU, 30 April 2024) https://foodrise.eu/joint-call-14-organisations-condemn-the-current-biomethane-rush-and-demand-a-critical-sustainability-review-of-biomethane-targets-in-the-next-legislative-term/, accessed 16 September 2025.

- Report on these risks and the steps taken to mitigate them (this reporting should be accurate, consistent, transparent and without bias, with ongoing monitoring of progress), whether in a transition plan or otherwise.
- Address the emissions and damage created by the business and how it will adapt – create an ambitious, credible and detailed transition plan including a net zero goal, with stakeholder involvement.
- Whilst reporting is important – the focus should be the action taken as a result of the risks identified in the reporting, including ascertaining the true cost of the activities carried out (including the cost to the climate and nature). Reporting should not be viewed as an administrative burden but a tool for understanding and addressing risks faced.
- Carry out comprehensive due diligence of the supply chain required by the business.
- Ensure requisite knowledge levels among staff (beyond sustainability-focussed teams, where required), including:
    - understanding the link between climate and nature and the technical knowledge required
    - awareness of human rights risk is integrated in each of the above steps – particularly in relation to supply chain considerations
- To avoid greenwashing – linked to the accuracy and unbiased nature of reporting – ensure this extends to all communications with investors, shareholders and members of the public to avoid false or misleading statements.
- Specific to investors in the agriculture sector:
    - Consider the financial impact of climate and nature-related risks of an investment
    - Fund companies with robust climate and nature action plans, including accountability and transparency in their progress
    - Consider implementing a policy or minimum standard for investments as regards climate and nature (if not already in place)

In some jurisdictions, some reporting remains voluntary (for example – in the UK only certain large and regulated organisations are legally required to produce transition plans). Given the likelihood of further mandatory reporting in the future, engaging with the standards set for voluntary reporting can assist a business's preparation. Voluntary initiatives can also build market knowledge and momentum for policy change.

Why should businesses act?

These actions can ensure a business is prepared for the inevitable changes that the sector will experience, as a result of the changing climate. At its core, however, taking positive climate and nature action is an investment in the future of a business and the conditions required for its success.

Farmers are at the forefront of climate change – their livelihoods are vulnerable to the changing weather patterns, including extreme heat and flooding. A lower emission food system would protect them from further impacts and preserve the conditions under which we are currently able to produce food. The same can be said for the protection of nature, which is key to the productivity of the land.

As noted above, methane has a short and intense warming period. As a result, reducing methane emissions would have an impact in slowing the rate of global heating in just over a decade – meaning imminent action is critical for achieving the global target of no more than 1.5°C above pre-industrial levels, as legally required by the Paris Agreement. It follows that methane action is required to ensure GHG reduction targets in the short to medium-term (2030, 2040, 2050) are met. [67] Whilst as equally long-lived as carbon dioxide, the warming created by nitrous oxide is far more intense, meaning a reduction would be impactful.

As well as meeting targets, emissions reductions in the short term can also avoid the breaching of fast-approaching climate 'tipping points' – critical thresholds in the planet's system that will cause irreversible changes if met.

[67] Ilissa Ocko et al. "Acting rapidly to deploy readily available methane mitigation measures by sector can immediately slow global warming". *Environ. Res. Lett.* **16**, 054042 (2021).

Annex 1: Role of the government

In addition to the cases discussed in this briefing with corporate defendants, there is an increasing number of agriculture-related cases challenging governments. Changing policy and / or regulation, or enforcement of existing legislation as a result, may affect the operation of companies in the agriculture sector.

Individual claimants v State of the Netherlands[68] – holding that the state's protection of local residents from odours created by industrial livestock farming was inadequate and breached ECHR Article 8 (right to family and private life).

Humane Being v the United Kingdom[69] – the first challenge against the government regarding factory farming, claiming it violates human rights due to the climate impacts, risk of future pandemics and antibiotic resistance created by such farming. The Court found the applicants were not sufficiently affected by the ECHR breaches claimed.

In an ongoing case, Deutsche Umwelthilfe (Environmental Action Germany) have submitted a complaint regarding the German state's failure[70] to provide a climate protection programme for emissions for land use, land change and forestry (LULUCF), in order to meet its aim of greenhouse gas neutrality by 2045, as required by the federal Climate Change Act.

Planning and permitting is also an area where local government climate and environmental obligations can impact companies operating (or seeking to operate) in these areas. A recent UK example is *River Action v Shropshire County Council*[71] – a judicial review decision overturning planning permission for an industrial poultry farm, clarifying that local authorities are required to consider cumulative and downstream environmental impacts in the area in question. Alongside *Finch*, mentioned above, these cases demonstrate the need for companies to present a full analysis of the impact of their operations, and any mitigations, as part of planning applications.

