
CONSUMER CHOICE CENTER

NO FOREIGN VETO

ON AMERICAN ENERGY VERDICTS

*Putting a stop to international
energy lawfare*



BY
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Introduction

If every major energy dispute can be retried or litigated abroad after an American jury renders a judgment, then no verdict is ever truly a verdict—no infrastructure project is ever truly secure. That is the lesson of the Dakota Access Pipeline, an ongoing legal dispute weaving its way through courts in North Dakota and now on the European continent.

On March 19, 2025, after a three-week trial, a nine-member jury in Morton County, North Dakota, returned a verdict holding Greenpeace liable on multiple claims related to the Dakota Access Pipeline protests. The jury awarded the petroleum infrastructure company Energy Transfer LP \$667 million in damages, which the judge later reduced to \$345 million.¹

The jury found that Greenpeace USA, Greenpeace International and Greenpeace Fund harmed Energy Transfer’s Dakota Access Pipeline operations, which move crude oil from the Bakken shale fields in northwestern North Dakota to the Patoka Oil Terminal in southern Illinois, through conduct tied to the protest campaign, including defamation, tortious interference, civil conspiracy, nuisance and trespass-related claims.

A few weeks before the case was heard in North Dakota, in February 2025, Greenpeace International filed an anti-SLAPP lawsuit (Strategic Lawsuit Against Public Participation) in a court in the Netherlands (where Greenpeace is based), arguing that the European Union’s directive on “abusive court proceedings” shields the environmental group from any verdict in this case.

That case asks a Dutch judge to provide “relief” by declaring the North Dakota case a SLAPP lawsuit under European law, thereby nullifying or undercutting the American court.

A year after the verdict, on March 27, 2026, Greenpeace filed a [motion for a new trial](#) in the North Dakota District Court, aiming to undo the jury trial and civil damages, while the Dutch case remains slated for a hearing in mid-April 2026.²

As it stands, this is one of the most consequential verdicts against an environmental advocacy group for its protest actions against energy projects in American history. The fallout will undoubtedly shape how activist groups engage with protests and direct their resources. However, the attempt to circumvent the American legal system by using an EU anti-SLAPP directive is also a monumental source of controversy that threatens the rule of law, international trade, and the future of energy projects on both sides of the Atlantic.

As the need for global energy production and supply continues to increase, the stakes of these proceedings will have profound consequences for consumers in the United States, Europe, and across the world, as it will for environmental protesters who oppose these and similar projects using both legal and illegal means. We can expect these clashes between energy producers and ideological groups opposed to energy production to become more frequent and more costly. Thus, we must as a society come to accept and respect certain ground rules and legal procedures.

A status quo of moving domestic jury trials to

foreign courts would cause undue harm not just to future energy development but also to the livelihoods and cost of living of hundreds of millions of Americans and Europeans.

This is not just a fight between an energy company and an activist NGO. It is a test of whether critical energy infrastructure projects, and the consumers who depend on them, can be subjected to years of international litigation and forum shopping after a U.S. jury has already weighed the facts. That is the heart of this primer.

Within it, we will examine the use of disruptive direct actions by environmental NGOs that cross the boundaries of peaceful protest in numerous cases, highlight the issues with the extrajudicial procedure in the Netherlands, demonstrate why *Energy Transfer v. Greenpeace* should remain in American courts, and explain why all of this matters to consumers who rely on affordable energy and a stable economy for their family's standard of living.

A Path of Destruction

As we have covered in previous research, few things are as obvious in the realm of public policy as the need to produce energy to heat homes, fuel cars, and drive businesses.³ There remain dedicated ideological campaigns committed to shackling the industry, and by

extension, its customers, using physical and non-physical tactics within the legal system and at energy production sites.

