

# CZECH CLIMATE LITIGATION

## CZECH CLIMATE LITIGATION – OVERVIEW

- 2021 - 2023 (ongoing)
- NGO, municipality, 4 individuals x government and 4 respective ministries
- Issue : Whether the Czech Republic's alleged inaction on climate change violates human rights
- Recent development when decision was overturned by supreme court and case referred to the first instance court again

## CZECH CLIMATE LITIGATION – BACKGROUND

In April, 2021 representatives of NGO Klimatická žaloba ČR, municipality (Svatý Jan pod Skalou), local unit Czech Society for Ornithology and four individuals filed a case against government and 4 ministries (Environment, Industry and Trade, Agriculture, Transport) based on following statement:

***Government and its ministries are failing to appropriately address climate change, which is violating citizens' rights to life, health, environment, and other rights guaranteed by the Czech constitution, the EU Charter of Fundamental Rights, and the European Convention on Human Rights"***

Furthermore, they made a remark regarding ***„necessity to limit carbon budget in order to meet given obligations (imposed by Constitution and Paris Agreement)“***.

Presented goal can be summed up ***„as court order for the government to take necessary measures to maintain a carbon budget of 800 Mt CO<sub>2</sub> from January 2021 until the end of the century, and to take necessary measures to adapt to climate change“***

## CZECH CLIMATE LITIGATION – COURT DECISION

In June 2022, the Prague Municipal Court stated that the case was filed **rightfully** and state is obliged to take more profound and immediate actions in order to discontinue violation of the complainants rights. Decision was based on the requirements imposed by the Paris Agreement and EU climate law (greenhouse gas emissions by 55% by 2030 compared to 1990).

***The fact that provisions of the Paris Agreement are not enforceable, does not exempt state from acting in accordance with them.***

In conclusion, the state is ordered to adopt efficient clearly defined measures regarding energy, transport, and forestry within next 6 month.

Conclusion : Both parties raised an appeal to the next judicial level.

## CZECH CLIMATE LITIGATION – APPEAL

In February 2023, the Supreme Administrative Court overturned the decision of the Prague Municipal Court and referred the case for the new ruling while stressing the importance of efficient legal tools to deal with the climate change at the same time.

According to the court:

- ***collective character of the EU's obligation adopted in order to reduce emissions by 55% by 2030 has to be taken to the consideration. These issues need to be regarded particularly due to the geographical and meteorological features of EU (cross-border pollution).***
- ***EU member states are still working on the legal and political framework of the distribution and role of courts in legal system does not consist of taking premature actions.***

## CZECH CLIMATE LITIGATION – CZECH CLIMATE CASE – FUTURE DEVELOPMENT AND CONCLUSION

- Judicial system proved awareness of importance of the climate law and demands for urgency and effectivity it brings along.
- Clearly, examining position and participation of all parties involved is always an issue to take into consideration and both decisions included part dedicated to the participants and admissibility.
- New first instance decision can be expected by the end of the 2023

**QUESTIONS?  
REMARKS?**

**THANK YOU!**

