

Benfalsong County Court of Justice.

Hunbeom Sowin Boheung Opinion (4)

- Content Analysis of the German Federal Constitutional Court's Unconstitutional Decision and its Adaptation to the Constitutional Law of the Land - The Constitutional Law of the Land.

κ Gun 2020Hyunma 389 Confirmation of the unconstitutionality of Article 1142i, Paragraph (I) of the Low Carbon Green Growth Standard

Claimant Kim, Do-Hyun et al18

Respondent President of the Republic of the Union of Myanmar

Counsel for Claimants submit the following amicus curiae brief in the above-captioned case

多 ohm

1- This case is the Chingon Climate Litigation Constitutional Court and the German Federal Constitutional Court's Climate Litigation Constitutional Court.

A - On March 13, 2020, 19 South Korean Chingus filed this preliminary Chingus climate lawsuit in the Constitutional Court, with the President of the Republic of Korea and the National Assembly as defendants. The constitutional challenge in this case seeks to enjoin the government of the Republic of Korea from complying with its 2020 greenhouse gas reduction targets by enacting a general decree, such as the Scientific Low-Carbon Nomsum Sleeping Basic Law, and to

enjoin the government of the Republic of Korea from failing to comply with its
2020 greenhouse gas reduction targets.

Ur. Response of Governments to Reduce Greenhouse Gas Emissions of governmental responses to
Localization and water totalization



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Io."t" (°P-°-'n/kle" " . pîö".k

1. 이 글은 1990년대 초반에 작성된 것으로 보인다. 이 시기에 대한 배경은 다음과 같다.

[illegible]

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Germany's Federal Constitutional Court is the leading constitutional court in Europe and South Korea's Constitutional Court is the leading constitutional court in Asia. Therefore, it is also significant that the Constitutional Court of the Republic of Korea and the Constitutional Court of the Republic of Germany have both been established at the same time in the early 2020s, almost in parallel with the HOC and WEN/d in the Eurasian region.

2- The German Federal Constitutional Court's decision on the unconstitutionality of Federal Climate Protection Act and its implications

A- The German Federal Constitutional Court ruled on April 29, 2021, that states have the right to protect their citizens from the threat of climate change.

Sengwawa Health Check and 미래세대의 자유를 보호할 의무자
Sill, 現在 Germany

\$3017]iii'fi The regulations on GHG targets in the Bundes-Klimaschutzgesetz (Bund Klimaschutzgesetz) include the following provisions

Because of the unconstitutional distribution of the right to consume the carbon budget to future generations and the consequent comprehensive restriction of the liberty rights of future generations, the German Bundestag must amend the relevant provisions of the Federal Climate Protection Act by December 31, 2022, to comply with the constitutional requirements of the once

German Federal Climate Protection Act

(Exhibit 8 of the Claimant's submission of June 16, 2021) BVerfG

Beschluss vom 24. 3. 2021. 1 BVR 2656/18, 1 BVR 96/20, 1 BVR 78/20, 1 BVR 288/20, 1 BVR 78/20).

The unconstitutionality of the German Federal Constitutional Court's decision is based on the fact that (i) the state's obligation to combat climate change is incompatible with the state's duty to protect the fundamental rights to life and health and the general freedom of future generations. and the general freedom of future generations.

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This decision is of great historical significance in that it goes a step further than the Dutch Urhanda decision in recognizing that the constitutional rule of standing (ii) and the harm caused by climate change qualifies as a claim that satisfies both the presentness and immediacy of the constitutional right to sue, and (iii) has the effect of expanding the constitutional rule of standing and the merits of future climate litigation around the world in a deeper and broader way.

Two things can be said about the universal reach and impact of the German climate lawsuit unconstitutionality decision

First, given that Germany is the most dominant country in the world's continental group of countries, and given the scope of the German Constitutional Court's influence on constitutional courts around the world, it is very likely that continental constitutional courts in many countries will adopt the scope of the German unconstitutional decision as a universal constitutional rule in the future.

The second is that the unconstitutional decision of the German climate lawsuit includes the representative countries of Anglo-American (00mm0ko 1pe) of One of In the United States of America 青少年 21 United States governments 상대로 하여 removed

In the climate case of JuliaNaePipette, the U.S. Court of Appeals for the Ninth Circuit (9th [1 1th Circuit Affair

2020. 1. 17. The issue of responding to climate change is a matter of executive and legislative authority. political %K1](p01itical question)' area, **and then** disqualified the claim because **it** fell into the "question" area.

