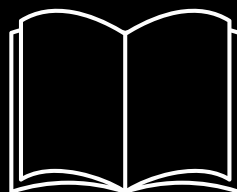


CONSTITUTIONAL PROTECTIONS FOR FUTURE GENERATIONS AMONG EU MEMBER STATES



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Executive Summary

Out of 27 EU Member States 15 are committed in their constitutions to the protection of Future Generations.

Member State constitutional systems define how EU law is made, interpreted, and implemented. The fact that the majority of EU countries have existing constitutional provisions for Future Generations means that the new EU agenda on Intergenerational Fairness has considerable room to develop into a robust legal framework and an effective network of institutions for implementation.

5 Key lessons:

- Legal protections for Future Generations focus primarily on environmental concerns, implementation of Sustainable Development and more specifically on Climate law.
- Some form of institution exists in all the cases that is responsible for the implementation of these constitutional provisions. They are different in their mandate, visibility and independence, but offer a strong starting point for an EU-wide collaboration.
- Implementation varies across Member States, and even where strong court decisions have been made, rights of Future Generations remain contested.
- Legal protections for Future Generations are an actively developing area of law. Some Member States enacted their protections in recent years. Similarly, in international law, the rights of Future Generations are evolving rapidly.
- Institutions for Future Generations differ in their structures, and they follow two models: either as part of the executive function or as an independent watchdog.

Looking ahead: challenges for the EU Intergenerational Fairness agenda:

- To define a horizontal legal principle that delivers a legal formula that is compatible with all constitutions as well as with the Treaty on the European Union. This horizontal formula needs to build on the strength of climate law while making a broader commitment to protecting Future Generations.
- Ignite a dynamic collaboration among the diverse group of already existing institutions responsible for the protection of Future Generations.
- Engage with Member States with no formal protections for Future Generations in their constitutions (while it is important to note that some of them still have dedicated institutions).
- Learn from the legal disputes and implementation challenges in Member States and strengthen the implementation of the rights of Future Generations across the EU.

Béla Kuslits, Senior Ecology Officer

Introduction

Currently, 15 of the Member States of the European Union contain some form of provision in their constitution relating to the interests of future generations or sustainable development. The general definition of sustainability derives from the 1987 Brundtland Commission, specifying it as “meeting the needs of the present without compromising the ability of future generations to meet their own needs.”¹ As such the principle is inherently entwined and associated with the protections of future generations.

As a party to the United Nations Sustainable Development Goals (SDGs), the EU has announced it is committed to their implementation and encourages each of its Member States to do the same.² In its Preamble, the 2030 Agenda for Sustainable Development highlights the need to “protect the planet from degradation...so that it can support the needs of the present and future generations”.³

Indeed, in the UN Secretary-General’s Report, **Our Common Agenda**,⁴ emphasis was placed on the fact that despite widespread recognition of the principle of intergenerational fairness, this has not translated into meaningful steps.⁵ The establishment of the UN **Declaration on Future Generations**⁶ is an encouraging demonstration of political will, but it remains a non-binding instrument without legal force. We welcome the creation of the Commissioner for Intergenerational Fairness which represents the political commitment of the EU to protect future generations - but the manifestation of this protection needs to be translated into legislation in order to provide impactful and lasting benefits.

Existing provisions such as Article 3(3) of the Treaty of the European Union (TEU),⁷ the preamble of the EU Charter of Fundamental Rights⁸ and other general principles of EU law, contain reference to the protection of future generations. In addition, the Non-EU state of

¹ United Nations, ‘Academic Impact: Sustainability’ (UN.org, 2025) <<https://www.un.org/en/academic-impact/sustainability>> accessed 2 July 2025

² European Commission, ‘Sustainable Development Goals’ <https://international-partnerships.ec.europa.eu/policies/sustainable-development-goals_en> accessed 2 July 2025

³ United Nations General Assembly, ‘A/RES/70/1: Transforming our world: the 2030 Agenda for Sustainable Development’ (25 September 2015) <https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_70_1_E.pdf> accessed 2 July 2025

⁴ United Nations, ‘Report of the Secretary-General: Our Common Agenda’ (UNSC/UN75, 2021) <https://www.un.org/en/content/common-agenda-report/assets/pdf/Common_Agenda_Report_English.pdf> accessed 2 July 2025

⁵ *ibid*, para [52]

⁶ United Nations, ‘REV3 Declaration on Future Generations’ (2024) <<https://www.un.org/pga/wp-content/uploads/sites/108/2024/08/REV3-of-the-Declaration-on-Future-Generations-FINAL.pdf>> accessed 3 July 2025

⁷ Treaty of the European Union 1992, Art 3(3)

⁸ Charter of Fundamental Rights of the European Union (2000/C 364/01) <https://www.europarl.europa.eu/charter/pdf/text_en.pdf> accessed 2 July 2025

Wales has already set the example as the first country in the world to enshrine its SDG commitments into national law⁹ of how such a provision could be legislate in practice through the Well-being of Future Generations (Wales) Act 2015.¹⁰ The Act requires public bodies to operate in accordance with the principle of sustainable development, acting in a manner which ensures the needs of the present are met without compromising the ability of future generations to meet their own needs.¹¹ In 2022, the review into the implementation of the act by the Welsh Commissioner for Future Generations, found the act to have been an overall success.¹² Evidence has found a positive engagement with the Act from Government and public bodies as well as “huge enthusiasm”¹³ from businesses the public and voluntary sector due to the long-term vision set out in law mitigating the uncertainty of changing political priorities.¹⁴ Thus, the example of Wales demonstrates that a form of legislation specifically ensuring the rights of future generations is possible, and can be implemented successfully.

Currently, 15 EU Member States contain some form of constitutional reference to the sustainable protection of future generations. However, the extent to which these provisions are enforceable differs significantly between jurisdictions, and their practical impact remains largely subjective and context-dependent. These constitutional references provide a valuable foundation for embedding intergenerational responsibility within national legal orders; however, a common EU standard is necessary to promote legal clarity, ensure that the rights of future citizens are enforced and not deprioritised by short-term interests.

This Report outlines the existing provisions in the national constitutions of 15 EU member states committed to the protection of future generations, the existing and relevant institutions in these states and the interpretation of the Courts.

⁹ Future Generations Commissioner for Wales, ‘A government fit for future generations: A Review into Welsh Government’s implementation of the Well-being of Future Generations Act’ (*Future Generations. Wales*, 2022) <<https://www.futuregenerations.wales/wp-content/uploads/2022/12/C28299-FG-Section-20-Review-ENG.pdf>> accessed 3 July

¹⁰ Well-being of Future Generations (Wales) Act 2015, available at: <<https://www.futuregenerations.wales/wp-content/uploads/2017/01/WFGAct-English.pdf>> accessed 3 July 2025

¹¹ Ibid, Art 5(1)

¹² Future Generations Commissioner for Wales, ‘A government fit for future generations: A Review into Welsh Government’s implementation of the Well-being of Future Generations Act’ (*Future Generations. Wales*, 2022) <<https://www.futuregenerations.wales/wp-content/uploads/2022/12/C28299-FG-Section-20-Review-ENG.pdf>> accessed 3 July

¹³ Ibid, page 6

¹⁴ Ibid

Austria

Constitutional Reference

*The Republic of Austria (federal, state and local governments) is committed to the principle of sustainability in the use of natural resources in order to ensure the best possible quality of life for future generations*¹⁵- Federal Constitutional Law on Sustainability, Animal Welfare, Comprehensive Environmental Protection, Ensuring Water and Food Supplies and Research 2013, § 1

Note on Constitutional Reference

This provision was introduced in 2013 through a specific Federal Constitutional Law (BVG Nachhaltigkeit)¹⁶. It is part of Austria's "simple constitutional law", which means it holds constitutional status but is not a part of the drafting of the official Constitution. Nevertheless, it binds all levels of government acting as a guiding principle that must inform legislative, administrative, and judicial decision-making.

Existing Relevant Institutions

The central institution responsible for implementing § 1 of the Federal Law is The Federal Ministry for Climate Action (BMK), which has since been incorporated into The Federal Ministry of Innovation, Mobility and Infrastructure (BMIMI)¹⁷ has established various mechanisms relating to the protection of future generations. One such mechanism is the Austrian Circular Economy Strategy¹⁸ with a vision of reformation of the Austrian economy and society into a climate-neutral, sustainable circular economy by 2050,¹⁹ enabling sustainable development "that ensures both the functioning of our ecosystem as well as the quality of life and material prosperity for us and future generations".²⁰

Judicial Application

The leading case in Austria concerning the protection of future generations is *Children of Austria v. Austria*.²¹ In this case, twelve children and young people challenged § 3(2) of the

¹⁵Federal Legal Information System (RIS), Federal Constitutional Law on Sustainability, Animal Welfare, Comprehensive Environmental Protection, Ensuring Water and Food Supplies and Research, (Federal Law Gazette I No. 111/2013), § 1 <https://www.ris.bka.gv.at/Dokumente/Erv/ERV_2013_1_111/ERV_2013_1_111.pdf> accessed 23 July 2025

¹⁶ ibid

¹⁷ The Federal Ministry of Innovation, Mobility and Infrastructure, 'Organisation' (2025) <<https://www.bmimi.gv.at/en/ministry/organisation.html>> accessed 23 July 2025

¹⁸ Federal Ministry Republic of Austria Climate Action, Environment, Energy, Mobility, Innovation and Technology, 'Austria on the path to a Sustainable and Circular Society: The Austrian Circular Economy Strategy' (Vienna 2022) <<https://www.bmimi.gv.at/en/topics/climate-environment/waste-resource-management/ces.html>> accessed 23 July 2025

¹⁹ Ibid, p.13

²⁰ Ibid

²¹ Climate Case Chart, 'Children of Austria v. Austria' (2023) <<https://climatecasechart.com/non-us-case/children-of-austria-v-austria/>> accessed 23 July 2025

Federal Climate Protection Act,²² arguing that the law's failure to establish binding emissions reduction measures beyond 2020 violated their constitutional right. Although the Constitutional Court dismissed it on procedural grounds, their acknowledgement of the relevance and enforceability of § 1 of the Federal Law has set a precedent for how youth and future generations can seek legal protection in Austria, and it confirmed the growing recognition of children's and future generations' rights in the evolving field of climate justice.