Beginning in the 1960s, a countercultural popular revolution began in many Western nations to protest “on behalf of the environment” and against growing industrialization: building projects, nuclear development, commercial fishing, overpopulation, river pollution, pesticides like DDT, deforestation, and oil and gas production.⁴

Protest actions ranged from tree sitting and physical occupation of certain spaces to blocking ships at sea to stop commercial fishing. In the last two decades, much of the protest activity has focused on phasing out carbon dioxide emissions and addressing their influence on global climate change, targeting energy infrastructure projects such as oil pipelines, refineries, coal-fired power plants, and even carbon-free nuclear reactors.⁵

Newer activist protest methods now include setting up roadblocks and gluing themselves to the road to stop cars (Extinction Rebellion), throwing soup and paint at celebrated artwork in galleries (Just Stop Oil), and climbing towers to hang up large banners with provocative pro-climate messages.⁶ The former Canadian Minister of Environment, Steven Guilbeault, made his name as a Greenpeace activist who scaled Toronto's CN Tower in 2001 to unfurl a sign protesting Canada and the United States' failure to ratify the Kyoto Climate Accords.⁷

Some of these environmental actions turned violent. Between 1996 and 2002, groups like the

Earth Liberation Front and allies committed over 600 acts of arson attacks, bombings, and sabotage that likely caused some \$42 million in damages, enough to be officially labeled a domestic terrorist group.⁸

Throughout the 1980s in the Pacific Northwest, activists began the practice of driving metal spikes into trees so that any logger's blade would explode on impact, known as "tree spiking".⁹ More recently, so-called "pipeline vandals" or "valve turners" have also been found guilty of tampering with and disabling pipeline equipment, a tactic that several dozen defendants in different trials have justified on the grounds of "climate necessity," which courts have rejected.¹⁰ This history of activist campaigns and protest actions brings us to Standing Rock and the case of Energy Transfer v. Greenpeace.

Greenpeace was not charged with arson or sabotage, but the North Dakota jury found its conduct crossed a different legal line, from protected protest into defamation, trespass and tortious interference.

The Standing Rock Playbook

Throughout 2016-2017, organized protest actions against the Dakota Access Pipeline became a major focus among environmental groups like Greenpeace and elements of the local Standing Rock Sioux Tribe. This culminated in a global solidarity movement

known as the "Standing Rock Protests," inspiring copycat marches and actions worldwide and prompting local protesters to adopt escalating tactics.

The Dakota Access Pipeline has a capacity of approximately 570,000 barrels per day and transports roughly 40 to 50 percent of Bakken crude production, making it a critical conduit for bringing U.S. oil to market for both domestic use and export.

Among the claims in the North Dakota case, the jury found that Greenpeace activists at Standing Rock defamed Energy Transfer by falsely claiming that ancient tribal burial grounds were destroyed during construction and that excessive violence was used against protesters. These claims were found both in Greenpeace's official communications and its public advocacy campaigns to pressure banks and financial institutions financing the energy project.¹¹

The jury also agreed with the allegations that Greenpeace facilitated trespassing on private property and damaging of equipment, including vandalization of pipeline pumps, the cutting of hydraulic hoses, and setting bulldozers on fire, all of which delayed the pipeline project, threatened its economic viability, and put real resources, infrastructure, and people at risk. Though Greenpeace denied that any of its staff members and volunteers participated in the direct actions, the jury was not swayed by their defense.

Throughout the case, Energy Transfer presented evidence that Greenpeace's actions directly harmed property and economic investments. Over \$60 million in additional security costs, \$80 million in delayed pipeline operations, \$96 million in refinancing due to loss of banking

relationships, and much more. This does not even account for the loss of economic output caused by the delays in getting fuels to market. Put simply, hundreds of millions of dollars in productive capital and energy were laid to waste by protests and activist actions that blocked an energy pipeline transporting oil.

What began as boots-on-the-ground protests with a small number of activists evolved into a coordinated campaign led by Greenpeace targeting the banks and insurers financing the project. And that had a real impact.

But when those pressure tactics failed to stop construction, litigation became the weapon of choice. The North Dakota case is Energy Transfer's response to that escalation. Greenpeace's answer to the looming verdict—filing in a Dutch court before the jury in Morton County had even returned—reveals a further evolution: using foreign legal systems as a backstop when domestic campaigns fail.

