

Supplemental Brief for the Constitutional Complaint (5)

Case 2020-Heonma-389 Declaration of Unconstitutionality of Article 42 Section 1 Subparagraph 1 of the Framework Act on Low Carbon and Green Growth

Petitioners Do-Hyun Kim and 18 others

Respondents 1. National Assembly of the Republic of Korea
2. President of the Republic of Korea

The legal counsel for the Petitioners submits this Supplemental Brief for the Constitutional Complaint.

1. Introduction

Following the Petitioners' submission of the Supplementary Opinion (4) on July 16, 2021, the German Federal Constitutional Court (hereinafter referred to as the "German Constitutional Court") issued an official English translation of the opinion for cases 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 which held that the German Federal Climate Change Act is in violation of the Constitution (Reference Material No. 8-1, hereinafter "German Constitutional Court Decision").

As the Petitioners have stated in the Supplementary Opinion (4) dated July 16, 2021, the issues addressed in the German Constitutional Court opinion are very similar to those of this case. Furthermore, the factual basis and the jurisprudence the German Constitutional Court

adopted as its standard of review are of sufficient value for reference in the interpretation of our Constitution. Therefore, we hereby submit the official English translation and the Korean translation of the German Constitutional Court opinion as reference materials (Reference Material No. 11-1, Official English translation of the German Constitutional Court opinion; Reference Material No. 11-2, Korean translation of the German Constitutional Court opinion).

Below, we will take a closer look at (1) the violation of the intertemporal guarantees of freedom, (2) the violation of the state's duty to protect fundamental rights, (3) the violation of the principle prohibition of unrestrained delegation, and (4) the legal requirements of the claims, which were dealt with in the German Constitutional Court decision. The unconstitutionality of the provisions subject to adjudication in this case becomes clearer when the issues of the current case are compared with the German Constitutional Court opinion.

2. Intertemporal Guarantees of Freedom and Inter-Generational Equity

The fundamental basis for the German Constitutional Court's finding that the German Federal Climate Change Act is unconstitutional is that **when comparing the extent to which the people's freedom is limited due to the greenhouse gas reduction target under the Federal Climate Change Act, there is an unjustifiable level of difference between the degree of restriction applicable today and that which would be applied in 10 or 20 years.** The German Constitutional Court explained the unconstitutionality of the greenhouse gas reduction target under the Federal Climate Change Act through a so-called **"intertemporal guarantees of freedom"** jurisprudence, which provides that freedom as a fundamental right should be protected from generation to generation.

The gist of the intertemporal guarantees of freedom jurisprudence is that the German Constitution does not allow for the burden of responding to climate change to be unequally distributed among generations. It can be viewed as a basically identical idea but with a different legal construct from "generational equity." Below, we will examine the German Constitutional Court's consideration and basis for its review of the "intertemporal guarantees of freedom" and compare it with the issue of intergenerational equity in our case.

A. Summary of the German Constitutional Court's Judgment

(1) The Relationship Between Intertemporal Guarantees of Freedom and Climate Change Response

The German Constitutional Court noted the impact the obligation to reduce greenhouse gas emissions had on the people's exercise of freedom. This was because greenhouse gas emissions occur throughout human life, and restrictions on freedom are inevitable in order to reduce greenhouse gas emissions. The German Constitutional Court presented as the basis for its ruling that **the duty to protect citizens from the damage from climate change specified in Article 20a of the German Basic Law should be balanced with the protection of fundamental rights required by Article 2 of the German Basic Law.** (paragraph 185)

This balancing act becomes particularly important when it comes to how the burden of greenhouse gas reductions should be allocated. Since climate change continues to occur until the point in time when greenhouse gas emissions becomes "0," in order to limit the temperature rise to a certain level, only a limited amount of greenhouse gases, the so-called "**carbon budget**," would be allowed to be emitted until carbon neutrality is achieved. Furthermore, the German Constitutional Court pointed out that if the distribution of the burden of greenhouse gas reduction is unevenly allocated over time in accordance with the greenhouse gas reduction goal stipulated by the law, it would have an "advance interference-like effect" in which the later infringement on freedom becomes conspicuous. (paragraph 187)

Determining the extent of this "advance interference-like effect" is the 2030 greenhouse gas reduction target set by the Federal Climate Change Act provisions that were subject to judgment. In the process of implementing the carbon neutrality target of 2050, which has been established as a long-term goal, the amount of carbon budget to be consumed during the period 2020 – 2030 is determined depending on how the intermediate 2030 target is set. It would consequently affect the extent of the infringement of freedom following 2031. In this sense, the German Constitutional Court interpreted that the provision subject to the judgment that sets the 2030 target, plays a role in mediating the above-mentioned constitutional interests.

Under the foregoing premise, the German Constitutional Court set forth a standard in order to balance the protection of the fundamental rights of Article 2 of the Basic Law and the protection from climate change under Article 20a of the Basic Law, in which the loss of freedom due to the implementation of the greenhouse gas reduction plan must be reasonably allocated across generations over time, and the “intertemporal guarantees of freedom” can be satisfied so long as sacrifice is not asked of future generations or greenhouse gas reduction burdens are not unilaterally offloaded onto the future. (paragraph 183)

(2) Violation Of the Intertemporal Guarantees of Freedom Under the German Federal Climate Change Act

In order to determine whether the Federal Climate Change Act provisions at issue were in harmony with the two constitutional values of protection from climate change and the guarantee of freedom, the German Constitutional Court reviewed (1) whether they were compatible with Article 20a of the Basic Law requiring protection from climate change, and (2) whether the allocation of the burdens between the present and future generations was disproportionate. (paragraph 188)

The German Constitutional Court actively used the German “carbon budget” as a factual basis for judging this issue. This is because the Federal Climate Change Act has adopted the climate change limit target under the Paris Agreement. Furthermore, this is because it is being accepted as a fact of natural science that the total amount of carbon that can be emitted to achieve this target is calculable, and that the target becomes irreversibly unachievable once carbon emissions exceed the carbon budget.

The German Constitutional Court held that Germany’s national carbon budget calculated by the German Environmental Advisory Council was reasonable as a basis for legal judgment. The German Environmental Advisory Council noted that the carbon budget closest to the Paris Agreement target, which requires at least “the temperature increase limit of well below 2 degrees,” is “a carbon budget with a 67% probability of limiting global warming to 1.75 degrees” as suggested in the IPCC 1.5 Degree Special Report. Based on the foregoing, the Advisory Council presented 6.7 gigatons as Germany’s national carbon budget by dividing the

global carbon budget calculated by the IPCC by the proportion of the German population among the world population. (Reference 12 - Report of the German Environmental Advisory Council) (paragraphs 219-229).