Context for Future Generations

Austria's 2013 constitutional provision on sustainability demonstrates a clear legal commitment to safeguarding environmental resources for future generations. While the principle is broadly framed and not directly enforceable by individuals, it plays an increasingly visible role in shaping Austria's legislative and policy decisions. The integration of sustainability into the constitutional framework reflects Austria's recognition that intergenerational equity is not only a moral concern but also a matter of public law and long-term governance.

²² Climate Change Laws, 'Gesamte Rechtsvorschrift für Klimaschutzgesetz, Fassung vom 06.07.2023' (In German) <https://climate-laws.org/documents/federal-law-consolidated-entire-legal-regulation-for-the-climate-protection-law-1e8a?id=climate-protection-act-klimaschutzgesetz_7307> accessed 23 July 2025

Belgium

Constitutional Reference

*In the exercise of their respective competences, the Federal State, the Communities and the Regions pursue the objectives of sustainable development in its social, economic and environmental aspects, taking into account the solidarity between the generations*²³ - Belgium Constitution Art. 7bis (incorporated on 27 April 2007)

Note on Constitutional Reference

Article 1 of Sondergesetz vom 6. Januari 1989 über den Verfassungsgerichtshof²⁴ (Special law of 6 January 1989 on the Constitutional Court) limits the competence of the Constitution Court to specified provisions in the constitution. Article 7bis falls outside this scope and as such, the jurisdiction of the Constitutional Court.²⁵ Thus, its inclusion exists as a programmatic provision, acting more as an aspiration, rather than a legally enforceable obligation.

However, despite its programmatic nature, in its **Judgement 125/2016**, the Court ruled that it can take the Article 7bis into account while reviewing other constitutional rights, notably those enshrined under Art. 23²⁶ (the right to lead a life in dignity, including the right to protection of a healthy environment).

Accordingly, legislators must take into account the impact of their policies on future generations when guaranteeing the economic, social and cultural rights.²⁷ Nevertheless, even in this role, the court has granted the legislature a “broad margin of appreciation”,²⁸ meaning any such instance where the article is indirectly reviewed, will only occur in exceptional circumstances.²⁹

Existing Relevant Institutions

The **Act of 5 May 1997**³⁰ on the Coordination of the Federal Policy on Sustainable Development, established various key institutions regarding sustainable development, notably the Federal Council for Sustainable Development, the Interdepartmental Commission

²³ The Belgian Constitution, Art 7bis

²⁴ Sondergesetz vom 6. Januar 1989 über den Verfassungsgerichtshof

<https://senlex.senate.be/de/dia/structure/str_57/article/art_2761_de_2014-04-04/articletext> accessed 30 June 2025

²⁵ J Theunis, ‘Constitutional Justice and Peace: Report of the Belgian Constitutional Court’ (World Conference on Constitutional Justice, 7 October 2022) <<https://www.const-court.be/public/stet/f/stet-2022-003f.pdf>> accessed 30 June 2025, p.9

²⁶ L Lavrysen, ‘Environmental cases before the Belgian Constitutional Court’ (Conference of the Heads of the Supreme Courts of the Council of the European Union Member States, 21 February 2022) <<https://www.const-court.be/public/stet/f/stet-2022-001f.pdf>> accessed 30 June 2025

²⁷ Ibid, p. 3

²⁸ Ibid

²⁹ Ibid

³⁰ Federale Overheidsdienst Justitie, ‘Act Relating to the Coordination of the Federal Sustainable Development Policy’ (5 May 1997, No 1997021155) <https://www.ejustice.just.fgov.be/cgi_loi> accessed 30 June 2025

for Sustainable Development and the **Federal Planning Bureau**.³¹ Each of these are responsible for preparing and coordinating the implementation of the sustainable development policy³² and publishing reports aimed at establishing a continuous improvement in the quality of the sustainable development policy process in accordance with the successive United Nations conferences on sustainable development since the Rio Conference in 1992.³³

Notably the Act explicitly defines sustainable development as that which “meets the needs of present generations **without compromising the ability of future generations** to meet their own needs”,³⁴ demonstrating a clear legislative commitment to future generations in Belgium since the 90s.

In its Annual Federal Sustainable Development Report 2024,³⁵ the Federal Planning Office expressly highlights the risks to future generations in the context of over-indebtedness and unsustainable agriculture practices.³⁶ In framing the risk, the report largely relies on Belgium’s obligations under the SDGs rather than its constitutional obligations under Art 7 *bis*.

Judicial Application

Outside the constitutional court, the Brussels Court of Appeal in the case of *VZW Klimaatzaak v. Belgian State* has recently found against the Belgian State, regarding violations of Articles 2 and 8 of the ECHR, making numerous references to the “inadequacy of the means implemented by the Belgian authorities to protect the interests of future generations”.³⁷ This judgement demonstrates an increased willingness of the Court to enforce the legal commitments of the state to protect future generations.

Context for Future Generations

Although the Belgian Constitution provides reference to the protection of future generations, the fact that it is largely programmatic (except in exceptional cases), and the focus of the Institutions responsible for sustainable development primarily concerns the soft-law obligations of the UN SDGs, demonstrates the need for further legal recognition. The reference to the need for protection by the court in the *Klimaatzaak* case provides a clear foundation for making such an obligation. An EU recognised protection would therefore not be unreasonable, rather it would demonstrate compliance with the direction of the law in it’s Member States.

³¹ Ibid, Art 2(4°- 6°)

³² Ibid, Art 2(7°)

³³ Ibid, Art 2 (8°)

³⁴ Ibid, Art 2(1°)

³⁵ (English Translation) Federal Planning Office, Federal Report 2024: Achieving the SDGs by 2030: Time is Running Out (June 2024) original text available at:

<https://www.plan.be/sites/default/files/documents/rep_tfdo2024_13017_nl.pdf> accessed 30 June 2025

³⁶ Ibid

³⁷ VZW Klimaatzaak v. Belgian State (2021/AR/15gs) [268]

Czech Republic

Constitutional Reference

We, the citizens of the Czech Republic in Bohemia, Moravia and Silesia, at this time of the reconstitution of an independent Czech State, true to all the sound traditions of the ancient statehood of the Lands of the Crown of Bohemia as well as of Czechoslovak statehood, resolute to build, protect and develop the Czech Republic in the spirit of the inalienable values of human dignity and freedom as the home of and free citizens who are aware of their obligations towards others and of their responsibility to the community, as a free and democratic State founded on respect for human rights and on principles of civil society, as a member of the family of European and World democracies, resolute to protect and develop their natural, cultural, material and spiritual heritage, resolute to take heed to all the well-proven tenets of law-abiding state, have adopted this Constitution of the Czech Republic through our freely elected representatives.

*The Federal Assembly, on the basis of the proposals of the Czech National Council and the Slovak National Council, Recognizing the inviolability of the natural rights of man, the rights of citizens, and the sovereignty of the law, Proceeding from the universally-shared values of humanity and from our nations' traditions of democracy and self-government, Mindful of the bitter experience of periods when human rights and fundamental freedoms were suppressed in our homeland, Placing hope in the common endeavours of all free nations to safeguard these rights, Ensuing from the Czech and Slovak nations' right to self-determination, **Recalling its share of responsibility towards future generations for the fate of all life on Earth**, and Expressing the resolve that the Czech and Slovak Federal Republic should join in dignity the ranks of countries cherishing these values, Has enacted this Charter of Fundamental Rights and Basic Freedoms³⁸- Preamble of the Charter of Fundamental Rights and Basic Freedoms 1992.*

Note on Constitutional Reference

In the Czech Republic, the Charter of Fundamental Rights and Freedoms has the same constitutional status as the Constitution itself. While the Constitution establishes the institutional framework of the state, the Charter enumerates fundamental rights and freedoms, including the right to a favourable environment. Articles 3 and 112 of the Constitution³⁹ clarify that the Charter, together with the Constitution, form the Constitutional Order, as such the Constitutional Court applies the Charter's provisions as directly binding constitutional norms.

³⁸ Charter of Fundamental Rights and Freedoms of the Constitutional Order of the Czech Republic: Constitutional act No. 2/1993 Coll, <https://www.usoud.cz/fileadmin/user_upload/ustavni_soud_www/Pravni_uprava/AJ/Listina_English_version.pdf> accessed 1 July 2025

³⁹ Constitution of the Czech Republic 1992, No. 1/1993 Sb

Existing Relevant Institutions

Whilst there is no specialized institution exclusively dedicated to future generations, The Government Council for Sustainable Development (RVUR) (established by Government Resolution No. 778 of 30 July 2003)⁴⁰ as a permanent advisory, initiating and coordinating body for the area of sustainable development and strategic management.⁴¹ Whilst no direct mention is made to the protection of future generations, Article 2(a) of the RVUR statute outlines the competence of the council in implementing active compliance with the UN SDGs.⁴² As such, through the SGDs, the Czech Republic has acknowledged and committed to the notion of sustainable development and consequentially, the need to protect the rights of future generations.

Judicial Application

In *Klimatická žaloba ČR v. Czech Republic*,⁴³ following Art.35(1) of the Charter (Right to a favourable environment),⁴⁴ the Prague Municipal Court found the government had breached its legal obligations by failing to implement adequate measures to reduce greenhouse gas emissions in line with the Paris Agreement and EU law.⁴⁵ Although the Supreme Administrative Court ultimately overturned the first-instance decision on the grounds that the 55% emissions reduction target was a collective EU-level commitment rather than an enforceable individual obligation,⁴⁶ the judgment nonetheless demonstrates a judicial willingness to engage with the intergenerational dimensions of climate policy.

Indeed, specific acknowledgement was made to the preamble of the Charter emphasising “the part of responsibility towards future generations for the fate of all life on Earth”.⁴⁷ This reference highlights that, while the enforcement of climate obligations remains legally complex, Czech courts acknowledge that intergenerational protection is a fundamental constitutional value

⁴⁰ (Translated) ČR 2030, ‘Government Council for Sustainable Development’ (Ministry of the Environment, 2025) <<https://www.cr2030.cz/rvur>> accessed 1 July 2025

⁴¹ *ibid.*

⁴² (Translated) Statute: Government Council for Sustainable Development (Annex no.1: Government Resolution of June 1, 2020 No. 598) <https://www.cr2030.cz/sites/cr2030/files/featured_images/statut_RVUR_2020.pdf> accessed 1 July 2025

⁴³ *Klimatická žaloba ČR, z.s. a další proti vládě ČR a další*, 2021

⁴⁴ Charter of Fundamental Rights and Freedoms of the Constitutional Order of the Czech Republic: Constitutional act No. 2/1993 Coll

<https://www.usoud.cz/fileadmin/user_upload/ustavni_soud_www/Pravni_uprava/AJ/Listina_English_version.pdf> accessed 1 July 2025

⁴⁵ *Judgment No. 14A 101/2021 of the Municipal Court in Prague* 15 June 2022, <https://climatecasechart.com/wp-content/uploads/non-us-case-documents/2022/20220615_13440_judgment.pdf> accessed 1 July 2025

⁴⁶ Climate Case Chart, ‘*Klimatická žaloba ČR v. Czech Republic*’ (*Sabin Center*, 2025)

<<https://climatecasechart.com/non-us-case/klimaticka-zaloba-cr-v-czech-republic/>> accessed 1 July 2025

⁴⁷ Decision by the Supreme Administrative Court (In Czech), (9 As 116/2022 - 166)

<https://climatecasechart.com/wp-content/uploads/non-us-case-documents/2023/20230220_13440_decision.pdf> para [141]

Context for Future Generations

The Czech Republic's direct reference to the protection of future generations in the Charter, combined with the commitment to the SDGs through the RVUR and recognition of the right by the Supreme Court demonstrates a clear awareness and willingness by the State to enforce their rights.

