



Press and Information

Court of Justice of the European Union

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Judgment in Case C-565/19 P

Armando Carvalho and Others v Parliament and Council

## **The Court of Justice confirms that the action brought by families from the European Union, Kenya and Fiji against the EU ‘climate package’ of 2018 is inadmissible**

*The General Court was fully entitled to find that the appellants are not individually concerned by that legislative package*

In 2018, families from various Member States of the European Union (Germany, France, Italy, Portugal and Romania), as well as from the rest of the world (Kenya and Fiji), active in the agricultural sector or the tourism sector, and a Swedish association representing young indigenous Samis brought an action before the General Court of the European Union seeking the adoption by the Union of measures that are more severe than those laid down by a legislative package from 2018<sup>1</sup> in terms of reducing greenhouse gas emissions.

They claimed, in particular, that the General Court should annul that legislative package inasmuch as it sets targets to reduce greenhouse gas emissions by 2030 by 40% compared to 1990 levels and, instead of awarding them pecuniary damages for their alleged individual losses, order the Council of the European Union and the European Parliament to adopt measures requiring a reduction in greenhouse gas emissions by at least 50% to 60%.

By order of 8 May 2019,<sup>2</sup> the General Court declared that action inadmissible, as the persons bringing the action did not satisfy any of the *locus standi* criteria.

It held, in particular, that the appellants were not individually concerned by the legislative package. The fact that the effects of climate change may be different for one person than they are for another does not mean that, for that reason, there exists standing to bring an action against a measure of general application. In its view, a different approach has the effect of rendering the requirements of the Treaty on the Functioning of the European Union (TFEU)<sup>3</sup> meaningless and of creating *locus standi* for all. Concerning the claim that the Council and the Parliament should be ordered to adopt more severe measures, which was made in the form of a claim for damages, the General Court considered that it sought, in reality, to obtain a result similar to the result of annulling the acts at issue and that, consequently, it also had to be declared inadmissible.<sup>4</sup>

**By its judgment, delivered today, the Court of Justice dismisses the appeal against the order of the General Court, thereby definitively confirming the dismissal of the action.**

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<sup>1</sup> Adopted in connection with the Kyoto Protocol and the Paris Agreement, the aim of which is to limit the global temperature increase to between 1.5 °C and 2 °C above pre-industrial levels. That legislative package includes (i) Directive (EU) 2018/410 of the European Parliament and of the Council of 14 March 2018 amending Directive 2003/87/EC to enhance cost-effective emission reductions and low-carbon investments, and Decision (EU) 2015/1814 (OJ 2018 L 76, p. 3), (ii) Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 (OJ 2018 L 156, p. 26), and (iii) Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU (OJ 2018 L 156, p. 1).

<sup>2</sup> *Carvalho and Others v Parliament and Council*, [T-330/18](#).

<sup>3</sup> More specifically, the fourth paragraph of Article 263 TFEU.

<sup>4</sup> The Court confirms that assessment in its judgment, delivered today.

The Court emphasises, inter alia, that **the claim that an act of the Union infringes fundamental rights is not sufficient in itself to establish that the action brought by an individual is admissible** without running the risk of rendering the conditions of admissibility laid down in the TFEU meaningless. It recalls, in addition, that the Courts of the European Union may not, without going beyond their jurisdiction, interpret those conditions in a way which has the effect of setting aside what is expressly laid down in the TFEU, even in the light of the fundamental right to effective judicial protection enshrined in the Charter of Fundamental Rights of the European Union.

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**NOTE:** An appeal, on a point or points of law only, may be brought before the Court of Justice against a judgment or order of the General Court. In principle, the appeal does not have suspensive effect. If the appeal is admissible and well founded, the Court of Justice sets aside the judgment of the General Court. Where the state of the proceedings so permits, the Court of Justice may itself give final judgment in the case. Otherwise, it refers the case back to the General Court, which is bound by the decision given by the Court of Justice on the appeal.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

Press contact: Jacques René Zammit ☎ (+352) 4303 3355

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