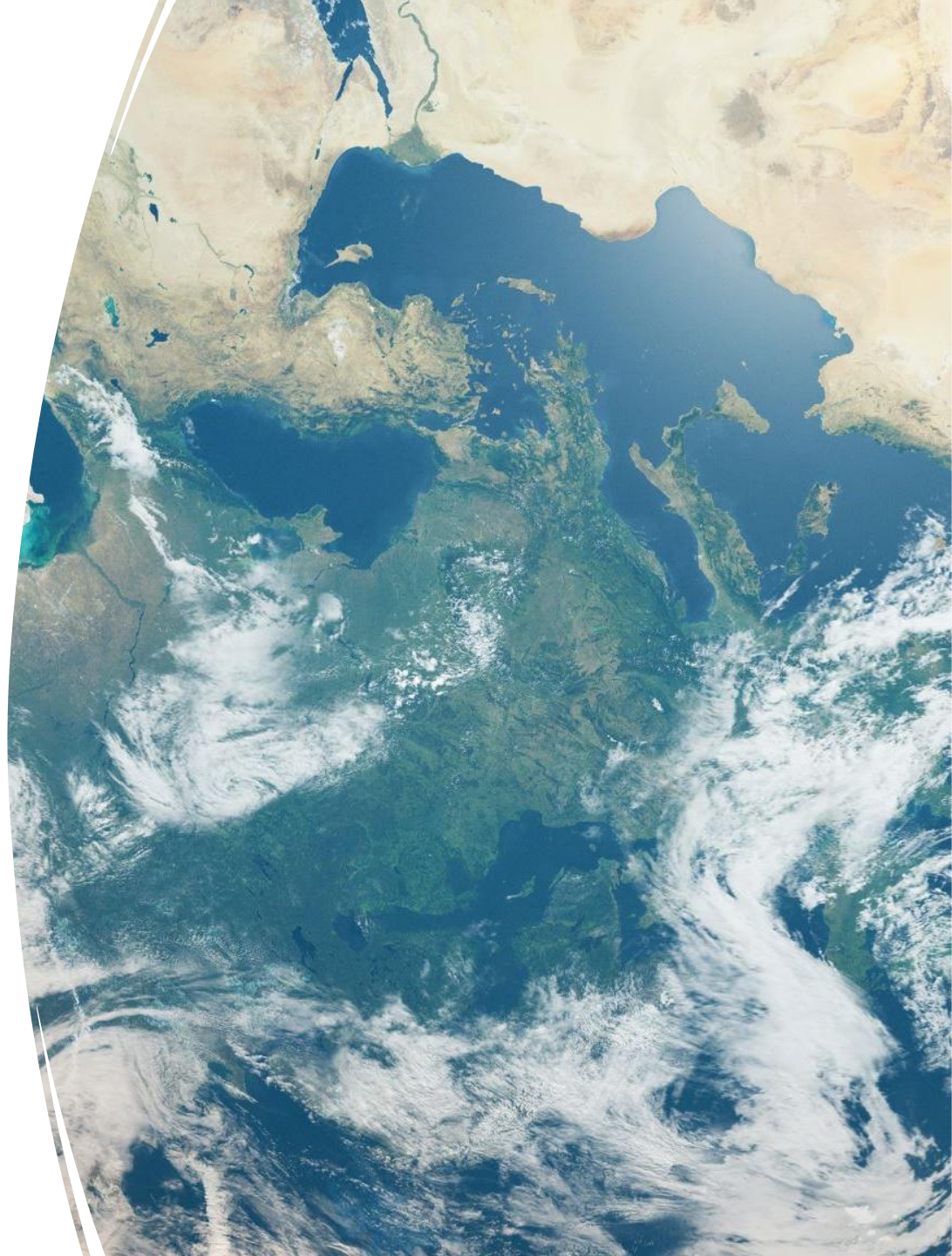


# The Belgian climate case revisited

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Carole M. Billiet

Brussel, BIP, 30 June 2026



# Revisited?

1. The case: essential facts
2. Five reasons why the Brussels Appeal verdict is a marvel
3. Looking forward

# 1. The case: essential facts

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1.1. The parties to the case