The Dutch Detour

On Feb. 11, 2025, before the jury had even deliberated and before a single verdict had been returned, Greenpeace International applied to the Dutch court and invoked the European Union's anti-SLAPP directive (Strategic Lawsuit Against Public Participation).¹² The directive, like several state statutes in the U.S., was designed to protect journalists, civil society groups and whistleblowers from being buried under nuisance litigation filed by powerful interests seeking to silence them. It was not designed, as in this case, to confer jurisdiction on a foreign court over an American jury trial that hadn't yet concluded.

When the North Dakota jury returned its verdict on March 19, 2025, siding with the plaintiffs against Greenpeace, the environmental group did not immediately appeal the decision. Instead, it turned to a legal track it had already opened in the Netherlands.

What Greenpeace asks of the Dutch court is remarkable in scope. It wants the Netherlands to declare that Energy Transfer's lawsuit in North Dakota constituted an "abusive court proceeding" under European law, and to award Greenpeace counter-damages arising from that proceeding. In practice, this would position a European judge as an appellate reviewer of an American civil trial: deciding whether an American company had a legitimate right to sue in American courts, under American law, before an American jury.

On March 27, 2026, a week before the Dutch case was scheduled for a hearing, Greenpeace defendants filed a motion for a new trial in North Dakota District Court, simultaneously challenging the verdict on multiple grounds, including juror bias, evidentiary rulings and personal jurisdiction.¹³

The organization is running two legal tracks at once—one in the state where the trial was held and one in a country where the law, the culture and the political environment are far more sympathetic to its cause. This obscures the reason for Energy Transfer's initial lawsuit, namely, the significant economic harms caused by Greenpeace's actions.

That is not how legal systems are meant to work.

The Dutch case reviewing the anti-SLAPP motion is due for a proceeding in late April 2026. For its part, Energy Transfer has filed

a supervisory writ at the North Dakota Supreme Court to block those proceedings and make clear that the American venue is more appropriate.¹⁴

If the Dutch court sides with Greenpeace and invokes the anti-SLAPP directive sometime this year, it would force Energy Transfer to pay Greenpeace for its legal costs, if not more, via counter-damages. This would be a real threat to legal independence, international trade, and consumers who depend on stable and reliable energy on both sides of the ocean.

Why American Justice Deserves The Last Word

The North Dakota legal process is far from exhausted. Greenpeace filed a new-trial motion on March 27, 2026. If that fails, a full appellate process through the North Dakota courts remains available, and the U.S. Supreme Court remains an option as well.

Whatever one thinks of the jury's verdict, there is no gap in due process that requires a Dutch court based on European law to fill. Greenpeace has remedies, as does any participant in the American legal system. It is simply pursuing them on two continents simultaneously, hoping one forum delivers a friendlier result than the other.

That is the definition of forum shopping—and it is worth naming plainly, because the template it creates is the real danger here. If a losing party in any politically contentious American energy dispute can file in a sympathetic foreign jurisdiction under a protective legal label, then the domestic verdict is never truly final. The case does

not end in the courthouse. It migrates. That template applies to pharmaceuticals, agriculture, technology, artificial intelligence, and any American-led industry with a politically active opposition staring down the barrel of an unsympathetic foreign jurisdiction.

This maneuver is dressed in the language of anti-SLAPP protection, a concept that has genuine value in its proper context. But anti-SLAPP tools were built to protect speech before or during litigation, not to serve as a vehicle for relitigating outcomes after an adverse verdict in a foreign country.

Underlying all of this is a principle called judicial comity—the long-standing expectation among courts of different nations that each will respect the other's legitimate legal proceedings and final judgments. It is foundational to international commerce, bilateral relations, and the rule of law. The North Dakota case was heard by American jurors, on American soil, under American law, with full due-process protections.

