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**A new  
legal approach  
for a thriving  
EU.**



# A new legal approach for a thriving EU

In June 2024, EU citizens will head to the polls to vote for lawmakers who will shape the EU over the next five years, with direct impacts on the health of people and nature. The climate, biodiversity and pollution crises, as well as the socio-economic impacts of the cost-of-living crisis, mean that securing people's right to a clean and healthy environment has never been more critical. The people we elect will set the EU's trajectory for decades to come. Their decisions will impact present and future generations.

Our lives, societies and economies are already being impacted by environmental crises, with rampant wildfires, devastating floods and life-threatening heatwaves sweeping across Europe. Such events affect our ability to feed ourselves, breathe healthy air and access clean water. To protect our future, we need urgent action to address these crises, or we risk slowly making the EU and our planet uninhabitable.

To respond to this challenge and build a healthy, fair, and socially responsible future, we need a European Union that empowers people and our economies. We need to change the way we take decisions and hold policy-makers to account. That means integrating environmental protection across all decision-making processes, laws and institutions. Putting the environment, health and the just transition at the heart of decision-making will guarantee a holistic approach to progress across the EU and mean that no decision is taken at the cost of people and nature. Embedding these principles will transform how companies are managed, how investments are made, and how we use and consume the Earth's natural resources.

We have already started to rethink our relationship with nature and take transformative action. Five years ago, the European Commission concluded that Europe's future depended on a healthy planet. The EU adopted the 'European Green Deal' – a set of ambitious laws and policies that aimed to restore and protect our environment for the long-term benefit of people. The European Green Deal set the foundation for genuine change by giving the environment a seat at the decision-making table. But today, **we need to fill in the Green Deal's gaps, ensure its full implementation and enforcement, and guarantee its social fairness.**



The good news is that the European institutions have the legal foundation from which to make this transformative change. One of the EU's core legal texts, the Treaty on the Functioning of the European Union (TFEU), states that "*environmental protection requirements must be integrated into the definition and implementation of the Union's policies and activities*". It is high time decision-makers take this obligation seriously.

To truly apply environmental integration across decision-making, we call on political parties and the next legislature to strengthen governance and the rule of law. We urge them to implement all of the Green Deal in a consistent, planned, and timely manner.

## To do so, we need:

### Institutions:

- Appoint a European Commission Vice-President for People and the Environment, whose role is to follow through and build on the European Green Deal's climate, nature and social commitments and integrate them across all EU decision-making. This Vice-President would be in charge and accountable for the consistency and planning of the implementation of the Green Deal.

### Budget and funding:

- Review the EU's funding to end public financial support to any harmful activities (starting with fossil fuels and energy intensive industries), increase support towards a just transition, and apply the polluter pays principle.

### Enforcement:

- Significantly increase capacity and resources dedicated to environmental implementation by the enforcement bodies both at EU and national level.

### Accountability:

- Strengthen environmental democracy to uphold access to information, public participation, and access to justice rights to enable civil society to play its role in enforcing relevant laws.



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An aerial, high-angle photograph of a diverse group of people walking on a paved surface. Long, dark shadows are cast across the ground, suggesting a low sun position. The people are dressed in casual summer attire. The overall scene conveys a sense of community and movement.

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# A robust legal system and rule of law

The law is fundamental to how society is organised and it is one of the most effective levers for sustained, intra-generational transformation. The transition to an economic and social model that respects planetary boundaries requires bold and effective laws. These laws are also urgently needed to help us live within our planet's limits. And they must be **protected from deregulation**, which has been an increasingly prominent trend over the past year.

However, even robust environmental laws are no good on paper alone. For the objectives set by law to be achieved and implemented on the ground, we need to put in place **effective enforcement mechanisms**, which the EU currently lacks.

