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Fast Today, Fair Tomorrow: Competing Priorities Shaping EU Climate Law and Policy

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ABSTRACT

This review critically assesses academic literature on how EU legal frameworks and institutions have navigated the dual imperatives of urgency (“fast”) and justice (“fair”) in climate governance, since the launch of the European Green Deal (EGD) and during the first term of the von der Leyen Commission. It focuses on core legal instruments and on the roles of key institutions tasked with developing and enforcing climate obligations: the European Commission (EC), the European Parliament (EP), the Council and European Council, the Court of Justice of the EU (CJEU), and national courts. Positioned at the intersection of EU studies and sustainability transition studies, the review bridges legal and political science perspectives. Drawing on urgency and justice as analytical lenses, we identify a recurring temporal mismatch across EU climate governance, where urgency is embedded ex-ante, whereas fairness tends to be appended ex-post. This pattern is visible in EU climate laws—which mandate fast action through ambitious targets and accelerated transitions—and institutional dynamics. The EC and Parliament broadly align on urgency imperatives, with justice often reduced to distributive compensation. In contrast, the Council’s and the European Council’s intergovernmental, consensus-driven logic emphasizes nationally framed justice, which can temper urgency. National courts strongly engage with urgency but generally defer burden-sharing decisions to political actors. We argue that embedding justice concerns early in the policymaking process is essential for ensuring that fast and fair transitions reinforce one another. The review concludes with a research agenda to guide future interdisciplinary work on urgency-justice dynamics amid changing political landscapes.

This article is categorized under:

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1 | Introduction

In recent years, the European Union (EU) has grappled with waves of societal unrest that vividly illustrate potential tensions between urgent (“fast”) and just (“fair”) climate action. A rapid hike in carbon taxes in France in 2018 triggered the

Yellow Vests to take to the streets as the measure was perceived to disproportionately burden the economically vulnerable (Defard 2022). In 2024, farmers across Europe mobilized against rapid nitrogen and pesticide reductions under the tightening EU environmental agenda, deeming fast-paced rules socially unfair for threatening livelihoods

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and disproportionately burdening small family farms (Henley and Jones 2024; Matthews 2025). By contrast, the Fridays for Future movement propelled climate policy onto the European agenda in 2019, driven by a deep sense of urgency while portraying climate inaction as intergenerational injustice (Knappe and Renn 2022; Pollex and Berker 2024). Likewise, the proliferation of climate lawsuits (e.g., Urgenda, Klimaatzaak, People's Climate Case) accuses policymakers across Europe of moving too slowly, jeopardizing future generations (Wentz et al. 2023; Aba 2023).

These societal reactions illustrate the complex demands placed on climate governance: the urgency to act fast against ecological breakdown and the parallel need to ensure such transition aligns with normative principles of justice (van Bommel and Höffken 2023; Newell et al. 2022; Ciptet and Harrison 2020). This duality is equally captured in the European Commission's (EC's) Communication on the European Green Deal (EGD), framed as both a response to urgent climate change and a commitment to a "fair and inclusive" transition (European Commission 2019). Recent scholarship also identifies this dual challenge—the urgency of climate mitigation and (global) just transitions—as inherent to the EU's climate governance (Dupont et al. 2024, 9).

This review responds to calls for research to critically assess *how EU legal frameworks and institutions reconcile the pursuit of rapid climate action with justice imperatives* (Dupont et al. 2024; Buzogány et al. 2025; van Bommel and Höffken 2023). We contribute to this debate by investigating how legal frameworks and institutions in the EU have navigated *urgency and justice* concerns in shaping European climate policy within the framework of the EGD. Rather than evaluating legislation or institutions directly, we review existing academic literature to explore how both imperatives have been interpreted, critiqued, and conceptualized, identifying key themes, tensions, and gaps in relation to the urgency-justice interplay of climate governance.

Following the operationalisation of the concepts of urgency and justice, which are used as analytical lenses, this review employed a snowballing method for article selection, covering peer-reviewed journal articles, book chapters, and relevant policy-oriented scholarship published since the launch of the EGD in 2019. We situate this review at the intersection of EU studies and sustainability transitions, drawing on legal and political scholarship throughout. In particular, we examine academic literature on core legislative instruments associated with the EGD, including revisions to existing legislation as part of the EGD agenda. Our analysis also covers the key institutions involved in climate policymaking and implementation, namely the EC, the European Parliament (EP), the Council of the EU (Council), the European Council (EUCO), and the Court of Justice of the EU (CJEU). In respect of courts, we include a focus on the EU Member State level. The rise of climate litigation across Europe has made national courts central to the interpretation and enforcement of climate obligations, positioning them as critical institutional actors in the governance of climate action and justice across EU and Member State levels.

The review proceeds as follows. Section 2 outlines the analytical framework, including how we unpack urgency and justice as our analytical lenses for examining the literature on EU legal frameworks and institutions. Section 3 examines how urgency and justice are embedded within key EGD legal frameworks, as seen in scholarly literature. Section 4 shifts the focus to literature on institutions, beginning with studies on EU institutions, followed by an analysis of national courts and how they navigate and enforce these competing priorities. Finally, we conclude with a set of reflections on the broader implications of our findings for EU climate governance studies, and set out a research agenda.

2 | Analytical Framework: Unpacking the Imperatives of Urgency and Justice

For the development of our analytical framework, we draw on an emerging body of literature framing climate action as both a matter of urgency and justice. In this section, we unpack each concept, tracing its origins in scholarly discourse, and distil them into key indicators to identify how EU legal frameworks and institutions have responded to both urgency and justice in climate governance.