Furthermore, upon reviewing the pattern of carbon budget being exhausted by 2030 in accordance with the annual greenhouse gas emissions set by the Federal Climate Change Act based on the foregoing carbon budget, the German Constitutional Court found that the carbon budget of approximately 60 gigatons out of 67 gigatons would be depleted during the period between 2020 and 2030. (paragraph 232)

Regarding the foregoing outcome, the German Constitutional Court drew divergent conclusions on (1) the issue of whether the duty to protect fundamental rights related to climate change is met, and (2) the issue of whether the distribution of burdens between the present and the future generations violates the principle of proportionality.

First, the German Constitutional Court reserved judgment on whether the Federal Climate Change Act has violated the duty to protect the fundamental rights from climate change as required by Article 20a of the German Basic Law, because it would be difficult to make a definite finding.

However, the German Constitutional Court ruled that the distribution of burdens between the present and the future generations was outside the scope permitted by the Constitution. The German Constitutional Court pointed out that, as a result of the 2030 greenhouse gas reduction target stipulated in the provisions subject to adjudication being set too generously, most of the carbon budget will be exhausted by 2030, and as a result, an unreasonable level of reduction efforts will be required inevitably after 2031. The German Constitutional Court found that this would not satisfy the requirement of “intertemporal guarantees of freedom” in violation of the proportionality principle. (paragraph 243)

In other words, the German Constitutional Court has concluded that while it cannot be said with certainty that the 2030 reduction goal of the Federal Climate Change Act is ultimately insufficient to achieve the legislative goal, **the excessive shifting of the reduction burden to**

future generations in the process is a violation of the proportionality principle and thus a violation of the Constitution.

B. Application On This Case

(1) Intertemporal Guarantees of Freedom and Intergenerational Equity

In the instant case, the Petitioners, as the future generation, will not only bear the burden of reducing emissions at an unreasonable level after 2030 compared to the current generation, due to the considerably insufficient national greenhouse gas reduction target stipulated by the Green Growth Act and its Enforcement Decree, but also are expected to suffer the discrimination of having to directly endure a serious deterioration of living conditions by losing the opportunity to prevent climate change to a meaningful extent.

The jurisprudence of “intertemporal guarantees of freedom” is explained by the German Constitutional Court with a statement that “the restrictions on fundamental rights due to greenhouse gas reduction must be reasonably allocated across generations over time, and must not demand sacrifice or unilaterally offload the burden on the future.” **This jurisprudence is in essence identical, merely expressed differently, to the infringement of equity due to “intergenerational discrimination” claimed by the Petitioners in this case.**

First, the constitutional basis for the “intertemporal guarantees of freedom” presented by the German Constitutional Court is Article 2 of the German Basic Law, which stipulates as a fundamental right the right to free development of an individual’s personality. It is essentially identical in purpose and content as Article 10 of the Korean Constitution, which stipulates the guarantee obligations of a person’s dignity and inviolable fundamental human rights. In addition, as in Article 20a of the German Basic Law, Article 35 of the Korean Constitution imposes on the state, the duty and responsibility to protect the environment. Therefore, it can be said that the demand for harmonization of “the duty to protect from climate change” and “the guarantee of fundamental rights” presented by the German Constitutional Court arises identically in our constitutional system.

In addition, in order to limit climate change to a certain level, the amount of greenhouse gas

that can be emitted in the future is limited. The fact that depending on how carbon budget is used, the allocation of reduction burdens among generations can greatly vary, is a phenomenon caused by natural and scientific characteristics of climate change as an environmental problem. This phenomenon cannot but appear identically in all legal systems. Moreover, the fact that the 2030 national greenhouse gas reduction target, which serves as an “interim goal” in the climate change response plan, plays a role in mediating the conflict of legal interests applies identically to the situation in Korea.

The German Constitutional Court tried to solve this problem with the jurisprudence of “intertemporal guarantees of freedom,” while focusing on the balancing between the guarantee of freedom under Article 2 of the German Basic Law among the present and the future generations. The finding of the German Constitutional Court, which (1) establishes comparison groups consisting of a ‘present generation’ and ‘future generations’ as of 2030, (2) finds a discriminatory treatment between these two groups in terms of the extent of “restrictions on freedom” arising from the respective burdens of greenhouse gas reduction, and (3) concludes that such discriminatory treatment violates the principle of proportionality and cannot be constitutionally justified, is not at all different from the structure and content of what Constitutional Court of Korea has held in terms of the violation of the principle of equity.

In the end, the elements of the “intertemporal guarantees of freedom” used by the German Constitutional Court to confirm the unconstitutionality of the greenhouse gas reduction target under the Federal Climate Change Act is substantially analogous to the issue of “infringement of generational equity” as well as its constitutional basis, factual background, and the standard of review. It will be a very important reference for judging whether the right to equity is violated in our case.

(2) Specific Application on This Case

The German Constitutional Court made an active use of the concept of carbon budget as a factual basis for determining whether the ‘intertemporal guarantees of freedom’ was violated. In the sense that carbon budget is “a limited resource available to respond to climate change,” it is a useful concept that shows in clear arithmetic the conflict of legal interests between

generations. Therefore, calculating Korea's carbon budget with the same method used in the German Constitutional Court's judgment and checking how Korea's 2030 greenhouse gas reduction target stipulated in the provisions subject to adjudication in this case exhausts the carbon budget would be a useful factual basis in determining whether there was an infringement of the Petitioners' basic rights.

The German carbon budget referenced by the German Constitutional Court was calculated by the German Environmental Advisory Council (SRU, Sachverständigen für Umweltfragen). It was computed by dividing the global carbon budget as proposed by the IPCC Special Report by the proportion of the German population. The Advisory Council then came up with the quantity to be exhausted based on the greenhouse gas emission plan proposed by the Federal Climate Change Act (Reference 12). It is possible to calculate Korea's carbon budget using the same method, followed by computing how much Korea's carbon budget would be exhausted based on the annual emission according to the Green Growth Act and its Enforcement Decree, and the "Greenhouse Gas Reduction Roadmap" (Evidence No. A-29) announced by the government.

<Calculating the Carbon Budget of the Republic of Korea>

SRU Environmental Report 2020, Chapter 2, "Using the Carbon Budget to Meet the Paris Climate Targets"

[Step 1] IPCC Global Carbon Budget: 800 billion tons

- Among the carbon budget scenarios presented in the IPCC 1.5C Special Report, 800 billion tons, which is the carbon budget for achieving 1.75C, was selected.
- It is interpreted to be corresponding to the minimum level required by the Paris Agreement as a scenario that meets the binding goal of "well below 2 degrees."

[Step 2] Adjusting the carbon budget as of 2016: 882 billion tons

- Since the carbon budget in the IPCC 1.5C Special Report is from 2018, the carbon budget is adjusted as of 2016, the date after the Paris Agreement was signed.
- For 2018, 41 billion tons of global carbon emissions for 2016 and 2017, respectively, were added to the carbon budget.

