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Corporate Climate Responsibility and Strategic Responses in the Context of Climate Litigation: A Comparative Study of Judicial Cases in China and Europe

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ABSTRACT
As global climate governance increasingly turns to judicial mechanisms, climate litigation has emerged as a pivotal force in defining corporate liability. This paper examines representative climate litigation cases from China and the European Union (EU) to address two core questions: first, how judicial rulings delineate corporate climate-related responsibilities; and second, how such legal interpretations shape corporate strategic responses. The analysis reveals that the EU has significantly expanded corporate "duty of care" obligations by creatively incorporating human rights principles into judicial reasoning, thereby establishing a robust mechanism that compels genuine low-carbon transitions. In contrast, climate litigation in China remains largely anchored in environmental administrative public interest litigation, where courts primarily assess the legality of governmental actions rather than directly assigning climate responsibilities to enterprises. This lack of clarity regarding corporate liability leads firms to adopt strategies focused predominantly on policy compliance.To address this gap, the paper proposes a "compliance-innovation" dual-track strategic framework tailored to the realities of Chinese enterprises, along with targeted recommendations grounded in judicial practice and policy reform. This study offers both theoretical insights and practical guidance for enterprises navigating risks and opportunities amid the rising tide of climate litigation.

KEYWORDS
Climate litigation; Corporate climate responsibility; Strategic response; Judicial cases; China-Europe comparison; Environmental law

1 Introduction

Climate change has evolved from a scientific consensus into a phase of global collaborative governance, with law emerging as a pivotal instrument for advancing the implementation of emission reduction targets. Judicial actors are now deeply engaged in climate governance: court rulings not only have the power to halt high-carbon projects and impose substantial liability, but are also beginning to redefine corporate "duty of care" obligations in the context of energy transition. This growing judicial pressure is compelling firms to integrate litigation risk into their core strategic decision-making. As major participants in the global climate governance architecture, China and Europe exhibit marked divergence in their judicial approaches to climate disputes. These contrasting practices offer a valuable comparative lens through which to examine how judicial intervention shapes corporate behavior under distinct legal traditions.

While existing literature on China-Europe climate policy comparisons is extensive, less attention has been paid to how courtroom dynamics directly influence corporate conduct. Although scholars have noted a shift in litigation focus toward corporations themselves, there remains a lack of systematic, case-based comparative analysis on how enterprises develop differentiated response strategies in reaction to judicial interventions across different legal systems.

To address this gap, this paper conducts a systematic examination and comparison of representative climate litigation cases from China and Europe to answer three core questions:

First, what are the differences in liability boundaries and legal rationales between Chinese and European judicial rulings when assigning corporate climate responsibility? Second, how do these judicial divergences shape corporate strategic response mechanisms? Third, how can Chinese enterprises develop a localized strategic framework that integrates risk mitigation with transformation-driven capabilities?

2 Research status and research gaps

2.1 The current state of domestic research in China

Research on climate litigation and corporate liability in China remains in its early stages, yet has exhibited an accelerating trajectory in recent years. A search and analysis of the CNKI database reveals that the annual growth rate of related scholarly publications over the past three years has reached 40%, reflecting a steadily increasing academic focus on this field.

Viewpoint 1: The institutional construction of corporate climate responsibility

Yanfei Huang and Shuhao Zheng (2025) proposed in "Research on the Construction of Enterprise Climate Change Risk Management System" that "enterprises need to establish a climate risk identification and assessment model covering the entire supply chain cycle," noting that current climate risk management in Chinese enterprises "show fragmented characteristics and lacks systematic integration with strategic objectives" [1].

The author believes that the "risk matrix tool" proposed in this study demonstrates significant universality for high-carbon industries, providing feasible practical references for accurately identifying climate risks and establishing standardized evaluation frameworks.

Zhijian Fu (2025) suggested in "Corporate Responsibility and Ecological Environmental Management from the Perspective of Carbon Neutrality" that corporate climate responsibility should be incorporated into core ESG rating indicators [2].

While the author considers this perspective forward-looking, it fails to account for the driving force of judicial enforcement in implementing responsibilities, necessitating supplementary empirical support through litigation cases.

