

First Enforcement Action for Climate Protection Launched:

LEGAL SUMMARY OF THE GERMAN CLIMATE CASE :

FAMILY FARMERS AND GREENPEACE GERMANY V. GERMAN GOVERNMENT

Three German families and Greenpeace Germany are taking the German federal government to the Berlin Administrative Court for violating their constitutional rights to life and health, property and occupational freedom, by failing to take measures to meet Germany's commitment to reduce greenhouse gas emissions as set out in the 2020 climate protection target and under European law.

In 2007, Germany committed to emit 40 percent less greenhouse gases (GHGs) by 2020, compared to 1990 levels (Climate Protection Program 2020). However, according to the German Environmental Ministry's own calculations, this target will clearly not be met. Depending on the effectiveness of measures already adopted, by 2020 only about 32 percent of reduction will be achieved, compared to 1990 levels. The Government has declined to take any further action. Greenpeace Germany and the families are asking the court to immediately step in and order that the government begins implementing measures to ensure the 2020 target is achieved, in order to protect people's basic human rights.

Greenpeace Germany and the family farmers, whose organic farms on the north sea island of Pellworm, in the Altes Land near Hamburg and in Brandenburg are already being impacted by climate change, demand that the court orders the federal government to comply with German and European law and:

1. Determine that the Government is obliged to implement the national Climate Protection Program 2020 by updating or supplementing appropriate measures to ensure that the binding target to reduce GHGs emissions in Germany by 40 percent by 2020 compared to 1990 levels (current gap of reduction appr. 100 million CO₂eq by 2020) is met;
2. Determine that the Government is obliged to implement the national Climate Protection Program 2020 in order to ensure that additional measures are taken to reduce and compensate for excess of approximately 650 million tons of CO₂ equivalent between 2007 and today due to insufficient implementation of the 2020 target; and
3. Determine that the Government is obliged to supplement the national Climate Protection Program 2020 to ensure that the reduction targets set out in European environmental law are met by 2020 (specifically, the ones set out in Article 3(1) in conjunction with Annex II of Decision No. 406/2009/EC).

The plaintiffs are seeking climate protection, not monetary compensation. The family farmers and Greenpeace Germany claim that the government's failure to implement the legally binding 2020 target can be reviewed by the court, since it is an administrative regulation set in accordance with protection obligations found in the German Constitution (Art 2.2 and 20a Basic Law *Grundgesetz*). Based on executive actions during the past 11 years, the German government has bound itself to meeting the target. The plaintiffs argue that the abandonment of the 2020 target is an impermissible encroachment on their fundamental human rights under Article 2(2) of the [Grundgesetz](#) (right to life and health), Article 12(1) of the *Grundgesetz* (occupational freedom) and Article 14(1) (right to property).

The plaintiffs also claim that the federal government's failure to meet this 2020 target is in contravention of Germany's minimum obligation to reduce GHG emissions for the period of 2013 to 2020 under a legally-binding EU decision, the Effort Sharing Decision (406/2009/EC).

This complaint by the families and Greenpeace Germany is the first climate lawsuit to refer to the recent publication of the UN's Intergovernmental Panel on Climate Change's (IPCC) Special Report on 1.5C, which represents the global scientific consensus on the necessity to keep global warming to a minimum increase of 1.5C in order to in order to reduce the risk of severe climate impacts. Germany, along with other countries party to the United Nations Convention on Climate Change, has endorsed the [summary for policy-makers](#) of this Special 1.5C Report. The complaint also cites to the recent [decision](#) by the Hague Court of Appeal that the Dutch government's inadequate GHG emissions reduction target for 2020 violates people's human rights under Article 2 (right to life) and Article 8 (right to private and family life) of the European Convention of Human Rights.

The complaint is approximately 90 pages with several hundred pages of annexes, including a detailed account of the concerns and damages of each plaintiff family, and figures showing Germany's current and projected emission path based on the German Government's own data.

An unofficial English translation of the complaint will be available soon.