

# Children's motion regarding climate protection: too few parts of the law challenged

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 [vfg.gv.at/media/Antraege\\_Klimaschutzgesetz.php](https://vfg.gv.at/media/Antraege_Klimaschutzgesetz.php)

The Constitutional Court dismissed as inadmissible a petition on the Climate Protection Act brought by 12 children, since not all parts of the Act that are inseparable were challenged.

The children, who were born between 2006 and 2015, had argued that the Climate Change Act only contained an obligation to negotiate measures to reduce greenhouse gases, but no obligation to achieve results.

In doing so, the legislature had violated its duty, which also follows from Article 1 of the Federal Constitutional Law on the Rights of Children, to provide for the protection of the applicants against severe climate change and to ensure that the burden is shared equitably over time and across generations.

However, the request was too narrow. A repeal in this narrow scope would not eliminate the unconstitutionality alleged by the applicants. The Constitutional Court may also not completely change the content of a norm by repealing mere parts of it. A repeal of the Climate Protection Act to the contested, too narrow extent would have the consequence, among other things, that the Federal Government would not only be responsible for conducting negotiations on climate protection measures, but for these measures as a whole. The Constitutional Court cannot impute such a legislative content to the legislature.

(G 123/2023)

## Attorney did not detail concerns about climate change law

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The Constitutional Court also rejected as inadmissible the application of a lawyer to repeal Section 3 of the Climate Protection Act.

In his application, the lawyer stated that dramatic measures would have to be taken in the coming years to achieve the specified climate protection goals, which would affect his freedom to earn a living as well as his right to property and to respect for private life. However, he did not explain which of the measures he mentioned would interfere with which position protected by fundamental rights.

An application for review of a law can only be dealt with by the Constitutional Court in terms of its content if the concerns speaking against the constitutionality of the law in the be set out in detail (Section 62 (1) of the Constitutional Court Act). However, the application does not fulfill this mandatory provision.

(G 139/2021)

