



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Information Note on the Court's case-law 263

June 2022

Duarte Agostinho and Others v. Portugal and Others
(relinquishment) - 39371/20

Article 1

Jurisdiction of States

Responsibility of States

Allegations of failure by the 33 Signatory States to the 2015 Paris Agreement to comply with their commitments in order to limit global warming: *relinquishment in favour of the Grand Chamber*

Article 2

Positive obligations

Article 3

Positive obligations

Article 8

Positive obligations

Article 14

Discrimination

Article 34

Victim

Article 1 of Protocol No. 1

Positive obligations

The case concerns the greenhouse gas emissions of 33 Contracting States, which in the applicants' view contribute to global warming and result, among other things, in heatwaves affecting the applicants' living conditions and health.

The applicants complain, *inter alia*, of the failure by these 33 States to comply with their undertakings, in the context of the 2015 Paris Agreement on Climate Change (COP21),

to hold the increase in the global average temperature to well below 2° C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5° C above those same levels, it being understood that this would substantially reduce the risks and impacts of climate change. The applicants submit that the signatory States are under an obligation to take measures to regulate in an adequate manner their contributions to climate change.

The applicants consider that the member States share a presumed responsibility with regard to climate change and that the uncertainty as to the “fair share” contributions of the member States can only operate in the applicants’ favour.

They emphasise the absolute urgency of taking action in favour of the climate and consider that, in this context, it is crucial that the Court recognise the States’ shared responsibility and exempt the applicants from the obligation to exhaust the domestic remedies in each member State.

In November 2021 the respondent Governments were given notice of the application under Articles 1, 34, 2, 3, 8 and 14 of the Convention and Article 1 of Protocol No. 1.

On 29 June 2022 the Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber.

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This summary by the Registry does not bind the Court.

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