Estonia

Constitutional Reference

*With unwavering faith and a steadfast will to strengthen and develop the state, which embodies the inextinguishable right of the people of Estonia to national self determination and which was proclaimed on 24 February 1918, which is founded on liberty, justice and the rule of law, which is created to protect the peace and defend the people against aggression from the outside, and **which forms a pledge to present and future generations for their social progress and welfare**, which must guarantee the preservation of the Estonian people, the Estonian language and the Estonian culture through the ages, the people of Estonia, on the basis of Article 1 of the Constitution which entered into force in 1938, and in the referendum held on 28 June 1992, have adopted the following Constitution.*⁴⁸- Preamble of the Constitution of Estonia, 1992

Note on Constitutional Reference

In addition to their commitment to future generations in the Constitution, Estonia has also legislated for a national strategy of sustainable development through the Sustainable Development Act 1995.⁴⁹

Whilst no direct reference is made to future generations in the Act, it derives from the United Nations Conference on Environment and Development (Rio de Janeiro, 1992)⁵⁰ which clarifies the right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.⁵¹ This demonstrates Estonia's commitment to intergenerational sustainability as a guiding principle of policy.

Existing Relevant Institutions

Whilst currently no institutions specifically dedicated to future generations exist in Estonia, the **Estonian Sustainable Development Commission** (established in 1996),⁵² following the preamble to the Constitution, has implemented the "Estonia 2035",⁵³ focussed on carrying out the long-term sustainable development plans of Estonia. The Commission's responsibilities

⁴⁸ Constitution of Estonia, 1992 <https://www.constituteproject.org/constitution/Estonia_2015.pdf> accessed 3 July 2025

⁴⁹ (Estonia) Sustainable Development Act 1995 <<https://www.riigiteataja.ee/en/eli/530122013003/consolide>> accessed 3 July 2025

⁵⁰ UNGA, 'Report on The United Nations Conference on Environment and Development: Rio de Janeiro, 3-14 June 1992' (A/CONF.151/26 (Vol. I), 1992) <https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CON F.151_26_Vol.I_Declaration.pdf> accessed 3 July 2025

⁵¹ Ibid, principle 2

⁵² Republic of Estonia Government Office, 'Global Sustainable Development Goals' (Riigikantselei, 2022) <<https://www.riigikantselei.ee/en/supporting-government-and-prime-minister/organisation-and-planning-work-government/global>> accessed 3 July 2025

⁵³ Estonia 2035 Strategy (8 October 2020) <<https://valitsus.ee/en/media/3926/download>> accessed 3 July 2025

also include consistent implementation and reports on progression towards the SDGs,⁵⁴ which, with their overarching link to future generations, represents a clear commitment by Estonia to their protection.

Judicial Application

In the significant case, *MTÜ Loodusvõlu v. Narva-Jõesuu City Government*, Case No. 3-20-771,⁵⁵ the Supreme Court of Estonia have emphasised their constitutional obligation to take proportionate action to mitigate the effects of climate change⁵⁶ and the need for a realistic and legally binding plan to achieve climate neutrality.⁵⁷ Whilst specific reference to the need to protect future generations is absent, this omission does not diminish the inherently intergenerational nature of climate obligations under Articles 5⁵⁸ (natural wealth and resources of Estonia are national riches which must be used sustainably) and 53⁵⁹ (Everyone has a duty to preserve the human and natural environment) of the Constitution. Given that climate change directly threatens the welfare of future generations, the Court's reasoning effectively affirms that sustainability duties extend beyond the present, underscoring the importance of embedding clearer and enforceable intergenerational protections in both national and EU law.

Context for Future Generations

In the **Estonian Chancellor for Justice Annual Report 2024** repeated emphasis is made on the fact that “the social and economic livelihoods of present and future generations must be ensured”⁶⁰ focussing on issues relating to the environment, social rights and the rights of children. The Chancellor in referring to Articles 5 and Article 53 emphasised the “immediate threat to Estonian people”⁶¹ posed by climate change. However, they also recognise that any duty to protect the environment must be “well-considered, reasonable and fair”⁶² and warned against the excessive restrictions on the fundamental rights of owners and businesses.

Whilst this proportionate approach is understandable, it highlights that even when national constitutional frameworks recognise intergenerational responsibility, the actual enforcement

⁵⁴ Republic of Estonia Government Office, ‘Global Sustainable Development Goals’ (Riigikantselei, 2022) <<https://www.riigikantselei.ee/en/supporting-government-and-prime-minister/organisation-and-planning-work-government/global>> accessed 3 July 2025

⁵⁵ Supreme Court of Estonia (Administrative Law Chamber), Judgment of 11 October 2023, Case No. 3-20-771 (in Estonian) <https://climatecasechart.com/wp-content/uploads/non-us-case-documents/2023/20231011_11477_decision.pdf> accessed 3 July 2025

⁵⁶ Ibid, para [48]

⁵⁷ Ibid

⁵⁸ Constitution of Estonia, 1992 <https://www.constituteproject.org/constitution/Estonia_2015.pdf> accessed 3 July 2025, Art 3

⁵⁹ Ibid, Art 53

⁶⁰ Õiguskantsler, ‘2023/2024 Overview of the Chancellor of Justice Estonia Activities’ (Tallinn, 2025) <<https://www.oiguskantsler.ee/annual-report-2024/>> accessed 3 July 2025, page 123

⁶¹ Õiguskantsler, ‘2023/2024 Overview of the Chancellor of Justice Estonia Activities’ (Tallinn, 2025) <<https://www.oiguskantsler.ee/annual-report-2024/>> accessed 3 July 2025, page 123

⁶² ibid

is shaped by the balancing of competing rights and interests. While the protection of future generations is a constitutional imperative, it is mediated by proportionality and reasonableness tests, which can be subjective. Without clear and harmonised EU-level standards, national authorities may interpret these obligations narrowly when they conflict with short-term economic considerations.

France

Constitutional Reference

*In order to ensure sustainable development, choices designed to meet the needs of the present generation should not jeopardise the ability of future generations and other peoples to meet their own needs*⁶³- Preamble to the Charter for the Environment 2004.

*Everyone has the right to live in a balanced environment which shows due respect for health*⁶⁴- Charter for the Environment, Article 1

Note on Constitutional Reference

The French Charter of the Environment was incorporated into the preamble of French Constitution⁶⁵ in 2005, accordingly, its rules listed shall be interpreted as having constitutional value. Despite not making direct mention to them, following the preamble, Article 1 is interpreted as including the preservation of the rights of future generations.⁶⁶ However, the constitutional protection of future generations has not yet been declared applicable to all citizens by the Constitutional Council as having horizontal affect.⁶⁷

Existing Relevant Institutions

The Ministry of Ecological Transition and Territorial Cohesion is the primary executive body in France responsible for environmental, climate, energy transition, and sustainable development policy.⁶⁸ It ensures compliance with the constitutional principles of the Charter for the Environment, including the obligation not to compromise the ability of future generations to meet their needs as well as being responsible for implementing the SDGs in France, and consequently the rights of future generations.⁶⁹

⁶³ Conseil Constitutionnel, 'Charter for the Environment' (2004) <https://www.conseil-constitutionnel.fr/sites/default/files/as/root/bank_mm/anglais/charter_environment.pdf> accessed 3 July 2025

⁶⁴ *ibid*, art. 1

⁶⁵ Constitution of October 4, 1958 (available at:) <https://www.conseil-constitutionnel.fr/sites/default/files/as/root/bank_mm/anglais/constitution_anglais_oct2009.pdf> accessed 3 July 2025

⁶⁶ K Sulyok, 'EUFJE Annual Conference 2024 Budapest: Human rights-based tools to protect the environment and future generations' (ELTE LAW, 2024) <https://www.eufje.org/images/docConf/bud2024/Report_EUFJE2024_FINAL.pdf> accessed 29 July 2025, p. 10

⁶⁷ *ibid*, p.9

⁶⁸ Ministère Aménagement du Territoire Transition Écologique, <<https://www.ecologie.gouv.fr/en/ministry-ecological-transition-and-territorial-cohesion>> accessed 3 July 2025

⁶⁹SDG Watch Europe, 'France' <<https://sdgwatcheurope.org/france/>> accessed 3 July 2025

Judicial Application

Principally the Strasbourg Administrative Court has implicitly extended the right of future generations to sustainable water management, so that the right of these generations to live in a healthy environment can potentially be applied to many areas in the future.⁷⁰

Furthermore, **Decision No. 2023-1066 QPC** (2023), concerned the constitutionality of the wording of Law No. 2016-1015 of 25 July 2016⁷¹ which specifies the procedures for creating a reversible deep geological storage facility for long-lived high and intermediate level radioactive waste.⁷² In addition to the Charter, Article L. 542-1 of the Environmental Code,⁷³ specifies that the management of radioactive waste must be ensured with respect for the protection of human health, safety and the environment and that the implementation of the means necessary for the definitive safety of radioactive waste must prevent or limit the costs which will be borne by “successive generations”.⁷⁴

In this judgement, the Constitutional Court made direct reference to the preamble of the Charter, ruling that the legislature, when adopting measures likely to cause serious and lasting harm to the environment, must ensure that choices intended to meet the needs of the present do not compromise the ability of future generations to meet their own needs.⁷⁵ Whilst the Council upheld the constitutionality of the provisions of Law No. 2016-1015, they reaffirmed the binding nature of the Charter for the Environment, emphasising a clear commitment to the needs of future generations.