All law and policy-making in the EU should be based on the best available science, with attention given to their impact on planetary health, and shaped by the people whose interests it serves. EU laws must not come at the price of greater inequality between the rich and privileged on the one hand, and the poor and vulnerable on the other. This is also why it is key to **strengthen human rights protection** and recognise the right to a healthy environment. Everyone has the right to live in a safe, healthy environment, especially in light of extreme weather conditions and the increased number of environmental catastrophes. There is a duty to protect present and future victims of the climate and biodiversity crises.





## To do this, we must:

### Strengthen EU governance for genuine environmental and social integration

- **Appoint a Vice-President of the European Commission for People and the Environment** who would be accountable for the European Green Deal, ensuring a fair and just implementation, verifying consistency and coordinating planning (spatial and temporal). This portfolio would focus on ensuring that:
  - The gaps left from the European Green Deal are addressed: adoption of the Sustainable Food System Law, reform of the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and of the Sustainable Use of Pesticides Regulation (SUR), reform of the Common Agriculture Policy (CAP), etc.).
  - Environmental and social requirements are fully integrated into all legislative and policy proposals, including at impact assessment stage, making sure climate neutrality consistency checks are made. Impact assessments are made publicly accessible as soon as they are adopted in accordance with the ruling of the Cour of Justice of the European Union (CJEU).
  - Any revision of environmental policies is stress-tested with robust environmental and health impact assessments to avoid any additional harm to people and the environment.
  - The functioning of the Regulatory Scrutiny Board is transparent (its opinions are made publicly accessible when they are adopted) and is designed to provide the relevant support to the Vice-President to ensure the full integration of environmental protection requirements and consistency across EU policies.
  - Rulings from the CJEU, decisions of the European Ombudsman and of relevant compliance and complaint mechanisms are fully complied with by all the EU institutions – too often, these decisions, in particular those dealing with transparency requirements, are ignored – this significantly undermines and endangers the rule of law and our democracy,

### Improve the effective implementation and enforcement of environmental laws

- The **European Parliament should play a stronger role in ensuring the laws it passes are fully implemented**. This includes holding the European Commission and Member States accountable i.e. in collecting evidence, ensuring that the Commission publishes the Member States' reports on implementation and their own audits, hold public debates and invite experts to provide testimonies on the state of implementation of relevant laws.
- Take legislative action **to improve access to national courts for individuals and civil society organisations** seeking to enforce environmental and climate laws. Improving access to justice in environmental matters is needed in 21 out of the 27 Member States. EU laws must be harmonised to make sure that the same protection is granted across all areas of environmental policy. At EU level, access to justice must be guaranteed when EU acts, including State aid decisions, breach environmental law.



- **Systematically include compensation rights in relevant pieces of EU environmental law.** Individuals should be able to claim compensation more easily when their health has been impacted due to a breach of EU environmental laws. Today, procedural hurdles prevent harmed individuals from obtaining compensation. Relevant EU laws should ensure that people can claim compensation, with an appropriate burden of proof on claimants. Laws should also facilitate people's access to evidence.
- **Increase resources for the EU's environmental enforcement bodies** to ensure Member States who fail to comply with EU climate and environmental laws face the appropriate consequences. The enforcement of environmental law is understaffed, underfunded and not always prioritised, which means that many EU laws that are breached are addressed either very slowly or not at all.

## **Increase transparency and public participation in decision-making**

- Increase transparency to **improve individuals' and civil society's access to information** on the extent to which Member States comply with environmental and climate laws, particularly within the framework of EU infringement procedures initiated by the European Commission. Better access to this information would enable the public and civil society to hold their governments to account more easily and avoid irreversible environmental degradation.
- Prioritise and ensure **effective resourcing of the EU's transparency obligations**, in particular for maintaining and updating online document registers for all EU institutions, bodies and agencies. This includes making environmental information relevant to EU decision-making processes more readily available.
- Take urgent measures to increase transparency within legislative processes at EU level. This includes **ensuring that the inter-institutional negotiation process is transparent**. The working documents used during this stage of negotiations on legislative files, such as the so-called four-column documents containing compromise amendments and proposals from the three EU institutions on legislative proposals (the trilogues), must be published as soon as they are circulated among the institutions.