Tong Zou (2023) analyzed the legislative status of climate change legislation in China under the "dual carbon" context in his paper "Legislative Exploration of China's Response to Climate Change", pointing out that "the current legislation lacks clear definitions of corporate climate responsibilities and lacks operational implementation rules" [3].

The author believes that this resonates with the issue of ambiguous liability determination standards observed in judicial cases that this study focuses on.

Chengchuan Tian (2023) further proposed in Climate Crisis and Corporate Responsibility that "enterprises should go beyond passive compliance and take the initiative to integrate climate responsibility into long-term strategic planning" [4].

The author believes that this view provides theoretical support for the construction of "compliance-innovation" dual-track strategic framework in this study.

Danyu Tian and Xiaohua Yue (2023) pointed out in "What Kind of Legal System is Needed to Address Climate Change? —— Progress and Prospects of China's Climate Legislation under the' Dual Carbon 'Goals" that China's climate legislation remains in a "policy-driven" phase, requiring enhanced "clarity and feasibility of legal obligations," particularly detailed provisions on corporate climate responsibilities [5].

The author believes that this view resonates with Tong Zou's (2023) conclusion regarding "ambiguous legislative definitions, " further corroborating the issue of the lack of judicial recognition standards for corporate climate responsibilities addressed in this study.

Viewpoint 2: On the impact of judicial practice on climate litigation

Wei Chen (2020) pointed out in "A Comparative Study of Climate Change Litigation—— Analysis Based on Two Environmental Public Interest Litigation Cases of Wind and Solar Power Curtailment" that climate litigation in China remains predominantly environmental public interest litigation, with limited cases where enterprises are directly held accountable [6].

The author believes this judgment aligns with the judicial status quo before 2023, but fails to anticipate the emergence of new types of cases such as "carbon leakage litigation" in 2025.

Guoan Zhang and Hanqing Liu (2024) proposed in "The Chinese Pathway for Climate Change Litigation: Feasibility and Implementation—— with a Discussion on the Pathway Choices of Environmental Public Interest Litigation and Ecological Damage Compensation Litigation" that China's climate litigation "needs to break through the existing framework of environmental public interest litigation and explore a litigation model that directly holds enterprises accountable" [7].

The author believes that this study provides theoretical support for analyzing the possibility of China's climate litigation shifting from "indirect administrative compliance" to "direct corporate liability", particularly by comparing institutional differences such as the EU shareholder derivative action mechanism.

Bingyu Liu and Xiling Tang (2024) analyzed jurisdictional conflicts and attribution challenges in climate litigation involving multinational corporations in their paper "Challenges and Attribution Pathways in Climate Change Litigation Against Multinational Corporations", concluding that "China's judicial practice needs to improve the rules for determining joint liability in transnational climate damage" [8].

The author believes this finding supplements the discussion on "differences in transnational liability between Chinese and European enterprises" in this study, particularly offering reference value for analyzing the potential impact of the EU's CSDDD Directive on the overseas operations of Chinese enterprises.

2.2 The research status outside China

Viewpoint 1: Transnational comparison and litigation strategy on corporate climate responsibility

Mushtaq R, Du M A, Bahoo S (2025) pointed out in "Climate Governance, CSR Strategy, and Corporate Environmental Decoupling" that enterprises may respond to climate litigation pressure through "strategic decoupling", that is, "on the surface commitment to emission reduction targets, but the actual operation still maintains a high carbon mode" [9].

The author believes that this finding is in sharp contrast to the "technology lock-in" strategy of EU enterprises in this study, which shows the difference between enterprises' response to litigation under different legal systems: EU enterprises tend to make substantive transformation due to the constraints of case law, while enterprises in other regions may choose symbolic compliance.

Adefolake A (2024) analyzed the application of shareholder derivative lawsuits in climate litigation in "The Pursuit of Corporate Accountability", proposing that "investors can hold boards accountable for negligence in climate risk management and force companies to adjust their strategies" [10].

The author believes this perspective aligns well with the analysis of the "litigation pressure transmission mechanism" in this study, particularly the case of EU companies accelerating renewable energy investments due to shareholder litigation pressure (such as the Shell case). However, China currently lacks such litigation mechanisms, which explains the difference in strategic response speed between Chinese and European enterprises.