Context for Future Generations

France’s constitutional reference demonstrates a clear commitment to the protections of future generations, with its reference in Decision No. 2023-1066 QPC, emphasising its practical constitutional value.

⁷⁰ K Sulyok, ‘EUFJE Annual Conference 2024 Budapest: Human rights-based tools to protect the environment and future generations’ (ELTE LAW, 2024)

<https://www.eufje.org/images/docConf/bud2024/Report_EUFJE2024_FINAL.pdf> accessed 29 July 2025, p.11, Strasbourg Administrative Court on 7 November 2023, no. 2307183

⁷¹ Law No. 2016-1015 of July 25, 2016 <<https://www.legifrance.gouv.fr/loda/id/JORFTEXT000032932790/>> accessed 3 July 2025

⁷² *ibid*

⁷³ Code de l’environnement (France), Art L. 542-10-1, (1 January 2025)

<https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000049572781> accessed 3 July 2025

⁷⁴ *ibid*

⁷⁵ Constitutional Council, ‘Decision No. 2023-1066 QPC of October 27, 2023’ <<https://www.conseil-constitutionnel.fr/actualites/communiqu%C3%A9/decision-n-2023-1066-qpc-du-27-octobre-2023-communiqu%C3%A9-de-presse>> accessed 3 July 2025

Germany

Constitutional Reference

*Protection of the natural foundations of life and animals mindful also of its responsibility towards future generations, the state shall protect the natural foundations of life and animals by legislation and, in accordance with law and justice, by executive and judicial action, all within the framework of the constitutional order*⁷⁶- Basic Law for the Federal Republic of Germany (1949), art 20a

Note on Constitutional Reference

Art 20a of the German Constitution, incorporated in October 1994,⁷⁷ enshrines the duty to protect future generations as a fundamental constitutional principle. Under German constitutional law, such basic rights are safeguarded by the constitutional complaint procedure, allowing any individual to bring a case before the Federal Constitutional Court.⁷⁸ As a result, the responsibility toward future generations articulated in Article 20a is not merely aspirational, but is recognized as a justiciable legal provision.⁷⁹ The Federal Constitutional Court has clarified that the rights and obligations under Article 20a are not absolute, and when they conflict with other fundamental rights, a careful balancing process is required.⁸⁰ Importantly however, the Court has also specified that within the balancing process, the obligations under Art. 20a will be afforded “increasing weight”⁸¹ as climate change intensifies. This demonstrates Germany's commitment to protecting future generations as a clear legal and political priority.

Existing Relevant Institutions

The Parliamentary Advisory Council on Sustainable Development, first established in 2004, plays a vital role in scrutinizing and supporting the Federal Government's sustainability policies in Germany, as well as assessing the Government's bills and statutory Instruments in accordance with the SDGs.⁸² In its interpretation, the Council has adopted the Brundtland Commission's definition of sustainability, explicitly recognizing the responsibility to

⁷⁶ Federal Ministry of Justice, 'Basic Law for the Federal Republic of Germany' (23 May 1949)

<https://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html> accessed 4 July 2025

⁷⁷ N. Weiss, 'How to integrate environmental law into constitutional law: The German experience' (R.J.O.I. 2021 – n° 31) <https://droit-oi.univ-reunion.fr/fileadmin/Fichiers/droit-oi/Revues/31/2.1_Weiss.pdf> accessed 4 July 2025, p.171

⁷⁸ Ibid, p173

⁷⁹ Federal Constitutional Court, 'Order of the First Senate of 24 March 2021' (Press Release, No.31/2021) <https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/EN/2021/03/rs20210324_1bvr265618en.html%3Bjsessionid=C12C51CDBEE4826112D6C61305A48F5F.1_cid386> accessed 4 July 2025

⁸⁰ Ibid, para [2a]

⁸¹ ibid

⁸² Deutscher Bundestag, 'The Parliamentary Advisory Council on Sustainable Development' (Flyer, January 2019) <<https://www.bundestag.de/resource/blob/647830/d3f1d7874bc761047cec7e0e7cc15a7d/englischer-Flyer-data.pdf>> accessed 4 July 2025,

safeguard the interests of future generations.⁸³ It asserts that the principle of sustainability should form “part of the political bedrock”,⁸⁴ underscoring its paramount importance in German policymaking. Through this institution, Germany thus demonstrates a clear commitment to its constitutional protection of future generations.

Judicial Application

In the landmark case of *Neubauer et al. v. Germany*⁸⁵ the German Federal Constitutional Court ruled parts of the Federal Climate Change Act were incompatible with fundamental constitutional rights for failing to set sufficient provisions for emission cuts beyond 2030. The Court found that Article 20a of the Constitution not only obliges the legislature to protect the climate and aim towards achieving climate neutrality, but “also concerns how environmental burdens are spread out between different generations”.⁸⁶ It further specified that the Constitution imposes an obligation “to treat the natural foundations of life with such care and to leave them in such condition that future generations who wish to carry on preserving these foundations are not forced to engage in radical abstinence.”⁸⁷ This groundbreaking decision explicitly acknowledged that protecting future generations is a constitutional imperative, demonstrating a clear willingness to enforce their protection.

Context for Future Generations

The example set by the German Constitution and the Federal Constitutional Court’s decision in *Neubauer* illustrates how constitutional provisions referring to future generations can be operationalized in practice. Germany demonstrates that such commitments are not simply symbolic aspirations but can impose concrete, enforceable obligations on public authorities to take preventive action against long-term environmental harm. The Court’s reasoning highlights that protecting the natural foundations of life is inseparable from safeguarding intergenerational justice, and that delaying necessary measures effectively shifts disproportionate burdens onto younger and future generations. As a result, Article 20a has become a cornerstone of Germany’s climate governance framework, providing a legal basis for ambitious mitigation policies and serving as a model of how constitutional environmental protection can directly advance the rights and interests of those yet to be born.

⁸³ Ibid, p.7

⁸⁴ Ibid, p.11

⁸⁵ *Neubauer, et al. v. Germany* (2021) <<https://climatecasechart.com/non-us-case/neubauer-et-al-v-germany/>> accessed 4 July 2025

⁸⁶ *ibid*

⁸⁷ Federal Constitutional Court, ‘Order of the First Senate of 24 March 2021’ (Press Release, No.31/2021) <https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/EN/2021/03/rs20210324_1bvr265618en.html%3Bjsessionid=C12C51CDBEE4826112D6C61305A48F5F.1_cid386> accessed 4 July 2025, para [4]

Constitutional Reference

*The protection of the natural and cultural environment constitutes a duty of the State and a right of every person. The State is bound to adopt special preventive or repressive measures for the preservation of the environment in the context of the principle of sustainable development. Matters pertaining to the protection of forests and forest expanses in general shall be regulated by law. The compilation of a forest registry constitutes an obligation of the State. Alteration of the use of forests and forest expanses is prohibited, except where agricultural development or other uses imposed for the public interest prevail for the benefit of the national economy*⁸⁸- The Constitution of Greece (1975), Art. 24(1).

Note on Constitutional Reference

While the Greek Constitution does not specifically “future generations,” it embeds the concept via the principle of sustainable development which was incorporated into the constitution with the 2001 revision of Article 24.⁸⁹ Indeed, The Natural Environment and Climate Change Agency (NECCA) (a legal entity operating under the supervision of the Hellenic Ministry of Environment and Energy) formally recognises the principle as the “rational management of natural resources in order to meet human needs, both now and in the future”,⁹⁰ demonstrating an inherent recognised link between sustainability and the rights of future generations. As such, the environmental obligations under article 24 carry a clear intergenerational mandate.

Existing Relevant Institutions

Greece has adopted various institutions concerning their National Strategy for Sustainable Development (NSSD), first adopted in 2002.⁹¹ The Hellenic Ministry of the Environment and Energy (MEEN), established in 2009, operates as the national competent authority for the development, monitoring and implementation of sustainable environmental policies in Greece.⁹² Additionally, the overall responsibility for monitoring and coordinating the implementation of the SDGs lies with the **Presidency of the Government (PoG)**, which

⁸⁸ The Constitution of Greece (Revised by Resolution of November 25, 2019 of the IXth Revisionary Parliament) <<https://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/THE%20CONSTITUTION%20OF%20GREECE.pdf>> accessed 4 July 2025.

⁸⁹ N.E.C.C.A, ‘Sustainable Development And Climate Change’ (2025) <<https://necca.gov.gr/en/areas-of-action/sustainable-development-and-climate-change/#>> accessed 4 July 2025

⁹⁰ *ibid*

⁹¹ ESDN, Information on National Sustainable Development Strategies: Greece (18 August 2020) <https://www.esdn.eu/country-profiles/basic-information/detail?tx_countryprofile_countrycategory%20of%20the,the%20principles%20of%20sustainable%20development> accessed 4 July 2025

⁹² CircularGreece, ‘Ministry of Environment and Energy (MEEN)’ <<https://circulargreece.gr/partners/ministry-of-environment-and-energy-meen/#:~:text=The%20Hellenic%20Ministry%20of%20the,the%20principles%20of%20sustainable%20development>> accessed 4 July 2025

oversees the planning process and ensures the promotion of a whole-of-government approach for SDG implementation.⁹³

These institutional frameworks are closely aligned with Greece's commitment to safeguarding the interests of future generations through their commitment to the SDGs. Indeed, in their first Voluntary National Review (2018) on the Implementation SDGs, Greece emphasised its strong commitment to the goals, focusing on "fulfilling the vision for a fair, equitable and sustainable development for all, for present and for future generations".⁹⁴ The 2022 Review reports that despite challenges arising from the pandemic, Greece continues to be fully committed to the SDGs and has launched various strategies to accelerate their implementation.⁹⁵

Judicial Application

Whilst there are few relevant judgements regarding future generations, one of the most relevant decisions regarding the Judicial interpretation of Art. 24(1) concerns that of the *TMX* case⁹⁶ concerning the balancing of economic interests with sustainable development. The Court emphasised that sustainable development must be the aim and the standard of all the relevant legislative and administrative action, due to its inclusion in the Greek Constitution and in the EU Treaties.⁹⁷ Consequently annulling the proposals for the construction of a gold mine, based on its incompatibility with the principle of sustainable development and the disproportionate effects it would have on the environment.⁹⁸ This case demonstrates the enforceability of Art. 24(1) and Greece's commitment to sustainable development through the court.