[Step 3] Calculation of carbon budget by country: Germany (9.7 billion tons), Korea (6.1

billion tons)

- As of 2016, Germany's population was 1.1% of the world's population, with 1.1% of the global carbon budget of 882 billion tons allocated as 9.7 billion tons.

- As of 2016, Korea's population (51.22 million)¹ was 0.69% of the world's population (742 billion), which amounts to approximately 6.1 billion tons if 0.69% of the global carbon budget is allocated.

[Step 4] National carbon budgets as of 2020: Germany (6.7 billion tons), Korea (3.5 billion tons)

- Actual emissions for the period 2016–19 are excluded from the 2016 carbon budget. However, since the IPCC's carbon budget is based only on carbon dioxide among the six types of greenhouse gases, only carbon dioxide emissions among the official greenhouse gas emissions in each country are calculated as deductions.

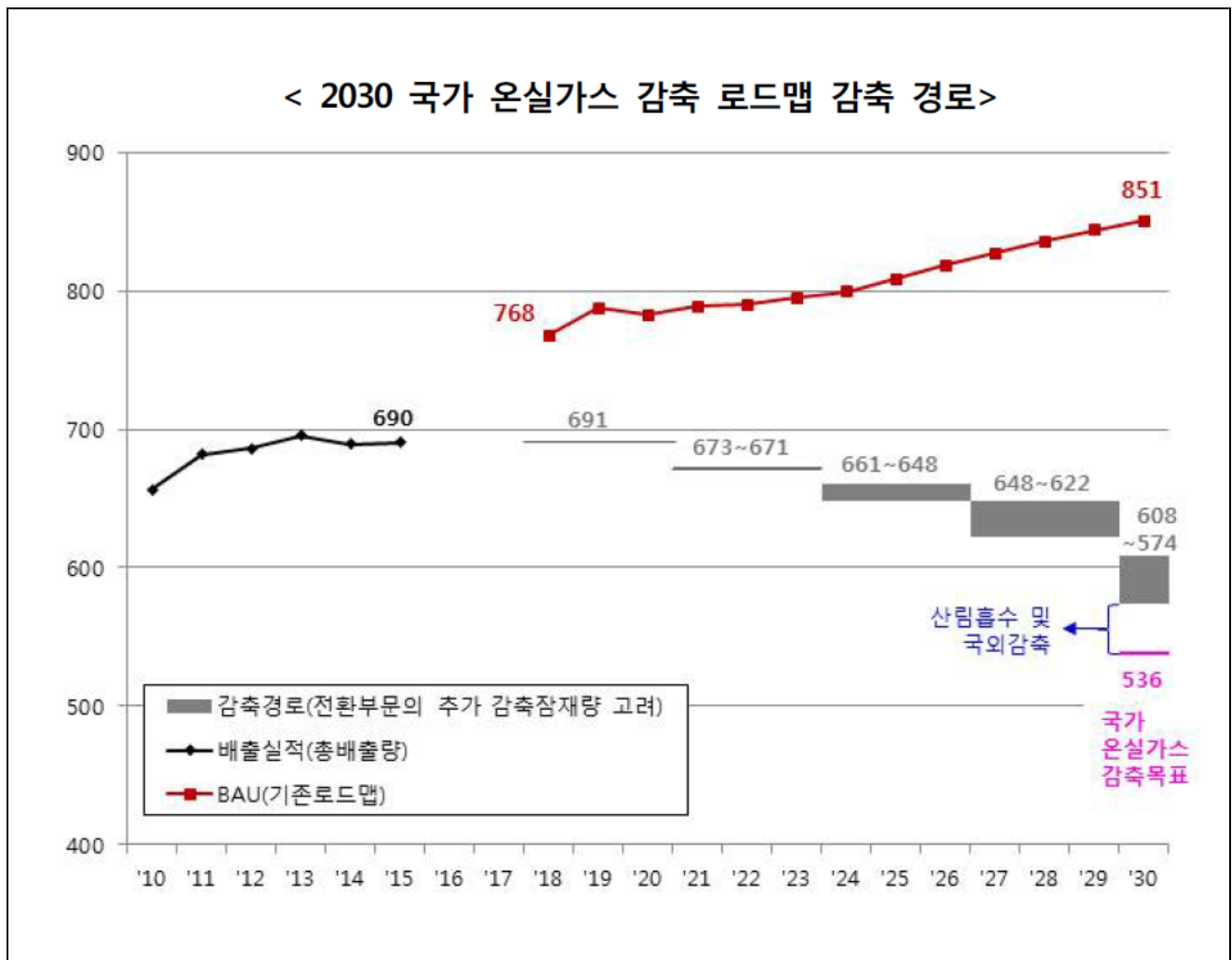
- Germany's carbon dioxide emissions during the 2016–2019 period were approximately 3 billion tons, with Germany's remaining carbon budget calculated at 6.7 billion tons as of 2020.

- Korea's carbon dioxide emissions during the 2016–2019 period were estimated at about 2.6 billion tons², with Korea's remaining carbon budget estimated at about 3.5 billion tons.

As such, if Korea's carbon budget is calculated in the same way as the German Environmental Advisory Committee's calculations referenced by the German Constitutional Court, the remaining budget as of 2020 is approximately 3.5 billion tons. By deducting annual emissions according to the current 2030 greenhouse gas reduction target implementation plan from this carbon budget, it is possible to establish when the carbon budget would be exhausted.

¹From World Bank population statistics, <https://data.worldbank.org/indicator/SP.POP.TOTL?end=2016&start=1960>

²Korea's National Greenhouse Gas Inventory Emissions were 693.5 million tons in 2016, 797 million tons in 2017, and 727.6 million tons in 2018. For 2019, the tentative emissions amount was calculated as 728 million tons, in accordance with a Ministry of Environment press release dated September 28, 2020. The proportion of carbon dioxide included in such greenhouse gas emissions was calculated as 91.9%, per the 2016 standard, in accordance with the 2018 National Greenhouse Gas Inventory Report.



<Figure 1. 2030 National Greenhouse Gas Reduction Roadmap Reduction Path (Ap. 29, page 9)>

According to the reduction route set forth in the National Greenhouse Gas Reduction Roadmap (Evidence A No. 29) released in 2018, Korea's remaining 3.5 billion tons of carbon budget as of 2020, will be exhausted by 2025. In other words, before Korea can reach its reduction goal for 2030, the entire amount of greenhouse gases that Korea is allowed to emit to achieve the Paris Agreement goal would be exhausted, and the greenhouse gases emitted thereafter would exceed the reduction goal of the Paris Agreement.