1.2. The course of the procedure

1.3. The griefs

1.4. The cornerstone of the case: the gap between knowing and acting

1.5. The verdicts, both

1.6. The emission reduction order of 30 November 2023

## 1.1. The parties to the case

### **June 1st 2015**

- vzw Klimaatzaak
- 8.429 citizens

### **3 May 2019**

+ 82 protected trees

### **3 July 2019**

+ 50.164 citizens

### **June 1st 2015**

- Belgian Federal State
- Brussels Region
- Flemish Region
- Walloon Region

# 1.2. The course of the procedure

June 2015 - August 2018:  
interlocutory dispute on the  
language of the proceedings

September 2018 - June  
2021: first instance hearing  
(three judges' bench)

- Three rounds of conclusions, until March 2020\*
- 10 hearings: 16-26 March 2021
- Judgment at first instance: 17 June 2021

November 2021 - November  
2023: appeal hearing (three  
judges' bench)

- Three rounds of conclusions, until the end of June 2023\*
- 13 oral hearings 14 September to 19 October 2023
- Appeal verdict: 30 November 2023 .

April 2024 – **ongoing**: appeal  
with our Supreme Court,  
pending

# Two court rulings, more to come

First instance court of  
Brussels, Civil section,  
4th chambre civil  
affairs, A.R.  
2015/4585/A, 17 June  
2021, 84 p.

Appel Court of Brussels,  
2nd chambre civil  
affairs, 2021/AR/1589-  
2022/AR/737-  
2022/AR/891, 30  
Novembre 2023, 160 p.

# 1.3. The griefs



*Human rights* - Violation of the right to life and the right to family life (Articles 2 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, Rome 1950)

Each contracting party must ensure these rights for anyone under its jurisdiction (Article 1 Convention)



*Civil Code (1804)* - Breach of the social duty of care (Articles 1382 and 1383 of the Old Civil Code)

Government must also comply - Court of Cassation, Flandria judgment 1920

# 1.4. The cornerstone of the case: the gap between knowing and acting



KNOWLEDGE OF THE PROBLEM (1988-1992) AND ITS SOLUTION (2007 IS PIVOTAL)



COVID-CRISIS, ENERGY CRISIS?

## 1.5. The verdicts, both

The climate policies to date of the Federal State and the Regions

**(1) violate** the plaintiffs' right to life and family life

and

(2) constitute a fault that **violates** the social duty of care

## 1.6. The emission reduction order of 30 November 2023

*“By way of compensation for the harmful consequences of the shortcomings identified, in order to prevent future and certain damage, some of which has already occurred, and to ensure the effectiveness of the protection afforded by Articles 2 and 8 of the ECHR, hereby orders the Belgian State, the Flemish Region and the Brussels-Capital Region to take, after consultation with the Walloon Region, appropriate measures to do their part in reducing the overall volume of annual GHG emissions from the Belgian territory by at least at least -55% by 2030 compared to 1990;*

*Holds that it is for the parties condemned by the present judgment to determine, in consultation with the Walloon Region, the share to be borne by each of them;”*

A stylized globe of the Earth is centered in the image, rendered in a golden-brown hue. It is surrounded by a complex network of white and yellow lines and dots, suggesting a global network or data flow. The background is a dark blue space with faint stars and a bright light source behind the globe, creating a lens flare effect.

