



Application alleging failure to take effective measures to meet climate-change commitments and to protect the applicant's health is notified to the Government of Austria

The European Court of Human Rights has given notice to the Government of Austria of the application **Müllner v. Austria** (application no. 18859/21) and requested that they submit their observations.

The case concerns Austria's alleged failure to mitigate the impact of climate change, in particular global warming, by taking effective measures to reduce its greenhouse-gas emissions and to limit the increase in the global average temperature to 1.5°C above pre-industrial levels. Mr Müllner suffers from multiple sclerosis and argues that his symptoms worsen in higher temperatures.

This case follows on from the Court's Grand Chamber judgments and decisions in [Verein KlimaSeniorinnen Schweiz and Others v. Switzerland](#) (no. 53600/20), [Duarte Agostinho and Others v. Portugal and 32 Others](#) (no. 39371/20), and [Carême v. France](#) (no. 7189/21). For further information, please see [Questions and Answers on the three Grand Chamber cases concerning climate change](#).

The applicant, M. Müllner, is an Austrian national and lives in Austria. He suffers from multiple sclerosis and asserts that his symptoms worsen in higher temperatures, leading to temporary paralysis and restricted mobility, an effect known as Uhthoff's Syndrome. He argues that Austria has failed to mitigate the impact of climate change and in particular to reduce greenhouse-gas emissions, which cause global average temperatures to rise.

On 20 February 2020 Mr Müllner challenged certain provisions of the Value Added Tax Act (*Umsatzsteuergesetz*), the Mineral Oil Tax Act (*Mineralölsteuergesetz*) and the Aviation Benefits Regulation (*Luftfahrtbegünstigungsverordnung*) before the Austrian Constitutional Court, arguing that by providing tax benefits to the aviation industry and not to railway companies, these provisions were promoting the most climate-damaging mode of transport over others.

That complaint was rejected as inadmissible on 30 September 2020, with the Constitutional Court stating that Mr Müllner was not the addressee of the provisions regulating tax benefits for companies and that they also did not interfere with his legal interests as he had argued that he did not use flights but trains for transportation.

The application was lodged with the European Court of Human Rights on 8 April 2021.

The examination of this application was adjourned by the Chamber on 13 September 2022 until the outcome of the proceedings in the three climate cases that were pending before the Grand Chamber (*Duarte Agostinho and Others v. Portugal and 32 Others*, *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, and *Carême v. France*, in which the Grand Chamber delivered its judgment and decisions on 9 April 2024).

On 18 June 2024 the Government of Austria were given notice of the present application with questions from the Court. A [statement of facts](#) submitted to the Government is available only in English on the Court's website. At the same time, the Court decided to grant the case priority under Rule 41 of the Rules of the Court owing to the importance and urgency of the issues raised and the alleged deterioration of Mr Müllner's health through global warming.

Relying on Articles 6 (right of access to court), 8 (right to respect for private and family life) and 13 (right to an effective remedy) of the European Convention of Human Rights, Mr Müllner claims that the effects of climate change expose him to a real and serious risk for his physical, psychological and moral integrity. He alleges an overly formalistic approach was taken by the Constitutional Court when deciding on his complaint, which violated his right of access to a court; that Austria has not established an adequate framework to meet its targets to reduce the global rise of temperature, although reaching these targets would significantly improve his overall well-being; and that the national legal system does not have an effective remedy for these complaints.

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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.