Press kit - The Fair Share Trial
Notre Affaire à Tous

This press kit summarises the legal and scientific aspects of the case. For a complete overview of the arguments, the full written submission is included in the appendix (in french).

Table of contents

1. A "Fair Share Trial" : why ?

As 2025 marks the tenth anniversary of the Paris Agreement, one question remains: where do we stand on the **equitable** sharing of climate efforts between countries?

COP30, which has just ended in Belém, failed to make any major progress on this issue, despite calls from countries in the Global South, which are less responsible for climate change but much more exposed to its impacts. The issue of financing remains a blind spot: the debt crisis was not addressed and the contribution of developed countries remains insufficient, with only a third of the financing having been released in 2022.

At the same time, international law has undergone major developments in terms of climate justice over the past two years. The advisory opinion issued by the International Court of Justice (ICJ) in July 2025 clearly established the legal obligation for States to do everything in their power to keep global warming below 1.5 °C, without which serious human rights violations would be inevitable. The opinion also requires countries to take into account their historical contribution and level of development when setting their climate targets. This position is in line with the decision of the Swiss Senior Women case ruled by the European Court of Human Rights (ECHR) in April 2024. This case law applies directly to France.
At the national level in France, 2025 saw the conclusion of the Grande-Synthe climate case, which assessed the French state's climate ambition, but on the basis of its former targets (-40% in 2030 compared to 1990). New targets now apply at European level with the *Fit for 55* package, and their implementation in turn deserves to be examined by the courts.

It is in this context that Notre Affaire à Tous is launching its new legal action against the French state, on 4 December 2025: the *"Procès pour la Part Juste"* (Fair Share Trial).

It brings the issue of climate equity between countries before the courts. **The Fair Share represents the amount of emissions that a country can still emit, taking into account its historical responsibility and current economic capacity.** The case thus broadens the analysis of France's role in the climate crisis by taking into account its past emissions (since 1990 for this case) and its level of economic development, two parameters that determine the share of the global carbon budget that it is entitled to in order to comply with the Paris Agreement.

Asking the question of what is fair amounts to questioning the implementation of a clear legal principle: that of **common but differentiated responsibilities**. All countries contribute to climate change, but not in equal measure. Countries that have historically emitted the most and have the greatest capacity for action must do more, as is the case with France.

This case is part of a broader surge in climate litigation across Europe and beyond. It resonates strongly with other landmark actions, including the Belgium Klimaatzaak. These are essential actions, as pointed out by Sarah Tak, director of Klimaatzaak : *"In Belgium, our victory showed that when governments fail to protect citizens from the climate crisis, the courts can firmly remind the state of its responsibilities. Climate action is not optional, it is a legal obligation binding on all states."*
The lawsuit brought by Aurora, a youth-led climate justice movement suing the Swedish state, also includes fair share. As Aurora spokesperson Ida Edling explains : *"To build a safe and just world, it is vital that rich and high-emitting states like Sweden and France do their fair share of the necessary global climate action. Our movement litigating to hold them accountable for not doing this legal duty is global and growing."*

2. What is France's Fair Share?

France's fair share represents its national carbon budget in order to meet the 1.5°C target, taking into account its historical emissions and its capacity for action (expressed by its level of economic development).

a. A global carbon budget to be distributed fairly

Recent legal developments highlight the need to stay below 1.5°C, as exceeding this limit would jeopardise the fulfilment of many human rights.
In practice, this target can be translated into a global carbon budget, i.e. the maximum amount of greenhouse gases (GHGs) that humanity can still emit in order to limit global warming. This budget, estimated scientifically, must be distributed among States in accordance with the principle of common but differentiated responsibilities. **From this, a national carbon budget can be deduced for each country.**
Calculating the fair share of a country such as France, i.e. its national carbon budget, requires taking into account its historical contribution to climate change and its capacity to act, i.e. its level of economic and human development.

The French Climate Action Network therefore proposes [taking into account historical emissions since 1850 and explains fairness] in this report.

b. The different calculation methods

The methodologies used to calculate this fair share may vary. The start date for historical emissions can be set at 1850, 1950 or 1990.
For example, taking only France's historical emissions since 1750, [the Global Carbon Project] estimates that France is responsible for 2.17% of global emissions – twice as much as the 1% announced by politicians.

The territories included in the calculation may also include territories colonised by the country in question. For France, a historically high emitter and coloniser, this would greatly increase its responsibility.

Similarly, the capacity to act can be expressed in terms of GDP per capita or using the Human Development Index.

For legal reasons, the Just Share Trial includes:

- France's historical emissions since 1990[1] ;
- per capita GDP in 1990 in purchasing power parity in 2024[2].