It's a characterization that directly contradicts the notion that the Anglo-American coalition on climate change

Passive reflexive response climate change response continental legal system countries' active

That the symmetric correspondence is shown by $\overline{\pi}$ male⁰¹ female

Juliana case US Federal Court of Appeals 2020年 판결이 기후소송을

주었다면, 그로부터 약 1년 정도가 지난 시점에서 미래세대에
을
보호를 강조하고 그에 국가의 응을 현 명하고 있는 독일
2021^d 전 세계 청소년들에게 커다란 희
은 결현위 수 있습니다. 미국의 판결은
‘사법적 송 이후
유럽(독일과 네덜란드)의 판결은 주었다면, 이제 다음
왔
차례는 아시아(대한민국)의 판결입니다.

나. 이번 독일 중 몇 가지 가장 중요하고
인 을

기후변화대응에 관한 국가의 기본권보호의무를 명백하게 천명한 점입니다.

도이 *p & *j (Leitsätze, guiding principle) 아래와 같이 판시하고
의 결현위 |1항은
있습니다 (청구인이 2021. 6. 16.자로 제출한 참고자료 8의 2 참조).

『독일연방 기본법(=독일의 연방헌법에 제2조 제2항 1문에 근거한 생명 및 신체적
당)
전건 보호에는, 하는 가해자 및 바느 관계없이 ‘환경오염에 의한
협을위 위
기본권침해에 대한 보호’가 기본법 제2조 제2항 1문에 근거한 ‘국가의
함
보호의무에는 기후변화의 위험으로부터 생명과 건강을 보호할 의무도 포함’된다.

조항(기본법 제2조 제2항 1문)은 또한 ‘미래 세대에 대해서도 객관적인 법률에 의해서

할

"Der Schutz des Lebens und der körperlichen Unversehrtheit nach Art. 2 Abs. 2 Satz 1 GG schließt
den Schutz vor Beeinträchtigungen grundrechtlicher Schutzgüter durch

Umweltbelastungen ein, gleich von wem und durch welche Umstände sie drohen. Die aus Art. 2 Abs. 2 Satz 1 GG folgende Schutzpflicht des Staates umfasst auch die Verpflichtung, Leben und Gesundheit vor den Gefahren des Klimawandels zu schützen. Sie kann eine objektivrechtliche Schutzverpflichtung auch in Bezug auf künftige Generationen begründen."

둘째는, 심사에 있어서 국가의 기후보호의무와 다른 법익과의 법익형량 과정에 있어서 기후보호의 상대적 중요성이 점점 더 가중되고 있다는 점을 인정한 것입니다. 결정 요지 2a항의

『2. 기본법 제20a조는 국가에 이것은 또한 기후
을 기후보호의무를 부과한다.
a. 기본법 제20a조는 다른 무조건적인 우선순위를 가지는 것은 아니고,
한다. 법익 간의 충돌이 발생하는 경우 다른 헌 권리 및 원칙과 이루어야 한 이
법익 형량의 과정에서 기후보호의 상대적 중요성은 기후변화가 계속

있다.』가중되고 더욱 따라

"2. Art. 20a GG verpflichtet den Staat zum Klimaschutz. Dies zielt auch auf die Herstellung von Klimaneutralität.

a. Art. 20a GG genießt keinen unbedingten Vorrang gegenüber anderen Belangen, sondern ist im Konfliktfall in einen Ausgleich mit anderen Verfassungsrechtsgütern und Verfassungsprinzipien zu bringen. Dabei nimmt das relative Gewicht des Klimaschutzgebots in der Abwägung bei fortschreitendem Klimawandel weiter zu."

함께 정 을 헌성 의령 송 이후
'i' a*1 °l1'îl1dł 1%+ 'îl1 î+ ^İô s 'ci ë Ĩŝî w sr.°* %*''''^ 'İ=İ'z S'^ ë'?ž-

점입니다. 이는 결정 요지 4항의

4. 한 조건 하에서, 기본법은 기본권에 의하여 보호되는 자유를 여러 시대에 걸쳐 보장할 의무를 부과하고, 세대들 간에 자유를 누릴 기회를 비례적으로 분배할 것을
기본법 제20a조의 입법취지에 따르면, 기본권은 세대 간의 자유 보장으로서, 요구한다.
온실가스 감축 부담을 미래세대에게 일방적으로 전가하는 것을 반대한다.