Kamran Mohy ud Din et al. (2024) discussed the relationship between corporate social responsibility (CSR) and climate change mitigation in Corporate Social Responsibility and Climate Change Mitigation, pointing out that "the synergy of green audit and sustainable Development Committee can significantly enhance the effectiveness of corporate climate governance" [11].

The author suggests that this study provides supplementary evidence for the phenomenon of "EU companies strengthening internal climate governance mechanisms due to litigation pressure" in this research topic (such as the establishment of an independent climate committee after the Shell case). However, similar practices of Chinese enterprises remain policy-compliance dominated, lacking judicial-driven institutional innovation.

Melanie Feeney et al. (2024) proposed in Framing Collective Moral Responsibility for Climate Change through longitudinal framework analysis that energy enterprises tend to "collectively moralize" climate responsibility in order to disperse litigation risks and shape public image [12].

The author believes that this strategy is in contrast to the "strategic decoupling" concerned in this study, indicating that enterprises may reduce the pressure of judicial accountability through discourse reconstruction, while the strict identification of "duty of care" in EU case law is trying to crack this kind of avoidance behavior.

Viewpoint 2: On legal tools and the strengthening of corporate responsibility

Rajavuori M, Savaresi A, Asselt H (2023) discussed the role of due diligence legislation in filling the loopholes of corporate climate responsibility in "Mandatory Due Diligence Laws and Climate Change Litigation", and proposed that "the EU CSDDD Directive provides a new legal basis for litigation" [13].

The author believes that the obligation to identify supply chain climate risks stipulated therein aligns with the "expansion of duty of care" phenomenon analyzed in this paper. This provides a forward-looking reference for predicting potential litigation risks similar to those faced by Chinese enterprises in the future.

Ganguly G, Setzer J, Heyvaert V (2023) pointed out in Climate Litigation Against Companies that "the focus of litigation has shifted from the government to enterprises after 2015, and legal innovations such as 'carbon budget' have improved the success rate" [14].

The author believes that this perspective resonates with the core argument of "enhanced judicial initiative" in this study, particularly its observation that China's cases remain concentrated on administrative compliance. This provides a comparative law foundation for the study's recommendation that "China should establish direct liability determination standards for enterprises".

Viewpoint 3: On the cross-application of climate responsibility and human rights jurisprudence

Majia Qiara and Zhuolun Li (2022) proposed in "The Climate Change dimension of Industry and Human Rights: The Forming Concept of" Climate Responsibility" that the concept of "climate due diligence" is permeating into the field of corporate responsibility through the legal principle of human rights, emphasizing that "enterprises need to identify, prevent and mitigate the negative impact of their business activities on climate change through the framework of human rights due diligence" [15].

The author argues that this perspective provides a new theoretical explanation for the phenomenon of "expansion of duty of care" in EU climate litigation (as exemplified by Shell v. United Kingdom's references to Articles 2 and 8 of the European Convention on Human Rights), while China's judicial practice has not yet explicitly linked human rights jurisprudence with corporate climate liability. This study offers important reference for analyzing "differences in legal instruments across different legal systems" in this research topic, particularly through comparing the phased differences in the judicial process of "climate responsibility" between China and Europe.

2.3 Research gaps

Three critical areas require further exploration: First, the systematic comparative analysis of China-EU climate litigation judicial precedents remains insufficient, particularly lacking detailed examination of the legal reasoning processes in adjudicatory documents. Second, when elaborating on the legal basis for strengthening corporate responsibility, recent developments in human rights law—such as the "climate due diligence" concept—have not been adequately included in theoretical frameworks. Third, a comprehensive analytical framework integrating management theories has yet to be established to examine how judicial rulings influence corporate strategic response mechanisms. This study will focus on addressing these gaps with the aim of filling existing research gaps.

3 Linkage mechanism of judicial intervention, corporate responsibility and strategic response

This paper focuses on the specific path of climate litigation affecting corporate behavior, and constructs a systematic theoretical framework. The core logic is to start from judicial intervention, gradually promote to responsibility reconstruction, and finally guide the strategic response at the enterprise level.

