

## The Court has declared inadmissible the application from the former mayor of the Grande-Synthe municipality, on the ground that he did not have victim status within the meaning of Article 34 of the Convention

In its decision in the case of [Carême v. France](#) (application no. 7189/21) the European Court of Human Rights has unanimously declared the application inadmissible.

The case concerned the complaint of the applicant, former resident and mayor of the Grande-Synthe municipality, that France had taken insufficient steps to prevent climate change and that this failure entailed a violation of his right to life and his right to respect for his private and family life and his home.

Having regard to the fact that the applicant had no relevant links with Grande-Synthe and that, moreover, he did not currently live in France, the Court considered that for the purposes of any potentially relevant aspect of Article 2 (right to life) or Article 8 (right to respect for private and family life or home) he could not claim to have victim status under Article 34 of the Convention, and that was true irrespective of the status he invoked, namely that of a citizen or former resident of Grande-Synthe.

The decision is final.

For further information, please see these [Questions and Answers on the three Grand Chamber cases concerning climate change](#).

A legal summary of this case will be available in the Court's database HUDOC ([link](#)).

### Principal facts

The applicant, Damien Carême, is a French national who was born in 1960. He was mayor of the municipality of Grande-Synthe from 23 March 2001 to 3 July 2019; on 2 May 2019 he was elected to the European Parliament. He then left Grande-Synthe and moved to Brussels.

Grande-Synthe is a municipality of some 23,000 inhabitants located on the coast of the English Channel, which, as found by the *Conseil d'État*, is particularly exposed to risks linked to climate change, including the risk of flooding.

On 19 November 2018 the applicant, acting on his own behalf and in his capacity as mayor of the municipality of Grande-Synthe, requested the following of the President of the Republic, the Prime Minister and the Minister for Ecological Transition and Solidarity: to take all necessary measures to curb greenhouse gas ("GHG") emissions produced on the national territory in order to comply with the relevant commitments made by France in that respect; to take all necessary legislative and regulatory initiatives to make it obligatory to give priority to climate matters and to prohibit all measures likely to increase GHG emissions; and to implement immediate climate-change adaptation measures in France.

In the absence of a response from the authorities, on 23 January 2019 the applicant and the municipality of Grande-Synthe applied to the *Conseil d'État* for judicial review (*recours pour excès de pouvoir*) of the implicit rejection decisions constituted by the authorities' failure to reply to their requests.

On 19 November 2020 the *Conseil d'État* found that Mr Carême did not have an interest in bringing proceedings on the basis of the mere fact that his current residence was located in an area likely to

be subject to flooding by 2040. This finding was premised on the conclusions of the public rapporteur according to which there was no indication as to where the applicant's residence would be in the years to come, let alone in 20 years or more, so that his interest appeared to be affected in too uncertain a manner. By contrast, it found that the municipality of Grande-Synthe did have such an interest, "in view of its level of exposure to the risks arising from the phenomenon of climate change and [its] direct and certain impact on its situation and the interests for which it [was] responsible".

On 1 July 2021 the *Conseil d'État* set aside the authorities' implicit rejection of the request of the Grande-Synthe municipality, a municipality which had been recognised as being particularly exposed to the risks arising from the phenomenon of climate change and its direct and certain impact on its situation and the interests for which it was responsible. It found, in particular, that the reduction in GHG emissions in 2019 had been small and that the reduction in 2020 had not been sufficient. It also found that compliance with the pathway set to achieve emission reduction targets of reducing GHG emissions by 40% compared to 1990 levels by 2030, and by 37% compared to 2005 levels, did not appear to be feasible if new measures were not rapidly adopted.

The *Conseil d'État* ordered the authorities to take additional measures by 31 March 2022 to meet the GHG emissions reduction targets set out in Article L. 100-4 of the Energy Code and Annex I of Regulation (EU) 2018/842.

On 1 April 2022 the municipality of Grande-Synthe lodged a legal action in the *Conseil d'État* requesting that it impose a financial penalty on the State for non-execution of the *Conseil d'État's* judgment of 1 July 2021.

On 10 May 2023 the *Conseil d'État* ordered the government to take additional measures by 30 June 2024, and to submit, by 31 December 2023, a progress report detailing these measures and their effectiveness.

## Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 28 January 2021.

On 31 May 2022 the Chamber to which the case had been assigned relinquished jurisdiction in favour of the Grand Chamber.

The President of the Court decided that in the interests of the proper administration of justice, the case should be assigned to the same composition of the Grand Chamber as that in the cases of *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* (application no. 53600/20) and *Duarte Agostinho and Others v. Portugal and 32 Others* (application no. 39371/20), which had also been relinquished.

The following third-party interveners, who had been given leave to intervene in the written procedure, submitted their observations to the Court: European Network of National Human Rights Institutions, Our Children's Trust, and Oxfam France and Oxfam International and its affiliates.

A [hearing](#) took place in public in the Human Rights Building, Strasbourg, on 29 March 2023.

Relying on Articles 2 (right to life) and 8 (right to respect for private and family life and home), the applicant complained that France had failed to take sufficient steps to prevent climate change and that this failure entailed a violation of his right to life and the right to respect for his private and family life and his home, relating, in particular, to the risk of climate change-induced flooding to which the municipality of Grande-Synthe would be exposed in the period 2030-40.

The decision was given by the Grand Chamber of 17 judges, composed as follows:

Síofra O’Leary (Ireland), *President*,  
Georges Ravarani (Luxembourg),  
Marko Bošnjak (Slovenia),  
Gabriele Kucsko-Stadlmayer (Austria),  
Pere Pastor Vilanova (Andorra),  
Arnfinn Bårdsen (Norway),  
Armen Harutyunyan (Armenia),  
Pauliine Koskelo (Finland),  
Tim Eicke (the United Kingdom),  
Darian Pavli (Albania),  
Raffaele Sabato (Italy),  
Lorraine Schembri Orland (Malta),  
Anja Seibert-Fohr (Germany),  
Peeter Roosma (Estonia),  
Ana Maria Guerra Martins (Portugal),  
Mattias Guyomar (France),  
Andreas Zünd (Switzerland),

and also Søren Prebensen, *Deputy Grand Chamber Registrar*.

## Decision of the Court

### Articles 2 and 8

The Court referred to the general principles on the victim status of physical persons under Article 34 in the context of complaints under Articles 2 and 8 of the Convention concerning climate change set out in §§ 487-88 of *Verein KlimaSeniorinnen Schweiz and Others*, delivered on the same day.

Taking note of the outcome of the domestic proceedings, the Court, for its part, found no reason to question the findings of the *Conseil d’État* as to the hypothetical nature of the risk relating to climate change affecting the applicant.

It was critical to note that, by the applicant’s own admission at the hearing in reply to the Court’s questions, after becoming a member of the European Parliament in May 2019, he had moved to Brussels. He did not own, and no longer rented, any property in Grande-Synthe. Currently his only concrete link with the municipality was the fact that his brother lived there.

Having regard to the fact that the applicant had no relevant links with Grande-Synthe and that, moreover, he did not currently live in France, the Court did not consider that for the purposes of any potentially relevant aspect of Article 8 (private life, family life or home) he could claim to have victim status under Article 34 of the Convention, and that was true irrespective of the status he invoked, namely that of a citizen or former resident of Grande-Synthe. The same considerations applied as concerned the applicant’s complaint under Article 2 of the Convention.

As to the applicant’s argument that he had complained to the Court as the former mayor of Grande-Synthe, the Court referred to its well-established case-law according to which decentralised authorities that exercised public functions, regardless of their autonomy *vis-à-vis* the central organs – which applied to regional and local authorities, including municipalities – were considered to be “governmental organisations” that had no standing to make an application to the Court under Article 34 of the Convention. Accordingly, the Court found that the applicant had had no right to apply to the Court or to lodge a complaint with it on behalf of that municipality.

That said, and notwithstanding its findings under the Convention as set out above, the Court took note of the fact that the interests of the residents of Grande-Synthe had, in any event, been defended by their municipality before the *Conseil d'État* in accordance with national law, which had ruled partly in their favour.

In conclusion, the applicant's complaint had to be declared inadmissible as being incompatible *ratione personae* with the provisions of the Convention within the meaning of Article 35 § 3.

The Court, unanimously, declared the application inadmissible.

*The decision is available in English and French.*

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