These parameters are also the most favourable to France. The report containing the calculations is available in the appendix. **All other existing methodologies lead to the same conclusion: France is not doing enough.**

To make the concept more accessible, we can use the metaphor of a cake: it represents the total amount of emissions remaining to stay below 1.5°C. This cake must be shared fairly, in accordance with international agreements.

c. France's share

The size of France's share decreases as soon as equity criteria are added[3].

- Taking into account the French population compared to the global population, it can emit: 2.83 Gt CO_2 in net emissions.

- Adding historical emissions since 1990: 1.52 Gt CO_2 in net emissions.

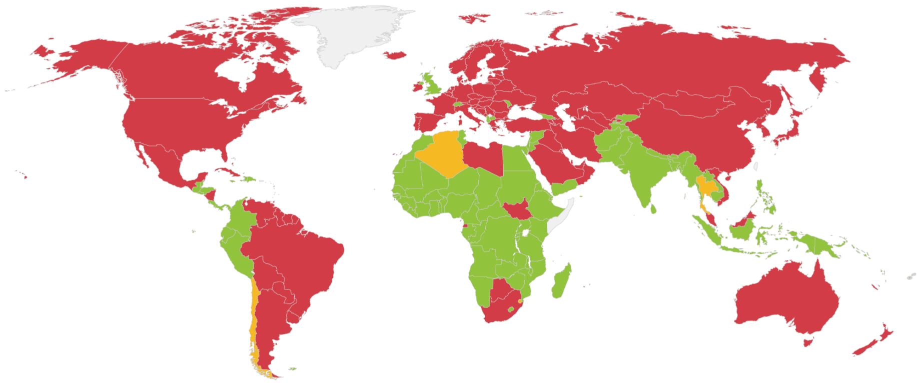
- Adding the level of economic development (here GDP per capita): -7.57 Gt CO_2 in net emissions, i.e. a negative carbon budget.

By way of comparison, between 2015 and 2022, French territorial emissions reached 2.31 Gt CO_2.

[1] This is the period when the principle of "common but differentiated responsibilities" appeared, with the United Nations Framework Convention on Climate Change. France should have started to take its fair share into account at least since that date. It has not done so, which represents a violation of France's obligation to prevent climate change since that date.
[2] This is the minimum criterion adopted by the ECHR in the case of the Swiss Senior Women.
[3] The following figures are taken from the report on which the case is based. They follow the IPCC methodology, with a remaining global carbon budget of 380 Gt CO2 from 2023 onwards, for a 50% probability of staying below 1.5°C. This is therefore the carbon budget remaining for France from 2023 onwards, based on various criteria.

The same analysis applies to the European Union, where the European Scientific Advisory Board on Climate Change (equivalent to the High Council for Climate Change at EU level) concludes that, according to most criteria, the EU has already consumed its fair share of the global budget. Conversely, countries such as the Democratic Republic of Congo see their share increase when equity criteria are taken into account: their historical responsibility is low and their level of development is lower.

This map from the Traffic Light Assessment illustrates which countries still have room for manoeuvre and which no longer do.



Source: Traffic Light Assessment map, interactive map from the Traffic Light Assessment Report 2023

3. What can France do to fulfil its fair share?

The problem is clear: France has already "eaten" almost its entire share of the cake. So what solutions are available to it?

- Drastically reduce its territorial emissions, i.e. those emitted on its soil;
- Reduce its imported emissions, i.e. its carbon footprint;
- Regulating French companies, including multinationals, abroad
- Contribute ambitiously to international financing and a just transition abroad through donations.

a. Drastically reduce, first and foremost, its territorial emissions.

The case examines both France's compliance with the European targets set out in the *Fit for 55* package, which requires a 55% reduction in emissions by 2030 (compared to 1990) and carbon neutrality by 2050. However, the current trajectory is clearly falling short: emissions fell by only 1.8% in 2024 and initial estimates for 2025 predict a 0.8% reduction (CITEPA), whereas a reduction of at least 5% per year is required. **This shortfall is all the more worrying as it does not even take into account the equity requirements mentioned above.** In its latest report, the High Council for Climate Change (HCC) stresses that without a major change of course, France will not achieve its objectives, thereby compromising respect for human rights.

It states that *"in order to achieve the goal of carbon neutrality by 2050, and France's commitment under European climate law (Fit for 55 package), the rate of gross emissions reduction observed in 2024 will need to be multiplied by 2.3 by 2030, which implies a rapid revival of the country's climate action*." (p.79).

