

ENVIRONMENTAL COURT CASES ACROSS THE WORLD

Climate Change

GREENPEACE V. SPAIN

Supreme Court of Spain, Filed: September 15, 2020;
Interim Decision June 14, 2021

ACTIVISTS' PERMITTED TO SUE SPANISH GOVERNMENT FOR CLIMATE INACTION

Parties

Applicants: Greenpeace Spain, Oxfam Intermón, and Ecologistas en Acción
Defendant: Government of Spain

Key Facts

Applicants asserted that the Spanish government was not taking adequate action on climate change and asserted that in failing to take adequate action, Spain was in violation of Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action. By 2019, Spain should have approved a National Energy and Climate Plan with climate goals for 2030 and a Long Term Strategy with goals for 2050. Spain's draft plan was not consistent with the Paris Agreement and Inter-governmental Panel on Climate Change (IPCC) recommendations for limiting global warming to 1.5 degrees Celsius. The draft plan only set an emissions goal of 23% by 2030, when a 1.5-degree warming limit would demand a 55% reduction target. The draft plan also promoted the use of fossil fuels for road transportation and allowed for indiscriminate use of "alternative fuels" without providing clarity on which alternatives would be permitted—opening the door for exploitation of this ambiguity by the transport sector.

The Court's Decision and Reasoning

Decision:

The Supreme Court admitted the statement of claim and required the Ministry of the Presidency to present its administrative file within 20 days. In March 2021, the government approved the National Energy and Climate Plan, and the defendants filed a motion to dismiss for lack of subject matter jurisdiction. The court dismissed the motion to dismiss, because the applicants claims challenged the ambition of the Plan and its alignment of the Paris Agreement, as opposed to the mere passage of the Plan.

Reasoning:

The Court's decision to reject defendants' motion to dismiss was rooted in the court's determination that the inactivity of the Spanish government can still be observed, since the government has still not fully complied with the content of the Paris Agreement.

What now?

The plaintiffs filed an additional case challenging the adequacy of the National Energy and Climate Plan, but this case has been allowed to move forward as well to challenge the non-compliance of the National Energy and Climate Plan with the Paris Agreement.



International Impact

While this case is still in its early stages, it already fits within a broader trend of activists in European countries taking their governments to court to demand climate action. Earlier in 2021, the European Court of Human Rights forced 33 governments to prove they are meeting their Paris Agreement emissions reduction obligations in a case filed by six Portuguese youth activists.

Key Issues

Greenhouse gas mitigation, climate legislation, inadequate government action, emissions reduction targets

Laws and Agreements Cited

Domestic Law Implicated:

National Energy and Climate Plan (law being challenged)

International Laws Implicated:

Paris Agreement

Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action

References & Further Reading

Judgment:

The Supreme Court's decision rejecting defendant's motion to dismiss is available in Spanish here: [June 14, 2021 Decision](#)

Other decisions and filings in this case are available [here](#)

Further Reading:

[Associated Press - Activists take Spain's government to court over climate plan](#)

[Greenpeace - Ten key points of Spain's Climate Change and Energy Transition Law](#)

For more information:

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