



VW lawsuit in court

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Are corporations with a huge carbon footprint allowed to endanger the future of our children? Four plaintiffs are demanding that Volkswagen stops producing climate-damaging internal combustion cars by the end of the decade. The second hearing of this climate lawsuit has now taken place before a German district court.

The second court hearing in the legal battle between Greenpeace and Volkswagen for more climate

protection took place on September 9th at the Civil Chamber at Detmold District Court. The 62-year-old plaintiff from the district of Lippe runs an organic farm with arable farming and suckler cow husbandry with his family. He argues that VW, as the second largest car manufacturer in the world and major carbon emitter, is partly responsible for considerable damage to his farm and the associated forest due to climate change. He also argues that by selling millions of climate-damaging cars, VW is exacerbating the climate crisis and causing future losses. At the most recent hearing the court no longer raised concerns around the conclusiveness of the main arguments of the claim and scheduled a third hearing for February 3rd 2023.

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As the world's second largest car manufacturer, VW is at the forefront of an industry that contributes significantly to global warming. Despite increasing extreme weather events and contrary to scientific findings, the company continues to sell millions of new climate-damaging diesel and petrol cars and is only with its cars thus responsible for 1 % of worldwide CO2 emissions. The plaintiffs are now asserting their claims under civil law for the protection of their personal liberty and property rights and are calling on Volkswagen to quickly and consistently phase out the internal combustion engine.

In addition to Ulf Allhoff-Cramer in Detmold, climate activist Clara Mayer and Greenpeace directors Roland Hipp and Martin Kaiser filed a lawsuit against Volkswagen at the Braunschweig Regional Court in November 2021, too. In their 120-page statement of claim, the plaintiffs prove that Volkswagen's full-bodied promises for more climate protection are only lip service and demand that the company significantly accelerates the climate-friendly restructuring of the company. To this end, VW, the world's second largest carmaker, must phase out the production of climate-damaging internal combustion engines worldwide by 2030 at the latest. So far, VW has refused to set an end date for diesel and petrol vehicles. In their motion the plaintiffs rely on calculations of the Intergovernmental Panel on Climate Change (IPCC) and the International Energy Agency (IEA) from which end dates for new combustion engines and fossil fuels are derived.



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The farm and land of the plaintiff against VW AG, organic farmer Ulf Allhoff-Cramer, is increasingly suffering from the drought caused by the dry and hot summer of 2022.

As a lawyer for the Greenpeace plaintiffs, Roda Verheyen finds clear words for the legal action against Volkswagen: "Climate protection is a human right," says Verheyen: "Every court must ask itself who the law ultimately protects: the planet and the people who want to live on it, or the interests of a few corporations. Anyone who delays climate protection harms others and thus behaves unlawfully. This has been clear since the decision of the German constitutional court, and it also and especially applies to the German car industry with its gigantic global CO2 footprint. Civil law can and must help us to prevent corporations from destroying the basis of all our lives and depriving our children and grandchildren of the right to a secure future."

First company lawsuit after the Karlsruhe climate ruling

Activists have long protested against the car industry's refusal to contribute to climate protection. With the judgements from the German Federal Constitutional Court in Karlsruhe and the court in The Hague against Royal Dutch Shell, they have a new instrument and are using it: "As a non-profit organisation, we use existing law to protect the future, especially of young people," says Martin Kaiser. "We understand the judgement from Karlsruhe as a mandate to quickly and effectively enforce the protection of our common livelihoods at all levels of the law. With the Shell ruling from the Netherlands, we have tailwind - and climate protection urgently needs it." In the precedent-setting case against Shell, a court ruled at the end of May 2021 that not only states but also corporations must reduce their greenhouse gas emissions in line with global climate targets and sentenced the oil company and all its subsidiaries to significantly more climate protection. Although the corporation appealed, it still published a new strategy to halve its CO2 emissions by 2030.

"VW is a state-like major CO2 emitter with corresponding responsibility for climate protection," says Roda Verheyen. "States themselves emit very little CO2, commercial enterprises like VW emit a lot, and globally. Corporations, however, still claim that their path and commitment to climate protection are completely unclear and vague." Because VW has such a high impact on the global climate, the company has a special duty of care, according to Verheyen. On the contrary, VW is particularly committed to marketing its climate-damaging SUVs. Their market share is to be increased from 20 percent to 50 percent by 2025. The decisive

factor - and VW has never said anything about this so far - would be that the company recognises its limited share of the remaining global greenhouse gas budget. With its gigantic CO2 emissions, VW is one of the companies that significantly consume the remaining global CO2 budget. According to the Intergovernmental Panel on Climate Change (IPCC), in order to have a 50% chance of limiting global warming to a tolerable 1.5 degrees, no more than 500 gigatonnes of CO2 may be emitted. How much of this remaining budget VW is entitled to is listed in the statement of claim on the basis of calculations by the International Energy Agency (IEA). In concrete terms, this means that if the company sells more combustion cars after 2030, which will still be on the road for an average of 17 years, its budget will be drastically exceeded.

Worldwide legal fight for more climate protection

In the case of the Detmold organic farmer, Verheyen argues similarly to the case of a Peruvian farmer whose property rights she is representing against the Essen-based energy company RWE before the Higher Regional Court of Hamm. More and more courts around the world are upholding climate protection lawsuits: Not only the Federal Constitutional Court in Karlsruhe sees liberty and property rights endangered by the climate crisis, but also courts in the Netherlands, Belgium and France.

Updates

- 9.9.2022 - Presiding Judge Manfred Pohlmeier criticised a motion by the plaintiff in Detmold and again calls for further submissions - but does not reject the claim in principle. He announces that there will be another hearing on 3 February 2023.
- 4.5.2022 - The Detmold Regional Court opts for an early hearing instead of written proceedings and sets the first court date for the case of organic farmer Ulf Allhoff-Cramer vs VW for 20.5.2022 in Detmold (Case No. 1 O 199/21).
- 16.12.2021 - The Regional Court of Braunschweig, which is also hearing Volkswagen's diesel manipulations, decides to continue with written proceedings and grants the company an extension of another five months - this means that VW does not have to submit a statement until June 2022. Roda Verheyen counters this as unreasonable for the plaintiffs and requests that the deadline for the defendant's statement be reduced to three months.
- 9.11.2021 - Clara Mayer, Martin Kaiser and Roland Hipp file their lawsuit against Volkswagen at the Regional Court of Braunschweig. A similar lawsuit is filed by Ulf Allhoff-Cramer an organic farmer at the Regional Court of Detmold.
- 28.10.2021 - In a letter to the law firm of Roda Verheyen, Volkswagen rejects the cease-and-desist declaration. As Mercedes-Benz and BMW have already declared to DUH, VW also does not want to get out of the combustion engine business by 2030.
- 3.9.2021 - In a joint press conference, Greenpeace and Deutsche Umwelthilfe (DUH) announce that they are taking legal action against VW (Greenpeace), as well as Mercedes-Benz, BMW and the oil and gas company Wintershall (DUH). For this purpose, claim letters are sent to the companies. In the climate protection injunctions, the carmakers are requested to stop bringing climate-damaging internal combustion vehicles into circulation after the year 2030. VW is given a deadline of 29.10.2021 for this cease-and-desist declaration.

Statements of claim Allhoff-Cramer/Mayer/Hipp/Kaiser and further pleadings (only in german) available [here](#)



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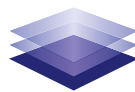
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