## 2. Five reasons why the Brussels appeal verdict is a marvel

2.1. Background data on climate litigation and global warming

2.2. Five reasons why the Brussels appeal verdict is a marvel

## 2.1. Background data

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# Climate litigation: on numbers

Since 1980s

End 2025: more than 3600 cases globally

Of which **over 75% since 2015**

## 2015

- > Paris Agreement
- > Lahore High Court (Pakistan): Ashgar Leghari – Human R
- > The Netherlands: Urgenda – Duty of care

International European courts	
European Union	60
European Court of Human Rights	10



# Climate litigation: on variety

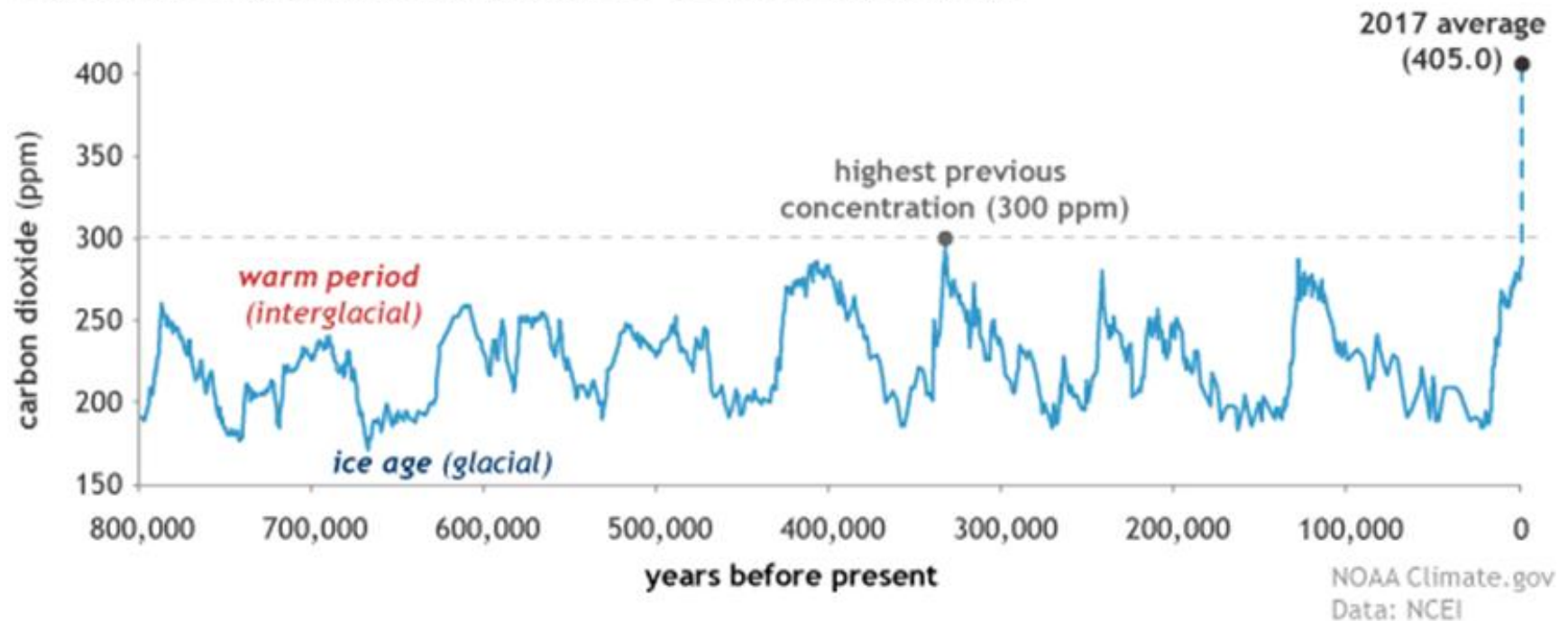
- Civil disobedience cases
- Environmental permitting cases
- Climate-washing cases
- ...
- Corporate responsibility cases

Government framework cases?

