

# ENVIRONMENTAL COURT CASES ACROSS THE WORLD

## Climate Change

## NOTRE AFFAIRE À TOUS AND OTHERS V. FRANCE

Administrative Court of Paris, Decided: February 3, 2021, Follow-Up Order: October 1

THE FRENCH GOVERNMENT IS ORDERED TO TAKE IMMEDIATE ACTIONS ON CLIMATE CHANGE

### Parties

**Claimants:** Four non-governmental organisations (Fondation pour la Nature et l'Homme, Greenpeace France, Notre Affaire à Tous, and Oxfam France)  
**Defendant:** French Government

### Key Facts

In 2018, four non-governmental organisations (Fondation pour la Nature et l'Homme, Greenpeace France, Notre Affaire à Tous, and Oxfam France) sent a letter of formal notice to Prime Minister Edouard Philippe and 12 members of the French government as part of a legal proceeding in France known as an action for failure to act. The plaintiffs alleged that the French government's failure to implement proper measures to effectively address climate change—including reducing greenhouse gas emissions, increasing renewable energy, and limiting energy consumption—violated its statutory duty to act.

In 2019, the French government rejected the plaintiffs' request and the plaintiffs initiated a lawsuit in the Administrative Court of Paris.

Plaintiffs argued that the government had both general and specific legal duties to act on climate change stemming from the French Charter for the Environment, Articles 2 & 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (guaranteeing the right to life and the right to respect for private and family life, respectively), and the general principle of law providing the right of every person to live in a preserved climate system (stemming from domestic, EU and international law).

### The Court's Decisions and Reasoning

In February 2021, the Administrative Court of Paris issued a decision recognizing that France's inaction has caused ecological damage from climate change and awarded the plaintiffs their requested symbolic sum of 1 euro for the moral prejudice caused by the government's inaction.

The court initially deferred the decision on whether to issue an injunction to order the French government to take stronger climate measures, instead giving the government two months to disclose steps it was taking to meet its own climate and carbon budget goals both French and EU law.

However, then in October 2021, the Administrative Court of Paris ordered the State to take immediate and concrete actions to comply with its emission reduction commitments and repair the damage that resulted from its previous inaction by December 31, 2022. The court ordered the French government to subtract the emissions caused in excess of its legislative commitments and add these reductions to the planned 2021 and 2022 emissions reductions.



## What now?

The State must take immediate and concrete actions to comply with its emission reduction commitments and repair the damage that resulted from its previous inaction by December 31, 2022. The court ordered the French government to subtract the emissions caused in excess of its legislative commitments and add these reductions to the planned 2021 and 2022 emissions reductions.

## International Impact

This decision has been hailed as a historic ruling in a case that was billed as “the affair of the century.” The case, like the ground-breaking **Urgenda** case in the Netherlands, holds the national government accountable to its international emissions reduction obligations. Similar to the Urgenda case, the court rooted its decision in the principle, recognised in the United Nations Framework Convention on Climate Change (UNFCCC), of common but differentiated responsibilities. This is promising, because countries in the global north, like the Netherlands and France, have played an outsized role in causing the climate crisis through both historic and current emissions, and these rulings recognise that greater culpability (in terms of greenhouse gas contributions) requires greater redress efforts (in terms of more drastic emissions reductions). While the decision is similar to the Urgenda decision in many ways, this case goes a step further in ruling that applicants were entitled to seek compensation in kind from the French government for the “ecological damage caused by France’s failure to comply with the targets it had set for reducing greenhouse gas emissions.”

## Key Issues

Climate change, CO2 emissions, international obligations, state duty

## Laws and Agreements Cited

- International:
- Paris Agreement (and other UNFCCC agreements/commitments)
- Regional:
- European Convention on Human Rights
- Domestic (France):
- Constitution
  - French Environmental Code
  - French Environmental Charter

## References & Further Reading

**Judgments**  
For the February 3, 2021 decision in French: PDF download [here](#)  
For the February 3, 2021 decision in English: PDF download [here](#)  
For the October 14, 2021 decision in French: PDF download [here](#)  
For the October 14, 2021 decision in English: PDF download [here](#)

**Further Reading**

[The Guardian - Court orders French government to ‘repair’ carbon emissions overshoot](#)

[The Guardian - Court convicts French state for failure to address climate crisis](#)

For more information:

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