

In the General Court of the European Union
- Registry -
Rue du Fort Niedergrünewald
L-2925 Luxemburg

Case T – 330/18

ARMANDO FERRÃO CARVALHO & others

Applicants

and

**THE EUROPEAN PARLIAMENT
THE COUNCIL**

Defendants

**APPLICATION TO INTERVENE
on behalf of WeMove Europe SCE mbH (WeMove Europe)**

1. On 13 August 2018, a notice initiating the above-named proceedings was published in the Official Journal of the European Union, as per article 79 of the Rules of Procedure of the General Court ('RPGC'). Pursuant to the second paragraph of article 40 of the Statute of the Court of Justice of the European Union ('Statute') and article 142 et seq. of the RPGC, the German non-profit organisation WeMove Europe hereby applies for permission to intervene. Each of the requirements for an application to intervene, as stated in article 143 of the RPGC, will be addressed, in turn.
2. The applicant for leave to intervene is WeMove Europe SCE mbH (hereinafter 'WeMove Europe'). WeMove Europe is a non profit organisation established under German Law, founded in 2015.

WeMove's address is the following: Planufer 91, D 10967 Berlin, Germany. It is represented by its Executive Director. The power of Attorney is provided in [**Annex A.2 of the application to intervene**].

3. The legal representative of WeMove Europe is MMag. Vera Sundström of SUNDSTRÖM I PARTNER Rechtsanwaltsgesellschaft mbH, Pokornygasse 21/5, A-1190 Vienna, Austria. She has proven to the Court her ability to act in compliance with article 78(4) of the RPGC through the e-curia application. We confirm that the Court Registry may serve documents on us via e-Curia.

The power of representation and the attorney's licence within the meaning of Article 78 (5) in conjunction with Article 51 (2) and (3) of the RPGC are contained in [**Annex A.13 and Annex A.14 of the application to intervene**]

4. DESCRIPTION OF THE CASE (ARTICLE 143(2)(A) RPGC):

4.1. The case before the General Court is comprised of the following:

- a. An application for annulment, under article 263 of the Treaty on the Functioning of the European Union ('TFEU'); and
- b. A claim in tortious liability, under article 340 of the TFEU.

4.2. The case arises from the adoption by the European Parliament and the council of three legal acts (collectively 'the GHG Emissions Acts'):

- a. The 2018 amendment of Directive 2003/87/EC (the 'Emissions Trading System' or 'ETS Directive');¹

¹ Directive (EU) 2018/410 of the European Parliament and of the Council of 14 March 2018 amending Directive 2003/87/EC to enhance cost-effective emission reductions and low-carbon investments, and Decision (EU) 2015/1814, OJ L 76/3.

- b. Regulation (EU) 2018/842 (the 'Effort Sharing Regulation' or 'ESR Regulation');² and
 - c. Regulation (EU) 2018/841 (the 'LULUCF Regulation').³
- 4.3. The Applicants in the case contend that these legal acts entail failure by the European Union ('EU') to meet urgent responsibilities to limit emission of greenhouse gases ('GHGs') and to avoid harm caused by climate change, and breach of *inter alia* the following:
- a. The Charter of Fundamental Rights: articles 2 and 3 (the rights to life and physical and mental integrity), articles 15 and 16 (the right to work and the freedom to conduct a business), article 17 (the right to property), articles 20 and 21 (the rights of equal treatment), and article 24 (the rights of the child);
 - b. Various treaty obligations, under *inter alia* the TFEU, the Treaty on European Union and the Paris Agreement 2015; and
 - c. Customary international law, including the 'no harm principle' and the 'precautionary principle'.
- 4.4. The Applicants in the case seek the following remedies/forms of orders:
- a. Declaration that the GHG Emissions Acts are unlawful insofar as they allow emission, between 2021 and 2030, of a quantity of GHGs corresponding to 80% of 1990-level emissions in 2021, decreasing to 60% of 1990-level emissions in 2030;
 - b. Annulment of the GHG Emissions Acts insofar as they set the above targets for emissions in 2021 and 2030; and/or
 - c. An order/injunction requiring that the Defendants adopt measures under the GHG Emissions Acts requiring a reduction in GHG emissions by 2030

² Regulation (EU) 2018/842 of the European Parliament and of the Council on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013, OJ L 156/26.