There would be little difference, even based on the carbon budget under the "2.0-degree rise scenario" set by making further concessions to the "1.75-degree scenario" adopted by the

German Constitutional Court. IPCC's 1.5 Degree Special Report presented a global carbon budget of 1.17 trillion tons in a scenario that can limit temperature rise to 2.0 degrees, with a 67 percent probability. Based on this, applying the calculation method of the German Environmental Advisory Committee, Korea's remaining carbon budget based on a 2.0 degree rise, as of 2020, is confirmed to be 6.03472 billion tons. If emissions follow the schedule set out in the Greenhouse Gas Reduction Roadmap, this carbon budget is also expected to be exhausted by 2029.

If the criteria the German Constitutional Court applied to determine the requirements for "intertemporal guarantees of freedom" are applied to this case, it is clear that Korea's greenhouse gas reduction goals are much more problematic than those under the Federal Climate Change Act. In the case of Germany, the German Constitutional Court found that it could not be concluded that Germany violated its duty to protect against climate change because the 2030 greenhouse gas reduction target did not completely exhaust its carbon budget. However, in the case of Korea, the remaining carbon budget would be exhausted by 2025, multiple years before 2030, so from the standpoint of the German Constitutional Court, it would be difficult to find that Korea has fulfilled its duty to protect the basic rights regarding climate change.

Not only does this mean that there would be an excessive reduction burden imposed after 2030, but it also means, after 2030, there would be no opportunity at all to respond to climate change while controlling greenhouse gas emissions within the carbon budget. If so, clearly, there exists a difference in the degree of "guarantee of freedom" between the current and future generations, which violates the principle of proportionality.

Ultimately, in every respect, the 2030 greenhouse gas reduction goal stipulated by the provisions subject to adjudication in this case, imposes a much greater burden and damage on future generations than Germany's greenhouse gas reduction goal. Considering that the German Constitutional Court ruled that the Constitution did not allow such discriminatory treatment based on the "intertemporal guarantees freedom," it is very clear that the discrimination experienced by the Petitioners in this case as members of the future generation

violates the principle of equity.

3. Violation Of the State's Duty to Protect Fundamental Rights

A. Summary of The Judgment of The German Constitutional Court

(1) The Duty to Protect the People from Climate Change

The German Constitution confirmed that the first sentence of Article 2(1) of the German Basic Law stating that everyone has the right to life and the right not to suffer physical damage (paragraph 145) (Jeder hat das Recht auf Leben und körperliche Unversehrtheit.), includes the state's duty to protect against the dangers arising from climate change. (paragraph 148)

In particular, it ruled that such obligation includes protection against future risks as well as infringements that have already occurred, and in relation to dangers that cause irreversible damage such as climate change, includes the obligation to protect “future generations.” (paragraph 146) Furthermore, it explained that the duty to protect the people from climate change specifically includes (1) the obligation to take measures to limit the progress of climate change, (2) the obligation to respond to the damage caused by climate change that has already occurred or would inevitably occur, and (3) the obligation to cooperate internationally to respond to climate change.

In conducting a constitutional review of such alleged violations of the duty to protect fundamental rights which are subjective rights, the German Constitutional Court stated that scope of review would be limited compared to alleged infringements of fundamental rights. It set out the criteria for acknowledging a violation of the state's duty to protect as, (1) when there were no protection measures implemented, (2) when the implemented regulations or measures were clearly unsuitable to achieve the purpose of protection, (3) when the implemented regulations or measures were completely inadequate, or (4) when the implemented regulations or measures were considerably insufficient to achieve the purpose of protection”. (paragraph 152) This standard of review is also called the ‘Untermaßverbot (prohibition of underprotection) standard’ in German constitutional studies. In accordance with such standard, the German Constitutional Court examined whether Germany violated its

duty of protecting the fundamental rights of its people against climate change.

(2) Whether The Duty of Protection Has Been Violated

The German Constitutional Court successively examined whether the greenhouse gas reduction target stipulated in the provisions subject to adjudication in this case fell under the four instances stipulated in the 'Standard for Prohibition of Underprotection'.

First, in examining (1) whether there were no protective measures implemented, as the Federal Climate Change Act was enacted in December 2019 in Germany, which included the national greenhouse gas reduction target, which is the core of the national greenhouse gas reduction policy, the German Constitutional Court found that that it would be difficult to consider that no protection measures were implemented at all.

Next, in examining (2) whether the implemented measures or regulations were clearly unsuitable in light of the purpose of the protection, the German Constitutional Court presented two important standards of judgment. The first is that, a mere stipulation of a greenhouse gas reduction goal, without a carbon neutrality goal, would have been considered as “clearly unsuitable” protection measures. In order to prevent global warming, it is necessary to achieve a "climate neutrality" or "carbon neutrality" level in which greenhouse gases are no longer emitted into the atmosphere, so the German Constitutional Court decided that such goals must be included in the protection measures. (paragraph 155) The second is that, even with a carbon neutrality goal and an intermediate emissions target, there should be restrictions on the total amount of greenhouse gases emitted. This means that as the extent of global warming is determined by the total amount of greenhouse gases emitted, so just setting goals for any specific year are insufficient, and it is essential to establish regulations for the amounts emitted in the process of achieving those goals. The German Constitutional Court found that the Federal Climate Change Act has set the goal of achieving carbon neutrality by 2050, and in addition, stipulated the total annual emissions by 2030, while further setting forth continuous reduction requirements thereafter until carbon neutrality is achieved, and determined that such legislative technique was suitable. (paragraph 156)

And in examining (3) whether the implemented regulations or measures were completely inadequate in the light of their purpose of protection, the German Constitutional Court said that, for instance, if the Federal Climate Change Act had not adopted any reduction measures to prevent climate change, and only adopted adaptation measures to minimize the damage arising from climate change, then that would have been 'completely inadequate,' but as the Federal Climate Change Act included both greenhouse gas reduction measures and adaptation measures, it would be difficult to conclude that it was completely inadequate. (paragraph 157)

Finally, in examining (4) whether the implemented regulations or measures were considerably insufficient to achieve the purpose of protection, the German Constitutional Court examined whether (i) the objectives of the Federal Climate Change Act, which adopted the objectives of the Paris Agreement, were 'considerably insufficient' as a response to climate change, and (ii) whether the 2030 greenhouse gas reduction target stipulated by the Federal Climate Change Act was 'considerably insufficient' to achieve the above target, as standards of judgment.

In considering the adoption of the Paris Agreement targets as targets under the Federal Climate Change Act, the German Constitutional Court pointed out that, according to the "IPCC 1.5 Degree Special Report," if a temperature rise of more than 1.5 degrees Celsius occurs, large additional amounts of greenhouse gas would be emitted because of permafrost thaws, or the melting of ice sheets in Antarctica and Greenland would increase tipping point risks caused by the multi-metre rises of sea levels, increasing the risks of serious dangers to the human living environment and the ecosystem. (paragraph 161) It also admitted that the Federal Climate Change Act's adoption of the Paris Agreement targets, which presented a more flexible goal than 1.5 degrees, could be considered politically too unambitious. (paragraph 162) However, the German Constitutional Court deferred making a conclusive statement, considering that the "IPCC 1.5 Degree Special Report" did not present a "normative standard", apart from scientifically evaluating the risks of temperature rise, and it was difficult to conclude that the adoption of Paris Agreement targets set forth in an international treaty, as goals in a climate change prevention legislation, went beyond legislative discretion.