As the starting point of influence pathways, judicial intervention enables courts to interpret legal principles such as "duty of care" and "precautionary principle" through adjudicative activities, thereby clarifying corporate legal liability boundaries in the context of climate change. The intensity and specific approaches of such interventions are often influenced by multiple factors including legal system traditions and judicial initiative levels.

Judicial decisions either redefine corporate climate responsibilities through setting new precedents or widening statutory interpretations, fundamentally reshaping these obligations across multiple dimensions. This responsibility restructuring extends from state accountability to corporate liability, expands coverage from direct emissions to supply chain impacts, and shifts focus from outcome-based accountability to risk prevention. A prime example is Shell's case, which invoked the European Convention on Human Rights (ECHR) as a hallmark of this paradigm shift in environmental liability frameworks.

When judicial judgments bring legal risks, reputation risks, and financial risks, enterprises will actively adjust their strategic behavior. Their response mode may gradually change from "passive compliance" to "active transformation", and the specific path choice mainly depends on the clearness of judicial judgments, whether the judgments are compulsory, and the specific legal environment of the enterprise.

The significance of the China-EU comparison lies in how different judicial intervention models will lead to distinct outcomes in responsibility restructuring, thereby resulting in differentiated corporate strategic responses. EU companies tend to pursue substantive transformation, while Chinese enterprises are more inclined toward compliance adjustments.

4 Empirical comparison of judicial cases of climate litigation between China and Europe

4.1 Case selection and research methods

This study selects EU cases (including landmark cases such as the "Urgenda Foundation v. Government of the Netherlands" and the "Shell Company Case") and China cases (including environmental public interest litigation cases related to climate such as the "Gansu Wind and Solar Power Curtailment Case") as comparative samples. By employing comparative case study methodology and legal dogmatics analysis, this research focuses on examining differences in four dimensions: liability determination standards, adjudicative basis, legal logic, and remedies.

While the laws of the European Union belong to the civil law system, its supranational legal framework (such as EU law) and the mechanism of the European Convention on Human Rights have endowed the European Court of Justice and the European Court of Human Rights with enhanced judicial initiative, enabling their rulings to generate stronger "precedent" effects. This stands in sharp contrast to China's judicial practices rooted in its statutory law tradition.

4.2 Analysis of core judgment differences

4.2.1 Elements of responsibility determination and legal basis

The EU: Creative Application of Human Rights Law Principles and International Climate Science Findings. In the Shell case, the Dutch District Court of The Hague explicitly invoked Articles 2 (Right to Life) and 8 (Right to Privacy) of the European Convention on Human Rights, while aligning with the objectives of the Paris Agreement. The court ruled that Shell was obligated to reduce carbon emissions through corporate policies. By treating companies as bearers of human rights obligations, the ruling significantly expanded the traditional "duty of care" doctrine.

China: Strictly following the statutory legal framework, with a focus on administrative legality review. In the "Gansu Wind and Solar Power Curtailment Case", the core dispute between the parties was whether the power grid company violated the statutory obligation in the Renewable Energy Law regarding full guaranteed purchase of renewable energy electricity. From the court's reasoning logic, its main basis for ruling was administrative laws and regulations, with the review focusing on whether the enterprise complied with relevant legal provisions. The case neither directly discussed the enterprise's legal liabilities in climate change issues nor included human rights-related legal principles or international law-level grounds in the case ruling and reasoning.

4.2.2 Relief methods and judicial enforcement

In the European Union, the judgment itself is compulsory and directly binding. In the Shell case, for example, the court ordered Shell Group to reduce its global net carbon emissions by 45% from 2019 levels by the end of 2030. Such mandatory emission reduction orders can quickly and effectively impose rigid constraints on corporate strategies.

In China, climate litigation remedies tend to focus more on urging rectification and ecological restoration. Court rulings typically require companies to stop infringement, eliminate risks, restore the original state, or provide corresponding compensation for losses. However, most of these measures target environmental damage that has already occurred, without setting future-oriented mandatory emission reduction targets or constraints for enterprises. So, their impact on corporate long-term strategies remains relatively indirect.

