

2021-06-24	
<b><i>Case Summary posted by the Task Force on Access to Justice</i></b>	
<b>BELGIUM – Klimaatzaak v. Belgium and its Regions</b>	
<i>1. Key issue</i>	The Brussels Court of First Instance collectively condemns the Belgian federal and regional governments for their negligent climate policy, because the Belgian climate policy is so substandard that it violates the legal duty of care and human rights
<i>2. Country/Region</i>	Belgium – all regions
<i>3. Court/body</i>	Frenchspeaking Court of First Instance, Civil Section, Brussels
<i>4. Date of judgment /decision</i>	2021/06/17
<i>5. Internal reference</i>	2015/4585/A
<i>6. Articles of the Aarhus Convention</i>	Art. 9 (3)
<i>7. Key words</i>	Standing – ENGO – Trees – Climate change policies – Duty of care – Human Rights – Court order – Separation of Powers
<i>8. Case summary</i>	
<p>The Brussels Court of First Instance collectively condemned the Belgian governments for their negligent climate policy. The judges ruled that the Belgian climate policy is so substandard that it violates the legal duty of care and human rights.</p> <p>Not only the complaint from the ENGO <i>Klimaatzaak</i>, but also from the 58,000 co-plaintiffs was declared admissible. The intervention of a corded alder and 81 other trees has however been declared inadmissible, because under current Belgian law trees are not subject of law, beings capable of having and exercising rights and obligations.</p> <p>The federal state and the three regions are jointly and individually responsible, despite the complex Belgian state structure, with regard to the obligation of the Civil Code to act in a socially careful manner and to prevent foreseeable serious climate damage. The governments are violating articles 2 and 8 of the European Convention on Human Rights with the current substandard climate policy.</p> <p>The court however did not agree with the demand to impose concrete reduction targets. <i>Klimaatzaak</i> had asked that the country should be obliged to emit at least 42% less greenhouse gases by 2025, and at least 55% by 2030. The Court was of the opinion that imposing such an obligation by Court order would violate the separation of powers.</p> <p><b>Note:</b> <i>Klimaatzaak</i> is appealing the judgment to the Brussels Court of Appeal. At the same time, the ENGO is also filing a case with the European Court of Human Rights in Strasbourg.</p>	
<i>9. Link to judgement/ decision</i>	<a href="https://prismic-io.s3.amazonaws.com/affaireclimat/18f9910f-cd55-4c3b-bc9b-9e0e393681a8_167-4-2021.pdf">https://prismic-io.s3.amazonaws.com/affaireclimat/18f9910f-cd55-4c3b-bc9b-9e0e393681a8_167-4-2021.pdf</a>

[https://unece.org/sites/default/files/2021-07/Be\\_Climate\\_Change\\_BrusselsCourt\\_2021\\_judgment.pdf](https://unece.org/sites/default/files/2021-07/Be_Climate_Change_BrusselsCourt_2021_judgment.pdf)

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