## **Embed human rights protection across EU decision-making processes and recognise the right to a healthy environment**

- **Implement the human right to a clean, healthy and sustainable** environment and ensure that human rights protection is embedded across the decision-making processes of EU institutions in environmental matters, so that the EU's green transition does not come at the expense of those rights, particularly the right to a healthy environment.
- **Exert pressure to ensure that the EU's accession to the European Convention of Human Rights (ECHR) is successful.** Climate change, the biodiversity crisis, and environmental risk factors for human health are increasingly linked to human rights violations in areas where the EU may be wholly or mostly responsible for the violation. The EU has legally bound itself to accede to the ECHR. This is essential for closing the gap in human rights protection in Europe.





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# An economic system aligned with environmental imperatives

The way we conduct business and direct money has an impact on our planet. Adapting our economic system is necessary to ensure people and planet can thrive. The EU must ensure all financial flows are directed towards activities that are not harmful for the planet, and that companies are conducting their business responsibly.

As public institutions using taxpayers' money to finance our future, the EU must **put an end to fossil fuels subsidies and, more generally, to environmentally harmful subsidies**, and steer them towards a clean, sustainable and just transition. Without public money and government support, many fossil fuel projects – especially the biggest ones – are too risky for the private sector to finance alone. That is a powerful market signal the EU should respect.

But the private sector must also play its part in tackling the climate, biodiversity and pollution crises. European companies are amongst the most internationalised, with many operating on unsustainable business models that have negative impacts on our ecosystems and biodiversity. It is also no longer appropriate to rely solely on voluntary and non-binding company pledges or sectoral initiatives – binding EU rules have a role to play in supporting the companies in the necessary transition and limiting the use of greenwashing.

The EU must also ensure that its **trade policy becomes a real lever to strengthen environmental and human rights protection**.



## To do this, we must:

### Tackle EU trade and investment frameworks

- Make the sustainability chapters in any trade agreement between the EU and other states legally binding. By doing this and making sure that new agreements are made conditional on achieving international climate, biodiversity and human rights commitments, EU trade policy will strengthen environmental and human rights protection within and beyond the EU.

### Put an end to fossil fuels subsidies and, more generally, to environmentally harmful subsidies

- **Use EU funds to incentivise the complete decarbonisation of all economic sectors.** EU funds must integrate environmental protection requirements. All EU funds must be amended to exclude funding of fossil fuels, including fossil gas. The management of these funds is important: newly created EU funds should be managed centrally, making the European Commission directly responsible for all steps in their implementation. For EU funds that are managed by both the European Commission and Member States (shared management), the European Court of Auditors should more intensely scrutinise the implementation of these funds. To safeguard sufficient funding for climate action, once the current [NextGenerationEU](#) fund lapses, new EU funds directed at climate action should be created.
- **Align State aid policy with climate and environmental objectives.** State aid policy determines under what conditions Member States can provide financial support to companies. The European Commission has the power to block or greenlight this support. The next Commission must prevent public support to fossil fuels, including fossil gas, in all sectors, by amending various State aid frameworks. Public support needs to be shifted to more sustainable activities and climate action. Finally, State aid policy must integrate environmental protection requirements.
- **Integrate the polluter pays principle in taxation and shift taxation from labour to resources.** Polluters must be made entirely financially responsible for the harm their activities wreak on the environment. This requires taxing activities in a way that reflects the associated environmental harm. At EU level, this means tax exemptions in line with the [Energy Taxation Directive](#), such as the fuel subsidies for fisheries, must be abolished.
- **Increase the transparency of environmentally harmful subsidies at national and EU levels.** Transparency is essential for developing and adjusting policies, to track the EU's pledge to phase out environmentally harmful subsidies and to keep the relevant stakeholders accountable. The EU should establish a clear definition of the concept of an "environmentally harmful subsidy" and impose reporting obligations on Member States for these subsidies. The reported information should be made publicly available, in more detail than what is currently reported by the European Commission on energy subsidies.