This reduction in emissions is even more uncertain given the fragility of French carbon sinks, as highlighted by the HCC: *"The carbon sink provided by forests has declined significantly in recent years, and its apparent stabilisation only reflects the temporary storage of carbon in dead wood*." (p.79, see also p. 89 and 95). In view of the situation, France is not in a position to meet its commitments in this area.

Beyond the numerical indicators, the measures taken to date are nowhere near sufficient to meet our objectives, both in terms of planning and allocated budgetary resources. To give just a few examples, the framework documents to guide climate action are still lacking. The publication of SNBC 3 and PPE 3 is now more than two years behind schedule, undermining the planning and credibility of climate policies.

Furthermore, the government's proposed budget for 2026 includes significant cuts in climate funding, such as reducing the scope of “MaPrimeRénov” and lowering the national Green Fund from €1 billion to €650 million, even though it had already been cut in half in 2025. In a September 2025 report, the French Cour des Comptes, which is not usually an institution that calls for more public spending, warned that environmental issues were being relegated to the background and estimated the investment needs for the climate transition at an additional €110 billion per year between now and 2030 – double the current level of funding (p.123).

This transition at the national level must be accelerated but carried out in a fair manner, i.e. without leaving behind the most vulnerable members of society, whether due to their income level, gender, health, origin, etc[4]. However, the indicators are not good in this regard either. For example, the French government, because it was forced to do so, has set a target of reducing energy poverty by only 0.5% by 2030 (PNIEC, p.117). This means that by 2030, we will have reached a level of energy poverty higher than that of 2020.

b. Reducing imported emissions

One of the levers that France can use to take significant action is imported emissions. This is also a legal obligation for France: it must take action on its extraterritorial emissions. The opinion of the ICJ and the decision of the Swiss Senior Women at the ECHR confirm this.

In fact, half of France's carbon footprint comes from its imports. This article in *Le Monde* illustrates this graphically. According to the same article, in 2021, the carbon footprint of a French person (9.4 tCO_2) is close to that of a Chinese person (10.8 tCO_2).
Imported emissions could be significantly reduced by regulating products purchased abroad whose manufacture emits large quantities of GHGs. Considering only emissions produced within France's national territory amounts to greatly minimising its responsibility.

[4] Starting on p. 328 of its 2025 report, the High Council for Climate details recommendations for a truly just transition.

Hypothetically, France could one day become carbon neutral and boast about it, while continuing to import large quantities of high-carbon products (such as clothing), which are accounted for in other countries' emissions balances. This is what the figures show: imported emissions have been on the rise since 2016, except in 2020 and 2023 (*Report of the High Council for Climate 2025, p.107*).

c. Regulating French companies, including multinationals, abroad

As the ICJ pointed out in July, each State must use all the means at its disposal within its jurisdiction to limit GHG emissions. France is therefore required to regulate the activities of French companies abroad, especially when they are high emitters.

One of the tools for doing so is the European Union's Duty of Care Directive (CS3D). However, France's position is far from ambitious in the context of the omnibus bill on this directive. President Emmanuel Macron stated in May at the ChooseFrance summit: "*The CS3D and a few other regulations should not simply be postponed for a year, but scrapped*"[5].
Despite its significant responsibility for the climate crisis, France has therefore decided not to use all the tools at its disposal to tackle it, contrary to the opinion of the ICJ.

However, meeting the 1.5°C target is not necessarily incompatible with economic interests. On the contrary, exceeding 1.5°C endangers the global economy with an increase in extreme weather events that will particularly affect production centres.

d. Contributing ambitiously to international financing through grants and donations

The issue of financing for mitigation, adaptation and loss and damage must be addressed ambitiously by the countries most responsible for the climate crisis.
France is one of the worst performers in this area. As revealed in a recent Oxfam report, the vast majority (92%) of French bilateral climate finance was granted in the form of loans in 2022. A large proportion of these loans were made at rates and conditions close to market rates.

While most developing countries are already indebted to developed countries, loan financing only makes the situation worse and benefits creditor countries. According to Oxfam, "in 2022, developing countries received $62 billion in climate loans. These are expected to generate up to $88 billion in repayments, a 'differential' of 42% in favour of creditors." The report concludes: "**France must commit to providing at least €8 billion per year** and be a driving force in implementing the 'Baku to Belém' roadmap, which aims to raise $1.3 trillion for climate finance."

When we incorporate the concept of a fair share, a completely different picture emerges: it is not the countries of the Global South that owe a financial debt to those of the Global North, but rather the countries of the Global North – which have already consumed most of their fair share of the climate – that owe a climate debt to the countries of the Global South. This lawsuit aims to shine a light on this injustice.

[5] At the Choose France summit, Emmanuel Macron calls for the abolition of the European directive on the duty of care.

