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Dutch State to reduce greenhouse gas emissions by 25% by the end of 2020

Hoge Raad, 20 december 2019

The court order for the Dutch State to reduce Dutch greenhouse gas emissions by 25% by the end of 2020 remains in force. That is what the Supreme Court ruled today.



A major cause of rapid global warming is the emission of carbon dioxide and other greenhouse gases into the atmosphere. This is a source of great danger to life on earth. Both the Urgenda Foundation and the Dutch State are of the opinion that greenhouse gas emissions should be reduced quickly, and ultimately be discontinued almost completely, but they disagree on the speed at which this is supposed to happen. The Dutch State has a EU target for 2020 of a 20% reduction compared to 1990 levels. Urgenda, on the other hand, believes that, given the serious risks of climate change, the Dutch State's target is not sufficient. Urgenda demands a reduction in Dutch emissions by at least 25% in 2020 compared to 1990 levels.

The The Hague District Court agreed with Urgenda. It ordered the Dutch State in 2015 to reduce Dutch greenhouse gas emissions by 25% by the end of 2020. This order was confirmed by the The Hague Court of Appeal in 2018. Today, the Supreme Court rejected the Dutch State's cassation appeal against this decision.

The Supreme Court based its judgment on the UN Climate Convention and on the Dutch State's legal duties to protect the life and well-being of citizens in the Netherlands, which obligations are laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms (the ECHR).

There is a large degree of consensus in the scientific and international community on the urgent need for developed countries to reduce greenhouse gas emissions by at least 25% by the end of 2020. The Dutch State has not explained why a lower reduction would be justified and could still lead, on time, to the final target accepted by the Dutch State.

The Dutch State has argued that it is up to politicians to decide on the reduction of greenhouse gas emissions. According to the Supreme Court, however, the Dutch Constitution requires the Dutch courts to apply the provisions of the ECHR. This role of the courts to offer legal protection is an essential element of a democracy under the rule of law.. The courts are responsible for guarding the limits of the law. That is what the Court of Appeal has done in this case, according to the Supreme Court.

Therefore, the Supreme Court ruled that the Court of Appeal was allowed and could decide that the Dutch State is obliged to achieve the 25% reduction by the end of 2020, on account of the risk of dangerous climate change that could also have a serious impact on the rights to life and well-being of residents of the Netherlands.

See also: this page about the case (in Dutch)
and: Dutch version

Uitspraken

> ECLI:NL:HR:2019:2006

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