제20a조의 객관적인 법적 보호명령은 다음 세대를 극단적인 을 통
않고서는 는 정도의 빠뜨리지 않도록 생명의 자연적 기초를 매우
조심스럽게 다루어야 할 필요도 함한다
한 한 한 기후중립(탄소중립)
한 을 한 한
할 더 빠른 시기에 규정하는 을 요구하는데, 지침은 한 개발의 방향,
을 위한 한 을
한

"4. Das Grundgesetz verpflichtet unter bestimmten Voraussetzungen zur Sicherung grundrechtsgeschützter Freiheit über die Zeit und zur verhältnismäßigen Verteilung von Freiheitschancen über die Generationen. Subjektivrechtlich schützen die Grundrechte als intertemporale Freiheitssicherung vor einer einseitigen Verlagerung der durch Art. 20a GG aufgegebenen Treibhausgasminderungslast in die Zukunft. Auch der objektivrechtliche Schutzauftrag des Art. 20a GG schließt die Grundrechte. 20a GG schließt die Notwendigkeit ein, mit den natürlichen Lebensgrundlagen so sorgsam umzugehen und sie der Nachwelt in solchem Zustand zu hinterlassen, dass nachfolgende Generationen diese nicht nur um den Preis radikaler eigener Enthaltbarkeit weiter bewahren könnten.

Die Schonung künftiger Freiheit verlangt auch, den Übergang zu Klimaneutralität rechtzeitig einzuleiten. Konkret erfordert dies, dass frühzeitig transparente Maßgaben für die weitere Ausgestaltung der Treibhausgasreduktion formuliert werden, die für die erforderlichen Entwicklungs- und Umsetzungsprozesse Orientierung bieten und diesen ein hinreichendes Maß an Entwicklungsdruck und Planungssicherheit vermitteln."

후변 의 청 후변
피해의 직접성, 자기관련성, 현재성, 그리고 보충성을 모두 인정한 것입니다.

결정문 문단번호 129-133, 138의 판시

『청구인들의 자유권은 연방기후보호법 제3조 제1항 제2문, 제4조 제1항 제3문 및 별표2에 의하여 현재, 개인적으로, 그리고 직접 제한을 받고 있다. (129문단)』

"Durch § 3 Abs. 1 Satz 2 und § 4 Abs. 1 Satz 3 KSG in Verbindung mit Anlage 2 sind die Beschwerdeführenden gegenwärtig, selbst und unmittelbar in ihren Freiheitsrechten betroffen."

할
(138문단)』 (☞ 보충성 인정)

"Ein Rechtsweg unmittelbar gegen die angegriffenen gesetzlichen Bestimmungen existiert nicht."

3. 형식적으로는 위헌, 실질적으로는 전부 위헌인 ^{VOI}은 연방헌법재판소

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Specificity of the Weehawk problem

The specificity of the German Federal Constitutional Court's unconstitutional decision is that it combines the unconstitutionality of the order and the unconstitutionality of the reason: (i) it orders the German Federal Climate Protection Act to define the GHG reduction targets for the period from 2031 to 2050 in accordance with the constitutional requirements of justice in the distribution of carbon emissions and the protection of the liberty rights of future generations. In doing so, the Court is essentially making it easier to avoid changing even the 2030 GHG reduction targets currently set out in the Federal Climate Protection Act to stronger targets, resulting in what appears on paper to be a partial victory for the claimant, but is in reality a complete failure of the claim.

In this regard, I would like to explain a little bit about the demographics, the responses analyzed, and the responses that the Claimant's Representative Team has received from direct inquiries to representatives and pan-European experts in Germany regarding the specifics and practical effects of the German unconstitutional decision - see below.

I~ Officially of the German Federal Constitutional Court press release (claimant 2021~ 6~

16~ appropriated

According to the t r a n s l a t i o n of Exhibit 8:3 and Exhibit 8:4, the unconstitutionality of this case in Germany was based on the fact that

This is a partial victory, not a c o m p l e t e victory for **Qingguinmu**.

