

Appeal Summons

The Appeal Summons against sentence no. 3552/2024 of the Tribunal of Rome, published on 26.02.2024, was notified to the Presidency of the Council of Ministers.

As is known, this decision from Rome, completely at odds with other European tribunals, upheld the Italian state's non-reviewability in the name of the separation of powers and the non-existence of Italian citizens' rights and interests to protect themselves against the climate emergency.

In fact, residents, parents of minors, and associations had approached the court lamenting the Italian state's failure to adopt necessary measures to reduce greenhouse gas emissions within the limits established in the Paris Agreement (keeping the average temperature increase well below +2°C, preferably within 1.5°C), demonstrating with evidence provided by the reputable International Institute of Climate Analytics these shortcomings, which were never denied by the Italian state.

Following the publication of the first instance sentence, the European Court of Human Rights issued two historic rulings on two separate climate cases (the "KlimaSeniorinnen" and "Duarte" rulings), in which it established a series of criteria essentially identical to those adopted by the Italian appellants, namely:

- The existence of the climate emergency as an uncontested and indisputable fact already causing damage and in constant degradation;
- The existence of a primary duty (as defined by the judges in Strasbourg) on every single state to meet specific requirements by 2030 in order to prevent new damages and reduce those already in progress;
- The consequent obligation to protect the human person by recognizing their right to the stability and security of the climate system;
- The constitutional duty of national judges to verify the absence of these necessary requirements precisely in the name of protecting human rights.

As can be easily noticed, the conclusions of the Strasbourg judges have completely refuted and demolished the theories of the Civil Tribunal of Rome.

Therefore, with the action before the Court of Appeal of Rome, the application of the European rulings within the Italian context is requested, resulting in the reform of the first instance decision to finally condemn Italy to combat the climate emergency according to the necessary requirements indicated for all states of the Council of Europe, using the scientific evidence ignored in the first instance trial. This is particularly relevant as ISPRA (the Research Institute required by law to hold information on Italy's greenhouse gas emissions) has officially acknowledged, following a civil access request by citizens, the absence of the aforementioned necessary requirements, in particular:

- The failure to quantify the total share of emissions produced by Italy over time;
- The failure to calculate the so-called "carbon budget," i.e., the total remaining emissions compatible with the temperature increase containment decided in Paris in 2015.

Both requirements are mandated by legal norms for combating climate change, and neither has ever been contested by the states, including Italy. Therefore, as explained in the rulings of the European Court, omitting them is not possible unless illegitimately.