



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

Information Note on the Court's case-law 246

December 2020

Duarte Agostinho and Others v. Portugal and Others
(communicated case) - 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 climate change: *communicated*

Article 2

Positive obligations

Allegations of failure by the 33 Signatory States to the 2015 Paris Agreement to comply with their commitments in order to limit climate change: *communicated*

Article 3

Positive obligations

Allegations of failure by the 33 Signatory States to the 2015 Paris Agreement to comply with their commitments in order to limit climate change: *communicated*

Article 8

Positive obligations

Allegations of failure by the 33 Signatory States to the 2015 Paris Agreement to comply with their commitments in order to limit climate change: *communicated*

Article 14

Discrimination

Allegations of failure by the 33 Signatory States to the 2015 Paris Agreement to comply with their commitments in order to limit climate change: *communicated*

Article 34

Victim

Allegations of failure by the 33 Signatory States to the 2015 Paris Agreement to comply with their commitments in order to limit climate change: *communicated*

Article 1 of Protocol No. 1

Positive obligations

Allegations of failure by the 33 Signatory States to the 2015 Paris Agreement to comply with their commitments in order to limit climate change: *communicated*

The case concerns the greenhouse gas emissions from 33 Contracting States, which, in the applicants' submission, contribute to global warming and result, *inter alia*, in heatwaves which are 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 keep the increase in global average temperature 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" of this contribution between 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.

Case communicated under Articles 1, 34, 2, 3, 8 and 14 of the Convention and Article 1 of Protocol No. 1.

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This summary by the Registry does not bind the Court.

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