First of all, as a response to the crime to be judged, it is necessary to confirm

the difference that the Korean West Carbon Red Growth Basic Crime does not have a greenhouse gas monitoring reading table at all in the crime rate and the government can set a greenhouse gas reduction reading table (Crime K11425 Section 1 Paragraph 1), whereas the German indoor climate protection crime stipulates that the greenhouse gas monitoring reading table in 2030 must be reduced by at least 55% compared to the 1990 level in Article 3 Paragraph 1 of the crime.

The constitutional petition in Germany mainly argued that the above 2030 National Social Gas Reduction Target is unconstitutional because it is passive, but the German Federal Constitutional Court has a slightly complicated logical structure in some of its unconstitutional decisions, as follows, which can cause a bit of a nightmare for a non-literal understanding of the decision.

- (1) It is unconstitutional that the German Federal Climate Protection Act does not specify a greenhouse gas reduction target beyond 2031. Therefore, the German Bundestag should amend the 77th Federal Climate Protection Act at the end of 2022 to specify a greenhouse gas reduction target beyond 2031.
- (2) Regarding the constitutionality of the German federal protectionist's unspecified post-2031 greenhouse gas reduction target, Based on the "Zum Budget"°fl report, Germany's remaining carbon reserve will be used up by 2030 if the country proceeds with its current targets, with the harsh consequence that almost all of Germany's remaining carbon reserve will be used up by 2030 and very little will be left for future generations to consume after 2031, which would violate the c o m p r e h e n s i v e free rights of f u t u r e generations and the proportional rights between generations.

There is a threat of infringementcheck

- (3) Accordingly, paragraph 2 of the Decision Order declares that Jo Hilko is a contested case as follows

"2. Federal Climate Protection Act (Federal Register I, December 12, 2019, 2513;) Article 3, Section 1, paragraph 4.

Section 1, paragraph 3, and Exhibit 2 satisfy the constitutional requirements set forth in the reasons for this decision.

Unless there is a provision for setting subsequent reduction targets, it is inconsistent with the fundamental right to life.

2. § 3(1) second sentence and § 4(1) third sentence of the Federal Climate Change Act

of 12 December 2019 (Federal Law Gazette I, p. 2513) in conjunction with Annex 2 are incompatible with fundamental rights insofar as they lack provisions on the updating of reduction targets for periods from 2031 that satisfy the constitutional requirements as

that's been nested in the
electromagnetic waves
of the Constitutional
Court.

set forth in the reasons." (German Federal Constitutional Court
Himmelpflege Official English translation)

https://WWW.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/EN/ZOZ1/03/r520210324_lbv2656186n.html before order 2, paragraph)

Contents of a partial waiver determination over the threshold - paragraphs (1) to (3)

(4) However, Federal Climate Protection Act 규정한 2030%q oxyлга
감축목표 The goal itself

Violating the violation of the 기본권에서 derived from violation of the
obligation to protect the right to

It's hard to clean up after you've been there.

Partial constitutionality determination over a gap Interest content - Paragraph (4)

The order of the decision could be read to mean that (i) the current 2030 greenhouse gas reduction target in the German Federal Climate Protection Act is constitutional (but not unconstitutional), and (ii) the failure to specify a greenhouse gas reduction target for the post-2015 period in the statute is unconstitutional, so the Bundestag need not change the 2030 greenhouse gas reduction target, but only the post-2031 greenhouse gas reduction target

needs to be included in the statute.

This would be a fairly hollow result, as the German climate court's unconstitutional ruling would have no teeth compared to the hole in the wall, as it would not actually change the 2030 NGHG target at all, but would merely formally recognize the aberrations in the targets after 2011 and 2016.

Ur. If so, what is the reason for the unconstitutional determination of Germany's unconstitutionality?

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What do you mean when you write that it would be devastating to overall freedom?

This will result in the following statement: Da0License-.

This is a video call with Dr. Roda Verheyen, a lawyer representing the claimant in the unconstitutional decision of the German Federal Constitutional Court, and a presentation by Prof. Dr. Gerd Winter, a German constitutional scholar from the University of Bremen, who was invited to speak at the Joint Symposium on the Unconstitutionality of the Federal Climate Protection Act of the German Federal Constitutional Court on June 9, 2021, at the Sunhat Gangwon National University Patient Center.

