

## Grand Chamber to examine complaint that France's action to prevent climate change has been insufficient

The Chamber of the European Court of Human Rights to which the case **Carême v. France** (application no. 7189/21) had been allocated has **relinquished jurisdiction in favour of the Grand Chamber of the Court**<sup>1</sup>.

The case concerns a complaint by an inhabitant and former mayor of the municipality of Grande-Synthe, who submits that France has taken insufficient steps to prevent climate change and that this failure entails a violation of the right to life and the right to respect for private and family life.

A legal summary of this case will be available in the Court's database HUDOC ([link](#)).

### Carême v. France (application no. 7189/21)

#### Principal facts

The applicant, Mr Damien Carême, is a French national who was born in 1960 and lives in Grande-Synthe, a municipality of which he was mayor from 23 March 2001 to 3 July 2019, situated on the English Channel coast.

On 19 November 2018 Mr Carême, in his own name and in his capacity as mayor of the municipality of Grande-Synthe, sent various requests to the French President, the Prime Minister and the Minister for ecological transition and solidarity, asking them: to take any appropriate steps for the purpose of reversing the rise in greenhouse gases produced on French territory, so as to comply with the State's undertakings; to take any legislative or regulatory initiatives to make it compulsory to give priority to climate-related considerations and prohibit any measures that might increase greenhouse gases; and lastly to take immediate steps to ensure France's adaptation to climate change.

On 23 January 2019 Mr Carême and the municipal council of Grande-Synthe lodged an application with the *Conseil d'État* seeking the annulment of the tacit decisions of refusal, having received no response to those requests.

On 19 November 2020 the *Conseil d'État* held that Mr Carême could not prove that he had an interest in bringing proceedings for the annulment of the tacit decisions of refusal, but found that, by contrast, the municipality of Grande-Synthe did have such an interest, "having regard to its level of exposure to the risks stemming from climate change and to the direct and undeniable impact on its situation and on the specific interests for which it is responsible".

On 1 July 2021 the *Conseil d'État* annulled the government's tacit refusal, observing that the drop in emissions in 2019 and 2020 was minimal and that it did not appear feasible, unless new measures were adopted rapidly, to meet the objectives that had been set for the reduction of emissions, with a view in particular to a 12% reduction over the period 2024-28. The *Conseil d'État* ordered the Government to take additional measures by 31 March 2022 to attain the target – pursuant to the Paris Agreement – of a 40% reduction in greenhouse gas emissions by 2030.

<sup>1</sup> Under Article 30 of the European Convention of Human Rights "Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber."

## Complaints and procedure

The application was lodged with the European Court of Human Rights on 28 January 2021.

The applicant submits that the failure of the authorities to take all appropriate measures to enable France to comply with the maximum levels of greenhouse gas emissions that it has set itself constitutes a violation of the obligation to guarantee the right to life, enshrined in Article 2 of the Convention, and to guarantee the "right to a normal private and family life", under Article 8 of the Convention. In particular, the applicant argues that Article 2 imposes an obligation on States to take the necessary measures to protect the lives of persons under their jurisdiction, including in relation to environmental hazards that might cause harm to life. Under Article 8 he argues that by dismissing his action on the grounds that he had no interest in bringing proceedings, the *Conseil d'État* disregarded his "right to a normal private and family life". He submits that he is directly affected by the Government's failure to take sufficient steps in the combat against climate change, since this failure increases the risk that his home might be affected in the years to come, and in any event by 2030, and that it is already affecting the conditions in which he occupies his property, in particular by not allowing him to plan his life peacefully there. He adds that the extent of the risks to his home will depend in particular on the results obtained by the French Government in the prevention of climate change.

The Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber on 31 May 2022.

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### Press contacts

[echrpess@echr.coe.int](mailto:echrpess@echr.coe.int) | tel: +33 3 90 21 42 08

**We would encourage journalists to send their enquiries via email.**

**Denis Lambert (tel.: + 33 3 90 21 41 09)**

Tracey Turner-Tretz (tel.: + 33 3 88 41 35 30)

Inci Ertekin (tel.: + 33 3 90 21 55 30)

Neil Connolly (tel.: + 33 3 90 21 48 05)

Jane Swift (tel.: + 33 3 88 41 29 04)

**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.