This financing must therefore take the form of grants rather than loans, and must support countries in the Global South in making a genuine and fair energy transition.

4. Legal summary

The full legal documents are available in the appendix to this press kit.

In summary, what the law says:

Obligation of States = adopt a policy aligned with 1.5°C + contribute according to their fair share

Fair share = historical responsibility + current capacity to act (financial resources in particular)

a. The framework of the case

This lawsuit is a case for abuse of power before the Council of State. It is based on two main points:

- **Strengthening French climate policies**: calling on the State to implement concrete, credible and more ambitious measures to achieve its objectives, in particular a 55% reduction by 2030.
- **Strengthening the targets themselves**: demanding that French targets be compatible with the 1.5°C objective and with France's fair share.

The aim is to demonstrate that France:

- is not taking the necessary measures to meet its climate commitments,
- is not respecting the carbon budget compatible with the 1.5°C limit,
- and does not sufficiently integrate the issue of "fair share" through **its historical responsibility and capacity for action** (level of economic development).

The case also calls for the following to be taken into account:

- net emissions (including carbon sinks),
- and imported emissions, i.e. those linked to products consumed in France but manufactured elsewhere.

b. Legal basis

The procedure targets **the Integrated National Energy and Climate Plan (PNIEC)**, which defines France's climate strategy. The latter is based on the Stratégie Nationale Bas Carbone (SNBC), the Programmation Pluriannuelle de l'Energie (PPE) and the Plan National d'Adaptation au Changement Climatique (PNACC).

Several texts at different levels support this action:

- **The French Constitution**, via the *Environmental Charter* (Article 1 and preamble): it enshrines the right of everyone to a balanced environment and the duty to preserve the rights of future generations. It is also based on the *principle of prevention*.

- **The European Convention on Human Rights (ECHR)**: Articles 2 (right to life) and 8 (right to respect for private and family life). These are interpreted in the case law of the Swiss Senior Women (*Klimaseniorinnen*) as imposing an obligation on States to take action on climate change.

- **European Union law**: in particular, the *European Climate Law* and the texts of the *Fit for 55* legislative package, which require a reduction of at least 55% in net greenhouse gas emissions by 2030.

- **Customary international** law: there is a general rule that states must do their "fair *share*" to limit global warming, exercising *due* diligence – see the section on the opinion of the International Court of Justice.

The case is also based on the case law of the Swiss Senior Women (Klimaserniorinnen) of the ECHR. France is subject to this decision, which specifies that each State must:

- adopt an emissions reduction trajectory compatible with 1.5 °C,

- and contribute equitably according to its fair share: **historical responsibility** and **economic capacity** (common but differentiated responsibilities).

The case is also based on the opinion of the International Court of Justice issued this summer.

In 2023, the UN General Assembly referred the matter to the ICJ to clarify the obligations of States in relation to climate change. In its opinion delivered in July 2025, the Court **unanimously** confirmed that:

- States have general legal obligations to limit global warming to 1.5°C, regardless of existing treaties. **They must take all possible measures within their jurisdiction to do so, failing which significant human rights violations are to be expected.**

- They must adopt rapid and far-reaching measures to reduce emissions, including in the areas of fossil fuel production, consumption and financing.

- Failure to comply with these obligations may constitute an unlawful act for which the state is liable.

The Court emphasised a duty of strict diligence and a high level of vigilance: **each State must do everything in its power to reduce its emissions and phase out fossil fuels.**

The ICJ also specifies that when a State fails to comply with its climate obligations, it may be compelled to:

- end non-compliant policies or actions,
- ensuring that they do not recur,
- compensate victims,
- and make restitution.

c. The situation in France

Despite all these obligations, France's current trajectory is not being met and is not ambitious enough. As such, the measures set out in the PNIEC will not enable the EU's target of a 55% reduction by 2030 to be achieved, as seen above.

If we add to these factors **France's historical responsibility and its current capacity to make the transition,** then we are even further from the European *Fit for 55* targets, as France would have **no carbon budget left by the end of 2025.** As a direct consequence, France must raise its targets and accelerate its reduction trajectory in order to fulfil its fair share of the global effort.

5. Appendices - Press resources

Press contact: Marine Coynel, Communications Officer at Notre Affaire à Tous;
06.27.47.18.79, marine.coynel@notreaffaireatous.org

Link to the legal writings (in french)

Link to the report supporting the appeal

Link to press release

Link to the report supporting the case (in french)

Visual resources (available for use by the press with credits mentioned on the files):
- Link to photos from the press conference
- Link to explanatory infographic “La Part Juste” (The Fair Share) (in french)