The State of North Dakota itself has argued in related proceedings that its courts have the authority and the responsibility to guard against improper collateral attacks on their own judicial proceedings. When a foreign court is asked to declare an American trial abusive, comity does not permit that. It demands the opposite: that the challenge

belong in an American court of appeals, not a Dutch civil proceeding.

The Consumer Impact

Energy infrastructure is expensive to build, slow to permit and brutally sensitive to legal and political risk. Pipelines, refineries, LNG terminals and the power transmission lines that connect them are not financed on optimism but must undergo an arduous process that requires significant capital and “regime certainty”.¹⁵ They are financed on the expectation not only of a stable economic and legal environment, but that a concluded legal dispute stays concluded. When a court speaks, the books can close on that chapter and capital can flow toward the next project.

When that expectation breaks down, the cost does not stay on a corporate balance sheet. It moves. Lenders price uncertainty into financing terms. Insurers raise premiums. Investors demand higher returns on projects where litigation risk has no clear endpoint. Those costs eventually reach consumers through higher energy prices, slower infrastructure buildout and constrained supply at the exact moment American demand is accelerating sharply.

Recent events in the Middle East, especially the war with Iran and bottlenecks to resource shipping through the Strait of Hormuz, point to exactly how this plays out.¹⁶

The numbers make that last point difficult to ignore. U.S. domestic electricity demand is projected to increase by more than 25% by 2030, driven by artificial intelligence infrastructure, advanced manufacturing, electric vehicles and data centers. LNG

production and exports are estimated to grow at 10% per year, more than doubling before the decade ends, according to the U.S.

Energy Information Administration. That expansion requires continuous investment in new infrastructure. Investment of that scale requires legal certainty. A legal environment in which a domestic infrastructure verdict can be reopened in a foreign court is not one that encourages it—and consumers, not corporate shareholders, will ultimately pay the difference.

Friction for Future European Energy Strategy

Since Russia’s full-scale invasion of Ukraine in 2022, Europe has spent four years urgently restructuring where it gets its energy. Russian pipeline gas, which once supplied more than 40% of the EU’s natural gas, has been largely replaced by imports from Norway, North Africa and—critically—the United States. American LNG has become one of the most strategically important commodities in the transatlantic relationship, valued at over \$13 billion a year.^{17,18}

That relationship depends on something easy to overlook when it is working smoothly: legal predictability. European buyers, importers and distributors of American LNG have a stake in knowing that the American energy companies they contract with are operating in a stable legal environment—one where a concluded jury trial does not become the opening move in a decade-long, multi-jurisdictional campaign. Anything that raises the cost, complexity or uncertainty of American energy production is, eventually, a European energy problem. Higher costs for

American energy producers mean higher prices for European importers and raise bills for European households and businesses.

There is also a reciprocity argument that European policymakers would do well to consider. If a major Dutch or German company received an adverse verdict in a Netherlands court, the European Union would not expect an American court to entertain a collateral challenge to that ruling. Judicial comity is not a one-way street. The anti-SLAPP directive was enacted in the EU to protect European civil society within its orders, not to challenge jury trials abroad.

One such example is INEOS Project One, a €4 billion ethane cracker at the Port of Antwerp representing the largest investment in European petrochemicals in nearly 30 years. The facility is designed to be Europe's lowest-emission petrochemical plant ever built, boosting industrial capacity on the continent.¹⁹ It aims to import cheap American ethane gas to produce over 1.5 megatons of ethylene every year, the base substance used in dozens of other chemicals, plastics, clothing, medical equipment, and insulation. The plant would deliver much-needed energy and industrial capabilities to the EU while supporting thousands of jobs and smaller industries.

Climate activists, including Greenpeace and ClientEarth, turned to courts in Belgium to obstruct this project, which ultimately led to its plant permit getting pulled in 2023 before being reinstated by the Flemish Environment Minister the next year.²⁰ Since then, the groups have petitioned the government of Flanders to cancel the project, objecting to its potential to add to future “plastic pollution,” and vowing continued legal pressure.²¹

The litigious campaign against INEOS Project One offers a concrete illustration of how activist litigation threatens not only American energy producers but also European industrial competitiveness and energy security.