→ Some 120 since 2015

# Global warming: something unseen over 800,000 years

CO<sub>2</sub> during ice ages and warm periods for the past 800,000 years



2.2. Five reasons why the Brussels appeal verdict is a marvel

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# One. Standing for 58,500+ natural persons

*"The extent of the consequences of global warming and the scale of the risks it entails make it possible, however, to consider, with sufficient judicial certainty, that each of the natural persons who are party to the proceedings has an interest in obtaining the orders which are sought to be imposed on the defendants. the public authorities."*

(§133)



## Two. The 1.5°C limit

- *“There is currently a scientific and political consensus (at least at international level), notably following the 2018 IPCC Special Report and the Glasgow and Sharm El-Sheikh COPs, that the threshold for dangerous warming should be set at 1.5°C rather than 2°C, albeit with some tolerance (‘with no or limited overshoot’, according to AR6)” (§191)*
  - **Confirmed by the ECtHR, KlimaSeniorinnen 9 April 2024 and the International Court of Justice , Advisory opinion 23 July 2025**
-

## Three. A carbon budget reasoning



1.5°C as limit for a dangerous global warming



A global residual carbon budget **with a 50% probability** to respect the 1.5°C limit (IPCC)



A Belgian residual budget obtained by using the Grandfathering approach

## Four. The future generations are part of today

« La cour conclut qu'il existe un lien causal entre les fautes qu'elle a identifiées et le dommage des parties appelantes au principal, qui consiste : (...) dans un préjudice moral résultant de la conscience de l'insuffisance des moyens mis en œuvre par les autorités beiges pour protéger les intérêts des générations futures; » (§268)

« (...) la cour pointe le risque d'une atteinte aux droits humains des générations futures, qui risquent également d'être confrontées à la nécessité de réduire plus rapidement et sans transition adéquate leurs émissions de GES. La conscience du risque, sans gouvernance climatique adéquate, de laisser à ses descendants un environnement irrémédiablement détruit ou des conditions de vie nettement moins favorables constitue un dommage moral réparable subi personnellement par les parties appelantes au principal en personne physique. » (§267)