The first dimension of our analytical framework operationalises the concept of urgency, capturing the temporal dimensions of responding to climate disruption and the multiple framings of time pressure related to it (van Bommel and Höffken 2023; Partridge et al. 2018; Orlove et al. 2020; Wilson and Orlove 2019, 2021). Urgency is derived from the multiple ecological crises we face and represents the physical necessity to act fast, as dictated by the transgression of most planetary boundaries (Ruwet 2023; Edensor et al. 2020; Rockström et al. 2024). In the EU's policy and legal discourse, urgency functions as a justification for the deliberate acceleration of climate action. Through crisis framings and the adoption of legally binding and quantified targets, EU governance politicizes this scientific imperative (Bornemann and Strassheim 2019; Marquardt and Delina 2021; Ruwet 2023). Consequently, the imperative of urgency serves as an analytical lens to assess how legal frameworks and governing bodies translate ecological timeframes into institutional speed—primarily through the following indicators:

- *References to ecological imperatives*, irreversible ecological tipping points, and planetary boundaries. Such framings often justify accelerated emissions reductions and conservation efforts as matters of necessity rather than choice (Ruwet 2023; Edensor et al. 2020).
- *Narratives centred on socio-technical and/or economic imperatives*, focusing on the acceleration of technological innovation and economic competitiveness (Geels 2002; Markard et al. 2020).
- *References to legislative timelines and policy targets* as formalized expressions of urgency, depicting fixed or shifting policy windows, long-term targets (e.g., climate neutrality by 2050), and interim goals (e.g., 2030 energy targets).

- *Framings related to the climate crisis or emergency*, where climate action is characterized by centralized authority, technocratic decision-making, or a prioritization of fast policy implementation (Patterson et al. 2021; McHugh et al. 2021).

The second dimension of the analytical framework operationalises a broad array of justice-oriented discourses in climate governance and transition studies. While climate justice, energy justice, and “just transition” scholarship offer distinct normative starting points, they converge in emphasizing the equity dimensions at stake in the transition toward climate neutrality (Schlosberg 2012; Heffron and McCauley 2014; van Bommel and Höffken 2023; Zimm et al. 2024; Coolsaet et al. 2025). This literature often identifies four core tenets (van Bommel and Höffken 2023; Banerjee and Schuitema 2022; Sovacool et al. 2019; McCauley et al. 2019; Méndez-Barrientos et al. 2024; Abram et al. 2022). While other justice dimensions are also acknowledged in literature, such as epistemic (Temper and Del Bene 2016), cosmopolitan (Heffron 2024) or intergenerational justice (Newell et al. 2021), this review focuses on the following four core tenets of justice for analytical clarity and manageability. These serve as key indicators for evaluating how legal frameworks and institutions have addressed justice concerns in shaping the EU’s climate agenda:

- *Distributive justice* refers to the equitable distribution of the benefits and burdens of climate change impacts (Jenkins et al. 2016). As an inherently spatial concept, an example of distributive injustice is the uneven allocation of resources resulting from climate measures, for instance, the siting of wind farms disproportionately affecting certain communities (Jenkins et al. 2016, 2014). Addressing such imbalances involves legal and policy measures aimed at reducing socio-economic inequalities and redistributing resources.
- *Procedural justice* emphasizes the legitimacy of decision-making processes through equitable procedures that engage all stakeholders in a non-discriminatory way (Jenkins et al. 2014). Thus, it concerns the earlier mentioned “access to decision-making processes that govern the distributions” (Jenkins et al. 2016, 178). Participative and deliberative mechanisms such as citizen assemblies are especially valued for enhancing legitimacy, transparency, and accountability in climate governance (Pickering et al. 2022; Fung 2015).
- *Recognition justice* focuses on ensuring that affected stakeholders are identified and meaningfully represented in climate governance (Jenkins et al. 2016). This involves embracing pluralism to prevent the marginalization of specific groups or communities, including future generations. This dimension often intersects with intergenerational justice, which highlights the long-term implications of climate decisions and the ethical responsibility to safeguard the interests of future generations (Wu 2024; Newell et al. 2021).
- *Restorative or compensatory justice* focuses on the process of rehabilitation from an adverse event, redressing damage inflicted (Banerjee and Schuitema 2022; Pranis 2007). In particular, it addresses the unequal impacts of climate policies through measures such as financial compensation, re-skilling and upskilling programmes, and support

TABLE 1 | Analytical framework unpacking urgency and justice.

Dimension	Identified through
Urgency	– Ecological imperatives cited – Emphasis on policy deadlines/targets – Emphasis on socio-technical/technological acceleration measures – Reference to crisis or emergency framing
Justice	– Explicit or implicit reference to one or more justice concepts (distributive, procedural, restorative, recognition, etc.) – Distributive justice: reference to affected stakeholders by climate policy measures; emphasis on anticipating impacts – Procedural justice: reference to participatory governance mechanisms – Restorative/Recognition justice: reference to compensatory, restorative, or aid policies

mechanisms for individuals and communities adversely affected by the transition (Banerjee and Schuitema 2022).

Based on the indicators identified above, our review relies on a multi-dimensional analytical framework (see Table 1) for assessing how urgency and justice function as both normative claims and structuring principles in the development of climate policy and law within the scope of the EGD.

While we treat urgency and justice as distinct analytical categories, we recognize that their boundaries are conceptually fluid. From a normative perspective, they are deeply interdependent: a just transition is unattainable without rapid mitigation that secures the biophysical conditions for life, while rapid action that is not equitable and inclusive risks reproducing or exacerbating injustice (van Bommel and Höffken 2023; Newell et al. 2022; Skjølsvold and Coenen 2021). Intergenerational justice illustrates this synergy, as ambitious climate action directly promotes the interests of future generations (Kumar 2022; Abram et al. 2022; Nightingale et al. 2020). Climate litigation increasingly reflects this, framing delay not merely as policy failure, but as active injustice—a form of “slow violence” inflicted upon future generations (Nixon 2013), but also to frontline communities and non-human species. Indeed, certain social groups, such as future generations, stand to benefit disproportionately from accelerated climate action because of their heightened vulnerability to climate impacts (Thomas et al. 2019; Ford et al. 2018; Ribot 2014). Nevertheless, this normative interdependence does not dissolve any potential frictions between urgency and justice. As vulnerability is determined by a myriad of intersecting socio-economic and spatial factors (Thomas et al. 2019), tensions arise in practice because vulnerability to climate change often diverges from vulnerability to, for example, the distributive effects of climate policies. For instance, while rapid action advances obligations to future generations and other vulnerable groups, it may simultaneously redistribute costs and generate new injustices for current affected communities. Keeping urgency and justice analytically distinct therefore does not deny their interdependence but rather allows for a clearer examination of how

urgency imperatives sideline justice concerns, which conceptions of justice gain priority, and how justice claims can in turn complicate timelines of policy action.