A Dutch proceeding that positions European courts as referees of American energy litigation in domestic civil courts does not strengthen the transatlantic partnership. It introduces exactly the kind of friction that neither side can afford at a moment when energy security is a geopolitical imperative.

Policy

Recommendations

1. The EU Commission should clarify the anti-SLAPP Directive's scope to prevent its use as a tool to reverse fully adjudicated foreign verdicts, preserving the directive's original purpose of protecting genuine civic actors from abusive suits.

2. Congress should pass legislation affirming that foreign anti-SLAPP judgments that impact domestic trials cannot be recognized or enforced in U.S. courts.

courthouse in The Hague, where the law is different, the jury never sat, and the outcome is being sought because the first one was unsatisfactory.

If the courts that heard this case cannot deliver a final answer, then consumers in both countries will pay for the uncertainty in higher energy costs, delayed projects and an investment climate where no verdict sticks.

3. The U.S. State Department and U.S. Trade Representative should raise this case in the context of the U.S.-EU energy relationship, making clear that judicial sovereignty is a prerequisite for energy investment partnerships.

The stakes run well beyond one pipeline company and one environmental NGO. If the Dutch proceeding succeeds in undercutting the North Dakota verdict, whether through a counter-damages award, through a declaration of abuse, or simply through years of parallel litigation that exhausts Energy Transfer into settlement, the template becomes available to anyone.

4. U.S. State legislatures should enact anti-SLAPP statutes that would provide procedural protections in future cases.

Every infrastructure company that wins a contested domestic verdict will face the prospect of a foreign forum reopening what the domestic court closed, further damaging international commerce, investment, and affordable energy markets for consumers who need them.

Conclusion

North Dakota jurors heard three weeks of testimony. A North Dakota judge entered a final judgment. Post-trial motions are active, and the full appellate process remains available to any parties to the case. That is where this case belongs—not in a

A legal system that cannot deliver finality delivers nothing for any participant. For the sake of judicial comity, transatlantic energy investment and consumers on both sides of the Atlantic who depend on affordable, reliable power, North Dakota should remain the forum of last resort.

