

# **A historic decision in the Case of the Century: the French State is found liable for its insufficient climate action**

***In its Case of the Century decision, issued on the 3rd of February 2021, the Paris Administrative court acknowledged the French State's responsibility in the climate crisis. It also recognised that it was illegal for the State not to respect its commitments in reducing greenhouse gas emissions. The Court recognised that climate change constitutes an "environmental damage" to which the State's inaction has contributed" An additional decision is to come in the spring: the Court may then sentence the Government to take additional climate measures.***

The organisations bringing the Case of the Century stated, "More than two years after the start of our action, supported by 2,3 million people, this decision marks the first historic victory for climate and a major step forward in French law. This decision is also a victory for the truth: until now, the State denied its lack of action on climate change, despite accumulating evidence of the contrary (regularly exceeding carbon budgets as widely acknowledged by governmental agencies and advisory councils...). The Court recognises that the new "Climate" bill is not sufficient to reach currently fixed objectives. We very much hope that justice will not limit itself to recognising the State's fault, but will also force it to take concrete measures to respect its climate commitments."

## **The French State's lack of sufficient action against climate change is recognised for the first time**

The Court judged that the French State is at fault for not adopting sufficient measures to fight climate change and reduce France's greenhouse gas emissions up to the objectives that France set for itself. It is the first time that a French court has recognised that the State is accountable for climate inaction. With such recognition of the State's fault, every direct climate change victim in France will be able to turn to justice to claim for damages. The State will have to face its responsibility for years of insufficient climate action.

## **The State's insufficient climate action is directly harmful to the environment**

The Court has also recognised "that the State contributed to the harm done to the environment (the "environmental damage") by exceeding France's annual carbon budgets". This judgment is a first in French law in that public entities are now as liable for pure environmental damage as private entities.

## **The Court likely to mandate the State to repair the consequences of its inaction**

An additional court decision in the Spring [2] could sentence the State to take additional measures to tangibly and effectively fight the climate crisis. Recognising the State's lack of sufficient climate action, which constitutes a fault, was a necessary condition to force the State to take action. With this first historic step taken, the Court must now decide how to put an end to the State's illegal actions (or lack thereof), and beyond that, how to repair the harm already done by the excess of greenhouse gas emissions compared to France's objectives.

Link to download photos [here](#)

## **Notes to editors**

The court has also recognised the moral prejudice caused by the government's insufficient action to four of the co-defendants (Notre Affaire à Tous, the Nicolas Hulot Foundation, Greenpeace France, Oxfam France).

1. An impact study led by the government itself shows that the legislation will only allow it to go half or two thirds of the way in terms of climate objectives.
2. The court has reopened an investigation for 2 months to allow more discussion between the State and the NGOs

The Court could issue this decision after the State Council's one in the Case brought by the city of Grande Synthe and supported by the Case of the Century. In the Grande Synthe's Case, the Court asks the State to prove it can conform to its 2030 climate objectives. In the absence of satisfactory evidence brought by the State, the State Council could sentence it to take additional action. In both cases, the Case of the Century organisations will submit further evidence proving that France does not take sufficient action.

## **Contacts**

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