Methodologically, we employed a snowballing method for article selection, using the established indicators to code, categorize, and synthesize a heterogeneous and interdisciplinary body of literature within a critical and narrative review. The process began with the expert knowledge of the author team and was supplemented by rounds of targeted searches for relevant scholarly advances. We conducted these searches in Google Scholar, Web of Science, and Scopus, focusing on English-language publications where questions of urgency and justice intersect. Through backward and forward citation tracking, we identified additional contributions across adjacent literatures. The iterative snowballing approach enabled us to trace conceptual linkages across multiple disciplines. This was necessary because scholarship on urgency and justice employs diverse terminologies that keyword-restricted systematic searches may fail to capture. Consequently, our objective was a state-of-the-art conceptual synthesis of an emerging, interdisciplinary debate, rather than an exhaustive systematic review. This approach allowed us to map various framings (e.g., target-based approach, ambition, crisis responses, solidarity, equity) onto the two imperatives of urgency and justice, and trace the evolution of the emerging academic debate on the tensions between them. While this approach aimed at breadth and conceptual diversity, we acknowledge the risk of selection bias and omissions, particularly with regard to non-English scholarship or strands of literature that do not explicitly frame their arguments in terms of urgency and justice. Such omissions may bias our findings toward “Brussels-centric” or mainstream perspectives, potentially understating emerging, disruptive, or place-based critiques. However, given that our aim is a state-of-the-art review of the EU’s legal architecture and institutions, this approach remains appropriate for providing a reflexive and analytically grounded synthesis of the dominant structuring principles of European climate policy.

3 | EU Climate Legal Framework: Legislating Climate Urgency and Justice

The EU climate legal regime consists of a set of legislative measures primarily aimed at reducing greenhouse gas (GHG) emissions. The 2021 European Climate Law (ECL), adopted under the EGD, establishes binding targets to reduce GHG emissions by at least 55% by 2030 relative to 1990 levels, alongside the long-term objective of achieving climate neutrality by 2050 (Woerdman et al. 2021). A recent amendment to the ECL introduces a new intermediate 2040 target, aiming for a 90% reduction in net GHG emissions relative to 1990 levels (Council of the EU 2026). To meet these targets, the EGD’s flagship “Fit for 55” package builds upon and revises the regime’s core legislative pillars—namely the Land Use, Land-Use Change, and Forestry (LULUCF) Regulation, the Emissions Trading System (ETS) Directive, and the Effort Sharing Regulation (ESR) – progressively updating both climate and energy targets (Schlacke et al. 2022; Erbach and Jensen 2024; Bocquillon 2024; Oberthür and Kulovesi 2025). This expansion includes not only revisions to the Renewable Energy Directive (Hardiman 2022) but also new initiatives such as the Carbon Border Adjustment Mechanism

(CBAM) (Leal-Arcas et al. 2022) and the Ecodesign for Sustainable Products Regulation (ESPR) (Wan and Jiang 2025). To implement these targets, the Governance Regulation requires Member States to regularly report their policies and measures through National Energy and Climate Plans (NECPs) (Schlacke et al. 2022; Kulovesi et al. 2024). Indeed, the EU climate legal regime has gradually transformed from a climate-specific domain into an integrated climate-energy legal framework of experimental governance (Bocquillon and Maltby 2025). The resulting high degree of legal complexity and the potential for politicization is argued to undermine effective implementation (Hurka and Steinebach 2026; Brendler 2026).

The literature addressing EU climate legal frameworks—covering individual laws (e.g., ECL) and broader legislative packages (e.g., “Fit for 55”)—emphasizes the temporal dimensions of responding to climate change through a focus on climate targets (Skjærseth 2021; Hilson 2020; Peeters and Athanasiadou 2020; Bäckstrand 2022; Schlacke et al. 2022; Kulovesi et al. 2024). Acceleration is manifested through these targets and associated legislative timelines (e.g., achieving at least 42.5% of renewable energy by 2030). In this context, the concept of “ambition” is widely used in the literature to describe the increasing stringency of climate targets through legislative revisions (Skjærseth 2021; Schlacke et al. 2022; Bäckstrand 2022; Scheuing and Kamm 2022), which in turn shapes institutional action and prioritization. Yet, as Scheuing and Kamm (2022) warn, legislative revisions may not happen quickly, as the time factor must be considered from various perspectives—for example, the entry into force of legislative acts, the moment they take substantive effect, and the deadlines set within the legislative acts with a view to 2030. In parallel, Skjærseth (2021) highlights the need for policies to accelerate low-carbon technological change. References to the “climate crisis” are also present in this body of literature (Bäckstrand 2022; Kulovesi et al. 2024).

Prior to the Paris Agreement and the resulting EU legal framework, justice was primarily understood in terms of distributional issues among EU Member States, which varied significantly in gross domestic product (GDP) per capita and industrial structure (Skjærseth 2021). In the ESR, Peeters and Athanasiadou (2020) explain that this translated into less stringent targets for Member States with lower levels of GDP compared to those with more prosperous economies. As EU climate policies have become more ambitious with the EGD, the concept of justice has expanded, from fairness among Member States and industry sectors to include regions, citizens, and the need for a socially “just transition” where no one is left behind (Skjærseth 2021; Bäckstrand 2022; Kulovesi et al. 2024). Nevertheless, initial attention remained focused on coal regions in lower-income Member States (Skjærseth 2021). More specifically, in relation to the concept of justice, this covers both distributive and procedural justice. Distributive justice is emphasized through the need for planning to anticipate and mitigate any unequal socio-economic impacts of climate policies on individuals and communities (Kulovesi et al. 2024; Scheuing and Kamm 2022). Procedural justice is discussed, for instance, in relation to the absence of enforceable provisions in existing climate legislation requiring compliance with public participation rights under the Aarhus Convention (Accogli 2024; Peeters and Athanasiadou 2020). However, Kaschny (2025b) argues