Through the announcement of the unconstitutional decision of the German Federal Constitutional Court through the announcement of the announcement, the announcement of the unconstitutional decision of the German Federal Constitutional Court came out like this.

From what we know about how this happened and what it really means, we know that

I found an editorial from the German Federal Constitutional Court stating that this unconstitutional decision is only partially unconstitutional in form, but that it is accepted in Germany as a full unconstitutional decision in effect.

Defense attorney Roda Verheyen[^]} and professor Gerd Winter According to Sulmung, currently in Germany

Most of the relevant actors, including the German Federal Government and Parliament, the legal profession and civil society, understand that the GHG reduction

targets for 2031 and beyond s h o u l d b e revised to (i) provide for a GHG reduction table as ordered by the unconstitutional decision, and (ii) provide for a larger reduction target for 2030, as determined in the reasons for the unconstitutional decision, to ensure that the remaining carbon stocks available to future generations after 2031 are transmitted between generations.

As a result, the German Federal Constitutional Court's decision on the unconstitutionality of the case was actually published on April 2021.

On May 29, 2021, shortly after the May 5, 2021, meeting of the German coalition government of New 2030, the room went from 55% of the 1990 room.

65%로 상향 조정하 소중립 목표 사 를 2050년어 2045년으 로 앞당기는 내용의

것으로 확인되고 있습니다.1)

라. 이처럼 형식적 일부 위헌결정인 독일 방헌법제
%ëiīg°J üü^-l' °zù-ü°-< % ëiī Öfi ^Ëiī ^YË 'r!1J ii
방기후보호
것은, 아래와 같이 '2031년 |후의 온실가스 감축목표 설정에 대한 헌법적 기준을
위헌결정 주문 2.항의 내용에 대한 합리적 해석의
재판소법연방헌
필연적 결과입니다.

"2. 연방기후보호법 (2019. 12. 12. +]] @, %H I, 2513)+j] 3 ^ 2문, 제4조
3문 별지 2는 본 결정에 따른 헌법적 요건을 충족하U- 2031U_ |후 감축
제1항 및
— 관 한 합

2. § 3(1) second sentence and § 4(1) third sentence of the Federal Climate Change Act of 12
December 2019 (Federal Law Gazette I, p. 2513) in conjunction with Annex 2 are incompatible
with fundamental rights insofar as they lack provisions on the updating of reduction targets for
periods from 2031 that satisfy the constitutional requirements as set forth in the reasons."

위에서 //°i 의 헌 주문 2.항의 정확하게
해석하는 경우 '본 결정에 따른 을 충족하는 2031년 감축 목표'를
è*ma{[/ %a{<§-, - 1Ë@^-\@T o '2030Y^음]?1%, -°- Û}*
합 헌
감축목표를 더 강화시켜서' ② '2030년까지의 온실가스 소비량^을 대폭 줄여야만'

1) <https://www.hani.co.kr/arti/society/environment/994062.html> % '@ @, J@@
2045^°N 5" @*@ , 2021. 5. 6.*{ v] <{ (2021. 7. 15. '73:00
한겨레신문, 종

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This is because the onshore gas reduction targets beyond 2031E1 will make it possible for future generations to constitutionally craft a carbon yeshan consumption balance that is fair to future generations and in line with intergenerational needs.

In other words, it is impossible for the Bundestag to unconstitutionally prescribe GHG reduction targets beyond 2031 without changing the 2030 targets currently stipulated in the German Federal Climate Protection Act, in accordance with the unconstitutionality ruling of the German Federal Constitutional Court.

This is why the German unilateral government immediately after the publication of the War Constitutional Decision of the German Federal Current Tansoo, according to the purpose of the reason for the unconstitutional decision, Germany's 2030 dm hmmm gas reduction goal hmm 1990 dm vs.

~~In response to the~~ increase from 55% to 65%, the Climate **Protection** Act Amendment Plan has been revised to include the following provisions.

Reason.

ma- - English

Germany
설설적으로는

The Federal Constitutional Court as follows (i)
2030년까지 온실가스

While making decisions that work, Guam is also making decisions that are more

conservative in terms of its goals, but are still on track to meet its 2030 target.

