



Climate: the courts should order the French government to act before April 2022

On Friday, June 11, the final hearing in a major climate justice case took place in front of the Council of State, France's highest administrative court. Brought by the northern city of Grande-Synthe, the case seeks a condemnation of the state's lack of action on climate. At the hearing, Stéphane Hoynck, the public rapporteur was clear: the State must take new steps now to reduce French greenhouse gas emissions, and the Court should control the actual implementation of the measures.

If the highest administrative court follows Stéphane Hoynck's recommendations, the judges should order the State, within 9 months, to take *"all useful measures to flatten the curve of greenhouse gas emissions in France in order to ensure compatibility with the objectives"* laid down by the law. [1]

For Corinne Lepage, lawyer for the city of Grande-Synthe and for its former mayor, Damien Carême, and co-founder of the firm Huglo Lepage Avocats: "The public rapporteur's conclusions are obviously very encouraging. I am particularly happy that the first climate action brought in France by the city of Grande-Synthe and by its former mayor, Damien Carême, to have the illegality of the government's refusal to act recognised, if the supreme authority follows its public rapporteur, may lead to a historic decision which would make the Council of State and our country go down in planetary climate justice history."

For Régis Froger, lawyer for the cities of Paris and Grenoble: "the cities are delighted with the rapporteur public's conclusions. Back in November, the Council of State asked the State for proof of the measures taken and the elements submitted show that these measures are insufficient to tackle the challenges of climate change. Since this date, the German, Dutch and Australian judges have followed suit, demanding that their countries be more ambitious and efficient in their objectives to reduce greenhouse gas emissions. If the public rapporteur's recommendations are followed, it will be a huge victory for everyone and the State will have to face up to its responsibilities, thanks to the mobilisation of the communities directly concerned."

A key party in the procedure, the Case of the Century, a climate justice action led by four NGOs (Notre Affaire à Tous, Fondation Nicolas Hulot, Greenpeace France and Oxfam France) and supported by 2.3 million people, is optimistic.

For Guillaume Hannotin, who represents the Case of the Century: "We can't help being delighted with the public rapporteur's conclusions. In February, the administrative court of Paris recognised that the State was outside the law. Yet the role of the justice system is to protect society. The judges have an unprecedented opportunity to reaffirm their essential role in democracy and to defend our fundamental rights, by making the State face up to its responsibilities. If, as we hope, the Council of State follows its rapporteur public's

recommendations, the Case of the Century organisations will mobilise to ensure that the judges' decision is effectively enforced, and that France works hand in hand with the legal system to ensure that its climate commitments are respected.”

In a previous decision in the case, in November 2020, the Council of State asserted that France's climate goals are binding, breaking from a French political tradition of considering long-term commitments as “soft law”. The Court had given the government additional time to prove that its climate policies will effectively allow France to reduce its greenhouse gas emissions by 40% in 2030 compared to 1990 levels.

A final verdict expected within a few weeks

The decision, which is expected within two or three weeks, will be the final outcome of proceedings that were initiated in January 2019 [3], by the city of Grande-Synthe, and supported by the Case of the Century organisations (Notre Affaire à Tous, la Fondation Nicolas Hulot, Greenpeace France, Oxfam France), as well as by the cities of Grenoble and Paris.

In a separate procedure led by the Case of the Century, the Administrative Court of Paris already acknowledged the French State's responsibility in the climate crisis, on February 3rd, 2021. The decision judged France's unmet carbon budget between 2015 and 2018 illegal. The Court also recognised that climate change constitutes an "environmental damage" caused by the State's lack of action. The Case of the Century is awaiting its final verdict in the coming months, and the Court could order the State to take additional measures to ensure compliance with climate goals in the future and compensation for the ecological damage.

These actions are part of the fight for climate justice which is gaining momentum worldwide: in Germany for example the courts recently ordered the government to revise its Climate Plan, deemed insufficient to reduce the country's greenhouse gas emissions after 2031. Taking stock of the decision, the German government immediately presented new, more ambitious climate objectives.

SIGN UP FOR THE PRESS CONFERENCE WHICH WILL FOLLOW THE PUBLICATION OF THE DECISION

The Council of State should issue its decision within two or three weeks.

Corinne Lepage, Damien Carême and the Case of the Century organisations will hold an online press conference straight after the publication of the decision. **Please sign up [on this link](#) to take part.** You will receive an SMS with the zoom link on the day of the decision.

NOTE TO EDITORS

[1] France has committed to reducing its emissions by 40% between now and 2030, compared to 1990 levels (Article L110-4 of the French energy code as amended by the energy-climate law of 2019).

[2] A study conducted by the independent agency Carbone 4 and submitted to the Case of the Century case shows that *“it is evident that the measures adopted or envisaged by the State, in particular in the framework of the draft Climate and resilience bill, will not allow it to achieve the global objective of reducing greenhouse gas emissions by 40% compared to 1990 levels by 2030.”*

[3] In November 2020, in an “interim injunction” decision, the Council of State confirmed that France’s climate objectives are binding. This is a decision that goes against the previous interpretation by successive governments that France could not be held accountable for objectives set by law.

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