INSTITUTION	01 Urgency focus	02 Justice focus	03 Resulting tensions
01 • EC European Commission	Institutionalising urgency Proposing ambitious, binding targets, legislative timelines, and market-based mechanisms to accelerate socio-technical transitions.	⇔ Justice as distributive compensation Largely treated as a corrective “add-on” via financial redistribution to mitigate the fallout of market mechanisms.	→ “Fast today, fair tomorrow” sequence A temporal mismatch where ambition is embedded ex-ante and justice appended ex-post — i.e. the EC as a “compensatory state”.
02 • EP European Parliament	Framed as a “climate champion” Pushing for high ambition; generally aligns with or pushes beyond Commission targets in the context of a climate emergency.	⇔ Justice positions vary with partisanship Left/Green focus on rights and global justice; Right focuses on economic burdens and competitiveness. Generally advocates stronger distributive and procedural justice, but often makes concessions in trilogues.	→ Broad ambition vs. narrow compromises General unity on ambition, but definitions of a “just transition” split along partisan lines, often resulting in discursive support for “solidarity” but shallow, distributive compromises.
03 • Council / EUCO Council of the EU & European Council	Strategic and crisis-driven urgency Demonstrated by support for the EGD in principle, but framed within a security paradigm (e.g. energy independence).	⇔ Justice through national distributive concerns Interpreted as protecting domestic industrial interests through exemptions, flexibility, and leeway in implementation.	→ Supranational ambition vs. national flexibility A need for consensus tempers or delays EU-wide ambition to accommodate domestic economic concerns.
04 • CJEU / National courts Court of Justice of the EU & national courts	Enforcing urgency as justice Courts increasingly recognise climate urgency, frame delay as an active injustice, and use rights-based law to drive rapid mitigation.	⇔ Intergenerational justice and equity Invoking principles of intergenerational justice and equity, but deferring specific distributive and burden-sharing decisions to political actors. Recently, just transition litigation focuses on the distribution of benefits and burdens.	→ Urgent action vs. political discretion The judiciary mandates rapid action, but exercises restraint on specific allocation policies, leaving that to political bodies.

FIGURE 1 | Urgency, justice, and their main tensions across EU institutions.

that while the concept of a “just transition” is a central pillar of the EGD, related legislative references remain sectoral and political. Despite acknowledging distributive and procedural implications, these references lack a foundation in overarching, binding legal standards. Although Kaschny (2025b) focuses specifically on energy law, the observation that the EU addresses justice primarily through funding instruments instead of regulatory mandates provides a relevant insight for the broader EU climate regime.

The tension between the needs of present and future generations is evident in the limited consideration given to the immediate environmental impacts of climate mitigation measures (Hardiman 2022). Renewable energy projects illustrate this contradiction, where long-term decarbonization benefits compete with the short-term environmental costs of infrastructure development. However, the urgency associated with climate targets and justice imperatives is not always positioned as opposing imperatives in the literature. Kulovesi et al. (2024), for instance, link climate neutrality objectives and immediate targets to international and intergenerational justice by referring to the “costs of inaction” and arguing that climate targets can contribute to a more equitable distribution of the global carbon budget across countries and generations. While the ECL does not list either intergenerational or international equity as a mandatory consideration for the 2040 target (Kulovesi et al. 2024, 31), the recent intermediate targets respond to these justice imperatives, in particular intergenerational justice. Similarly, Wewerinke-Singh et al. (2025) argue that the threatened weakening of the EGD by new political and economic coalitions raises significant climate justice and human rights concerns.

4 | Balancing Urgency and Justice in the EU’S Institutions

This section covers the key institutions involved in EU climate policy, namely the EC, the EP, the Council of the EU, the European Council, and the CJEU, with particular attention also given to the role of national courts in shaping the interpretation and enforcement of climate obligations. A summary table of this section can be found in Figure 1.

4.1 | The European Commission

As a non-elected body with the sole right of legislative initiative, the Commission occupies a unique position, often calibrating its priorities to secure inter-institutional support in a way that makes it indirectly responsive to electoral pressures (Gheuens 2025). When the Commission launched the EGD in 2019, a period of notably favorable climate politics, it acted as a “policy entrepreneur” (Rosamond and Dupont 2021; Bürgin 2023). By establishing a high baseline of climate ambition early in the cycle, the Commission effectively anchored the legislative agenda, compelling other institutions to work within that ambitious framework (Rosamond and Dupont 2025).

The literature recognizes that the Commission’s regulatory role centers primarily on institutionalizing climate urgency through the adoption of more ambitious and quantifiable policy targets and deadlines (Skjærseth 2021; Domorenok and Graziano 2023). Following the ECL’s adoption, the Commission

proposed various other initiatives (Fleming and Mauger 2021; Hedberg and Šipka 2022), prioritizing socio-technical acceleration in energy systems, alternative business models (e.g., in the circular economy) and efforts to enhance efficiency and industrial competitiveness (Fifi and Gao 2025). This drive for urgent action has reinforced a shift toward centralized, top-down governance (Kuzemko et al. 2022; Pollex and Lenschow 2025), exemplified by the rapid 15-month adoption of the ECL in 2021 (Domorenok and Graziano 2023). While such centralisation has arguably strengthened the Commission's capacity to advance the EGD, Puetter and Terranova (2025) note it simultaneously revives critical debates regarding democratic representation and institutional accountability in the EU.

Framed as a “growth strategy,” the EGD follows an explicit economic logic that extends the climate action discourse established by the Juncker Commission (von Lucke 2021). Various scholars discuss how the EU's decarbonization strategy (mostly through “Fit for 55”) relies heavily on market-based mechanisms and industrial competitiveness, in order to create predictable investment environments and accelerate socio-technical innovation (Fifi and Gao 2025; Laruffa and Nullmeier 2025; Samper et al. 2021; Fleming and Mauger 2021). This market-oriented trajectory was further catalyzed by the 2022 Russian invasion of Ukraine. This prompted the Commission to respond with REPowerEU, a rapid response to diversify the EU's energy supply away from Russian gas while accelerating renewable energy deployment (Surwillo 2023; Kuzemko et al. 2022). Crisis-driven decisions, such as labelling liquefied natural gas and nuclear energy as “green” under the green taxonomy, have been criticized for narrowing environmental sustainability and conflicting with energy justice principles both within and beyond the EU (Lonergan et al. 2022; Kuzemko et al. 2022; Antón Antón 2023). Under the second von der Leyen Commission, this market-centric governance has deepened through initiatives like the Net-Zero Industry Act and the Clean Industrial Deal, where the drive for industrial competitiveness increasingly risks overriding distributive justice both within and outside the EU (Lefstad 2025; Zhao and Lin 2025).