(ii) without declaring the GHG reduction targets unconstitutional; and (iii) even theoretically, the 2030 global warming goal

Local German jurists and practitioners have expressed considerable dismay that the German Federal Constitutional Court has made what appears to be an inherent contradiction in terms in a single decision, stating in one sentence that the goal is to recognize the unconstitutionality of working as a carbon yeshan sozan for future generations, but stating in another sentence that it does not violate the state's duty to protect fundamental rights. Local German scholars and practitioners have expressed considerable ease with the effect that (i) the German Federal Constitutional Court could have declared the entirety of the constitutional claims in this case unconstitutional, and (ii) the unconstitutionality of the law is not limited to the restriction of future generations' general liberty rights, in violation of the state's obligation to protect fundamental rights.

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This is because it would not have been feasible to configure the

However, there is also a perception among local German constitutional scholars that the German Federal Constitutional Court, in the face of the new constitutional demands of addressing climate change, has developed a fairly complex constitutional pause in its unconstitutionality decision, and that it affirms the consequences of the creative impairment as a moral wisdom.

To Date Claimant RepresentativesOther has conducted its own viscosity analysis, as well as a survey claimant representatives in Germany and the

As explained and understood by the German scholar, (i) the German Federal Constitutional Court not, in fact, recognize that the

All of them result in unconstitutional results, but due to the principle of separation of powers, they are directly related to the 2030 NAN goal of reducing

In dealing with the figures, the Ministry of Education appears to have exerted some posturing power to induce the government and parliament to act directly (through the reasoning of the unconstitutionality decision), as was the actual outcome; and (ii) in developing the constitutional arguments of the unconstitutionality decision, the German Federal Constitutional Court also made a significant distinction between the use of traditional fundamental rights violation categories and the use of the newly deepened and developed fundamental rights protection stops.

In conclusion (i) 現在 German 헌법학과와 환경법학계의 일부에서는 German

**If the Federal Constitutional Court has made a
facially offensive or passive-aggressive statement, sulmandumnon**

While (ii) there is some criticism that the German Inbangan Court of Appeals has not been able to provide a substantial

It is confirmed that there is a view that it is a historic breakthrough in terms of adaptation and effectiveness, and that it has achieved a targeted longitudinal benefit and corruption in order to categorically define the country's climate change response obligations and order the country to implement them.

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In the above I told you so Germany climate lawsuits 한계라고 비판ized
내용들은

In the following paragraphs, we briefly discuss the implications of the German Federal Constitutional Court's decision on the unconstitutionality of climate lawsuits on the constitutionality of juvenile climate lawsuits in Korea.

I think that's a pretty strong and positive statement.

4- Implications of the German F e d e r a l Constitutional Court's Unconstitutional D e c i s i o n the C o n s t i t u t i o n a l i t y o f t h e Korean Ching S o n a n Climate Litigation

We'll talk about this in more detail in the future). Let's start with the core

To summarize, here's how it all works

First, the German Federal Constitutional Court's clear recognition that the ~~unconstitutionality of this decision falls under the obligation of the state to protect the~~ right to view from the constitutional obligation to protect the nation from censorship ~~can be~~ positively applied to the constitutionality of this case.

Second, the unconstitutional decision of the German Federal Constitutional Court is a victory for the main unconstitutional reason, which is the comprehensive freedom that should have been granted to future generations equally in the generational sphere, and the health and well-being of the population, which should

have been granted to the future generations as well, which is the greatness of the protection of the climate, which should have been granted to the future generations, which is the constitutional date of this case, i.e. , t h e constitutional law of the Republic of Korea, the constitutional law of the Republic of Korea, and the current law of the Republic of Korea.

This is exactly what we are asking for when we ask for constitutional protections for our youth~.

The Respondent, the President of the Republic of Korea, through its counsel, the Government Legal Affairs Corporation, submitted on October 29, 2020, a letter dated

The amicus curiae argued that the intergenerational right of equalization required by future generations is a constitutional right that should be recognized as a basis for the

The German Constitutional Court	b u t this
unconstitutional decision of the German Federal Constitutional Court	unconstitutional
decision	

Benfalsong County Court of Justice.

