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The climate change decision of the Federal Constitutional Court of Germany

(Order of the First Senate of 24 March 2021 - 1 BvR 2656/18 et. al. = BVerfGE 157, 30)

I. Introduction

II. Main part

1. The Decision

a) The Case

b) The Result

c) The Reasons

aa) Advance interference-like effect to intertemporal guarantees of freedom

bb) Climate targets as specifications of the constitution

cc) Disproportionate safeguarding of the future path to climate neutrality

2. The "discovery" of the constitutional obligation to take climate action and the associated leeway

3. Consequences

a) Federal Constitutional Court

b) Politics

c) Specialized Courts

III. Conclusion

Article 20a Basic Law [*Grundgesetz*]

Mindful also of its responsibility towards future generations, the state shall protect the natural foundations of life and animals by legislation and, in accordance with law and justice, by executive and judicial action, all within the framework of the constitutional order.

[Der Staat schützt auch in Verantwortung für die künftigen Generationen die natürlichen Lebensgrundlagen und die Tiere im Rahmen der verfassungsmäßigen Ordnung durch die Gesetzgebung und nach Maßgabe von Gesetz und Recht durch die vollziehende Gewalt und die Rechtsprechung.]