Despite its economic focus, the Commission rhetorically commits to a “gradual,” “inclusive,” and “socially fair” transition (Kaschny 2025a, 366), often articulated through slogans of leaving no person or place behind (Fifi and Gao 2025; Chiara et al. 2025). The literature is critical, however, as to how this is realized. The Commission mainly pursues its “just transition” through the redistribution of funds for reskilling, green infrastructure, and compensating the regions most affected by the energy transition (Kaschny 2025a; Chiara et al. 2025; del Guayo and Cuesta 2022). This reflects what Sabato and Mandelli (2024) identify as a “market-making vs. market-correcting” tension, wherein the Commission prioritizes welfare policies that invest in upskilling and green infrastructure over robust measures for social protection. This translates to the development of the Just Transition Fund (JTF), which supports economic diversification in coal-dependent regions (Domorenok and Graziano 2023; Fleming and Mauger 2021; Galgóczi 2022), and the Social Climate Fund (SCF), designed to cushion the impact of expanded ETS costs on vulnerable households (Mandelli and Murphy 2025; Fifi and Gao 2025). While these financial transfers advance distributive and restorative justice, their reach remains

geographically and demographically limited, institutionalizing a narrow application of justice (Fleming and Mauger 2021; Joosse et al. 2025). Beyond their limited scope, critics highlight the reactive design of these instruments, which often neglect structural inequalities (Dupont et al. 2024; del Guayo and Cuesta 2022; Sarkki et al. 2022; Mandelli and Murphy 2025). Fifi and Gao (2025) link this reactive design to the EU's evolution into a “compensatory state” and how the Commission has historically failed to anticipate and embed justice alongside its pursuit of ambitious climate goals. As such, this has left the Commission correcting, rather than preventing, the distributive frictions created by more stringent climate policies.

Beyond distributive issues, the Commission's work on a just transition remains conceptually constrained by significant shortcomings in procedural justice. Recent work identifies a lack of robust participatory and deliberative mechanisms as a persistent flaw in EU climate policymaking (Oberthür, Schewe, et al. 2025; Oberthür, von Homeyer, et al. 2025). While the compressed timelines of rapid GHG reductions may not allow enough time for the democratic and social processes required for a truly just transition (Dupont et al. 2024), democratic buy-in is often stressed in policy discourse (Oberthür, von Homeyer, et al. 2025; Hedberg and Šipka 2022). Nevertheless, actual governance often remains top-down, with participatory efforts reduced to a staged process to justify a pre-made decision. Bueno Patin and Stapper (2025), for instance, argue that marginalized communities especially are rarely considered in these processes, and even when included, they often lack the agency to shape dominant policy discourses. These patterns of exclusion are evident across various scales of EU initiatives: Territorial Just Transition Plans often treat beneficiaries as passive recipients of funds rather than active participants (Chiara et al. 2025); community energy schemes frequently bypass the energy-poor due to structural barriers (Hanke et al. 2023; van Bommel and Höffken 2021); and the Conference on the Future of Europe has been criticized as a depoliticised legitimization tool that sidelines deeper justice debates (Galende-Sánchez 2025). If anything, the Commission seeks to pre-empt disputes over justice through impact assessments and public consultations, thereby instrumentalising justice as a tool for policy stabilization rather than contestation. Echoing broader critiques of EU participation (e.g., Alemanno 2020; Monaghan 2012; Kutay 2015; Kamlage and Nanz 2017), Laruffa and Nullmeier (2025) note that participation is conceived primarily as the management of public acceptance, instrumentalising justice as a tool of policy stabilization rather than contestation or any genuine debate on the meaning of transition or the power structures that define them.

4.2 | The European Parliament

Once seen as a bystander in EU climate governance (Burns and Carter 2010), the EP has positioned itself as an environmental “champion,” even if contingent on shifting majorities (Domorenok and Graziano 2023; Pollex 2025; Buzogány and Četković 2021). In 2019, it declared a climate and environment emergency, pressing the Commission for action aligned with scientific evidence and the Paris Agreement (Domorenok and Graziano 2023; Pollex 2025). Often the Commission's closest ally on ambition, the EP has advocated higher emission

reduction targets, bans on new fossil-fuelled cars, greater uptake of sustainable aviation fuels, mandatory energy savings, and higher renewable energy targets (Surwillo 2023; Petri et al. 2023).

Relative to other institutions, the EP tends to be more farsighted and open to a wider range of interests, though internal divisions and electoral pressures can constrain far-reaching measures (Gheuens 2025). In the EP's ninth term (2019–2024), climate action in itself was less of a contested topic, but framings of urgency diverged: left, green, and liberal MEPs emphasized ecological and future-oriented imperatives to protect both non-human life and human rights, while centre-right and right-wing groups focused on the economic burden within the EU (Pollex 2025; Petri et al. 2023). Across various framings, urgency was thus varying understood either as a call to respect planetary boundaries or as a rationale for protecting competitiveness and national interests.

While Kinski and Ripoll Servent (2022) find that MEPs used urgency as the dominant frame to justify climate policy ambition before social justice, Petrović et al. (2022, 425) show how the EP provides a “window into (the diversity of) European perspectives on climate justice.” Pollex (2025) shows that equity and justice concerns have gained prominence in EP climate debates, with the (centre-)left focusing on global justice, human rights, non-human life, and intergenerational equity, while the (centre-)right emphasizes the EGD's economic impacts on EU citizens' livelihoods. Regional divides are also evident, as Western European MEPs tend to prioritize urgency, whereas those from Central and Eastern Europe stress social equity more (Kinski and Ripoll Servent 2022).

Generally, the EP has echoed the Commission's call for a just and inclusive transition grounded in EU solidarity, championing the JTF and SCF (Domorenok and Graziano 2023; Fleming and Mauger 2021). Yet distributive justice, framed largely in EU-centred spatial and social terms, dominates across the political spectrum, with procedural, restorative, and global dimensions receiving little attention. Even where intergenerational justice, social inclusion, and participation are mentioned, they often remain discursively shallow (Pollex 2025; Chiara et al. 2025; Fleming and Mauger 2021).

4.3 | The Council of the EU and the European Council

The Council of the EU and the European Council (EUCO) have long navigated internal policy divergences among Member States, often adopting a cautious, nationally contingent approach to climate governance (Rosamond and Dupont 2021, 2025). Yet, the Council has emphasized Member States' flexibility, mostly resisting the Commission's attempts to centralize authority (e.g., through delegated acts) and preserving “ample leeway” for nationally tailored strategies (Domorenok and Graziano 2023, 25).