Straight to Claimant Republic of Korea 대통령의 주장에 to conclusive
refutation of evidence of

"Should" be applicable

The German Federal Basic Law does not have an explicit provision on environmental rights, but instead has a provision on future generations in Article 208 of the Basic Law, which was heavily relied upon in the German unconstitutional decision.' The Korean Constitution has a similar provision on the state's obligation to protect the environment, such as Article 20 of the German Basic Law. Article 35 of the Korean Penal Code states that the contents of the Korean Penal Code must be guaranteed as a criminal law, and the preamble of the Korean Penal Code states that the purpose of the Korean Penal Code is to secure the safety, freedom and happiness of us and our descendants forever, The obligation of the State to protect the universal rights of future generations emphasized in the German Decision is a response that is equally applicable to the Korean Ching Sonan Climate Litigation.

Third, the German decision is ~~explicitly sensitive to the damage caused to the claimant Mintul, who worked as a climate scientist, by the EVE/fl, limited self-determination and comprehensiveness of her qualifications, a response that can also be actively applied to this~~ Cockovernin <Su0shel Daiyanju the younger^Sunngi Wuhu Soso0, in the same category-.

Tenthcheck This time 독일에서 for a judgment 받은 독일
 일방기후보호법이 Oxham Gas

If the surveillance objective is directly stated in the surveillance objective's surveillance law, and the surveillance objective is legally binding.

In that they are evenly matched, the **first** Korean lawsuit, **the** Low Carbon Green Growth **Basic** Act and its

Decree German Federal Climate Protection Act 훨씬 b o t
crazy 국가의 기본권 보호대응이
quit0 「quit」 Su11 It's easy to p things up- Yes, so it's a dome
chokcha 0-praise

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-a-Ëtv =f"t-° Ë îrt-°' la yj-^R

Benfalsong County Court of Justice.

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5. Submission of fees - Reference Proceedings of a joint symposium of the Center for Environmental Law at Kangwon National University and Sun Corporation.

As the international debate on the unconstitutionality of the Federal Climate Protection Act by the Federal Court of Justice of Germany continues to unfold, a joint hearing on the unconstitutionality of the Federal Climate Protection Act by the Federal Constitutional Court of Germany was held in Korea on June 9, 2021, at the Center for Environmental Law at Kangwon National University.

Hereby, the Chingus would like to submit the above three joint symposium proceedings zoom as refereed papers - 1.

Zoom on the above joint symposium proceedings by Professor Gerd Winter, University of Bremen, Germany

rClimate Litigation - The Decision of German Federal Constitutional Court on

29 April 2021; (참고자료 9의 1) is a very concise and well-structured response by a German constitutional and environmental law scholar to the German Federal Constitutional Court's decision on the constitutionality of the Constitutional Convention, the key issues, and the discussion in the local German legal community, so I would like to share the Korean translation of the presenter's English presentation (along with each of the references in reference 9) in the hope that it will be

helpful to the work of the Constitutional Convention.

See also the presentation by Taeho Kim, a research professor at Seoul National University, at the
joint symposium above. 끼후우기

Response to Constitutional Law - Analyzing the Constitutionality of Climate Litigation in the German Constitutional Court

In "Zu m Schimmer" (Exhibit 10), I discuss the German Federal Constitutional Court's
위헌결정으

Benfalsong County Court of Justice.

The presentation "A Constitutional Review of the Unconstitutionality of the German Federal Climate Protection Act" by Prof. Dongseok Oh of Kookmin University, which summarizes the core issues well, is also appropriated as a reference in anticipation of the Constitutional Court's active hearing and resolution of the constitutional petition in this case, as it comprehensively discusses the relevant issues.

References

1. **filxifi** 1 of 9

Climate Litigation -. The Decision of German Federal Constitutional Court on 29 April 2021 (Presentation by Prof. Gerd Winter, University of Bremen, Germany)

1- English translation of Prof. Gerd Winter's presentation in Reference 9.

1. 1 of 10 references
Germany

Unconstitutionality of constitutional petitions against climate change - Germany
Using **Z o o m S u m** to Analyze the Constitutional Climate Lawsuit
Unconstitutional **D e c i s i o n**
Research Professor Presentation)

1- Reference 10 of 2 A Constitutional Review of the Decision on the Unconstitutionality of the German Federal Climate Protection Act (Oh Mong Suk

KU professor's presentation)

Prefectural Court of **Law of Tumul Hanrul**

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