³ Regulation (EU) 2018/841 of the European Parliament and of the Council on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) 525/2013 and Decision 529/2013/EU OJ L 156/1.

by at least 50-60% of 1990 levels, or such higher levels of reduction as the Court thinks fit; or

d. In the alternative, an order that the contested provisions of the GHG Emissions Acts shall remain in force until a defined date, by when they must be modified in accordance with the Union's legal obligations.

5. DESCRIPTION OF THE MAIN PARTIES (ARTICLE 143(2)(B) RPGC):

5.1. WeMove Europe is organised, according to its statutes, as a representative of civil society. This claim is reflected in WeMove Europe's statutes, according to which its core is aimed at issues of civil society which may directly affect specific interests of civil society arising from the Charter of Fundamental Rights of the European Union (CFR) as well as from the ECHR and, at the same time derived therefrom, the specific interests with regard to "*environmental protection, sustainable living and business practices*" (Article 2 (2) of the statute; **Annex A.1 of the application to intervene**).

In accordance with its statutes WeMove Europe promotes democratic processes in civil society, in which the citizens of the EU can refer to the CFR and in turn, to the rights of the ECHR. In this context, WeMove Europe offers all its **698,064** supporters from the geographical area of the entire EU the necessary information on the obligations of the Member States to protect fundamental rights in the European Union, in accordance with the "Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community". This includes in particular the level of protection guaranteed under EU law to protect the central fundamental right to "*physical and mental integrity*" (Article 3 (1) CFR).

5.2. The Defendants are the European Parliament and the Council.

6. PROOF OF LEGAL EXISTENCE (ARTICLES 143(4) AND 78(4) RPGC)

In compliance with article 78(4) of the RPGC, recent proof of the existence in law is provided in the form of an Excerpt from the Register of Cooperatives of WeMove Europe, in German and English language:

- a. **Annex A.1 of the application to intervene, pages 1-11**, is an English translation of the current Statutes of 16th June 2015 of WeMove Europe SCE Ltd.
- b. **Annex A.2 of the application to intervene, pages 12-13**, is a copy of the recent original excerpt from the Register of Cooperatives of 27th July 2018, with the County Court (Amtsgericht) in Charlottenburg, of WeMove Europe SCE Ltd.(with number GnR 777B) in German, inclusive an English translation of the excerpt from the Register of Cooperatives
- c. **Annex A.2 of the application to intervene, pages 12-13**, is the recent proof for WeMove SCE Ltd's legal representative Executive Director, Christoph Bautz, Alte Reihe 16, 27313 Dörverden, Germany, according to the Register of Cooperatives of 27th July 2018

7. FORM OF ORDER SOUGHT SUPPORTED BY THE PROPOSED INTERVENER (ARTICLE 143(2)(E) RPGC)

WeMove Europe supports the forms of order sought by the Applicants in the main proceedings. These forms of order are listed above, at paragraph 4.4 of this application.

8. CIRCUMSTANCES ESTABLISHING THE RIGHT TO INTERVENE (article 143(2)(f) RPGC)

- 8.1.The application to intervene is admissible under article 40 (2) of the Statute of the Court of Justice of the European Union in conjunction with article 142 (2) (RPGC), since case T-330/18 remains in dispute and is still pending.
- 8.2.The application to intervene shall be filed within the set out in article 143 (1) (RPGC). This stipulates that an application to intervene must be made within six weeks of publication of the notification in the Official Journal of the European Union (article 79 RPGC). The notification of the present case was published in the Official Journal of the European Union less than six weeks ago, specifically on 13 August 2018. **We have been asked to leave a regularisation of the application**

on the 26th September 2018 by the General Court. Considering that the General Court has granted a time limit until the 11th October 2018, the application to intervene is timely.

8.3. Interest in the result of the case

8.3.1. The headquarters of WeMove Europe are in Berlin. There are employees in Belgium, Germany, France, Italy, Spain, Poland, Slovenia and the Netherlands.

8.3.2. WeMove Europe works and communicates in German, English, French, Italian, Polish and Spanish. Other campaigns were also conducted in Greek, Slovenian, Swedish and Dutch, among others.