The literature recognizes urgency framings across the EUCO's work. For Ullrichova (2025), urgency is part of what elevates a policy issue onto its agenda. Over time, the EUCO has shown growing attention to consensus-seeking on urgent climate

policies, driven by the securitisation of climate change as an existential threat and its subsequent politicization (Dupont et al. 2024). Since 2009, climate policy has reached the primary agenda only five times, notably during moments of disequilibrium such as the EGD's launch, framed as a means to accelerate the energy transition and boost EU energy resilience, while broader (unsecuritised) environmental issues rarely gain similar traction (Ullrichova 2025). A key exception is identified by Rosamond and Dupont (2021) in “Fit for 55”, where the EUCO limited its role to endorsing overarching targets rather than dictating technical modalities, thus facilitating a more efficient legislative process.

As for the Council of the EU, recent crises, such as the COVID-19 and energy crises, have reinforced urgency framings and entrenched a crisis-driven intergovernmentalism into European climate policy, supporting the EGD in principle but prioritizing short-term measures. During COVID, it focused on preserving EU competitiveness and limiting the economic burden of climate reforms (Domorenok and Graziano 2023). In the energy crisis, the Czech Presidency emphasized energy security over more stringent climate goals, by capping prices, coordinating gas supplies, and enabling joint purchasing (Buzogány et al. 2023; Surwillo 2023). The literature also discusses how the Council's strategic urgency and prioritization of short-sighted national interests (e.g., energy supply and affordability) often lead to the watering down of more ambitious goals advanced by the Commission and the EP (Hedberg and Šipka 2022; Gheuens 2025).

In the Council and the EUCO, too, distributive issues prevailed based on national interests. This was evident in the 2022 Council Recommendation on a “fair transition,” which narrowed the justice agenda to labour-market adjustment by foregrounding employability and competitiveness (Manzella 2025; Sarkki et al. 2022). It is also due to the Council that the proposed JTF budget was reduced from €40 billion to €17.5 billion, as a compromise between a Polish-led coalition seeking support for coal regions and “frugal” states, which insisted on making the funding conditional on decarbonization (Fleming and Mauger 2021; Kyriazi and Miró 2022). Such bargaining reflects the intergovernmental nature of the Council, often contributing to a multi-speed transition shaped by divergent Member State (redistributive) interests (Mata Pérez et al. 2019; Bailer et al. 2015). Indeed, unlike the EP and the Commission that arguably act in European interest, the Council needs to balance all Member States' interests. In this regard, Skjærseth (2021) discusses how EU institutions have navigated these institutional tensions by developing policy mixes or “package deals” that aim to fulfill multiple transition functions: accelerating low-carbon innovation and promoting green growth, while simultaneously providing mechanisms for compensation, flexibilities, and support to alleviate negative impacts and secure political buy-in. The “Fit for 55” Package is specifically identified as a rare case where institutional interests converged, because the Commission designed the package as a political compromise from the outset (Rosamond and Dupont 2025). The dynamics at play within the Council to some extent mirror earlier observed dynamics between “leader” and “laggard” EU Member States (Andersen and Liefferink 1997; Liefferink et al. 2023). This creates a

fundamental time inconsistency between the long-term planning necessitated by climate urgency and short-term electoral cycles, frequently leading the Council to prioritize immediate domestic priorities over more farsighted climate action (Gheuens 2025).

4.4 | Court of Justice of the European Union and National Courts

Climate litigation, often based on human rights arguments, has significantly proliferated across European courts following the landmark *Urgenda Foundation* case in the Netherlands (Backes and van der Veen 2020; Nollkaemper 2020; Wewerinke-Singh and McCoach 2021). The influence of the *Urgenda* case has unfolded both horizontally, by shaping the jurisprudence of other European States—where national courts are being called upon to assess climate-related commitments—and vertically, by reinforcing the role of domestic courts as sites to solidify international commitments (Barritt 2020).

Legal action advocating for more ambitious climate policies has also been brought against the EU before the CJEU. A prominent example is the “People’s Climate Case” (Campins Eritja 2024), which was however dismissed at the admissibility stage (Renglet 2020; Kulovesi et al. 2023; Eckes 2024). Given the deep link between climate and energy policy, the CJEU has further articulated a substantive fairness baseline through the concept of solidarity. Building on a broader political reframing of solidarity (see Bartenstein 2025), the CJEU, through the *OPAL* case (2021), ruled that energy solidarity under Article 194(1) TFEU is a binding and justiciable principle beyond crisis situations—requiring EU institutions and Member States to assess cross-border impacts ex-ante (Huhta and Reins 2023; Wende 2024). Because Article 194 spans market functioning, efficiency, renewables, interconnection and security, *OPAL* helps institutionalize distributive and recognition justice in EU energy governance and provides a legal counterweight to purely market-led measures (Huhta and Reins 2023; Kaschny 2025a). In urgency-justice terms, *OPAL* tempers fast decision-making with solidarity checks. However, this solidarity is not absolute: certain cross-border spillovers may be tolerated where justified, proportionate and mitigated (Kaschny 2025a).

At the Member States level, the duality between urgency and justice within climate litigation is often captured in the literature through the lens of the separation of powers—between the judiciary, on the one hand, and the executive and legislative branches, on the other (Nollkaemper 2025). Scholars highlight how domestic judges have integrated the notion of urgency into their reasoning by drawing on various frameworks such as planetary boundaries, tipping points, and irreversibility (Kotzé 2021; Voigt 2021; Bétaille 2022). Courts have also referred to the concept of a remaining carbon budget to point to the time-sensitive nature of the mitigation efforts (Frenz 2024) and have recognized that postponing swift and substantial emission reductions is incompatible with a state’s transition objectives (Kelleher 2021). Judicial reasoning has also centred on the level (or stringency) and pace (or urgency) of emission reductions required of the state (Ferreira 2016).

