



Judgment of the General Court in Case T-120/24 | Global Legal Action Network and CAN-Europe v Commission

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Greenhouse gas emission allocations: the General Court upholds the Commission's refusal of the request for internal review submitted by Global Legal Action Network and CAN-Europe

Those NGOs could not call into question the climate targets set by the EU legislature

Global Legal Action Network and Climate Action Network Europe (CAN-Europe), two non-governmental organisations (NGOs) committed to protecting the environment and combating climate change, requested that the European Commission review an implementing decision setting the Member States' annual greenhouse gas emission allocations for the period from 2023 to 2030. ¹ According to those NGOs, that decision was based on emission reduction targets that were inadequate in the light of fundamental rules of EU law and international law, in particular the Paris Agreement, and on an impact assessment vitiated by several shortcomings. The Commission refused that request for internal review, prompting the NGOs to bring an action before the General Court of the European Union.

The General Court upholds the Commission's decision and dismisses the action in its entirety.

The General Court notes that the criticisms made by the NGOs were in fact directed at the emission reduction targets set by EU legislative acts, in particular the European Climate Law, and the impact assessment that preceded their adoption, and not failures specific to the contested implementing decision.

The General Court recalls that the contested decision was adopted in the exercise of an implementing power conferred on the Commission. In that context, the Commission was required to apply the emission reduction targets defined by the legislature and to determine the annual emission allocations in accordance with the rules laid down in the basic legislation. **It could neither amend those targets nor replace them with other levels of climate ambition.**

According to the General Court, to accept that a request for internal review could lead the Commission to call those targets into question would amount to allowing it indirectly to amend legislative choices adopted by the European Parliament and the Council. **Such a possibility would be incompatible with the limits attached to the Commission's implementing powers, the institutional balance provided for by the Treaties and the principle of legal certainty.**

The General Court thus considers that the provisions of the Aarhus Convention ² relied on by the NGOs cannot be used to challenge, indirectly, the validity of a legislative act of the European Union such as the European Climate Law.

Lastly, the General Court notes that the arguments put forward against the annual emission allocations did not reveal failures specific to the implementing decision itself, but rather reiterated the criticisms directed against the European Union's climate targets and against the impact assessment that preceded them. Those arguments could not therefore lead to the annulment of the decision refusing the request for an internal review, and the Commission was therefore entitled to reject them as inadmissible.

NOTE: An action for annulment seeks the annulment of acts of the institutions, organs or bodies of the European Union that are contrary to EU law. The Member States, the European institutions and individuals may, under certain conditions,

bring an action for annulment before the Court of Justice or the General Court, as appropriate. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

NOTE: An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within 2 months and 10 days of notification of the decision.

Unofficial document for media use, not binding on the General Court. The presentation of the facts and the legal context refers to the relevant period and is based on the case file.

The [full text and, where applicable, the summary](#) of the judgment are published on the CURIA website on the day of delivery.

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Images of the delivery of the judgment are available on '[Europe by Satellite](#)' ☎ (+32) 2 2964106.

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¹ [Commission Implementing Decision \(EU\) 2023/1319](#) of 28 June 2023 amending Implementing Decision (EU) 2020/2126 to revise Member States' annual emission allocations for the period from 2023 to 2030.

² [Convention on access to information, public participation in decision-making and access to justice in environmental matters](#), signed in Aarhus on 25 June 1998 and approved on behalf of the European Community by Council Decision 2005/370/EC of 17 February 2005.