8.3.3. WeMove is designed as a society to represent human rights.

8.3.4. According to its statutes, WeMove Europe pursues the “*promotion of civic engagement*” (§ 2 (2) of the statutes; **Annex A.1 of the application to intervene**) in order to achieve a “*commitment for fundamental freedom and civil rights in regard to the European Convention of Human Rights*” (§ 2 (2) of the statutes; **Annex A.1 of the application to intervene**). Derived from this, the statutes also stipulates a “*commitment for environmental protection, sustainable living and business practices*” (§ 2(2) of the statutes; **Annex A.1 of the application to intervene**).

8.3.5. With regard to the section from the statutes of WeMove Europe “*commitment for environmental protection, sustainable living and business practices*” (Article 2 (2) of the statutes; **Annex A.1 of the application to intervene**), WeMove Europe, together with the supporters obtained for it, is working through information campaigns to ensure that the institutions of the European Union according to article 13 (1) and article 13(2) TEU within the meaning of article 51(1 sentence 1) CFR, according to which the European Parliament, the European Council, the Council, the Commission and the European Court of Justice, with regard to the rapid climate change, which according to unanimous scientific

findings poses a serious threat to all human life, ensures the rights of civil society derived from the CFR and the ECHR and, based on this, the “Paris Agreement within the framework of the UNFCCC 2015” (“Paris Agreement”) with the objectives agreed therein. In this context, WeMove Europe continuously informs supporters as representatives of civil society on the basis of profound scientific expertise about legislative processes that cannot support said objectives from the “Paris Agreement”.

8.3.6. WeMove Europe currently has 698,064 supporters [**Annex A.3 of the application to intervene**].

8.3.7. Within the framework of its founding purpose, WeMove Europe also directly supports and bundles the efforts of its supporters for climate protection in their necessary initiatives, for the democratic co-determination of European legislative processes, by bringing them to the attention of civil society and the decision-makers of the European Union through promotions and campaigns and making them “visible”.

8.3.8. The organisation of environmental and climate protection campaigns by WeMove Europe, “as a mouthpiece” of civil society through its supporters, is intended to directly achieve the collective effect as required in a well-founded democracy, to raise awareness of the responsibility of the current generation to influence European legislation to reduce the dangerous and detrimental effects of the climate change brought about to an ecologically compatible level by designing and developing effective climate protection measures and technology.

8.3.9. In order to comprehensively and directly fulfil its founding purpose, WeMove Europe regularly conducts surveys among its supporters, through which a concise and transparent picture of the challenges facing the civilian population becomes apparent. While the topic of climate protection was the third most important topic in the survey of 2016, it was cited as the most important topic by 65.53 % in the survey of February 2018, and thus ranks first [**Annex A.4 and Annex A.5 of the application to intervene**].

8.3.10. The activities of WeMove Europe are directed at all institutions of the European Union, including the European Parliament, the Council of the European Union and the European Commission. In line with the results of the survey among its supporters, WeMove Europe is called upon to support civil society in calling on the European Union to ensure a fair contribution to the reduction of greenhouse gas emissions, as sought in the present application.

8.3.11. WeMove Europe has organised the following campaigns to commit European Union decision-makers to ensure compliance with the Paris Agreement within the framework of the UNFCCC 2015:

a) Campaign: to reform the Emissions Trading System (**ETS**)

WeMove Europe's first campaign, aimed directly at limiting greenhouse gas emissions, was designed to bring about a comprehensive reform of emissions trading and was launched in October 2016. The basis for the campaign was a cooperation with the Climate Action Network Europe (CAN Europe). CAN Europe analysed the reform of the EU Emissions Trading Scheme (**ETS**) proposed by the European Commission and published a report entitled "A fresh start for the **ETS**: Setting the Phase 4 starting point at actual emissions" [**Annex A.6 of the application to intervene**].

WeMove Europe agreed with these demands and demanded that the starting point of emissions trading should be set at the actual average emissions for the years 2017-2019 instead of the target for 2020, this being the only way to ensure that the **ETS** reduces an elevated level of emissions and not just an outdated lower assumption.

In cooperation with CAN Europe, Carbon Market Watch, Oxfam, Sandbag and WWF, WeMove appealed to the Members of the European Parliament. The campaign was publicly accessible at <https://act.wemove.eu/campaigns/ETS>, but has since ended. A screenshot of this now closed campaign can be found in [**Annex A.7 of the application to intervene**].

