EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FOURTH SECTION

DECISION

Application no. 46906/22
Hauke Leif ENGELS and Others
against Germany

The European Court of Human Rights (Fourth Section), sitting on 1 July 2025 as a Committee composed of:

Lorraine Schembri Orland*, President*,
Anja Seibert-Fohr,
András Jakab*, judges*,
and Veronika Kotek, *Acting Deputy Section Registrar,*

Having regard to:

the application (no. 46906/22) against the Federal Republic of Germany lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 28 September 2022 by the applicants listed in the appended table ("the applicants") who were represented by Mr R. Klinger, a lawyer practising in Berlin;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the German legislation in respect of climate-change mitigation, as amended in 2021 following the Federal Constitutional Court's decision of 24 March 2021 in *Neubauer and Others v. Federal Republic of Germany*.

2. In the *Neubauer and Others* decision, which has been summarised in *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* ([GC], no. 53600/20, §§ 254 et seq., 9 April 2024), the Federal Constitutional Court held that certain provisions of the Federal Climate Change Act of 2019 were incompatible with fundamental rights in so far as they lacked sufficient specifications for emission reductions from 2031 onwards and, that being so, a pathway providing sufficient orientation and incentives to reach greenhouse

gas ("GHG") neutrality. In all other respects, the constitutional complaints were dismissed.

3. The Federal Climate Change Act was amended shortly after the Federal Constitutional Court's decision in *Neubauer and Others* in order to implement that decision, with the amendments entering into force on 31 August 2021. The amendments raised the climate target for 2030 by 10% to a reduction of GHG emissions of at least 65% in comparison with the 1990 levels. Additional climate targets were set for the years 2040 (at least an 88% reduction), 2045 (net GHG neutrality) and 2050 (negative GHG emissions). Annual reduction targets for the years 2031 to 2040 were laid down.

4. In January 2022 the applicants lodged a constitutional complaint with the Federal Constitutional Court against the Federal Climate Change Act as in force following the 2021 amendments. By an order of 25 May 2022, the Federal Constitutional Court declined to accept the constitutional complaint for adjudication, without giving reasons (no. 1 BvR 188/22). The decision was served on 20 June 2022.

5. On 28 September 2022 the applicants lodged their application with the Court, challenging the version of the Federal Climate Change Act as in force since 31 August 2021 and the Federal Constitutional Court's decision on the applicants' constitutional complaint against that version of the Act. They alleged that the version of the Federal Climate Change Act in question did not satisfy the State's positive obligations under Articles 2 and 8 of the Convention to put in place a legislative and administrative framework that effectively protected them from serious adverse effects on their lives and health arising from the harmful effects and risks caused by climate change. They further argued that the Federal Climate Change Act had an advance interference-like effect on the future exercise of their freedoms guaranteed by Article 8 of the Convention, as the irreversible depletion of the remaining CO_2 budget would require radical restrictions on the exercise of those freedoms in the future.

6. The applicants claimed that they were already exposed to the adverse effects of climate change and that those effects were likely to become more severe over the course of their lives. They invoked various health risks stemming from climate change, in particular due to rising temperatures, including heatwaves, as well as due to increases in UV rays, ground concentrations of ozone, concentrations of fine particulate matters and air pollution. The first and the second applicant, who live on the shores of Lake Constance, further referred to risks stemming from the increased contamination of the lake water with cyanobacteria. The eighth applicant, who lives in Hamburg, asserted that he was particularly exposed to extreme weather events such as floods and heavy rainfall.

7. On 15 July 2024 further amendments to the Federal Climate Change Act entered into force. Several NGOs and individual complainants lodged constitutional complaints against those amendments. The complaints are

currently pending before the Federal Constitutional Court. One of them was lodged by, *inter alia*, several of the applicants in the present application, together with Deutsche Umwelthilfe, a non-profit organisation. Concerning the standing of the association, the complaint explicitly referred to the Court's judgment in *Verein KlimaSeniorinnen Schweiz and Others* (cited above).