# IPCC, AR.6 SYR, SPM – the intergenerational dimension limited to this century (2100)

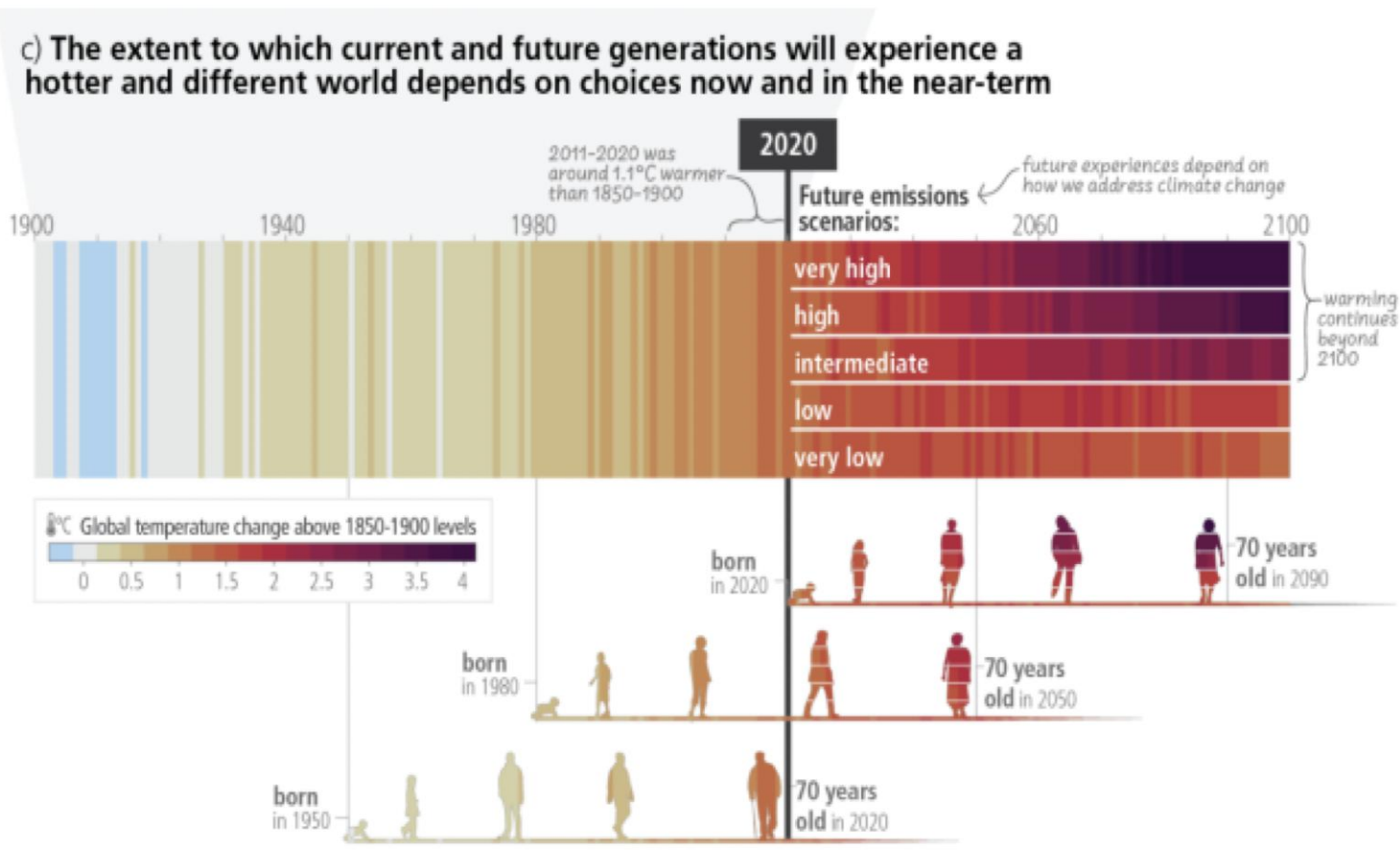
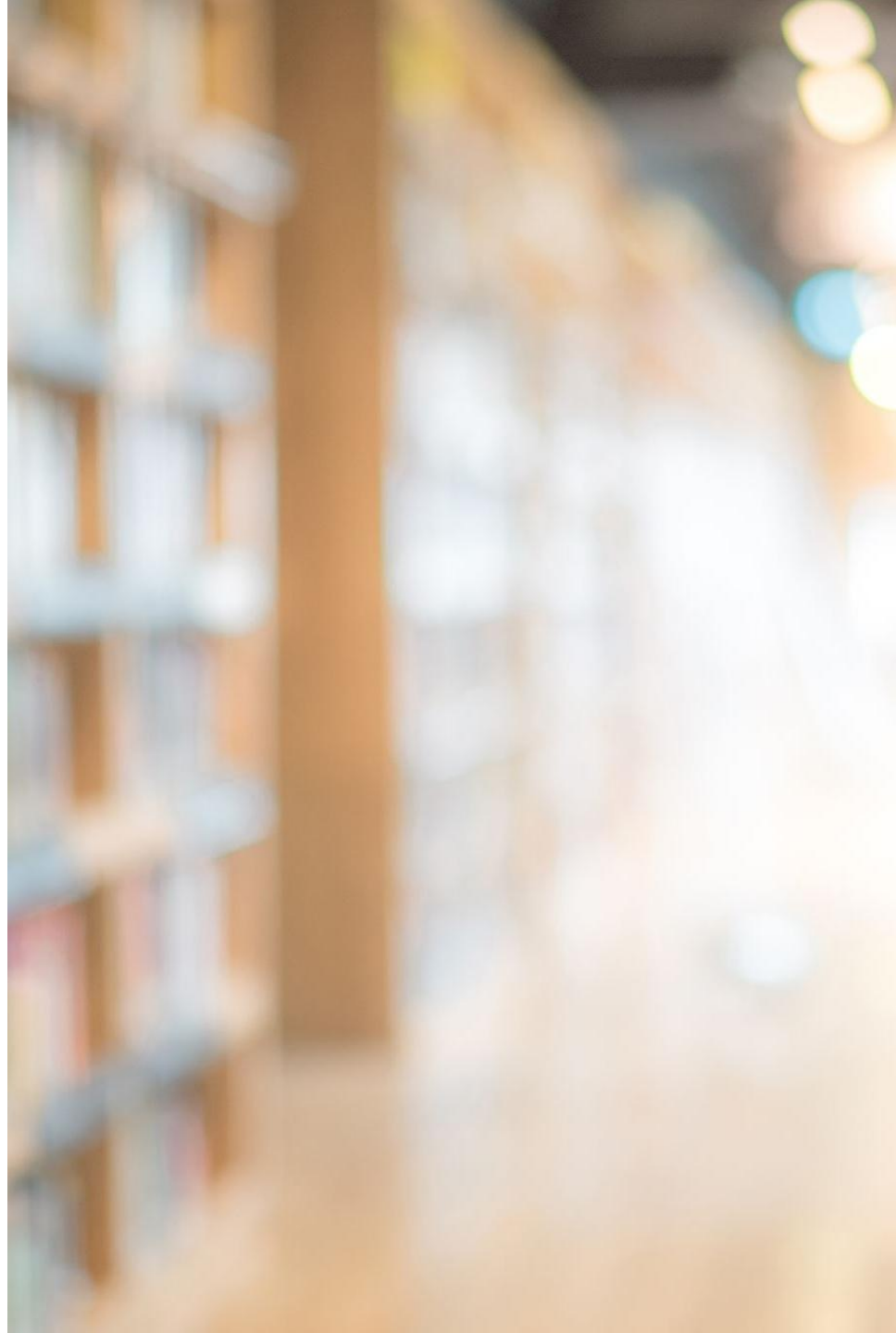