For the vote on the EU Emissions Trading Scheme in the European Parliament on 14 February 2017 (**ETS**), WeMove Europe called for an ambitious reform of

the European Emissions Trading Scheme for the period 2021-2030. The appeal was signed by almost 100,000 EU citizens.

More than 3,800 of the citizens left personal messages and comments for the parliamentarians [**Annex A.8 of the application to intervene**]. By way of example, a comment from an Irish supporter is quoted here, documenting that European Union civil society is opposed to current European legislation on climate change, both on the basis of detailed knowledge and with genuine concern about the future: “We cross the 2C degrees by the mid-twenty thirties. To avoid this, we can’t cross 405ppm of CO2 concentration in the atmosphere. We are at 400ppm right now and climbing. Are you people mad not acting on this? [...] That is just not good enough. I have children, and I care about my children. I want to show them we can do better than this. As policy makers and leaders you have the powers to make a real difference. It is time for you to act on that moral responsibility which comes with decisive influence.”

b) Campaign: **Beyond Coal**

In cooperation with the Europe-wide network Beyond Coal, WeMove Europe has launched a campaign of the same name, which is still online now under the URL <https://act.wemove.eu/campaigns/ohne-kohle>.

The aim of the campaign is to reform the energy market to comply with the “Paris Agreement” and, in this context, to focus public attention in the legislative process on the need to achieve greater energy efficiency without delay, including by switching to renewable energies.

The campaign title states that energy systems are needed, along with further climate protection measures, that reduce dependence on fossil energy in order to achieve greenhouse gas emission reduction targets of 55 % by 2030. [**Annex A.9 of the application to intervene**]

However, the present proposal of the European Commission envisages continuing to support fossil-based energies with subsidies in connection with a presumed “capacity mechanism”. These subsidies, which will not be paid for energy generated but instead for the possible provision of surplus power plant reserves, will

make it possible to continue offering fossil fuels on the relevant market at a low cost. They remain able to compete with renewable energies for longer, the production costs of which are continually falling thanks to technological progress.

The European Commission's current proposal will be dealt with in what is known as tripartite meetings (the trilogue procedure) of the European Union. Consequently, WeMove Europe's appeal is addressed to the European Commission, the European Parliament and the Council of the European Union, the legislative processes for the sustainable protection of the environment and the immediate reduction of the dangerously advancing climate change, in particular also to ensure compliance with the agreed targets in the "Paris Climate Protection Agreement".

The campaign has so far been signed by over 80,000 people from Europe. 8,878 supporters left comments and contributions to the discussion. **[Annex A.10 of the application to intervene]**

Since the informal trilogues between the European Parliament, the Council of the European Union and the European Commission will start on 18 and 19 October 2018, WeMove Europe plans, together with its partners, to be on site to hand over the signatures of around 80,000 supporters to the parties.

c) Campaign: **Coal Pollution**

The "Coal Pollution" campaign was carried out in cooperation with the European Environmental Bureau (EEB), the Climate Action Network Europe (CAN Europe), the Health and Environment Alliance (HEAL) and WWF Europe.

The aim of this campaign was to limit the exhaust gases released by coal-fired power plants. Over 142,000 supporters signed the appeal, which was presented to the health ministers of all EU Member States. With success! The Member States voted by a majority for new limits **[Annex A.11 and Annex A.12 of the application to intervene]**

As a result, the high retrofitting costs faced by the power plant operators will result in coal-fired power plants being shut down earlier than initially assumed. Consequently, GHG emissions will be correspondingly lower.

8.3.12. Cooperations:

WeMove Europe has worked with the following partner organisations on climate change issues:

- AkCjaDemoKracja, Poland,
- Bund für Umwelt und Naturschutz Germany, <https://www.bund.net/>
- Carbon Market Watch
- Climate Action Network Europe, <http://www.caneurope.org/>
- Europe Beyond Coal, <https://beyond-coal.eu/>
- Fundacja Rozwoj Tak Odkrywki Nie, <https://rozwojtak-odkrywkinie.pl/>
- Germanwatch, <https://germanwatch.org/de/startseite>
- Health and Environment Alliance, <https://env-health.org/>
- Les Amis de la Terre France
- Oxfam
- Re:Common, <https://www.recommon.org/>
- Sandbag
- SumOfUs, <https://www.sumofus.org/>
- The European Environmental Bureau, <http://eeb.org/>
- Urgewald, <https://urgewald.org/>
- Unfriend Coal, <https://unfriendcoal.com/>
- World Wildlife Fund for Nature, <http://www.wwf.eu/>

8.3.13. With regard to its statutory fields of activity, mission and duty, WeMove Europe must help its 689.064 supporters as representatives of civil society in the European Union in their efforts to influence the legislative processes in order to achieve a revision of the European Union's climate and energy goals, with the

primary aim of complying with the ambitious and absolutely necessary commitments of the “Paris Agreement”.