On whether the greenhouse gas reduction target under the Federal Climate Change Act conforms to the Paris Agreement goals, the German Constitutional Court found that, the 2030 target under the Federal Climate Change Act was set in accordance with the 2 degree standard, and since 2 degrees “is not significantly lower than 2 degrees” it may not meet the Paris Agreement targets, and furthermore, in view of the current 2030 target, if there is no considerable reduction after 2031, there are indications that it may be difficult to achieve 1.5 degree or 1.75 degree level temperature restrictions. However, since related provisions in the Federal Climate Change Act require continuous reductions to achieve the 2050 carbon neutrality goal, and there were supplementary measures to adapt to climate change also being implemented, the German Constitutional Court deferred making a conclusive statement on whether the 2030 target violated the duty to protect fundamental rights. (paragraph 167)

B. Application on This Case

In judging whether the state has fulfilled its duty to protect the lives and physical safety of its people when the state's duty to protect fundamental rights was at issue, the Constitutional Court of Korea has said that "the state must at least implement appropriate and efficient minimum protection measures" describing as its standard of judgement, an examination of whether a violation of the principle for the prohibition of underprotection occurred, and further stipulated “only in cases where it is clear that the state has not taken any protective measures or that the measures taken were wholly inappropriate or very insufficient to protect legal interests, there should be findings of the violation of the state’s obligation of protection.” (Constitutional Court 2008. 12. 26. 2008 Heonma 419 Decision; Constitutional Court 2015. 9. 24 2013 Heonma 385 Decision; Constitutional Court 2016. 10. 27 2012 Heonma 121 Decision; Constitutional Court 2009. 2. 26. 2005 Heonma 764 Decision, etc.)

These standards of judgment are considered, in actuality, to be examining identical factors as Germany's 'Untermaßverbot' standard. Therefore, we shall consider how the alleged violation of the duty of protection may be analyzed, in light of the principles presented by the German Constitutional Court decision in the application of the 'Untermaßverbot' standard.

First of all, on whether there were no protective measures taken at all, Korea also announced

its national greenhouse gas reduction target, which can be characterized as the core of a national greenhouse gas reduction policy, to the international community in 2009, and as the legislative basis to achieve such reduction goal and implementation plan, the Framework Act on Low Carbon and Green Growth was enacted and implemented on April 14, 2010.

Therefore, it would be difficult to find that no protective measures were taken at all to protect the lives and safety of the people from the dangers of climate change.

However, where the implemented regulations or measures were clearly inappropriate in light of the purpose of protection, the judgment would inevitably be different. In relation to climate change protection, the German Constitutional Court considered it essential that (i) whether a "carbon neutrality" goal was set, and (ii) whether there were restrictions over the total amount of greenhouse gases emitted. However, the provisions subject to adjudication in this case, namely, Article 42(1)(1) of the Framework Act on Low Carbon and Green Growth and Article 25 of its Enforcement Decree only set emission targets specified for 2030 emissions without setting any "carbon neutrality" goal, and further omitted to stipulate policy tools which restrict total greenhouse gas emissions by the target year. Rather, the government's revision of Article 25(1) of the Enforcement Decree of the Framework Act on Low Carbon and Green Growth on May 24, 2016, to reflect the 2030 goal in related laws while quietly abolishing the 2020 goal is a representative example demonstrating that under the current legal system, there are no control mechanisms in place for interim emissions. Therefore, in accordance with the standards set by the German Constitutional Court, the protective measures under the provisions subject to adjudication in this case are "clearly inappropriate" for the purpose of protection and violate the duty to protect fundamental rights.

Moreover, on whether the implemented regulations or measures were considerably insufficient for achieving the purpose of protection, the German Constitutional Court presented as standards of judgement, whether the climate goals adopted by the legislation were appropriate and whether the means prescribed in the law were appropriate to achieve such goals. The main reason why the German Constitutional Court determined that the Federal Climate Change Act's greenhouse gas reduction goals were not considerably insufficient was that the Federal Climate Change Act adopted the goals set forth in the Paris Agreement, which was agreed by

the international community under the UN Climate Change Convention (UNFCCC). Furthermore, the German Constitutional Court found that, although the 2030 reduction targets and 2050 carbon neutrality goals stipulated in the Federal Climate Change Act may contain some uncertainties and insufficiencies for achieving the above goals, it cannot be concluded at this time that the level of protection required by the Constitution cannot be achieved by implementing the reduction measures stipulated in the Federal Climate Change Act. This judgment can be interpreted to be taking into account the fact that Germany has actually continued to reduce its greenhouse gas emissions and that the effectiveness of the policies and regulations for the reduction of emissions is substantially guaranteed. The German Constitutional Court also noted that emissions from Germany's energy sector fell by 45% in 2019 compared to 1990, emissions from its industrial sector emissions fell by 34% and emissions from its buildings fell by 42%. (paragraph 29)

In light of these standards, the legal provisions subject to adjudication in this case do not set any specific goals in relation to climate change or the goals of the Paris Agreement. Moreover, the greenhouse gas reduction target stipulated in the provisions of the Enforcement Decree at issue in this case is evaluated to be at a level that can cause an average temperature increase of 3-4 degrees Celsius, which is far from the Paris Agreement target. Thus, applying the standard presented by the German Constitutional Court, it would have to be determined as being 'considerably insufficient'.

In particular, Korea has continued to increase its greenhouse gas emissions even though it promised to reduce greenhouse gas emissions to the international community in 2009, and set reduction goals through legislation enacted in 2010. In its response dated October 29, 2020, the Respondent Korean government argues that it exerted efforts to achieve the greenhouse gas reduction goal by implementing the greenhouse gas target management system and the emissions trading system (pages 21 to 24). But what is more important than the fact that a measure was implemented is how much greenhouse gas reduction such measure aimed at, and how much greenhouse gas reduction was achieved as a result. Even according to the data presented by the Respondent, the target management system is only a supplementary management tool that applies to emissions companies that account for approximately 4% of

total emissions since the implementation of the emissions trading system in 2018, and cannot be said to be a valid reduction tool. In the case of the emissions trading system, which is currently touted by the Korean government as a major reduction method, as greenhouse gases emissions have continued to increase since the system was implemented, it cannot be said to be an effective measure. Even with the introduction of such reduction policies, it appears that there have not been any actual emissions reductions because of the failure to set realistic and effective reduction targets and to provide incentives for emissions reduction.