Figure 7.c. Impact sur la santé des générations futures

# Five. An injunction

*“donne injonction”*  
(Appeal verdict, p. 158)

An injunction with a  
double legal foundation,  
human rights & social  
duty of care



# 3. Looking forward?

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# 3.1. The legal obligation to act has been confirmed by Apex courts

## **Straatsburg - ECtHR (Grand Chamber), KlimaSeniorinnen, 9 April 2024**

550. When assessing whether a State has remained within its margin of appreciation (see paragraph 543 above), the Court will examine whether the competent domestic authorities, be it at the legislative, executive or judicial level, have had due regard to the need to:

- (a) adopt general measures specifying a target timeline for achieving carbon neutrality and the overall remaining carbon budget for the same time frame, or another equivalent method of quantification of future GHG emissions, in line with the overarching goal for national and/or global climate-change mitigation commitments;
- (b) set out intermediate GHG emissions reduction targets and pathways (by sector or other relevant methodologies) that are deemed capable, in principle, of meeting the overall national GHG reduction goals within the relevant time frames undertaken in national policies;
- (c) provide evidence showing whether they have duly complied, or are in the process of complying, with the relevant GHG reduction targets (see subparagraphs (a)-(b) above);
- (d) keep the relevant GHG reduction targets updated with due diligence, and based on the best available evidence; and
- (e) act in good time and in an appropriate and consistent manner when devising and implementing the relevant legislation and measures.

## **The Hague – International Court of Justice, Advisory Opinion 23 July 2025**

(...