5 The impact mechanism of climate litigation on enterprise strategy and the response analysis of typical cases

5.1 Differences in legal system characteristics and strategic response logic

The EU, combining a civil law system foundation with supranational judicial autonomy, has established solid judicial decisions that create clear and irreversible legal expectations. Faced with major reputational risks and legal uncertainties from precedent constraints, enterprises must undergo fundamental transformation. This makes strategic adjustment no longer an optional choice but a must for survival and development. The response strategies appear as technological lock-in, strategic renewable energy investments, and business model restructuring.

China's legal system is a typical civil law system, where the judiciary tends to act with restraint, and judicial decisions mainly serve to confirm and enforce existing policies. Enterprises face "policy orientation," with increasing compliance pressure through judicial mechanisms to drive a series of regulatory adjustments. Their strategic responsiveness remains relatively passive, and their policy adaptations are more in line with cyclical policy changes, government-enterprise consultations, and incremental improvements.

5.2 Comparison of enterprise response paths in typical cases

5.2.1 Shell's EU case

After losing the "Shell Case", the company not only accepted the verdict and appealed, but also swiftly adjusted its long-term strategy. This included accelerating the divestment of high-carbon assets, significantly increasing investments in new energy and carbon capture technologies, and establishing an independent monitoring body for climate target progress. This serves as a pioneering case showing how court rulings can directly drive major strategic changes in corporate governance.

5.2.2 China's gansu wind and solar power curtailment case

After the case, relevant energy enterprises indeed accelerated the filing and construction of wind and solar power projects, but their actions were mainly driven by responding to the national "dual carbon" goals and renewable energy consumption policies. The role of court rulings lies in strengthening the enforcement of existing policies, rather than independently creating new obligations. Enterprises' responses were defensive and focused on meeting compliance requirements.

5.3 Balancing judicial intervention and enterprise strategic autonomy: the proposal of "compliance-innovation" dual-track path

In the Gansu Wind and Solar Curtailment Case, the core dispute centered on whether the power grid company violated its obligation under China's Renewable Energy Law to provide full guaranteed purchase of renewable energy electricity. The court mainly relied on administrative regulations during the trial and ruling process, focusing on whether the company complied with relevant provisions and operated in a compliant manner. However, it neither directly addressed the enterprise's legal responsibilities for climate change nor used human rights theories or international law principles to support its judgment.

The comparison shows that merely following existing regulations can't fully address future litigation risks. However, relying only on external judicial forces may go beyond a company's current capabilities. So, using a dual-track strategy that combines "compliance + innovation" to find a balance is more appropriate. The compliance track ensures enterprises meet current legal and policy requirements while avoiding immediate risks, whereas innovation requires companies to see climate challenges as strategic opportunities. This involves proactively investing in green technology R&D and exploring innovative business models, turning external pressures into long-term competitive advantages.

6 Construction of localization response pathways and policy recommendations for Chinese enterprises

6.1 Enterprise strategic framework design

Companies can systematically advance climate-related work in three ways.

The first priority is to strengthen compliance management. Specifically, setting up a targeted climate litigation risk monitoring system is crucial. This includes tracking policy updates (such as revisions to local climate protection regulations), analyzing industry precedents (particularly cases involving carbon emission data disputes), and monitoring critical risk points in supply chains – including environmental compliance records of partner manufacturers. Next, conduct regular risk assessments: Do comprehensive evaluations quarterly or semi-annually on energy consumption standards, pollutant emissions in production operations, and climate risks in supply chain processes such as raw material procurement and logistics transportation. Simultaneously, deeply integrate the "climate responsibility" concept into internal compliance systems. For instance, incorporate climate law knowledge courses into employee training programs and add corporate climate risk review processes to business approval workflows, ensuring compliance requirements are implemented throughout all operational processes.

Secondly, driving proactive transformation requires dual strategies. First, embedding low-carbon development into core corporate strategy by establishing concrete targets in annual plans. Second, increasing resource allocation through renewable energy initiatives like self-operated solar farms and green power procurement. For energy efficiency improvements, implement energy-saving equipment, optimize production processes, and proactively explore waste recycling models and eco-friendly product designs. Additionally, strategically leverage external legal pressures – when climate-related lawsuits emerge within the industry, promptly convene internal workshops to analyze exposed risks and transform them into catalysts for technological upgrades and operational optimization, thereby accelerating corporate transformation.