- **Better integrate the sustainability principle in public procurement legislation.** To achieve this, the public procurement directives should be revised so that the sustainability principle is placed at the same level of importance as the other fundamental principles of public procurement.
- **Impose stricter environmental conditions for international public finance.** International public finance, such as finance channelled through Member States' export credit agencies, continues to finance large projects including fossil fuel infrastructure. The EU must impose stricter environmental conditions on Member States and their entities providing international public finance, for example under the [EU Regulation on the Application of Guidelines for Officially Supported Export Credits](#) and leave no room for providing public support to fossil fuels, including gas.

## Support companies in delivering the transition and protect consumers from greenwashing

- **Take legislative action to support companies in developing responsible business conduct, especially in high-risk sectors.** This can be done by introducing specific due diligence rules for high-risk sectors and developing issue-specific guidance, which complements comprehensive due diligence requirements on environmental and human rights such as under the [Corporate Sustainability Due Diligence Directive](#) (CSDDD). Specific and detailed rules for certain sectors, such as the food system, are important so that all types of impacts are taken into account. The Sustainable Food System Law should be tabled.
- **Develop guidelines and introduce specific requirements** clarifying companies' obligations to establish and implement climate, biodiversity and circular economy transition plans. Climate transition plans should require at least the setting of short-, medium- and long-term targets for absolute greenhouse gas reductions. Biodiversity transition plans should align with international agreed goals on biodiversity and include obligations to identify value chain risks on biodiversity. Circular economy transition plans should cover companies' plans to eliminate waste and pollution and circulate products and materials at their highest value. For intensive users of single-use plastics, this includes plans to deplastify products and packaging in line with circular economy principles.
- **Address the key gap regarding fossil fuel demand reduction** in a new law modelled on the [Framework Convention on Tobacco Control](#), including a European-wide fossil fuel advertising, promotion and sponsorship ban.



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# A reformed energy system fit for sustainable and resilient resource use

The production and consumption of energy in Europe remains a leading contributor to the global climate, biodiversity and pollution crises. For the energy transition to be effective, we need to tackle it at a systems level. So far, ambition from the EU institutions to advance renewable energy and energy efficiency has remained insufficient to limit global heating.

Fossil fuels – coal, oil and gas – are the largest source of European greenhouse gas emissions, driving climate change and damaging people’s health across the bloc. And yet, we still rely on them for power generation, domestic heating, transport, and hydrocarbon-based industrial processes such as plastics and petrochemicals production. The energy price crisis has also demonstrated the threat that fossil gas poses for energy security and affordability.

However, reforming our energy system goes beyond fossil fuels. Regardless of whether our energy in the future is fossil or renewable, if we stay on our current path, the negative impacts of our production and consumption on our planet will become unbearable. Spaces which could be set aside for vital purposes such as nature protection will instead be unnecessarily dedicated to new energy or industrial infrastructure, and by failing to minimise our reliance on new materials we risk degrading ecosystems, harming people, and weakening our resilience.

To reduce our emissions, protect nature and create secure and affordable energy for all, we must **accelerate the transition to clean and sustainable energy, phase out fossil fuels and tackle pollution at its sources.**



## To do this, we must:

### Accelerate the transition to clean and sustainable energy

- **Radically reduce energy demand**, including through absolute resource-use reduction targets for energy and materials across economic sectors. Overall final energy demand – whether renewable or fossil – must structurally decrease so we can live well within our Earth’s limits. This cannot be accomplished through efficiency and circularity alone.
- **Incorporate “energy sufficiency” as a new guiding pillar of EU energy policy**, to ensure that all legislation and policy initiatives which relate to energy are oriented first towards achieving well-being for all and respecting environmental limits. Enable the accelerated deployment of renewables and clean technologies by shoring up local administrative capacities and ensuring the robust application of all nature protection and consultation laws. The promotion of renewable energy must not come at the cost or circumvention of nature protection or through eroding core transparency, public participation and access to justice principles.
- **Increase the circularity of critical raw materials** by setting a global blueprint on how to achieve a transformational transition without perpetuating neocolonial power structures. Circularity must be the centre of how the EU sources the materials needed, while ensuring the highest standards of environmental and human rights protection throughout the whole supply chain. The EU should also use its global influence to ensure that minerals are sourced in a way that respects the same global standards.

