

EU court rejects historic citizen's climate case

May 22 2019, by Patrick Galey



One of the plaintiffs lost all his trees in the 2017 Portugal wild fires

The European Court of Justice threw out a landmark case brought by 10 families who sued the European Union over the threats climate change poses to their homes and livelihoods, lawyers said Wednesday.

Lawyers said the ECJ earlier this month dismissed the case on procedural grounds, arguing that individuals do not have the right to challenge the bloc's environmental plans.

The ruling could have a major impact on future climate litigation, experts said.

Lawyers for the "People's Climate Case" said they would appeal.

Families from across Europe, Kenya and Fiji in May last year filed suit against the European Union, claiming it must do more to limit [climate change](#) caused by greenhouse gas emissions and the droughts, floods and sea level rises it brings.

The plaintiffs were "already being impacted by climate change, already incurring damage," their lawyer Roda Verheyen told AFP at the time.

The plaintiffs include a Portuguese forester who had all his trees destroyed by wildfires in 2017 and a family from the Italian Alps which has seen the tourists their livelihoods depend on dwindle due to warmer winters.

In a ruling on the ECJ's website, the judges acknowledged that "every individual is likely to be affected one way or another by climate change".

But it decided that this did not provide grounds for suing the EU, which has already committed to reduce emissions.

"The case is not dismissed on the merits," said Verheyen in reaction to the ruling.

"On the contrary, the Court accepts that climate change is impacting everybody but refrains to engage with the facts of climate change and its

human rights impacts."



Another plaintiff, Frenchman Maurice Feschet, said he would continue pushing the case

Hundreds of cases

The Paris agreement, signed by nations in 2015, commits to limiting global temperature rises to "well below" two degrees Celsius (3.7 Farenheit).

This would be achieved by a significant drawdown in the use of the fossil fuels that currently power the global economy.

The pact saw countries submit voluntary emissions-cutting pledges, which are currently forecast to warm Earth by closer to 3.0 C—a level likely to bring even more super-storms, forest fires and displacement similar to that witnessed in recent years.

The EU has pledged to reduce [greenhouse gas emissions](#) to 40 percent below 1990 levels by 2030.

But the families argued this was inadequate to protect their "fundamental rights such as the right to life, health, property and occupation".

They had called for the bloc to boost its emissions cuts target to 55 percent.

Since the lawsuit was launched, 10 EU member states including France and Spain have called on leaders to agree to net zero emissions by 2050.

There are currently around 1,000 cases brought against governments across the world related to climate change and habitat loss, according to a database compiled by the Grantham Research Institute on Climate Change and the Environment.

Lawyers in the People's Climate Case say they plan to appeal within the next two months, but cautioned that since the case was dismissed on procedural grounds, no new evidence could be submitted.

The families vowed to keep up their legal fight, however, and to keep up pressure on world leaders to act to stave off the worst effects of climate change.

"At my age, besides joining climate marches with young people, this case is the only thing that I can do to protect my children and grandchildren," said Maurice Feschet, a 73-year-old French farmer.

"As a citizen, I will keep turning to the courts as politicians fail to deliver the needed [climate](#) action."

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