- 8.3.14. Stemming from nothing more than the democratic principle to protect European fundamental rights in connection with effective and sustainable environmental and climate protection, the interest of WeMove Europe in the result of the case as well as of the represented European civil society, is according to the subject-matter of the dispute, direct and existing (article 40 (2) of the Statute of the Court of Justice of the European Union and article 143 (2) f (RPGC). Just like its supporters from European civil society, WeMove Europe primarily pursues the goal of making transparent the need to raise the European Union’s climate targets for 2030 and in consequence to establish stricter emission reduction targets.

Should the court decide in favour of the applicants in the main proceedings, this will have a direct and existing effect on the reform of the EU climate legislation processes, of forcing amendments and updates. In accordance with the statutes of WeMove Europe “*commitment for environmental protection, sustainable living and business practices*” and “*promotion of civic engagement*” etc [Annex A.1 of the application to intervene] § 2(2) and the aims of the campaigns of WeMove Europe, which are listed above, at paragraph 8.3.11. of this application, this would be a valuable contribution against climate change and its harmful effects including the enforcement to the legislation processes to follow the “Paris Agreement” with the objectives agreed therein.

- 8.3.15. For all the reasons set out above, it is evident that the subject matter of the case (T-330/18), namely challenging of the three GHG emission laws, because the climate target stipulated therein is not in line with the European Union’s international commitments under the Paris Agreement to “*remain well below 2°C and to make efforts to contain the rise in temperature to 1.5°C*”, is in a direct and existing interest of WeMove Europe and its civil society supporters.

- 8.3.16. It is settled case law that the interest in the result of the case, within the meaning of the second paragraph of article 40 of the Statute must be determined by the subject of the case itself and must be direct and existing.⁴
- 8.3.17. In the case of applications to intervene by human rights organisations, the requirement of immediate and current interest in the outcome of the case implies that either their field of activity corresponds to the geographical and subject matter at issue in the proceedings before the court or, if their field of activity is broader, that they are actively involved in campaigns or programmes to defend human rights in relation to the geographical and subject matter concerned, the feasibility of which could be impaired by the outcome of the case.⁵ WeMove Europe fulfils this interest in the result of the case, in the light of the precise subject-matter of the dispute.⁶
- 8.3.18. In particular, associations are admitted as interveners whose aim is to protect and promote their supporters in cases which raise fundamental issues which may affect supporters of specific associations.⁷ The case law cited demonstrates that an association such as WeMove Europe may be admitted as an intervener in a case if it represents a considerable number of persons, i.e. here the 698,064 supporters as representatives of civil society of EU.⁸

⁴ T-273/13, ECLI:EU:T:2015:243, judgment of the General Court of 25 March 2015, Mohammed Sarafraz v Council of the European Union, margin no. 7; judgment of 12 April 1978, Amylum and Others v Council of the European Union and Commission, 116/77, 124/77 and 143/77, ECR, EU:C:1978:81, margin no. 7 and 9, as well as the judgment of 25 February 2003, BASF v Commission, T-15/02, ECR, EU:T:2003:38, margin no. 26;

⁵ T-273/13, Sarafraz v the Council of the European Union, judgment of the court of 25 March 2015, ECLI:EU:T:2015:243, margin no. 8.; cf. the corresponding judgment of 7 July 2004, Região autónoma dos Açores v the Council of the European Union, T-37/04 R, ECR, EU:T:2004:215, margin no. 63 to 71

⁶ See footnote above and Joined Cases C-151/97 P(I) and C-157/97 P(I) *National Power and PowerGen v Commission*, EU:C:1997:307, order of 17 June 1997, para. 53; Case T-138/98, *ACAV and Others v Council*, EU:T:1999:121, order of 3 June 1999, para. 14.