### Tackle pollution at its sources

- **Proceed with the reform of the Regulation on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)**. Reduce chemical pollution by delivering on the Chemicals Strategy for Sustainability as promised by the European Commission, and make the manufacture, sale and use of only those chemicals which are safe the norm. The EU must ban non-essential uses of the most harmful chemicals and improve the risk management system to ensure that the “no data-no market” promise of REACH 1 becomes a reality and chemicals are only placed on the market after they have been proven to be safe.

### Phase out fossil fuels

- **Remove fossil gas and biomass as ‘sustainable’ under the taxonomy**. Under the EU Taxonomy Regulation, it is possible to invest in fossil gas or biomass, and have that investment be considered sustainable. As a result, the private sector may characterise investments in these energy sources as sustainable. It is therefore key that fossil gas and biomass be removed from the list of sustainable activities under the taxonomy.
- **Re-structure centralised, fossil-based energy systems by ensuring a level playing field for community-led renewable energy initiatives**. Energy communities allow people to participate in the transition towards resilient energy systems based on distributed renewable energy



infrastructure. This makes it possible for people to combat energy poverty and provide benefits to their local communities. The EU institutions must make sure the relevant EU directives are fully transposed so that bottom-up renewable initiatives can flourish.

- **Accelerate the transition towards a truly sustainable mobility system.** Stopping the sale of new petrol and diesel vehicles and facilitating the roll out of zero-exhaust emission alternatives is a critical part of this transition. However, a shift in technology alone will not be sufficient to deliver the EU's carbon neutrality goals. This will require bucking the persistent trends of growing private transport demand across the bloc, by facilitating Member States' delivery of affordable, accessible and clean public/collective transport systems, cycling and walking infrastructure, as well as smart urban planning that reduces the overall need to transport people and goods.
- **Secure the robust and harmonised enforcement of vehicle emissions standards across the EU.** The European Commission must exercise its vehicle market surveillance powers and duties to ensure all Member States urgently force auto manufacturers to recall and fix those highly polluting cars and vans found to contain illegal defeat device technology. An estimated 16.7 million vehicles still on the road across the EU report emissions so high as to indicate the use of illegal defeat device technology, with only limited enforcement action having been taken by Member State authorities.



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# An environmentally sound, healthy and fair food system and land and ocean stewardship

The European Green Deal missed tackling an important sector: food systems. They are the basis of our survival and are at the heart of the economy. The agriculture, fisheries and aquaculture sectors provide jobs to many people, while the EU is the top global trader in agrifood products. These systems, as they are currently organised, contribute significantly to the climate, biodiversity and pollution crises by increasing greenhouse gas emissions and by driving biodiversity and habitat loss.

This impact needs to be mitigated. We need healthy ecosystems, and we need to adapt the way we interact with them. Therefore, **we must change the way we produce food in order to protect the land and the ocean while providing people with healthy and nutritious food.**

The EU also needs to **create the space for enhanced stewardship of marine and land ecosystems.** EU seas are amongst the most overexploited in the world and marine nature is in a dire state. Sectoral policies alone will not be enough to restore the health of our ocean, and there is a need to adopt a more streamlined, coherent approach to ocean protection. On land, unsustainable farming and forestry as well as urban expansion have caused a massive decline in biodiversity in Europe, and delivering on the EU biodiversity strategy for 2030 should be at the forefront of any policy making.