If so, it is clear that the provisions subject to adjudication in this case, which not only fail to set specific average temperature restriction goals, but also stipulate reduction targets far from the goals of the Paris Agreement, a binding international treaty, would be "considerably insufficient" to achieve the protection goals, and thus violate the state's duty to protect, according to the standards presented by the German Constitutional Court.

C. Conclusion

The German Constitutional Court uses a substantially identical principle as the so-called "underprotection prohibition rule" adopted by the Constitutional Court of Korea, when examining an alleged violation of the state's duty to protect fundamental rights.

The German Constitutional Court determined that it was difficult to rule that the Federal Climate Change Act violated the prohibition of under-protection, and there were well-grounded reasons for such rule. The Federal Climate Change Act (1) sets a carbon neutrality goal and stipulates the obligation to reduce greenhouse gas emissions to a level at which climate change does not proceed any further, (2) stipulates as its goal, the temperature increase limit for the global average temperature set forth in the Paris Agreement, which was agreed upon by the international community based on scientific evaluation, and (3) adopts and implements policy tools that can achieve the above goal.

However, it is the opposite for the provisions subject to adjudication in this case. The provisions subject to adjudication in this case do not incorporate a carbon neutrality goal nor the management of the total emissions amounts, which the German Constitutional Court

deemed as "necessary minimum measures," so the provisions subject to adjudication in this case are "clearly inappropriate" in responding to climate change. Furthermore, the provisions do not set any specific goals for climate change response, but set ridiculously insufficient greenhouse gas reduction goals that could cause a 3-4 degree increase in the global average temperature, and even after greenhouse gas reduction targets have been set, greenhouse gas emissions have continued to increase until recently. In accordance with the standards set out in the German Constitutional Court decision, it would be certain that the provisions subject to adjudication in this case and their ensuing protective measures constitute a violation of the state's duty to protect fundamental rights.

4. Violation of the Unrestrained Delegation Principles

A. Decision of the German Constitutional Court

The German Constitutional Court has stated that, when the legislator imposes restrictions on freedom and equality rights through the form of executive law-making, the essential matters must be clarified directly in the legislation enacted by the parliament or through appropriately detailed legislative delegation specifications regarding the content, purpose and scope of authority to enact laws and regulations. (paragraph 260) The parliament should at least determine the size of annual emissions by its own legislation, or by setting forth very detailed requirements regarding the scope of authority the executive branch will exercise and stipulations to be included in enacting the enforcement decrees. (paragraph 261)

The German Constitutional Court examined whether the provisions of the Federal Climate Change Act, which required the government to set annual emissions after 2030, violated the Constitution according to the above criteria. The German Constitutional Court said that in order for the legislator to delegate the requirements for annual emissions after 2030 to the executive branch in accordance with sentence 2 of Article 80(1) of the Basic Law and the principle of the requirements of a statutory provision, the parliament must establish a legal framework on the size of annual emissions. To this end, it would be necessary to either (1) directly stipulate the annual emissions amounts in incremental steps in the law, or (2) establish the essential criteria to be complied by the executive statutory decree-making authority when

calculating annual emissions. Article 4(6) was not found to meet these constitutional requirements. (paragraph 259)

In particular, when laws which affect fundamental freedoms and equality rights are legislated, although executive law-making is not impermissible, in such cases the essential matters must be clarified in parliamentary legislation either by the legislator or through appropriately detailed legislative delegation specifications regarding the content, purpose and scope of the authorization to issue such statutory decree. (paragraph 260)

What the German Constitutional Court pointed out was that, the matter of how to determine emissions after 2030 is directly related to how much freedom would be restricted in 2030, so at core it is a matter that should be stipulated in a law enacted by the parliament, and if this matter is to be delegated by statutory ordinance, it would be necessary to have very specific regulations on the scope and criteria for decision-making. In other words, the German Constitutional Court was referring to a ‘prohibition on unrestrained delegation.’

B. Application on This Case

As set forth above, the German Constitutional Court stated, as a general jurisprudence on the prohibition on unrestrained delegation, if any law has a significant impact on fundamental freedoms and equality rights, although it is not impermissible to regulate by executive law-making, in such case, the essential part should be clearly stipulated directly in the law enacted by the parliament or there should be very specific regulations regarding the content, purpose, and scope of authority to enact laws and regulations. As such, the German Constitutional Court presented standards on the violation of the principle which prohibits unrestrained delegation, and by applying these standards to the case in question, arrived at the conclusion that the provisions subject to adjudication in this case violated the principle which prohibits unrestrained delegation (paragraph 260)

Article 75 of the Constitution of Korea stipulates that "the President may issue a presidential decree on matters delegated to him, for which a law stipulates the specific scope of such delegation" and thus sets forth the basis for delegated law-making and the scope and limits

thereof. This is to prevent arbitrary interpretation and enforcement of laws by the executive branch, and to achieve the principles of parliamentary law-making and the rule of law. The phrase 'a law stipulates the specific scope' means that any person should be able to broadly predict the basics of the contents and scope to be stipulated in subordinate statutes such as the presidential decrees, because they should be specifically and clearly stipulated in the parliamentary legislation. (see Constitutional Court 2012. 2. 23 2011Heonga13 Decision)

As mentioned above, the requirements of Article 75 of the Constitution of Korea are not fundamentally different from the requirements of Article 80(1) of the German Basic Law, which stipulates that the content, scope and purpose of delegation be specified, despite the differences in the phrasing of the legislations. Therefore, the criteria the German Constitutional Court applied in order to determine whether Article 4(6) of the Federal Climate Change Act violated Article 80(1) of the German Basic Law and the principle of the prohibition of unrestrained delegation derived therefrom, may also be applied by the Constitutional Court of Korea to determine whether Article 42(1) and its subclause (1) of the Framework Act on Low Carbon and Green Growth which are subject to adjudication in this case, violate the principle of the prohibition of unrestrained delegation, based on Article 75 of the Constitution of Korea, which stipulates the basis of delegated law-making and the scope and limits thereof.

Article 75 of the Constitution forms the basis for delegated law-making and simultaneously sets forth the scope and limits thereof. The phrase “on matters delegated to [the President], for which a law stipulates the specific scope of such delegation” contained therein means, that any person should be able to broadly predict the basics of the contents and scope to be stipulated in subordinate statutes such as the presidential decrees, because they should be specifically and clearly stipulated in the parliamentary legislation (see Constitutional Court 1996. 8. 29. 95Heonba36 Decision, Constitutional Court 1999. 4. 29. Heonba22 Decision, etc.). For laws which directly restrict fundamental freedoms of the people or have the potential to infringe upon fundamental rights of the people, specificity and clarity requirements are strengthened, and so the requirements and scope of such delegation should be stricter than for law-making delegation in cases of general benefit administration. (see Constitutional Court 1995. 10. 26.