- 1 Mary Steurer, "Judge Finalizes Order for Greenpeace to Pay \$345 Million in North Dakota Oil Pipeline Case," North Dakota Monitor, February 27, 2026, <https://northdakotamonitor.com/2026/02/27/judge-finalizes-order-for-greenpeace-to-pay-345-million-in-north-dakota-oil-pipeline-case/>.
- 2 Greenpeace International, "Greenpeace Defendants File Motion for New Trial in North Dakota Court," April 1, 2026, <https://www.greenpeace.org/international/press-release/82435/greenpeace-motion-for-new-trial-north-dakota-et-slapp/>.
- 3 Yaël Ossowski, "Energy Production Liability Protection," Consumer Choice Center, September 10, 2025, <https://consumerchoicecenter.org/energy-production-liability-protection/>.
- 4 "The Modern Environmental Movement," PBS American Experience, accessed April 8, 2026, <https://www.pbs.org/wgbh/americanexperience/features/earth-days-modern-environmental-movement/>.
- 5 Bill McKibben, "Remember This: 350 Parts Per Million," The Washington Post, December 28, 2007, <https://www.washingtonpost.com/wp-dyn/content/article/2007/12/27/AR2007122701942.html>.
- 6 Zoe Tidman, "Who Are Just Stop Oil? The Climate Protesters," The Independent, November 28, 2022, <https://www.independent.co.uk/climate-change/news/just-stop-oil-m25-protest-b2234392.html>.
- 7 Levon Sevunts, "New Environment Minister Downplays Questions About Past Activism, Says He Has No 'Secret Agenda,'" Radio Canada International, October 27, 2021, <https://ici.radio-canada.ca/rci/en/news/1835042/new-environment-minister-downplays-questions-about-past-activism-says-he-has-no-secret-agenda>.
- 8 "Earth Liberation Front," Counter Extremism Project, accessed April 8, 2026, <https://www.counterextremism.com/supremacy/earth-liberation-front>.
- 9 Peter N. Spotts, "A 'Spike' in the Woods: A Dangerous Protest Tactic," The Christian Science Monitor, August 11, 1987, <https://www.csmonitor.com/1987/0811/aspike.html>.
- 10 Tom Lutey, "Climate Change Defense Rejected by Montana Supreme Court," Great Falls Tribune, March 4, 2020, <https://www.greatfallstribune.com/story/news/2020/03/04/climate-change-defense-rejected-montana-supreme-court-leonard-higgins/4953772002/>.
- 11 Karen Zraick, "Judge Approves \$345 Million Verdict Against Greenpeace in Pipeline Suit," The New York Times, February 27, 2026, <https://www.nytimes.com/2026/02/27/climate/greenpeace-energy-transfer-verdict-dakota-access.html>.
- 12 "Netherlands: Greenpeace's Lawsuit Against Energy Transfer Under EU Anti-SLAPP Directive Opens in Court," Business & Human Rights Resource Centre, July 4, 2025, <https://www.business-humanrights.org/en/latest-news/netherlands-greenpeace-lawsuit-against-energy-transfer-under-eu-anti-slapp-directive-opens-in-court/>.
- 13 "Greenpeace Defendants File Motion for New Trial in North Dakota Court," Greenpeace International, March 31, 2026, <https://www.greenpeace.org/international/press-release/82435/greenpeace-motion-for-new-trial-north-dakota-et-slapp/>.
- 14 Mary Steurer, "Pipeline Developer Asking North Dakota Supreme Court to Weigh in on Foreign Greenpeace Case," North Dakota Monitor, December 1, 2025, <https://northdakotamonitor.com/2025/12/01/pipeline-developer-asking-north-dakota-supreme-court-to-weigh-in-on-foreign-greenpeace-case/>.
- 15 Daniel Johnston, International Petroleum Fiscal Systems and Production Sharing Contracts (Tulsa, OK: PennWell Books, 1994).

- 16 War with Iran Delivers High Oil Prices and Another Shock to the Global Economy," PBS NewsHour, March 10, 2026,
<https://www.pbs.org/newshour/world/war-with-iran-delivers-high-oil-prices-and-another-shock-to-the-global-economy>.
- 17 Anne-Sophie Corbeau, "Bridging the US-EU Trade Gap with US LNG Is More Complex Than It Sounds," Center on Global Energy Policy at Columbia University, February 20, 2025,
<https://www.energypolicy.columbia.edu/bridging-the-us-eu-trade-gap-with-us-lng-is-more-complex-than-it-sounds/>.
- 18 Yaël Ossowski & Eglė Markevičiūtė, "A Consumer-Focused Alternative: Reshoring Atlanticism in the Age of Uncertainty," Consumer Choice Center, March 5, 2025,
<https://consumerchoicecenter.org/a-consumer-focused-alternative-reshoring-atlanticism-in-the-age-of-uncertainty/>.
- 19 Yaël Ossowski & Eglė Markevičiūtė, "A Consumer-Focused Alternative: Reshoring Atlanticism in the Age of Uncertainty," Consumer Choice Center, March 5, 2025,
<https://consumerchoicecenter.org/a-consumer-focused-alternative-reshoring-atlanticism-in-the-age-of-uncertainty/>.
- 20 "Ineos Seeks Redress from Belgium over Suspension of Plant Permit," Financial Times, February 11, 2026,
<https://www.ft.com/content/cfc8dda3-55ad-4e2c-9a2d-40557223727f>.
- 21 "New Report Reveals INEOS' Real Impact as Lawyers Urge End to 'Project One'," ClientEarth, April 1, 2025,
<https://www.clientearth.org/latest/press-office/press-releases/new-report-reveals-ineos-real-impact-as-lawyers-urge-end-to-project-one/>.



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