

# German govt loses key climate court case

November 30 2023, by Florian CAZERES

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The case was brought by environmentalist groups including BUND and said the government was not doing enough.

The German government on Thursday lost a key climate case brought by

environmental groups, in an embarrassing slap down the day before Chancellor Olaf Scholz was due to travel to the COP28 climate summit.

A Berlin court ordered the [government](#) to adopt an "immediate action program" after failing to meet its own [climate](#) goals in the transport and building sectors.

The case brought by the Deutsche Umwelthilfe and BUND environmentalist groups had accused the government of not doing enough to get back on track after missing [emissions targets](#) for transport and building in 2021 and 2022.

In 2021, the [transport sector](#) overshot its CO<sub>2</sub> emissions target by 3.1 million tonnes, according to BUND. In the building sector, the equivalent figure was 2.5 million tonnes.

Officials presented a roadmap to reduce emissions in the two sectors in July 2022, but the government "failed to take a decision on these programs", the court said in a statement.

The government then adopted a Climate Action Program in October 2023, but this package of measures "does not meet the requirements for an immediate action program", it said.

A spokeswoman for the economy and climate ministry, headed by beleaguered deputy chancellor Robert Habeck of the Greens, said it had "taken note" of the judgment.

"The government will analyze the rulings and their justifications in detail as soon as they are available in writing and examine the next steps," she said.

The ruling piles further pressure on Scholz's coalition government which

is already struggling with how to honor its climate pledges after being plunged into a budget crisis earlier this month.

On November 15, Germany's Constitutional Court ruled that the government had acted illegally when it transferred 60 billion euros (\$65 billion) of unused borrowing capacity from a pot aimed at fighting the COVID-19 pandemic to a "climate and transformation fund".

The immediate impact of the ruling was to wipe the 60 billion euros from the climate fund, which had been worth 212 billion euros.

## **'Embarrassing and damaging'**

Stefanie Langkamp, a spokeswoman for the Climate Alliance Germany network, said Thursday's verdict was a "severe reprimand" for the government.

"It is internationally embarrassing and damaging that a court judgment is needed because the German government is not complying" with its own climate laws, she said.

Antje von Broock, managing director for politics and communication at the BUND group, said it was "relieved" about the ruling.

"The court has made it crystal clear that the [federal government](#) must meet its climate targets," she said.

"The government must now draw up, present and adopt immediate programs that are binding, in particular in the areas of transport and construction."

Deutsche Umwelthilfe called the verdict "ground-breaking".

"This judgment is... a resounding slap in the face for the German government for its disastrous climate policy," managing director Juergen Resch said, calling for immediate new speed limits on roads.

Environmental groups have brought several cases to courts in Germany to force the government to take more action to fight climate change.

In the most ground-breaking case, Germany's constitutional [court](#) ruled in 2021 that the government's climate plans were insufficient and placed an unfair burden on future generations.

In response, the government led by then-chancellor Angela Merkel tightened the timeline of plans to slash emissions and brought forward its goal of becoming carbon neutral by five years to 2045.

Germany missed its total CO<sub>2</sub>-reduction goal in 2022 by around five million tonnes, according to the energy think tank Agora Energiewende.

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