93 Heonba 62 Decision, and Constitutional Court 2005. 7. 21. 2004 Heonga 30 Decision).

As discussed above, the greenhouse gas reduction targets are laws which materially restrict fundamental freedoms and equality rights which are categorized as fundamental rights of the people, which directly restrict fundamental freedoms of the people or have the potential to infringe upon fundamental rights of the people. Thus, delegation therefor should be under strict requirements of clarity and specificity.

In light of the above jurisprudence and the decision of the German Constitutional Court, if we examine whether the legal provisions at issue in this case (the main text of Article 42(1), and its Subclause (1), of the Framework Act on Low Carbon and Green Growth) violate the principle against unrestrained delegation, the content of the legal provisions subject to adjudication in this case, that is, ‘regarding greenhouse gas reduction goals, mid- to long-term and step-by-step goals should be established, and the measures necessary to achieve such goals should be undertaken,’ can be said to violate the principle of the prohibition on unrestrained delegation for the following reasons.

First, due to the provisions subject to adjudication in this case, which regulate greenhouse gas emissions amounts, the Petitioners in this case are bound to be affected in their overall rights including fundamental freedoms, environmental rights and equality rights guaranteed by the Constitution to the Petitioners, by the climate change to occur in the future, such as the right to life, the right to pursue happiness, property rights, and the freedom to choose a profession, are bound to be affected.

With the current science and technology of mankind, global warming caused by anthropogenic greenhouse gas emissions cannot be reversed until the temperature rises by 1.5°C or 2°C compared to pre-industrial times, when climate change risks are expected to appear significantly. (paragraph 108) At the present time, the only way to significantly delay anthropogenic climate change is to reduce greenhouse gas emissions. (paragraph 31) Unless active measures are taken, such as ruling that the provisions subject to adjudication in this case are unconstitutional, the Petitioners will inevitably suffer during their lifetime, significant violations of their fundamental rights protected by the Constitution due to climate change.

Therefore, since the 'Greenhouse Gas Reduction Goal' severely restricts the fundamental rights of the Petitioners, and is an essential matter that must be stipulated by law, it may only be stipulated by laws enacted by legislators. It is clear that the problem with the “blanket delegation” of the provisions subject to adjudication in this case, is that the government arbitrarily modified the goal through executive legislation without any legislative restraints (as a matter of the fact, it may be characterized as a relinquishment or neglect). If we take a look, not only the provisions subject to adjudication in this case, but also at the entire Framework Act on Low Carbon and Green Growth, it fails to stipulate the basic matters of “content and scope of delegation” required by Article 75 of the Constitution. And if we take a further look at the history of revisions of the related enforcement decrees, which go against the enactment purpose of the legal provision at issue, it would be virtually impossible for anyone to have broadly predicted the contents stipulated in the presidential decrees from the applicable laws.

In addition, if we compare the ‘mid- to long-term and step-by-step goals’ clause with the first sentence of Article 4(6) of the Federal Climate Change Act, which the German Constitutional Court ruled to be violating the principle of prohibition against unrestrained delegation, states that ‘in 2025, the federal government shall, through executive orders, determine the annual reduction budget for emissions reductions, for the period after 2030’, to the ‘mid- and long-term’ clause included provisions subject to adjudication in this case, the latter is so vague and abstract that it is difficult to understand its meaning. The Federal Climate Change Act stipulates that, in 2025, the annual reduction budget for emissions reductions would be stipulated for the period after 2030. So it is impossible to predict what will be stipulated in the enforcement decree enacted by the Korean executive branch delegated by the Korean National Assembly, and furthermore, as the scope of the authority that the executive branch may exercise was not stipulated, in other words, because the law failed to state the amount of annual greenhouse gas reductions or even whether greenhouse gas emissions would decrease or there would just be curbs against increases, it is impossible to predict the reduction path to be stipulated in the enforcement decree with the above provision alone.

As a result, even though the above law was enacted and implemented in 2010, greenhouse gas emissions increased during the 2010s and climate change progressed when the above law was

implemented. In light of this historical experience, although the Constitution of Korea does not allow the Korean government to do nothing or take considerably insufficient measures, the provisions subject to adjudication in this case did not function at all as a means of regulating the government's omission or as a basis for determining a violation on the part of the government, in its duty to reduce emissions. The provisions subject to adjudication in this case are very inappropriate in providing a direction for future greenhouse gas emissions reduction, and moreover, cannot be seen to maintain the clarity which makes it possible to broadly predict what the enforcement decree would stipulate.

Furthermore, as the German Constitutional Court found that, even if the law stipulated that the executive branch would enact the ordinance containing the greenhouse gas reduction target, with the consent of the parliament (see third sentence of Article 4(6) of the Federal Climate Change Act), this did not mean that there was no violation of the principle against unrestrained delegation (paragraph 265), just because the provisions subject to adjudication in this case include stipulations that a public hearing would take place (see Article 42(3) of the Framework Act on Low Carbon and Green Growth), it does not mean that the principles of the reservation of laws and the reservation of parliamentary involvement were complied with.

C. Conclusion

As mentioned above, the legal principle applied by the German Constitutional Court to determine that Article 4(6) of the Federal Climate Protection Act violates the principle of prohibition of unrestrained delegation (see paragraphs 256 through 265), is not very different from the standards adopted by the Korean Constitutional Court in determining whether there was a violation of the principle of prohibition of unrestrained delegation.

The Federal Climate Change Act, within the broad framework of its climate change response goals in accordance with the Paris Agreement temperature restriction target and carbon neutrality goal of 2050, stipulated annual emissions directly in the law for the period from 2020 to 2030, and only after 2030, executive law-making for emissions amounts, was delegated to be in accordance with “the attainment of the climate goals of this law and the requirements of the European Union laws.” Compared with Article 42 of the Green Growth Act it can be said that

the content and scope of the delegation were set forth in a more detailed manner. It is worth noting that notwithstanding the relative specificity, the German Constitutional Court ruled that the above provision did not meet the specificity requirements mandated by the Constitution, in consideration of the impact and importance of the greenhouse gas reduction target had on fundamental rights.

In light of the ruling of the German Constitutional Court above and the precedents set by the Constitutional Court of Korea on the principle of prohibition of unrestrained delegation, it is clear that the provision subject to adjudication in this case violate the principle of prohibition of unrestrained delegation.

5. Ruling on Legitimacy Requirements

A. German Constitutional Court Judgment

The German Constitutional Court ruled that the request for a constitutional ruling against second sentence of Article 3(1), third sentence of Article 4(1), and Attachment 2 of the Federal Climate Change Act was legitimate for the following reasons, and furthermore, as mentioned above, ruled that there were violations of the Constitution.