What are the policy opportunities?

The lack of targets specific to agriculture and land use as set out above may be a product of ongoing agricultural exceptionalism. However, looking at the EU and the UK, there are upcoming opportunities for regulatory change that may affect the sector.

In the UK, the national Food Strategy is undergoing a renewal process, the Forest Risk Commodities Strategy is awaited, and consultations have recently closed on River Basin Management Plans and the Land Use Framework – each with the potential to increase climate protection. In the EU, the amended Corporate Sustainability Due Diligence Directive and Deforestation Regulation will begin to apply from 2026, following a staggered approach, with European Commission guidelines.

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[68] *Individual claimants v State of the Netherlands* (District Court of the Hague, 2022).
[69] *Humane Being v the United Kingdom* (ECHR, 2022).
[70] *Deutsche Umwelthilfe v Germany (LULUCF)* (Baden-Württemberg Administrative Court, 2022).
[71] *River Action v Shropshire County Council* [2025] EWHC 1497.

In the interim, it is likely that strategic litigation will continue to be used – a tool deployed to create accountability in the absence of climate-focussed legislation, and to identify where areas could be better regulated (or enforced).

Globally, there are imbalances in the current food system that policy change would help address, such as:

- Societal calorific imbalance[72] - a combination of those without sufficient calories, those lacking nutrients, and those consuming too many.
- An imbalance of power – farmers rely heavily on food retailers, in what is often a minimally regulated supply chain. In the UK, a claim by a farmer against supermarket chain Aldi is ongoing, for failure to adhere to the Groceries Supply Code of Practice[73] - an example of the role of litigation advancing policy aims.

Annex 2 - Methodology

We have primarily relied on the Climate Change Litigation Databases maintained by the Sabin Center for Climate Change Law in identifying relevant cases for inclusion in this briefing, alongside other desk-based research.

Using relevant key search terms ("agriculture", "land use", "farming", "food", "farmer", "meat", "deforestation", "fertilizer", "dairy" and "livestock"), there are in excess of 200 cases. We have selected cases for inclusion in this briefing based on the objective criteria of a corporate defendant, and further subjective analysis.

We note that there may be relevant cases that do not fall under the search terms identified, and that the database itself is not exhaustive. This briefing does not seek to provide an exhaustive overview of climate litigation in the agriculture sector; rather, it discusses a limited number of key cases, developments and trends. Further, there are a number of cases demonstrating legal risk in the agriculture sector that would not be captured by our search criteria here, as they fall under one of the other two aspects of the triple planetary crisis – biodiversity loss and pollution (see Box 2).

We selected a few examples from each sub-section identified and considered the impact and importance of each kind of action. Please note a number of the cases selected are in progress or pending – a result of the time it can take for litigation to conclude (a good example being *Luciano Lliuya v RWE AG*,[74] discussed above – brought in 2015 and decided in 2025) and indicative that this is an area of growing interest for climate action.[75] There have been over 40 climate cases recorded between 2010 and 2024.[76]

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[72] International Food Policy Research Institute, *Global Nutrition Report 2015: Actions and Accountability to Advance Nutrition and Sustainable Development* (2015) https://doi.org/10.2499/9780896298835, accessed 16 September 2025.
[73] Georgina Edwards, "Regulator can join farmer's lawsuit against supermarket, judge rules" (*Sustain*, 18 June 2025) https://www.sustainweb.org/news/jun25-gca-joins-high-court-case-against-supermarket/, accessed 16 September 2025.
[74] *Luciano Lliuya v RWE AG* (2015) Case No 2 O 285/15 (Essen Regional Court).
[75] Emily Bradeen, Catherine Higham and Joana Setzer, "Ruminating on Litigation's Role in Bridging the Policy Gap on Animal Agriculture and Its Emissions" (*Grantham Research Institute on climate change and the environment*, April 9, 2025) fig 1 https://www.lse.ac.uk/granthaminstitute/news/ruminating-on-litigations-role-in-bridging-the-policy-gap-on-animal-agriculture-and-its-emissions/, accessed 16 September 2025.
[76] Setzer and Higham (n. 1).

Opportunity Green

At Opportunity Green we use legal, economic and policy knowledge to tackle climate change. We do this by amplifying diverse voices, forging ambitious collaborations and using legal innovation to motivate decision makers and achieve climate justice.

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