However, scholars note that, even when judges have urged governments to act more swiftly, they have generally refrained from encroaching on their discretion, reasoning that the principle of separation of powers precludes them from prescribing specific GHG reduction rates (Kelleher 2021; Petel and Vander Putten 2023). In some instances, though, the separation of powers doctrine was not an insurmountable barrier for national courts (Nollkaemper 2025). In addition, courts have avoided engaging in complex issues of quantifying shares of reparation responsibility to be allocated among States (Luporini 2021). They have instead urged governments to adopt additional measures to meet climate targets, given the insufficiency of existing policies (Müllerová and Ač 2022), to introduce sufficiently detailed mitigation plans (Žuffová-Kunčová 2022), or to properly implement and enforce existing climate legislation (Kulovesi et al. 2023). Yet, the detailed content and scope of such measures remain the prerogative of the political branches (Merinero and Tigre 2023), although courts retain the authority to assess whether the adopted measures violate constitutional rights or are not based on justifiable legal standards (Minnerop and Rostgaard 2020). In this regard, Torre-Schaub (2023) argues that judges can only “show the way,” without specifying the precise means by which emission reductions should be achieved.

Scholars also point out that domestic judges have operationalized the concept of justice by invoking the principle of common but differentiated responsibilities, which serves to delineate the scope of the government’s duty of care to protect its citizens from climate risks (Galvão Ferreira 2016), as well as the concepts of intergenerational justice and equity (Minnerop 2020; Kotzé 2021; Kulovesi et al. 2023; Frenz 2024). More recently, scholars have focused on a fast-growing subset of climate litigation, so-called just transition litigation, which does not concern adaptation or mitigation measures, but rather the distribution of benefits and burdens associated with the transition away from fossil fuels (Aba 2023; Savaresi et al. 2024). Additionally, judges emphasize the importance of transparency in the formulation of climate policy so as to allow the public to form an informed opinion on its adequacy (Renglet 2020), and the significance of environmental impact assessments in ensuring an informed and accurate foundation for decision-making (Colombo 2024; Minnerop and Rostgaard 2020). Some rulings also focus on the various categories of liability, addressing the damages caused by climate change (Kahl and Daebel 2019).

5 | Concluding Reflections and Future Research

In this review, we critically assessed relevant literature on how EU legal frameworks and institutions balance the dual imperatives of urgency and justice under the EGD. Applying our analytical framework, we show how these imperatives emerge as central, interrelated themes in the post-EGD literature, even if they are not always explicitly named as such. Yet the degree to which they are balanced remains up for debate.

The literature on EU legal frameworks emphasizes the temporal dimensions of climate action through increasingly stringent targets, low-carbon acceleration, and crisis-framed rhetoric that institutionalize an urgent and rapid transition. By contrast, notions of justice have shifted from fairness of burden-sharing

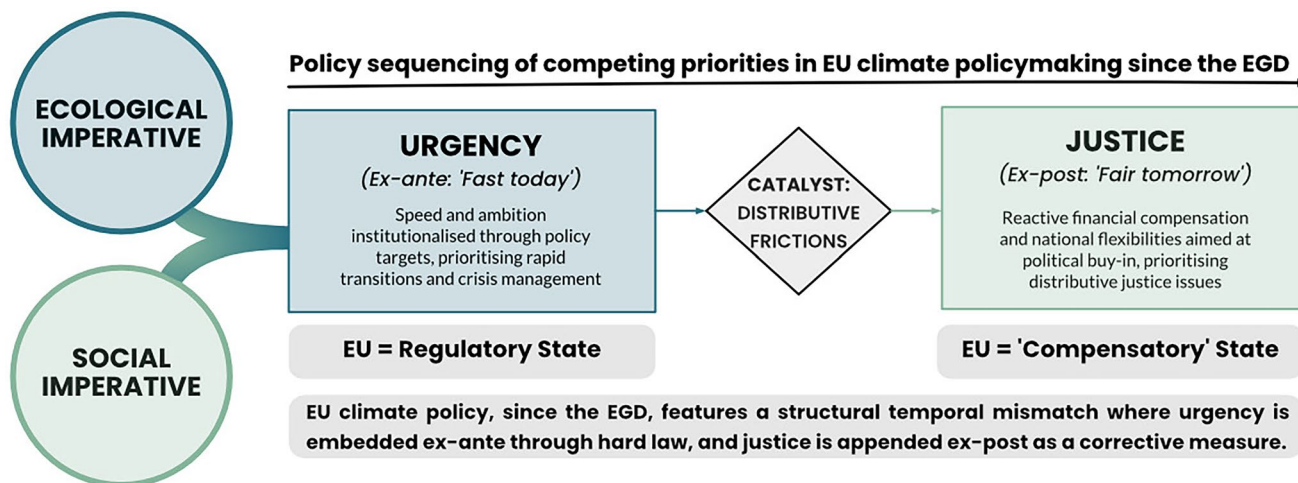


FIGURE 2 | A heuristic for the “fast today, fair tomorrow” sequence characterizing the EU climate regime.

among Member States to include concerns about regions and citizens specifically, discussed mainly through the lens of distributive justice. If urgency and justice are often seen in tension, recent scholarship shows that EU climate targets, such as the new 2040 intermediate target under the ECL amendment, advance international and intergenerational justice. Generally, however, both the scarcity of literature on synergistic solutions for urgency-justice tensions and the shifting political landscape after the 2024 European elections are indicative of the uneasy relationship between deep transitions and the inevitable winners and losers of those transitions. These conflicts cannot be resolved (within legal frameworks) without navigating difficult political trade-offs.

Our review further reveals how balancing urgent and just climate action is a push-and-pull between key EU institutions. The Commission has implemented the EGD through policy layering, adding new compensatory tools onto a solutionist framework built around industrial competitiveness. Mirroring developments in broader European governance, this evolving EU climate regime allows for more country differentiation and flexibility in exchange for tighter conditionality and monitoring by the Commission (Heidbreder 2025; Zeitlin and Rangoni 2025). The EP was broadly aligned with the Commission's ambition with its climate discourse, albeit along partisan lines where framings range from ecological and rights-based urgency to concerns about competitiveness and burdens on Member States (Kyriazi and Miró 2022). By contrast, the Council's and the EUCO's intergovernmental, consensus-driven logic translated into a nationally framed distributive justice, where shortsighted domestic interests, traditionally including cost and competitiveness concerns, often constrained the Commission and EP's climate ambition. Courts form a distinct, but complementary counterbalance to other institutions. In essence, the judiciary is the primary actor bridging urgency and justice, by interpreting urgency as the pathway to fundamental human rights. National courts tend to be particularly responsive to climate urgency, pressing executives to act faster. Simultaneously, they generally defer specific burden-sharing to those executives, while invoking broad justice principles (e.g., intergenerational equity, differentiated responsibilities, and energy solidarity) to guide executives on the form such action should take.