Thirdly, participating in collaborative governance. In setting industry standards, companies should proactively join the climate working committees of industry associations to engage in discussions on low-carbon technology standards and green product certification rules, while offering practical suggestions based on corporate experience. Regarding ESG information disclosure, active participation in regulatory consultation activities organized by authorities or third-party institutions helps adjust disclosure requirements according to actual business conditions. For climate-related judicial interpretations, industry associations can provide feedback to courts on challenges businesses face in climate dispute resolution, such as evidence burden allocation and loss assessment criteria. This reasonable proposal during policy formulation processes contributes to building systematic environments that better align with corporate development needs.

6.2 Suggestions for judicial and policy support

6.2.1 Strengthen the legal framework for climate litigation

Judicial interpretations should be issued promptly to explicitly recognize corporate "climate impact" in environmental public interest lawsuits, while gradually incorporating concepts like "duty of care" and "climate responsibility" into corporate accountability standards, providing clearer guidance for judicial practice.

6.2.2 Establish corporate climate responsibility disclosure and supervision mechanisms

Mandatory requirements should mandate key emitters to publicly disclose carbon emission data, climate risks, and corresponding mitigation plans, with a unified information disclosure platform to provide factual support for judicial determinations in climate litigation.

6.2.3 Enhance judicial capacity building

Systematic training programs should be implemented to improve judges 'expertise in climate science, economic principles, and international legal developments. This will strengthen judicial institutions' practical ability to adjudicate complex climate disputes through professional development.

7 Conclusions and outlook

This study shows key differences between China and the EU in the legal foundations for climate responsibility determination, the practical strength of judicial intervention, and the path selection of corporate strategic responses through systematic comparative analysis of climate litigation judicial cases. Specifically, the EU has successfully made corporate climate responsibilities legal and regulated in detail by using the practical logic of judicial activism, particularly through innovative interpretations and applications of human rights legal theory, thereby driving corporate low-carbon transition. In contrast, China's current climate litigation judicial practices are still part of the administrative management system, where judicial power has relatively limited direct shaping and regulatory effects on corporate climate responsibilities, mainly acting as a complementary and coordinated role to administrative supervision.

In line with China's "dual carbon" goals and the global climate governance needs, future efforts in relevant fields should focus on multidimensional coordinated advancement: At the corporate level, climate risk management and low-carbon innovation should be incorporated into core competitiveness to adapt to governance changes. At the judicial level, we need to learn from EU experience while adapting to local conditions, and explore enterprise climate responsibility certification standards that fit national conditions to strengthen legal support. At the global governance level, we should summarize universal judicial experiences from China and other countries, and turn China's useful breakthroughs into replicable solutions.

The practical demands for advancement and the deepening context of global climate governance systems indicate that future developments in related fields should focus on multidimensional collaborative progress. For enterprises, climate litigation risks have gradually become a norm. Chinese enterprises need to stop passive responses, add climate risk management and low-carbon innovation to their core competitiveness, and actively adapt to market and institutional changes from climate governance. From a judicial practice perspective, judicial authorities should base their work on local legal traditions and institutional contexts, appropriately drawing lessons from the EU's experience in interpreting climate liability jurisprudence and defining boundaries of judicial intervention, to explore corporate climate liability judicial recognition standards and rules compatible with China's national conditions. Simultaneously, we need to improve judicial reasoning and institutional support, strengthen judicial assistance for climate governance, and provide more effective judicial safeguards for climate litigation.

From a global governance dimension, while continuously improving China's domestic climate justice system, it is essential to systematically organize and refine universally applicable precedents and experiences from Chinese and international climate judicial practices, such as common principles for corporate climate liability determination under different legal frameworks. Beneficial breakthroughs in climate justice should be turned into replicable local solutions systematically. This two-way progress has both theoretical and practical value. It also helps build a fairer, more reasonable global climate governance legal order that reflects the win-win cooperation concept, providing stronger judicial safeguards for global climate governance coordination.

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