

## **Questionnaire EUFJE annual conference 24-25 October 2022 - Climate Law and Litigation**

### **The danish report.**

We have in Denmark only two climate cases, and they are both still pending in the court system.

In the first climate case in Denmark three green ngo's, The Climate Movement in Denmark, The Danish Vegetarian association and the Green Student Movement filed complaints targeting Danish Crown, a Danish company processing and exporting meat and food. Danish Crown has marketed pork as "climatecontrolled", and the complainants have argued, that this leads the consumers wrongly to anticipate that it would help the climate situation to eat pork, and thus "greenwashes" Danish Crowns pork products.

The case was filed in the city court in Randers and then by January 2020 transferred to the high court in Western Denmark due to the principled nature of the case.

The ngo's have financed the case by receiving support from 1500 individual persons. The groups of complainants alleged that Danish Crown should use the same amount of money telling the consumers the truth as the company has used on marketing lies on the products.

The second climate case in Denmark is The Climate Movement in Denmark versus the Ministry of Transportation and CPH City and Port Development i.e. the Danish state. "Lynetteholm" is a location in the harbour of Copenhagen, where a new peninsula is planned in order to construct a whole new part of the city. The complainant alleged that the law on the construction of Lynetteholm is violating EU-regulations, arguing that no overall environmental assessment regarding water and climate of the whole project has been made, and that it is illegal according to EU regulation to split a project into smaller projects to achieve a better environmental assessment picture.

Also this case is considered to be of a principle nature and has been transferred to the Eastern high court. Furthermore The Climate Movement was granted free process in June 2022.

General remarks:

Denmark has adopted a law on climate change as of June 26, 2020. The purpose of this

law is to reduce emissions on greenhouse gasses in 2030 by 70 percentage of the level in 1990. Furthermore it states that Denmark must be a climate neutral country in 2050.

The Danish Constitution was adopted in 1849 and was changed last in 1953. It has no referrals to the environment or climate issues.

As described we have in Denmark not yet seen constitutional complaints targeting the government's climate protection measures arguing, that climate policy/the law on climate change is incompatible with fundamental rights for failing to set sufficient provisions for emission cuts beyond 2030.