We conclude that a temporal mismatch exists between urgency and justice imperatives, consistent with an emerging body of literature on transition tensions (e.g., van Bommel and Höffken 2023; Skjølsvold and Coenen 2021; Newell et al. 2022; Ciplet and Harrison 2020). Crucially, our focus on the EU points to policy sequencing as an underexplored mechanism of tension. It is not that justice is inherently slow, but that speed and ambition are often embedded ex-ante through legal instruments that codify targets and timeliness, while justice considerations are added as ex-post correctives. The politics of this policy sequencing may reveal a structural feature of Fifi and Gao's (2025) model of the EU's “compensatory state.” Lacking the social policy mandate of a Member state, the EU relies on its core competency in market regulation and target-setting rather than developing ex-ante social policy (Caporaso et al. 2015; Greer 2021; Copeland and Daly 2018; Garben 2017). As portrayed in Figure 2, the inevitable distributive frictions subsequently act as a catalyst, forcing the creation of compensatory mechanisms and a form of functional spillover where the EU integrates further through sequential crisis management (Miró et al. 2024).

Urgency emerged as a dominant political logic structuring the pace and focus of governance, often at the expense of more qualitative aspects in the form of justice concerns (van Bommel and Höffken 2023; Patterson et al. 2021). This is evident in a cross-institutional emphasis on distributive and compensatory justice. Other dimensions, such as procedural or recognition justice, receive limited attention. Justice thus functions less as a transformative principle and more as a corrective add-on, introduced to contain the fallout of politically contested decisions, rather than addressing root causes. Nevertheless, urgency-justice dynamics are rarely unidirectional. Although urgency can override justice concerns, late or strategic appeals to justice, particularly within the Council, often translate into demands for national flexibility that can slow decision-making and dilute collective ambition. Conversely, these dynamics can prove mutually reinforcing: cross-institutional “package deals” often accelerate decision-making from the outset by balancing national interests with higher ambition through compromise, while the REPowerEU initiative demonstrated how a rapid crisis response can simultaneously advance long-term decarbonization and short-term crisis relief. Ultimately, the enduring challenge for the EU is

to embed comprehensive justice up-front, ensuring that urgency and fairness serve as reciprocal, rather than competing, imperatives.

In closing, we weigh whether the tension between urgency and justice is idiosyncratic to the EGD or rather symptomatic of a broader commensurability problem between both imperatives. Conceptually, reconciling them is fraught with complexity because they operate on competing temporal and normative rationalities. Urgency relies on external, compressed timelines driven by the biophysical reality of the Anthropocene, favoring efficiency, quantitative metrics, and the stabilization of the status quo. Conversely, deep justice requires a slower, relational rhythm to achieve transformative change (Cockburn 2025; McAuliffe 2021). Fundamentally, we argue this conflict is about competing subjects of justice and time. Urgency often prioritizes a collective, future-oriented subject, where rapid action is the prerequisite for protecting the rights of future generations. However, justice also prioritizes the present and the particular, including the immediate distributive and recognition needs of marginalized and frontline communities, but also non-human entities. Political reconciliation between these imperatives thus stalls when various actors leverage these different views to anchor their positions, effectively using one form of justice to veto the other.

The tendency to downplay justice concerns is not necessarily specific to the area of climate politics. There are various parallels to this “fast today, fair tomorrow” sequence beyond EU climate policy. Responses to the Covid-19 crisis sidelined justice issues in favor of executive centralisation and effectiveness (Dupont et al. 2025). Similarly, in the area of migration, the new Pact on Migration and Asylum prioritizes accelerated border procedures and solidarity in terms of relocation quotas to satisfy the security concerns of Member States, raising concerns about the quality of asylum and the protection of individual rights (Rasche and Walter-Franke 2020; Molinari 2022; Apatzidou 2025). In the development of the Economic and Monetary Union, strict fiscal rules and market integration were institutionalized first, leaving social dimensions and compensatory mechanisms to be developed years later as corrective responses (Niemann and Ioannou 2015; Vincensini 2026). This institutionalized policy sequence highlights a European Union capable of regulatory ambition, yet structurally constrained by a lack of the social mandate necessary to ensure a genuinely just transformation.

Finally, we propose a research agenda to guide future work. First, it is important to consider the post-EGD context. Understanding urgency-justice dynamics remains vital in a shifting political landscape where both urgency and justice are increasingly equated with narrow visions of industrial competitiveness and administrative simplification. We thus encourage longitudinal work on how urgency-justice dynamics evolve. Second, future inquiries should examine urgency-justice dynamics across national legal frameworks and institutions, as localizing these tensions within Member States may provide for a more granular understanding of supranational outcomes. Third, more work is needed to uncover the mechanisms behind the “fast today, fair tomorrow” policy sequence—an institutionalized paradox that may inadvertently entrench executive centralisation, sideline democratic governance and qualitative dimensions of justice,

or externalize burdens to third countries. Fourth, as the field starts to grasp how urgency-justice tensions manifest in various policy contexts, further research is needed on potential synergistic strategies to reconcile both imperatives. Finally, as urgency and justice are fundamentally multi-system dynamics, we call for further interdisciplinary, cross-cutting research to produce actionable evidence that enables both rapid and just transformative change.

Author Contributions

Alessandra Accogli: conceptualization (equal), formal analysis (equal), investigation (equal), methodology (supporting), project administration (supporting), writing – original draft (equal), writing – review and editing (equal). **Jonas Meuleman:** conceptualization (equal), formal analysis (equal), investigation (equal), methodology (lead), project administration (supporting), visualization (lead), writing – original draft (equal), writing – review and editing (equal). **Aron Buzogány:** conceptualization (supporting), formal analysis (supporting), investigation (supporting), writing – original draft (supporting), writing – review and editing (supporting). **Elena Fasoli:** conceptualization (supporting), formal analysis (supporting), investigation (supporting), writing – original draft (supporting). **Diarmuid Torney:** conceptualization (supporting), formal analysis (supporting), investigation (supporting), project administration (lead), writing – original draft (supporting), writing – review and editing (supporting).

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Conflicts of Interest

The authors declare no conflicts of interest.

Data Availability Statement

Data sharing is not applicable to this article as no new data were created or analyzed in this study.

Related WIREs Articles

[Three decades of EU climate policy: Racing toward climate neutrality?](#)

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