Context for Future Generations

In addition to its reference to the constitution, the court largely based its decision in the *TMX* case on the provisions of the Treaty of European Union and of the Treaty establishing the European Communities that take protection of the environment as one of the fundamental aims of the EU. Referring to all these provisions, the Court stated that the natural environment

⁹³ UCLG, 'Country Profiles: Greece. National Strategies for SDG Implementation' (July 2023)

<<https://gold.uclg.org/sites/default/files/2023-07/greece.pdf>> accessed 4 July 2025

⁹⁴ Hellenic Republic, 'Voluntary National Review on the Implementation of the 2030 Agenda for Sustainable Development' (July 2018)

<https://sustainabledevelopment.un.org/content/documents/19378Greece_VNR_Greece_2018_pdf_FINAL_14061_8.pdf> accessed 4 July 2025, p.9

⁹⁵ Hellenic Republic, 'Voluntary National Review 2022 on the Implementation of the 2030 Agenda for Sustainable Development' (2022) <https://hellenicaid.mfa.gr/wp-content/uploads/2022/12/VNR_2022_Greece_Report.pdf> accessed 4 July 2022

⁹⁶ Council of State (in plenary session) 613/2002, Legal Forum 2002, 1972. [Note: the full judgement of this case is not readily available to the public and its reference in this report relies on secondary sources]

⁹⁷ E.Achtsioglou, 'On balancing and standards in Greek environmental case-law'

<<https://www.lse.ac.uk/Hellenic-Observatory/Assets/Documents/HO-PhD-Symposia>> accessed 4 July 2025

⁹⁸ *ibid*

is a special legal good, which is to be protected for the benefit not only of present, but also of future generations.⁹⁹

Although the Greek Constitution does not explicitly mention future generations, the practical implementation of the Sustainable Development Goals (SDGs) and the constitutional entrenchment of the principle of sustainable development together establish a robust framework for intergenerational protection. This approach demonstrates that the interests of future generations are inherently safeguarded within Greece's constitutional and legal order.

⁹⁹ E.Achtsioglou, 'On balancing and standards in Greek environmental case-law' <<https://www.lse.ac.uk/Hellenic-Observatory/Assets/Documents/HO-PhD-Symposia>> accessed 4 July 2025

Hungary

Constitutional Reference

*We commit to promoting and safeguarding our heritage, our unique language, Hungarian culture, the languages and cultures of nationalities living in Hungary, along with all man-made and natural assets of the Carpathian Basin. We bear responsibility for our descendants; therefore, **we shall protect the living conditions of future generations** by making prudent use of our material, intellectual and natural resources. We trust in a jointly-shaped future and the commitment of younger generations. We believe that our children and grandchildren will make Hungary great again with their talent, persistence and moral strength¹⁰⁰- Preamble to the Hungarian Constitution.*

Natural resources, in particular arable land, forests and the reserves of water, biodiversity, in particular native plant and animal species, as well as cultural assets shall form the common heritage of the nation; it shall be the obligation of the State and everyone to protect and maintain them, and to preserve them for future generations¹⁰¹- Hungarian Constitution, Article P

The Commissioner for Fundamental Rights and his or her deputies shall be elected for six years by a two-thirds vote of the Members of Parliament. The deputies shall defend the interests of future generations and the rights of nationalities living in Hungary. The Commissioner for Fundamental Rights and his or her deputies shall not be affiliated to any political party or engage in any political activity¹⁰² - Hungarian Constitution, Article 30(3)

The property of the State and of local governments shall be national assets. The management and protection of national assets shall aim at serving public interest, meeting common needs and preserving natural resources, as well as at taking into account the needs of future generations. The requirements for preserving and protecting national assets, and for the responsible management of national assets shall be laid down in a cardinal Act¹⁰³- Hungarian Constitution, Article 38(1)

Note on Constitutional Reference

The Constitution of Hungary demonstrates a clear and consistent commitment to safeguarding the interests of future generations. As the supreme legal authority in the country, its provisions are binding on all individuals and institutions.¹⁰⁴ No legislation may be enacted that contradicts its contents, underscoring the robust and legal protection afforded to future generations in the country.

¹⁰⁰ Hungarian Constitution 2011 (rev. 2016) <https://www.constituteproject.org/constitution/Hungary_2016> accessed 7 July 2025

¹⁰¹ *ibid*

¹⁰² *ibid*

¹⁰³ *ibid*

¹⁰⁴ Hungarian Government, 'Hungary's constitutional framework' (2025) <<https://2015-2019.kormany.hu/en/doc/the-hungarian-state/the-fundamental-law>> accessed 7 July 2025

Existing Relevant Institutions

The **Ombudsman for Future Generations** possesses significant constitutional and legal tools to protect environmental interests and the rights of future generations. Functioning within the Office of the Commissioner for Fundamental Rights, the Ombudsman is entrusted with a number of special powers to foster the interests and needs of future generations and is accountable only to the Parliament.¹⁰⁵ Its powers include examinations of national and local legislative actions, monitoring policy developments and legislative proposals to ensure that they do not pose a severe or irreversible threat to the environment and raising the attention of all stakeholders, including the general public when the interests of future generations are at jeopardy.¹⁰⁶ The Ombudsman can also prepare its own legislative proposals and publish non-binding recommendations or opinions to ensure that the direct link between the nation's common heritage and the fundamental rights of all generations (including future generations) are respected.¹⁰⁷

Additionally, the Ombudsman has the authority to initiate or participate in investigations, either in response to complaints or ex officio.¹⁰⁸ These investigations culminate in detailed reports that include recommendations addressed to any public authority, including the Government. In cases where there is a well-founded concern that national or local legislation may violate the Constitution, the Ombudsman can recommend that the Commissioner refer the matter to the Constitutional Court or the Supreme Court of Hungary for review.¹⁰⁹ Accordingly, the institution represents a uniquely well-established and committed entity dedicated specifically to safeguarding the interests of future generations.

Judicial Application

In **Decision No. 14/2020. (VII. 6.)**, the Hungarian Constitutional Court acknowledged the constitutional obligation of protection for future generations as creating a constitutional public trust.¹¹⁰ A public trust doctrine is one that confers fiduciary duties on the government, in the context of the decision, imposed duties on the government to act as a trustee over the natural and cultural heritage of the nation for the benefit of future generations.¹¹¹ The decision further affirmed that the applicability of non-derogation principle, with the Court finding, “monetary interests of forest owners and managers cannot prevail over the imperative of

¹⁰⁵ Deputy Commissioner For Fundamental Rights: Ombudsman for Future Generations, ‘Annex I Introduction of the Hungarian Ombudsman for Future Generations’ (2021)

<https://www.ohchr.org/sites/default/files/Documents/Issues/Environment/EnvironmentWater/NHRI/Hungary/annex_2.pdf> accessed 7 July 2025

¹⁰⁶ *ibid*

¹⁰⁷ *ibid*

¹⁰⁸ *ibid*

¹⁰⁹ *ibid*

¹¹⁰ K Sulyok, ‘The Public Trust Doctrine, the Non-Derogation Principle and the Protection of Future Generations: The Hungarian Constitutional Court’s Review of the Forest Act’ (2021) (9 *Hungarian Yearbook of International Law and European Law*) 360

¹¹¹ *ibid*

preserving the forest for future generations”.¹¹² Recently, in **Decision of 4 June 2025**,¹¹³ the Court annulled Section 3(1) of the Climate Act,¹¹⁴ on the grounds that it violated the principles of intergenerational justice, precaution, and prevention.¹¹⁵ The Constitution obliges lawmakers to uphold climate protection in a way that balances and equally respects the interests of both present and future generations, reflecting the principle of intergenerational justice. Section 3(1) of the Act had set Hungary’s greenhouse gas emissions reduction target at “at least 40% by 2030 compared to 1990 levels”¹¹⁶ but the Court found that this target was unconstitutional, due to its inadequate ambition, failing to ensure the effective reduction of emissions and the prevention of serious, long-term environmental harm.¹¹⁷ This landmark decision underscores the seriousness with which Hungary treats its constitutional duty to protect the rights and interests of future generations.

Following the judgement, the Hungarian Parliament has been given until 30 June 2026¹¹⁸ to adopt comprehensive climate legislation that must go beyond mitigation and include solid plans for adaptation and resilience in accordance with the constitution. The ruling sets a clear precedent in highlighting the significance of protecting future generations in Hungary.

Context for Future Generations

Hungary’s constitutional framework provides one of the most comprehensive models in Europe for the protection of future generations. The combined effect of explicit constitutional commitments, the establishment of a dedicated Ombudsman for Future Generations, and a judiciary willing to enforce intergenerational principles demonstrates that these rights are not symbolic but actionable, embedding the protection of future generations as a key constitutional principle.

¹¹² Ibid, 371: Decision No. 14/2020. (VI. 9.) [77]-[85], [135] and [161]-[167]

¹¹³ Hungarian Constitutional Court, Decision of 4 June 2025, on the unconstitutionality of Section 3(1) of Act XLIV of 2020 on Climate Protection (Klímatörvény) <<https://alkotmanybirosag.hu/kozlemeny/tobb-okbol-is-alaptorveny-ellenes-a-klimatorveny/>> accessed 7 July 2025

¹¹⁴(Translated) The National Legislative Committee, ‘Act XLIV of 2020 on Climate Protection’ (T/7021/10) <<https://www.parlament.hu/irom41/07021/07021-0010.pdf>> accessed 7 July 2025

¹¹⁵ Hungarian Constitutional Court, Decision of 4 June 2025, on the unconstitutionality of Section 3(1) of Act XLIV of 2020 on Climate Protection (Klímatörvény) <<https://alkotmanybirosag.hu/kozlemeny/tobb-okbol-is-alaptorveny-ellenes-a-klimatorveny/>> accessed 7 July 2025

¹¹⁶ Translated) The National Legislative Committee, ‘Act XLIV of 2020 on Climate Protection’ (T/7021/10) <<https://www.parlament.hu/irom41/07021/07021-0010.pdf>> accessed 7 July 2025

¹¹⁷ Decision of the Constitutional Court, (II/3536/2021) <https://media.alkotmanybirosag.hu/2025/06/sz_ii_3536_2021.pdf> (in Hungarian) accessed 7 July 2025, para [13]

¹¹⁸ Hungarian Constitutional Court, Decision of 4 June 2025, on the unconstitutionality of Section 3(1) of Act XLIV of 2020 on Climate Protection (Klímatörvény) <<https://alkotmanybirosag.hu/kozlemeny/tobb-okbol-is-alaptorveny-ellenes-a-klimatorveny/>> accessed 7 July 2025

Constitutional Reference

*The Republic shall promote the development of culture and of scientific and technical research. It shall safeguard the nation's natural beauty and its historical and artistic heritage. **It shall safeguard the environment, biodiversity and ecosystems, also in the interest of future generations.** State law shall regulate the methods and means of safeguarding animals*¹¹⁹ - Constitution of the Italian Republic 1947, Art. 9

Note on Constitutional Reference

The amendment to explicitly include protection of the environment and animals “in the interest of future generations” was incorporated into the Italian Constitution in 2022.¹²⁰ However, arguments have been made that the provision is largely programmatic related to a perceived “deficit of the legal personality of the potential recipients of the norm”.¹²¹ Indeed, references have been made to the wording of the provision, focusing on the choice of the term “interest” rather than “right”, which would presuppose ownership by a subject whose existence has not yet materialised.¹²²

However, it is important to acknowledge that future generations are also granted protection through Article 3-quater of the **Italian Environmental Code** (2006).¹²³ The Article relates to the principle of sustainable development, specifying “Every human activity that is legally relevant under this code must conform to the principle of sustainable development, in order to ensure that the satisfaction of the needs of **current generations cannot compromise the quality of life and the possibilities of future generations.**”¹²⁴ The incorporation of Article 9 therefore demonstrates that the growing constitutional recognition of intergenerational responsibility in Italy is not a novel concept and has a well established foundation in domestic law.