## To do this, we must:

### Enable conditions to transform the food system

- **Adopt a Sustainable Food System legislative framework.** Introduce an ambitious cross-sectoral legal framework that supports, rather than continues to hinder, the transition to a sustainable food system. The framework should include legally binding and time-bound targets to reach two main objectives: guaranteeing access to healthy and sustainable food, and promoting a food system that operates within the Earth's limits. To act as an umbrella law, the Framework must establish monitoring and review mechanisms to facilitate its timely implementation.
- **Conduct an adequate reform of the Common Agricultural Policy (CAP).** The CAP's financial power means it has the ability to transform the agri-food sector and its contribution to achieving the EU's climate and nature goals – as well as the sector's own ability to operate. A thorough assessment of the current CAP's environmental performance should serve as a basis to ensure that taxpayers' money incentivises and rewards farmers for their efforts in tackling the climate and biodiversity crises. During the next CAP reform, policy-makers should ensure that subsidies carry a clear added value for the environment, for the climate, for social equity and for human health, to support the EU's ambitions to achieve sustainable food systems.
- **Ensure the adoption of binding rules regarding pesticides.** The EU institutions need to listen to scientists and citizens and adopt binding rules that will set risk reduction targets and strict boundaries for pesticides use. This will prevent biodiversity loss and species extinction and protect human health from impacts associated with pesticides use.
- **Guarantee effective public participation from civil society and engaged citizens in the implementation of relevant agri-food laws.** Ad-hoc committees – such as the Special Committee for Agriculture within the Council or the Agriculture Committee within the EU Parliament – should be replaced as their sector-specific approach prevents integrating agri-food laws within other policies and ensuring consistency across legislation.

### Protect and restore land and marine ecosystems

- **Ensure enforcement of Member States' obligations in line with the EU Nature Restoration Law,** by pushing for ambitious National Restoration Plans and by allocating adequate and appropriate funding streams for area-based conservation and restoration efforts.
- **Fulfil the EU's international commitments to the Global Biodiversity Framework Target 3** (conservation of 30 % of Land, freshwaters and Seas) by incentivising Member States to develop their network of Protected Areas, improve their governance, management and monitoring.
- **Safeguard the level of ambition of existing EU legislation** aimed at protecting biodiversity in Europe, particularly the Nature Directives, and improving their enforcement in Member States.



- **Mainstream biodiversity considerations in sectoral EU policies**, including the Common Fisheries and Common Agricultural Policies, so that they are fully aligned with relevant obligations and commitments under biodiversity laws (including the Nature Restoration Law). This will help mitigate the destructive environmental impacts of industrial farming and fishing, so that they do not undermine the achievement of EU conservation and restoration targets.
- **Adopt an overarching and bold EU Ocean Deal** to bring full policy coherence to sectoral ocean policies and make sure that they deliver full implementation of the EU's environmental and social commitments.
- **Create an EU Ocean Fund** for the long-term restoration and conservation of the marine environment and the just transition of ocean-related economic sectors towards more sustainable, fair, decarbonised and low impact activities.

## **Address the overexploitation and illegal exploitation of food and timber products**

- **Fully implement legal frameworks aimed at addressing the overexploitation, illegal and unsustainable exploitation of food and timber products.** This includes full implementation of:
  - (i) the Common Fisheries Policy, by setting of sustainable fishing limits across the EU and in waters outside the EU;
  - (ii) the Fisheries Control and Illegal, Unreported and Unregulated Regulations for the control of EU and non-EU fisheries products entering into the EU market; and
  - (iii) the new EU Deforestation Regulation and the EU Timber Regulation (while it remains in force) to end placing illegal and unsustainable commodities associated with deforestation and forest degradation on the EU market.
- **Member States should allocate sufficient resources to ensure the implementation and enforcement** of these rules and the European Commission should take action, including through infringement procedures, if legislative obligations are not fulfilled.



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## Contacts

### **Anais Berthier**

Head of Brussels

[Aberthier@clientearth.org](mailto:Aberthier@clientearth.org)

### **Pierre Cannet**

Global Head of Public Affairs & Policy

[Pcannet@clientearth.org](mailto:Pcannet@clientearth.org)



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