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Germany

‘Historic’ German ruling says climate goals not tough enough

Judges order government to strengthen legislation before end of next year to protect future generations



Environmental activist Luisa Neubauer, one of the complainants, said the court’s decision was ‘a huge win for the climate movement’. Photograph: David Young/AP

Germany’s supreme constitutional court has ruled that the government’s climate protection measures are insufficient to protect future generations, after a complaint brought by environmentalist groups.

In a groundbreaking ruling, the judges of the Karlsruhe court, Germany’s highest, said the government now had until the end of next year to improve its Climate Protection Act, passed in 2019, and to ensure it met 2030 greenhouse gas reduction goals more immediately.

One of the complainants, Luisa Neubauer, an activist from Fridays for Future, welcomed the ruling, saying: “This is huge. Climate protection is not nice to have; climate protection is our basic right and that’s official now. This is a huge win for the climate movement, it changes a lot.”

The court said it was unconstitutional for emission reduction targets to have been postponed for so many years and stated that the law was not detailed enough about how reductions would happen.

The case was brought by young environmental activists, backed by Fridays for Future along with Greenpeace, Germany's Friends of the Earth (BUND) and other NGOs. Among them was Sophie Backsen, 22, an agricultural science student from the North Frisian island of Pellworm, on Germany's North Sea coast, together with her younger brothers, Hannes, Paul and Jakob. Her parents, who run an organic farm on the island that Backsen hopes one day to manage, had taken a similar case to Berlin's administrative court two years ago, together with Greenpeace, but it had ruled against them.

The Backsens were joined by two other families from the East Frisian island of Langeoog and another complainant from Brandenburg, all of whom are involved in either farming, sustainable tourism or both. In their complaint, they told the court they had all experienced first-hand the effects of the climate crisis, including flooding and heatwaves. The group also secured the support of Neubauer, Germany's Fridays for Future's main representative who is seen as the country's leading climate activist.

The judges ruled that young people's "fundamental rights to a human future" were threatened and that the law in its current state jeopardised their freedom because the goals set were too focused on dates too far in the future. It said that it was only possible to reduce the rise in average global temperatures to between 1.5C and 2C – as set out in the 2015 Paris agreement – with "more urgent and shorter term measures".

"The challenged rules violate the freedoms of the complainants, some of whom are still very young," the judges said in a statement. They added: "Virtually every freedom is potentially affected by these future emission reduction obligations because almost every area of human life is associated with the emission of greenhouse gases and is therefore threatened by drastic restrictions after 2030."

The government responded quickly to the ruling, promising a swift implementation of changes to the law. The finance minister, Olaf Scholz, said he would begin work immediately with the environment ministry to make the amendments, which would then be put to the government for approval.

Oliver Krischer, for the Green party, told the broadcaster Deutschlandfunk, the ruling was "both a slap and a wakeup call for the government to finally start on an ambitious climate protection policy".

Claudia Kemfert, an energy expert at the German Institute for Economic Research, called the ruling "trailblazing and historic". In future, decisions on all levels would have to be critically reviewed to see if they corresponded with long-term climate goals, she said.

Peter Altmaier, the minister for energy and the economy, called the ruling "big and significant". Despite criticism he faced for his role as one of the main authors of the law, he called it a welcome decision for the economy as it would help it "plan for the future".

Altmaier said he was relieved that the court had supported the "most important" obligation in his 2020 climate initiative, which required that reduction targets

up to the year 2050 were “broken down into concrete reduction targets for each individual year between 2022 and 2050”.

Neubauer said the climate lobby’s success at Karlsruhe was only the beginning, emphasising that the five months leading up to the federal elections in September, in which the pro-environmental Greens have a good chance of entering government, would be crucial.

“We will continue to fight for a 1.5 degree policy which protects our future freedoms, instead of endangering them,” she said, adding, “gone are the days when we were called ignorant for demanding climate action”.

Under the 2019 law Germany is obliged to cut greenhouse gas emissions 55% by 2030, compared with 1990 levels. Annual upper limits for greenhouse gas emissions across the energy, transport, agriculture and construction sectors are also set in the law. If targets are missed, there are penalties and the obligation to make more stringent improvements.

This article was amended on 30 April 2021. An earlier version referred incorrectly in one paragraph to 2040 when 2030 was meant.