¹¹⁹ General Secretariat, ‘Constitution of the Italian Republic,’ 1947

<https://www.cortecostituzionale.it/documenti/download/pdf/The_Constitution_of_the_Italian_Republic.pdf> accessed 7 July 2025

¹²⁰ *ibid*

¹²¹ D. Fuschi, ‘Environmental Protection in the Italian Constitution: Lights and Shadows of the New Constitutional Reform,’ (I-CONnect, 13 February 2022) <<https://www.iconnectblog.com/environmental-protection-in-the-italian-constitution-lights-and-shadows-of-the-new-constitutional-reform/#>> accessed 8 July 2025

¹²² M. Pecchioli, ‘The “Priolo Case” in the Light of the 2022 Italian Constitutional Reform: Historic Judgement or Deadlock in the Progression of Environmental Law?’ (IJPL Vol.17-1, 2025) <<https://www.ijpl.eu/wp-content/uploads/2025/02/17.-Pecchioli.pdf>> accessed 8 July 2025, p395-396

¹²³ (In Italian) Il Presidente Della Repubblica, Decreto Legislativo 3 aprile 2006 , (n. 152) <<https://faolex.fao.org/docs/pdf/ita64213.pdf>> accessed 8 July 2025

¹²⁴ (Translation) *Ibid*, Art. 3-quater(1)

Existing Relevant Institutions

In Italy, various institutions, including primarily the **Ministry of Environment and Energy Security (MASE)** are responsible for promoting sustainable development in the country, in accordance with the SDGs.¹²⁵ Following the constitutional recognition of environmental and intergenerational protection, the MASE has strengthened its competences in playing a key role in the Government's environmental activity, affirming the relevance of protection for future generations in the hierarchy of interests protected by the State.¹²⁶

Additionally, the Italian National Sustainable Development Strategy (NSDS)¹²⁷ is a strategic framework incorporating the SDGs into the Italian socio-economic and political context.¹²⁸ Indeed, in its Executive Summary, the NSDS specifically reinforces “an incremental path to sustainability”¹²⁹ that takes into account “the priorities of future generations”.¹³⁰

Judicial Application

In **Judgment no. 105/2024 (The Priolo Case)**,¹³¹ the Italian Constitutional Court officially recognised the legal enforceability of the constitutional reference to future generations. Furthermore, it acknowledged that for “many years”¹³² it has “taken into account the interests of future generations”¹³³ especially in its rulings on water resources and renewable energy. The Court highlighted that these constitutional provisions now explicitly bind public authorities to act with a view to the effective defence of the environment, and that this duty serves as a limit on both public and private activities that could cause environmental harm.

Critics of the ruling claim that it only marginally addressed the constitutional reforms, offering no meaningful interpretation or application of the new provisions.¹³⁴ Nevertheless, it is important not to ignore the significance of the case in judicial acknowledgement of the reforms and their constitutional value and enforceability.

¹²⁵ Ministero dell'Ambiente e della Sicurezza Energetica, 'Promoting sustainability in Italy' (*Governo Italiano*, 2023) <<https://www.mase.gov.it/portale/promoting-sustainability-in-italy>> accessed 8 July 2025

¹²⁶ *ibid*

¹²⁷ OECD, 'Italy's National Action Plan for Policy Coherence for Sustainable Development' (OECD Publishing Paris, 2022) <https://www.mase.gov.it/portale/documents/d/guest/italy_pcsd_nap_en-pdf> accessed 8 July 2025

¹²⁸ Ministero dell'Ambiente e della Sicurezza Energetica, 'National Sustainable Development Strategy' (*Governo Italiano*, 2024) <<https://www.mase.gov.it/portale/national-sustainable-development-strategy>> accessed 8 July 2025

¹²⁹ OECD, 'Italy's National Action Plan for Policy Coherence for Sustainable Development' (OECD Publishing Paris, 2022) <https://www.mase.gov.it/portale/documents/d/guest/italy_pcsd_nap_en-pdf> accessed 8 July 2025, p.8

¹³⁰ *Ibid*

¹³¹ ECLI:IT:COST:2024:105, 'Judgment no. 105/2024' (Legal Summary, 2024) <https://www.cortecostituzionale.it/documenti/english/legal_summary_105_of_2024.pdf> accessed 8 July 2025

¹³² M.Pecchioli, 'The "Priolo Case" in the Light of the 2022 Italian Constitutional Reform: Historic Judgement or Deadlock in the Progression of Environmental Law?' (IJPL Vol.17-1, 2025) <<https://www.ijpl.eu/wp-content/uploads/2025/02/17.-Pecchioli.pdf>> accessed 8 July 2025, p. 395

¹³³ *Ibid*

¹³⁴ *Ibid*

Context for Future Generations

The constitutional amendment recognizing the interests of future generations marks a significant evolution in Italy's legal and cultural approach to environmental protection, building on their well-established domestic environmental law. The acknowledgement provides a strong legal and ethical framework for public authorities and courts to consider the long-term impacts of policy and action, demonstrating a firm commitment to the interests of future generations.

Lithuania

Constitutional Reference

*The State shall take care of the protection of the natural environment, wildlife and plants, individual objects of nature and areas of particular value and shall supervise a sustainable use of natural resources, their restoration and increase*¹³⁵- Constitution of Lithuania, Art.54

Note on Constitutional Reference

Whilst not making a specific reference to future generations, the obligation regarding the protection of the natural environment and sustainable use of natural resources carries with it an implicit link to the interests. Indeed promoting sustainability “for the benefit of future generations”¹³⁶ is one of the founding principles of the Vision for the Future ‘Lithuania 2050’¹³⁷ (approved by the Lithuanian Parliament in December 2023).¹³⁸ ‘Lithuania 2050’ is a comprehensive strategic framework outlining Lithuania’s long-term development goals and ambitions that is intended to guide the principles and direction of government policy.¹³⁹ While existing as a soft-law framework, the visions express reference to the interests of future generations in one of its key provisions demonstrates a welcome movement by Lithuania towards their protection.

Existing Relevant Institutions

Article 58 of the Statute of the Seimas of the Republic of Lithuania (1994)¹⁴⁰ establishes the **Committee on Environment Protection**, a crucial institution in safeguarding the country’s natural resources and promoting sustainable development. Its responsibilities include formulating and overseeing environmental policies, drafting and reviewing relevant legislation, coordinating the implementation of ecological standards, and ensuring compliance with international environmental agreements.¹⁴¹ By incorporating the need for sustainable development, the committee upholds the principles of the constitution and implicit protection of future generations.

¹³⁵ The Constitution of the Republic of Lithuania, 1992, <<https://lrkt.lt/en/about-the-court/legal-information/the-constitution/192>> accessed 8 July 2025

¹³⁶ Seimas of the Republic of Lithuania, Lithuania’s vision for the future ‘Lithuania 2050’ (2023) <<https://lrv.lt/media/viesa/saugykla/2023/12/x4ltEIwkfxE.pdf>> accessed 8 July 2025

¹³⁷ Ibid

¹³⁸ Ibid, p.35

¹³⁹ Ibid

¹⁴⁰ Seimas of the Republic of Lithuania Statute, (No I-399, 17 February 1994) <<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/381cfcb2292011edb36fa1cf41a91fd9?jfwid=6plip4g6w>> accessed 8 July 2025

¹⁴¹ Ibid, Art 58

Note- The Lithuanian Parliament also has a well-established Committee for the Future, however, their duties revolve principally around strategic and technological development rather than having a specific focus on sustainability¹⁴²

Judicial Application

The Constitutional court has acknowledged the enforceability of Article 54 through various cases, considering the right of to a healthy environment as a necessary condition for a dignified life¹⁴³ and acknowledging the obligation to ensure natural resources are used “moderately” so that they can be restored and augmented”.¹⁴⁴ Whilst these emphasise the legality of the provision, they refer largely to the protection of the natural environment in general, rather than sustainable development specifically. However, the implementation of Article 54 sets a precedent for the future enforcement of the principle in relation to sustainable development, thus protecting the interests of future generations.

Context for Future Generations

The Lithuanian reference to future generations may be limited in the wording of the constitution and relevant constitutional case law, however the establishment of the Vision 2020, with its key commitment to sustainable development for the sake of future generations highlights the Lithuanian Parliament’s acknowledgement of their interests in practice.

¹⁴²Ibid, Art 58¹

¹⁴³The Constitutional Court of the Republic of Lithuania, ‘Case No. 26/06’ (2 September 2009) <<https://lrkt.lt/en/court-acts/search/170/ta1285/content>> accessed 8 July 2025, para [11]

¹⁴⁴ The Constitutional Court of the Republic of Lithuania, ‘Case No. 14/02’ (13 May 2005) <<https://lrkt.lt/en/court-acts/search/170/ta1306/content>> accessed 8 July 2025, para [2]

Luxembourg

Constitutional Reference

*The State guarantees the protection of the human and cultural environment, and works for the establishment of a durable equilibrium between the conservation of nature, in particular its capacity for renewal, and the satisfaction of the needs of present and future generations.*¹⁴⁵- Constitution of Luxembourg (Consolidated version, 2023) Article 41

Note on Constitutional Reference

The principle of future generations, initially incorporated as Article 11*bis* of the Constitution (rev.2009)¹⁴⁶ has since been integrated as Article 41 of the Consolidated version of 2023.¹⁴⁷ Whilst the number of the Article has changed, the wording of the provision has remained consistent, emphasising Luxembourg's Constitutional commitment to future generations.