THE COURT'S ASSESSMENT

8. The Court reiterates that Article 8 of the Convention encompasses a right for individuals to effective protection by the State authorities from serious adverse effects of climate change on their life, health, well-being and quality of life (see *Verein KlimaSeniorinnen Schweiz and Others*, cited above, § 519). For Article 2 of the Convention to apply in a climate-change context, it needs to be determined that there is a "real and imminent" risk to life, understood as referring to a serious, genuine and sufficiently ascertainable threat to life of a specific applicant, containing an element of material and temporal proximity of the threat to the impugned harm (ibid., § 513).

9. Victim status under Article 34 of the Convention of natural persons in the context of complaints concerning harm or risk of harm resulting from alleged failures by the State to combat climate change requires that two key criteria have been shown to be met: (a) a high intensity of exposure of the applicant to the adverse effects of climate change; and (b) a pressing need to ensure the applicant's individual protection (ibid., §§ 487-88 and 527). The threshold for fulfilling these criteria is especially high (ibid., §§ 488 and 527). It is necessary to establish, in each applicant's individual case, that the requirement of a particular level and severity of the adverse consequences affecting the applicant concerned is satisfied, including the applicant's individual vulnerabilities which may give rise to a pressing need to ensure his or her individual protection (ibid., § 531). It should also be reiterated that victim status in relation to future risk is only exceptionally admitted by the Court (ibid., § 533).

10. Having regard to the applicants' submissions regarding the adverse effects of climate change to which they were, and were going to be, exposed (see paragraph 6 above), the Court notes that they referred to specific circumstances prevailing at their places of residence in Germany, but that the submissions were of a generalised nature. It is not apparent that they were exposed to the adverse effects of climate change, or were at risk of being exposed at any relevant point in the future, with a degree of intensity giving rise to a pressing need to ensure their individual protection. The applicants did not demonstrate that they had specific vulnerabilities nor that exceptional circumstances existed in relation to the adverse effects of climate change to which they were at risk of being exposed to in the future. It cannot be said that the applicants suffered from any critical medical condition whose possible aggravation linked to the adverse effects of climate change could not

be alleviated by the adaptation measures available in Germany or by means of reasonable measures of personal adaptation (ibid., § 533). They did therefore not demonstrate that they were subjected to a high intensity of exposure to the adverse effects of climate change affecting them personally, nor that there had been a pressing need to ensure their individual protection from the harm which the effects of climate change may have on the enjoyment of their human rights (see paragraph 9 above and ibid., §§ 527-35). It follows that the applicants do not fulfil victim status-criteria under Article 34 of the Convention. Their complaint under Article 8 of the Convention is therefore incompatible *ratione personae* with the provisions of the Convention within the meaning of Article 35 § 3 of the Convention.

11. As regards Article 2 of the Convention, the Court considers that the applicants' submissions do not reveal that they were exposed to a "real and imminent" risk to their lives such as to trigger the applicability of Article 2 of the Convention (see paragraph 8 above and ibid., § 536). The Court therefore concludes that the applicants' complaint under Article 2 of the Convention is incompatible *ratione materiae* with the provisions of the Convention within the meaning of Article 35 § 3 of the Convention.

12. It follows that the application must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 28 August 2025.

Veronika Kotek Acting Deputy Registrar	Lorraine Schembri Orland President

APPENDIX

List of applicants:

Application no. 46906/22

No.	Applicant's Name	Year of birth	Nationality	Place of residence
1.	Hauke Leif ENGELS	2003	German	Überlingen
2.	Amrei Lisann Paulina FEGER	2005	German	Überlingen
3.	Jonathan HECKERT	2002	German	Weinstadt
4.	Levin JAROSCH	2004	German	Ingersheim
5.	Marlene Elisabeth Levke LEMME	2008	German	Munich
6.	Bruno SAAR	1997	German	Halle/Saale
7.	Linus Jonathan STEINMETZ	2003	German	Göttingen
8.	Gian Gustav Salomon STRUNZ	2002	German	Hamburg
9.	Henriette UNGLAUB	2006	German	Berlin