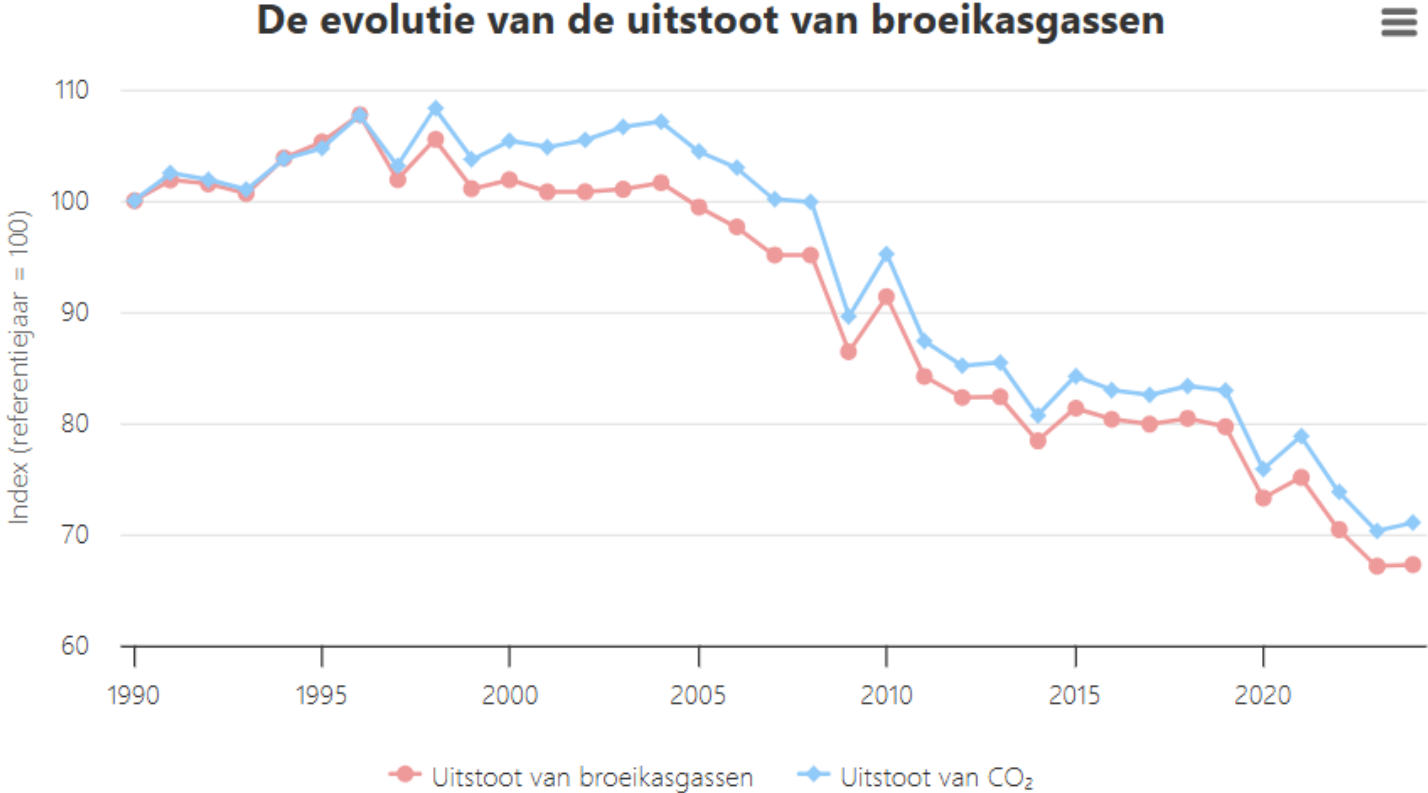
Unanimously,

Is of the opinion that States have obligations under international human rights law to respect and ensure the effective enjoyment of human rights by taking necessary measures to protect the climate system and other parts of the environment;

Unanimously,

Is of the opinion that a breach by a State of any obligations identified in response to question (a) constitutes an internationally wrongful act entailing the responsibility of that State. The responsible State is under a continuing duty to perform the obligation breached

3.2. Belgian GHG-emissions 2024: 197,41 kton CO<sub>2</sub>-eq. extra, from 97.815 kton CO<sub>2</sub>-eq. in 2023 to 98.012,41 kton CO<sub>2</sub>-eq. in 2024



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*Source: National emission inventory  
UNFCCC, 1990-2024 (April 2026)*

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2030: 65.460 kton, 55% less than 1990

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2023: 97.815 kton, 32,76% less than  
1990

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2024-2025-2026-2027-2028-2029-  
2033: 32.355 kton or 4.622 kton a year

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2022: 6.832 kton less than 2021

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2005-2024: 2.350 kton each year on  
average

3.3. What to  
work towards  
- 4.622 kton  
less a year

Marjan  
Minnesma, NOS  
interview January  
2025

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*“We’ve heard so often that something isn’t possible, and yet it turns out it is.”*