Existing Relevant Institutions

The **High Council for Sustainable Development** (Nohaltegkeetsrot) was established by law of 25 June 2004 on the coordination of national sustainable development policy.¹⁴⁸ The Law recognises the definition of sustainable development as “development focused on meeting the needs of present generations without compromising the ability of future generations to meet their own needs, and based on three pillars of equal value, namely economic development, social development and environmental protection”.¹⁴⁹

The responsibilities of the Council involve: conducting research and studies in all areas relating to sustainable development, encouraging the widest possible participation in the achievement of these objectives and issue opinions on all measures relating to the national sustainable development policy taken or envisaged by the Government, in particular on the national plan for sustainable development and on the implementation of Luxembourg's international commitments.¹⁵⁰ In doing so, the Council addresses proposals to the Government on its own initiative and by giving its opinion on all questions and projects concerning national sustainable development that the Government submits to it.¹⁵¹

¹⁴⁵ Constitution of the Grand Duchy of Luxembourg (Consolidated version applicable from 07/01/2023) <<https://legilux.public.lu/eli/etat/leg/constitution/1868/10/17/n1/consolide/20230701>> accessed 9 July 2025

¹⁴⁶ Constitution of Luxembourg 1868 (rev. 2009), <https://www.constituteproject.org/constitution/Luxembourg_2009> accessed 9 July 2025

¹⁴⁷ Constitution of the Grand Duchy of Luxembourg (Consolidated version applicable from 07/01/2023) <<https://legilux.public.lu/eli/etat/leg/constitution/1868/10/17/n1/consolide/20230701>> accessed 9 July 2025

¹⁴⁸ Grand Duke of Luxembourg, ‘Law of June 25, 2004 Relating to the Coordination of the National Sustainable Development Policy’ (No. 5159) <<https://legilux.public.lu/eli/etat/leg/loi/2004/06/25/n1/jo>> accessed 9 July 2025

¹⁴⁹ Ibid, Art. 2

¹⁵⁰ Ibid, Art. 4(1)

¹⁵¹ Ibid, Art 4(2)

Judicial Application

Currently there are no known significant judicial decisions relating to Articles 11*bis* or 41, the interests of future generations or sustainable development made by the court in Luxembourg. The available sources and climate litigation databases do not report any such cases originating from Luxembourg's domestic courts.

Context for Future Generations

Luxembourg has taken concrete steps to implement the rights and interests of future generations, incorporated in its Constitution. In practice the enforcement remains largely policy-driven rather than judicially enforced, emphasised through its proactive commitment to sustainable development through the High Council.

Constitutional Reference

*The State shall protect and conserve the environment and its resources **for the benefit of the present and future generations** and shall take measures to address any form of environmental degradation in Malta, including that of air, water and land, and any sort of pollution problem and to promote, nurture and support the right of action in favor of the environment.*¹⁵²- Constitution of Malta, Chapter II, Article 9(2)

Note on Constitutional Reference

The constitutional recognition of the interests of future generations principally derives from the **Environment Protection Act 2016**¹⁵³ which specifies that “it shall be the duty of the Government to protect the environment for the benefit of the present and future generations”,¹⁵⁴ through policies such as managing the environment in a sustainable manner.¹⁵⁵ Nevertheless, Article 5 of the Act specifies that this provision “shall not be directly enforceable by any court”¹⁵⁶ however, should be fundamental to the Government of Malta and employed in the same interpretation as the other principles of the act.

Subsection 2 of Article 9 was incorporated into the Constitution through Act No. XXII of 2018,¹⁵⁷ amending the constitution to formally acknowledge the protection of the environment for the benefit of future generations. As with the Environment Protection Act, Article 21 of the Constitution specifies that “the provisions of this Chapter (Chapter II, which article 9 is a part of) shall not be enforceable in any court”.¹⁵⁸ However, the article goes on to specify the principles are “nevertheless fundamental to the governance of the country and it shall be the aim of the State to apply these principles in making law.”¹⁵⁹ Thus whilst not constitutionally legally binding, Article 9 emphasises the positive obligation on the state to enforce the interests of future generations.

¹⁵² Constitution of Malta, <<https://legislation.mt/eli/const/eng>> accessed 9 July 2025

¹⁵³ Legiżlazzjoni Malta, ‘Environment Protection Act’ (31 January 2016, CAP. 549) <<https://legislation.mt/eli/cap/549/eng/pdf>> accessed 9 July 2025

¹⁵⁴ Ibid, Art 4(1)

¹⁵⁵ Ibid, Art 4(1a)

¹⁵⁶ Ibid, Art 5

¹⁵⁷ House of Representatives, ‘Act No. XXII of 2018’ (Malta Legislation, 2018) <<https://legislation.mt/eli/act/2018/22/eng/pdf>> accessed 9 July 2025

¹⁵⁸ Constitution of Malta, <<https://legislation.mt/eli/const/eng>> accessed 9 July 2025, art 21

¹⁵⁹ Ibid

Existing Relevant Institutions

The **Guardian of Future Generations**, established by Article 8 of the Sustainable Development Act 2012¹⁶⁰ aims to safeguard intergenerational and intragenerational sustainable development in Malta.¹⁶¹ The “Guardian” is tasked with safeguarding intergenerational justice, essentially acting as an ombudsperson for future generations in policy processes. The Guardian reviews proposed policies for sustainability, raises alerts if government actions could harm long-term interests, and promotes public awareness of future impacts.¹⁶²

This mechanism, one of the first of its kind in the EU, operationalizes the constitutional ethos by giving future generations a quasi-representative role in Malta's governance framework.

Judicial Application

As the principle of environmental protection for the benefit of future generations in Malta, is non-legally binding and instead acts as a positive obligation for the government. As such, there are no known significant judicial judgements relating to future generations or sustainable development. The available sources and climate litigation databases do not report any such cases originating from Malta's domestic courts.

Context for Future Generations

The constitutional and statutory emphasis on the rights of future generations reflects an acute awareness of these vulnerabilities and the need for sustainable stewardship in Malta. Whilst the provisions may not be legally binding, the establishment of the Guardian of Future Generations illustrates Maltan commitment to future generations, ensuring that its long-term interests are represented in policy-making and that the concept of intergenerational justice is not merely aspirational but has a tangible institutional presence.

¹⁶⁰ Legiżlazzjoni Malta, ‘Sustainable Development Act’ (10 July 2025, CAP. 521)

<<https://sustainabledevelopment.gov.mt/wp-content/uploads/2021/10/ACT521-%E2%80%93-Document.pdf>> accessed 9 July 2025

¹⁶¹ Sustainable Development, ‘Guardian for Future Generations’ (Sustainable Development Directorate, 2025)

<<https://sustainabledevelopment.gov.mt/guardian-of-future-generations/>> accessed 9 July 2025

¹⁶² Ibid

Poland

Constitutional Reference

*We, the Polish Nation...Obligated to bequeath to future generations all that is valuable from our over one thousand years' heritage...Hereby establish this Constitution of the Republic of Poland as the basic law for the State*¹⁶³- Preamble to the Constitution of the Republic of Poland

*Public authorities shall pursue policies ensuring the ecological security of current and future generations*¹⁶⁴- Constitution of the Republic of Poland, Art. 74

Note on Constitutional Reference

In addition to the references made to future generations in the Preamble and article 74 of the Constitution, article 5 emphasises that "The Republic of Poland...shall ensure the protection of the natural environment pursuant to the principles of sustainable development".¹⁶⁵ These principles have been part of the Constitution since its establishment, but exist as programmatic principles, meaning as such, they set the directions of the state's activity; however, they do not specify the means and ways of their implementation.¹⁶⁶

Existing Relevant Institutions

The Ministry of Development Funds and Regional Policy, in line with the constitution ensures the sustainable development of Poland so that "all the inhabitants- the present ones and future generations – benefit from the fruits of growth."¹⁶⁷ In doing so, the Ministry in 2022 assisted the Polish Government in adopting the National Urban Policy 2030 (NUP 2030).¹⁶⁸ The NUP 2030 is a comprehensive strategic document adopted to guide the sustainable growth of Polish cities and functional urban areas.¹⁶⁹ Among its core goals are fostering compact and green cities, mitigating the effects of climate change, improving air quality, and promoting circular economy practices, ensuring that sustainability and intergenerational equity are consistently promoted across Poland's urban policy landscape.¹⁷⁰

¹⁶³ The Constitution of the Republic of Poland, 1997 <<https://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm>> accessed 9 July 2025

¹⁶⁴ Ibid, Art.74

¹⁶⁵ Ibid, Art.5

¹⁶⁶ M.Skwarcan, 'Protection of the Environment in Polish Constitutional Law in the light of the Jurisdiction of the ECHR' (MTA Vol 1-1, 2024) <<https://doi.org/10.62733/2023.1.239-255>> accessed 9 July 2025

¹⁶⁷ Republic of Poland, 'Ministry of Development Funds and Regional Policy' (Gov.PL, 2025) <<https://www.gov.pl/web/funds-regional-policy/what-we-do1>> accessed 9 July 2025

¹⁶⁸ Ministry of Development Funds and Regional Policy, 'National Urban Policy 2030', (Gov.PL, 2025) <<https://www.gov.pl/web/funds-regional-policy/national-urban-policy>> accessed 9 July 2025

¹⁶⁹ Ibid

¹⁷⁰ Ibid

Judicial Application

The Constitutional Court's **Judgment of Constitutional Court of 13 May 2009**¹⁷¹ emphasised that the environmental protection mandate of Article 74 encompasses "all actions by public authorities that prevent environmental deterioration and improve its condition for the benefit of future generations".¹⁷² This interpretation makes clear that environmental protection in Poland is not confined to reactive measures or remediation but includes proactive obligations to ensure ecological security over the long term. By explicitly linking the duty to improve environmental quality with the interests of future generations, the Court affirmed that sustainable development and intergenerational equity are constitutional principles that guide the interpretation and implementation of environmental laws and policies.

Context for Future Generations

Poland's constitutional and policy framework demonstrates a clear recognition that the environment is part of the nation's heritage and must be protected for posterity. While programmatic in nature, these principles have increasingly been operationalised through strategic initiatives like the National Urban Policy 2030 and through judicial interpretations that affirm intergenerational equity as a constitutional value guiding public authorities' actions.