B. The German Constitutional Court's Ruling on The Legitimacy Requirements of The Constitutional Complaint Relating to Climate Litigation

(1) Standing of Petitioners.

In the case of the standing of the petitioners, the German Constitutional Court, like its Korean counterpart, viewed that there was no issue in recognizing that natural persons had standing as petitioners. (paragraphs 90 and 96)

(2) Subject Matter Admissibility

Regarding the admissibility of the subject matter, the German Constitutional Court recognized

that as the constitutional petition was directed against the provisions of the Federal Climate Change Act, the subject matter was admissible. (paragraph 91)

(3) Possibility Of Infringement on Fundamental Rights

Regarding the possibility of an infringement of fundamental rights, the German Constitutional Court ruled that it seemed possible that among the provisions relating to the fundamental rights enumerated in Chapter 1 of the German Basic Law (Articles 1 to 19 of the German Basic Law), the following have been violated: among the infringement of rights claimed by the Petitioners, the basic rights stipulated in the first sentence of Article 2(2) “Everyone has the right to life and the right to be free from bodily harm,” the basic rights stipulated in Article 14(1), “Property rights and inheritance rights are guaranteed,” and the freedom comprehensively protected by fundamental rights which may be jeopardized due to the immense carbon reduction burden to be borne by the Petitioners after 2030. (paragraph 96)

In addition, the German Constitutional Court found, with respect to the fundamental freedoms of the Petitioners, according to the second sentence of Article 3(1) and the third sentence of Article 4(1) of the Federal Climate Change Act, the Petitioners may face a significant burden of reducing greenhouse gas emissions from 2031, and since the extent of the restriction on the fundamental rights has already been partially determined by the above provisions, the advance effect on future freedom may have violated the fundamental rights of the Petitioners. (paragraph 116)

On the other hand, the Petitioner’s freedom after 2030, from the standpoint of the intertemporal guarantees of freedom, may be particularly jeopardized by the fact that the CO₂ emissions allowed until 2030 under the Federal Climate Change Act are overly lenient; and there may a lack of precautionary measures sufficient enough to respect the freedom of the future, and as the second sentence of Article 3(1), the third sentence of Article 4(1) and Annex 2 of the Federal Climate Change Act set out the CO₂ emissions allowed by 2030, and thus accordingly determine how much of the remaining CO₂ budget may be used, these are the causes of the violation of fundamental rights being considered in this case, and in this respect, they can give rise to standing to the Petitioners to file a constitutional complaint. (paragraphs

122 and 123)

(4) Personal Harm and Imminence

Regarding the personal harm and imminence of the infringement on fundamental rights, the German Constitutional Court found that, as the Petitioners are currently affected in their fundamental rights by the regulations governing the greenhouse gas emissions allowed until 2030, global warming caused by anthropogenic greenhouse gas emissions is largely irreversible, it cannot be ruled out from the outset that the Petitioners will experience climate change over their lifetimes to an extent that their rights protected under the German Basic Law would be impaired, and therefore the fundamental rights provided for in Articles 2 (2) and 14 (1) of the German Basic Law may be impaired. The possibility of the infringement of fundamental rights cannot be denied here by arguing that the risk of future damage does not represent current harm, and so it does not amount to an infringement of fundamental rights. Even provisions that only begin to entail significant risks to fundamental rights over the course of their subsequent implementation may be in conflict with the Basic Law. This is certainly the case where a series of events, once initiated, can no longer be remedied. (paragraph 108)

The German Constitutional Court held that because the possible risk of future infringement on freedom is included in the current legislation, this gave rise to an infringement of fundamental rights at the present time. Specifically, after 2030, the exercise of all freedoms directly or indirectly related to CO₂ emissions is at jeopardy due to the excessive greenhouse gas emissions allowed until 2030 set forth precisely in Article 3(1), third sentence of Article 4(1), and Attachment 2 of the Federal Climate Change Act. As long as this causes the remaining CO₂ budget to be consumed, the effect is irreversible as there is currently no known method to remove CO₂ emissions on a large scale from the Earth's atmosphere. Since future violations of fundamental rights could potentially arise today as a result of irreversible actions, and it would be futile to file a constitutional complaint to address the resulting infringement of freedom when the violations occurred, Petitioners have standing to file constitutional complaint at present. (paragraph 130)

In addition, the German Constitutional Court held that the fact that the Petitioners were individually affected in their respective freedoms, and just because a very large number of persons were affected, this did not exclude that individuals from being affected personally. (paragraphs 110 and 131)

(5) Immediateness

Regarding the immediacy of the violation of fundamental rights, the German Constitutional Court ruled that just because very large numbers of people are affected does not exclude persons from being individually affected in their own the fundamental rights. It held that in constitutional complaint proceedings, it is not generally required that a petitioner be personally affected in a particular way that would differentiate the petitioner from all others. (paragraph 110). Also, in this case, although the actual violation of fundamental rights would only occur as a result of a legal framework of the future (paragraph 120), as this is irreversibly embedded in current legislation, the Petitioners were actually affected directly at present time also. (paragraph 133)

(6) Exhaustion

Regarding exhaustion, the German Constitutional Court ruled that the constitutional complaint satisfies the requirements for exhaustion of legal remedies as long as they are directed against the legal provisions. (paragraph 138)

C. Conclusion

As seen above, the standards for reviewing legal requirements applied by the German Constitutional Court in examining the provisions that were at issue are not significantly different from the position taken by the Korean Constitutional Court until now. Therefore, the standards and results of the German Constitutional Court reviewed above may be applied to this case. In addition to the constitutionality requirements made by the Petitioners in the Constitutional Complaint dated March 13, 2020 pages 58-69, and Supplemental Brief for the Constitutional Complaint (2) dated January 16, 2021 pages 29-32, 41, and 50-52, we are adding

and supplementing the contents of the ruling of the German Constitutional Court.

6. Final Conclusion

It is an objective fact that the Federal Climate Change Act is a law which provides stronger protection against climate change than the Green Growth Act in terms of the intensity of the measures adopted to respond to climate change, including climate change restriction level goals set by the law and specific greenhouse gas reduction targets. Nevertheless, the German Constitutional Court held that this legislation was not sufficient to protect the fundamental rights of the German people and thus was unconstitutional.

The above decision of the German Constitutional Court clearly shows that the provisions subject to adjudication in this case do not provide the necessary minimum protection for the fundamental rights of the Petitioners, and in particular, violate their equality rights by unfairly discriminating against the Petitioners, who are of the future generation. Therefore, we ask that you declare the provisions subject to adjudication in this case, unconstitutional.

References

1. The official English translation of the decision of the German Constitutional Court;
2. Korean translation of the decision of the German Constitutional Court
3. German Environmental Advisory Committee Environmental Report 2020, Chapter 2

2021. 9. 23.

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