¹⁷¹ Trybunał Konstytucyjny, Judgment of Constitutional Court of 13 May 2009 (Ref. No. Kp 2/0) <<https://trybunal.gov.pl/postepowanie-i-orzeczenia/wyroki/art/4918-ochrona-srodowiska-kompetencje-organu-samorzadu-wojewodztwa-dotyczace-parku-krajobrazowego>> accessed 10 July 2025

¹⁷²Ibid, para [30]

Portugal

Constitutional Reference

*In order to ensure the right to the environment within an overall framework of sustainable development, the state, acting via appropriate bodies and with the involvement and participation of citizens, is charged with: Promoting the rational use of natural resources, while safeguarding their ability to renew themselves and ecological stability, with respect for the principle of intergenerational solidarity*¹⁷³- Constitution of the Portuguese Republic, Article 66 (2(d))

Note on Constitutional Reference

Portugal's Constitutional commitment to sustainable development and "respect for the principle of intergenerational solidarity is further reflected in the **Climate Framework Law 2021**,¹⁷⁴ which emphasises that Public climate policies are subject to the principle of sustainable development, "harnessing natural and human resources in a balanced way, considering the duties of solidarity and respect for future generations and all other species cohabiting on the planet".¹⁷⁵ This demonstrates the importance of the constitutional reference in guiding further legislation of the state to manage resources and development in a way that respects the needs of future generations.

Existing Relevant Institutions

The **National Council for the Environment and Sustainable Development (CNADS)**¹⁷⁶ was established in 1997 through decree-law no. 221/97,¹⁷⁷ following the Rio Conference. The Council is an advisory body, whose responsibilities include issuing opinions and recommendations on all Government policies relating to the environment and sustainable development.¹⁷⁸ Its composition brings together representatives from civil society, academia, and various economic sectors, allowing for broad consultation and deliberation on policies that affect environmental protection and resource management.¹⁷⁹ Although its opinions are not legally binding, CNADS plays an influential role in shaping legislative and strategic

¹⁷³ Constitution of the Portuguese Republic, Seventh Revision [2005]

<<https://www.parlamento.pt/sites/EN/Parliament/Documents/Constitution7th.pdf>> accessed 10 July 2025

¹⁷⁴ The Assembly of the Republic, Climate Framework Law (Law No 98/2021, 31 December 2021)

<https://www.bportugal.pt/sites/default/files/documents/2024-07/Law%20N.98-2021_EN.pdf> accessed 10 July 2025

¹⁷⁵ Ibid, Art. 4(a)

¹⁷⁶ CNADS, 'National Councils for Sustainable Development' (SGSI, 2025) <<https://www.cnads.pt/historial/>> accessed 10 July 2025

¹⁷⁷ FAOLEX, 'Decree-Law No. 221/97 instituting the National Council of Environment and Sustainable Development' (20 August 1997) <<https://www.fao.org/faolex/results/details/es/c/LEX-FAOC047397/>> accessed 10 July

¹⁷⁸ Ibid, Art.2

¹⁷⁹ CNADS, 'National Councils for Sustainable Development' (SGSI, 2025) <<https://www.cnads.pt/>> accessed 10 July 2025

approaches to sustainability in Portugal, providing expert guidance that helps ensure long-term ecological considerations are integrated into public policy.

Judicial Application

Presently, the Portuguese Constitutional Court has not issued any emblematic ruling on environmental issues or on the rights of future generations.¹⁸⁰ However, the court notably has made reference to the environment as a fundamental right in Rulings nos. 133/2018 and 397/2019¹⁸¹ where the Court directly applied Article 66. Furthermore, the Court played an active role in the ‘Summit of the Future’ to establish the UN “Declaration on Future Generations” where the court emphasised its commitment to future generations, mentioning that the Constitution of the Portuguese Republic was a pioneer in treating the environment as a fundamental right.¹⁸²

Context for Future Generations

The Portuguese Constitution illustrates the country’s clear commitment to the principle of sustainable development and protection of future generations. The country’s legal and policy framework serves as a robust model for embedding the rights and interests of future generations at the heart of national development and resource management strategies.

¹⁸⁰ The Portuguese Constitutional Court, ‘International Conference: “Justice, Future Generations, and the Environment”’ (7 February 2024)

<https://www.tribunalconstitucional.pt/tc/file/Portugal_Justice_Future%20Generations%20and%20Environment_EN.pdf?src=1&mid=7967&bid=6620> accessed 10 July 2025

¹⁸¹ Ibid, p.8

¹⁸² The Portuguese Constitutional Court, ‘The Portuguese Constitutional Court in Paris with Future Generations’ (5 February 2025)

<<https://www.tribunalconstitucional.pt/tc/en/acadres.html?do=acadres&wano=2024&wid=7967>> accessed 10 July 2025

Sweden

Constitutional Reference

*The public institutions shall promote sustainable development leading to a good environment for present and future generations*¹⁸³- Constitution of Sweden, Chapter 1, Art. 2.

Note on Constitutional Reference

Sweden's fundamental law explicitly couples the well-being of future generations to the concept of sustainable development. The sentence addressing future generations was added to the Constitution through amendment SFS 2010:1408¹⁸⁴ in 2010, and as a guiding principle in Chapter 1 of the Instrument of Government, this provision informs all public authority work.¹⁸⁵ Its inclusion in the Constitution influenced the **Climate Act 2017**¹⁸⁶ which specifies that "the Government shall conduct climate policy work that...contributes to protecting ecosystems and present and future generations against the harmful effects of climate change".¹⁸⁷ This emphasises the effectiveness of the constitution in shaping domestic policies.

Existing Relevant Institutions

Sweden's **Climate Policy Council**, established in January 2018 as part of the climate policy framework, is tasked with evaluating how well the Government's overall policy is aligned with the climate goals established by the Climate Act.¹⁸⁸ By reviewing policy coherence with long-term targets, this Council effectively safeguards future generations' interests in climate stability, reflecting the obligations of the Constitution. Indeed, in its 2023 Report, the Council emphasised that "Today's generation must take action if future generations are to have any chance of a decent life in the wake of the effects of climate change".¹⁸⁹ This demonstrates Sweden's firm commitment to the interests of future generations and underscores how its climate governance, anchored in constitutional principles and operationalized through

¹⁸³ The Constitution of Sweden, 2023 <<https://www.riksdagen.se/globalassets/03.-dokument-och-lagar/bestall-och-ladda-ner/other-languages/grundlagar-2023-engelsk-web.pdf>> accessed 10 July 2025

¹⁸⁴ (In Swedish) Swedish Constitution, SFS 2010:1408, (7 December 2010) <<https://op.europa.eu/en/publication-detail/-/publication/15968763-f872-11ed-a05c-01aa75ed71a1>> accessed 10 July 2025

¹⁸⁵ M.Zamboni, 'The Role of the Constitution in Sweden' (*De Gruyter Brill*, 2024) <[https://www.degruyterbrill.com/document/doi/10.1515/icl-2024-0023/html#:~:text=Such%20types%20of%20rights%20impose,of%20Sweden%20\(welfare%20rights\)](https://www.degruyterbrill.com/document/doi/10.1515/icl-2024-0023/html#:~:text=Such%20types%20of%20rights%20impose,of%20Sweden%20(welfare%20rights))> accessed 10 July 2025

¹⁸⁶ Sveriges Riksdag, 'Climate Act' (2017:720) <https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/klimatlag-2017720_sfs-2017-720/> accessed 10 July 2025

¹⁸⁷ Ibid, Section 2, Art. 2

¹⁸⁸ Klimatpolitiska, 'Swedish Climate Policy Council: Our Mission' (2025) <<https://www.klimatpolitiskaradet.se/en/our-mission/>> accessed 10 July 2025

¹⁸⁹ Swedish Climate Policy Council, 'Report of 2023' (2023-00013/K) <<https://www.klimatpolitiskaradet.se/wp-content/uploads/2023/05/krrapport2023english11maj.pdf>> accessed 10 July 2025

independent oversight, actively integrates long-term responsibility into national policy and action.

Judicial Application

In Sweden, the leading case relating to the protection of future generations and sustainability in Sweden is the "**Aurora case**" (Anton Foley and others v Sweden).¹⁹⁰ The case concerned a class action lawsuit against the Swedish state, arguing that Sweden's action on mitigating climate change is inadequate and thus in violation of their rights under the European Convention of Human Rights (ECHR).¹⁹¹ Despite dismissing the claim, the court acknowledged the obligations towards future generations enshrined in the Constitution and that through the Climate Act the Government is obliged to "work in a manner to reduce greenhouse gas emissions".¹⁹² This acknowledgement, combined with the fact that the case was dismissed on the grounds that it was incompatible with the role of the court¹⁹³ highlights that despite the decision, the interests of future generations remain relevant to the Constitution Court.

Context for Future Generations

The presence of the principles in the Constitution ensures that the interests of future generations remain a guiding consideration in policy-making and public administration. As climate litigation like the Aurora case demonstrates, Swedish society is increasingly engaging with these constitutional commitments, and the evolving legal and political discourse continues to shape how intergenerational justice is interpreted and pursued in practice. Whilst issues regarding their enforceability persist, it is important to acknowledge this does not diminish their overarching relevance in Sweden.

¹⁹⁰ Högsta Domstolen, 'Climate Lawsuit: Ö 7177-23' (19 February 2025)

<<https://rattspraxis.etjanst.domstol.se/sok/publicering/aa549249-8d8a-4cda-9c03-6e7a764a6c18?domstolskod=HDO>> accessed 10 July 2025

¹⁹¹ Climate Case Chart, 'Anton Foley and others v Sweden (Aurora Case)' (Sabin Centre, 2025)

<<https://climatecasechart.com/non-us-case/anton-foley-and-others-v-sweden-aurora-case/>> accessed 10 July 2025

¹⁹² Högsta Domstolen, 'Climate Lawsuit: Ö 7177-23' (19 February 2025)

<<https://rattspraxis.etjanst.domstol.se/sok/publicering/aa549249-8d8a-4cda-9c03-6e7a764a6c18?domstolskod=HDO>> accessed 10 July 2025, p.44

¹⁹³ Climate Case Chart, 'Anton Foley and others v Sweden (Aurora Case)' (Sabin Centre, 2025)

<<https://climatecasechart.com/non-us-case/anton-foley-and-others-v-sweden-aurora-case/>> accessed 10 July 2025

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