⁷ T-429/13 Bayer CropScience AG v European Commission, order of 21 October 2014, ECLI:EU:T:2014:920, para. 22; order of the President of the Court of Justice in Joined Cases C-151/97 P(I) and C-157/97 P(I) *National Power and PowerGen* [1997] ECR I-3491, para. 66, and Case C-151/98 P *Pharos v Commission* [1998] ECR I-5541, para. 6; order of the President of the General Court in Case T-201/04 R *Microsoft v Commission* [2004] ECR II-2977, para. 37

⁸ T-429/13 Bayer CropScience AG v European Commission, order of 21 October 2014, ECLI:EU:T:2014:920, para. 22; orders in Case T-87/92 *Kruidvat v Commission* [1993] ECR II-1375,

8.3.19. The CFR contains a number of fundamental principles to which the European legislator in particular must adhere. As regards the right to environmental protection (article 37 CFR), the right to physical and mental integrity (article 3 (1) CFR), the rights of the child (article 24 (1) CFR), the rights of the elderly (Article 25 CFR), any citizen may invoke these rights. This also applies to the subject-matter of the dispute against GHG Emissions Act, which has been scientifically proven to make it impossible to prevent dangerous climate change and hence to reduce greenhouse gas emissions to a tolerable extent, which is also enshrined in the CFR.

8.3.20. The Court of Justice has made it clear that a broad interpretation of the right of associations to join should make it easier to assess the framework of the cases and, at the same time, to avoid a large number of individual interventions which could impact the effectiveness and proper conduct of the procedure.⁹ From this aspect, WeMove Europe, in its capacity as a society representing the interests of its supporters and who in turn represent the civil society of the European Union, must also be admitted as an intervener.

8.3.21. If the General Court decides against the plaintiffs, this will increase the risk that the Member States of the European Union will not comply with the “Paris Agreement”, in particular the commitments given there by the Member States of the European Union to focus all efforts on “*containing*” the temperature increase to an environmentally compatible level of 1.5°C. According to the almost unanimous scientific climate protection research results on the “GHG Emissions Acts”, this result would increase the direct and existing risk for WeMove Europe and its supporters, who belong exclusively to civil society, that the “GHG Emissions Acts” are upheld in its current version. In the same time this result would be a clear contradiction to the legitimate, legally protected interest of civil society in sustain-

para. 14, and Case T-253/03 Akzo Nobel Chemicals and Akros Chemicals v Commission [2004] ECR II-1603, para. 21; and the judgment of 18 October 2012 in Case T-245/11 ClientEarth and International Chemical Secretariat v ECHA, not published in the ECR, para. 12;

⁹ T-429/13 Bayer CropScience AG v European Commission, order of 21 October 2014, ECLI:EU:T:2014:920, para. 23; orders in National Power and PowerGen, para. 66, and ClientEarth and International Chemical Secretariat v ECHA, para. 13;

able climate protection for present and future generations, and thus also the contravention of European fundamental rights, would be prolonged with judicial approval.

Should the court decide against the subject-matters of the case, in consequence this result would be a clear contradiction to the tasks arising from the statute of WeMove Europe. In the context of the agenda to promote effective environmental protection, which is at the same time directed towards sustainable climate protection reform efforts within the legislative processes of the European Union as well as in the area of all other fields of activity concerning environmental protection, WeMove Europe would be severely affected.

8.3.22. The tasks of WeMove Europe are also aimed at ensuring that WeMove Europe, with its 698,064 supporters, gets involved in efforts to solve environmental protection issues if, as presently in the case, the impacts of climate change caused by greenhouse gas emission level. In accordance with its statutes and the demands derived therefrom in the campaigns for effective environmental protection, it is for WeMove essential that environmental protection issues in particular are recognised by the legislators of the European Union as a human right, within the meaning of the CRF (article 3(1) inclusive reference to ECHR).

8.3.23. WeMove Europe supports, due to its statutes, that the “Paris Agreement”, which is based on undisputed scientific findings to establish stricter emission reduction targets, must be respected. After all, according to prevailing scientific expertise worldwide, the unexpectedly rapidly progression of, and thus extremely dangerous, global warming is directly causally related to the excessively high level of greenhouse gas emissions produced. WeMove Europe’s immediate, direct interest in the outcome of the present case is further underpinned by the fact that the upholding of the “GHG Emission Acts” in its current version would lead to an irreconcilable contradiction both in respect of the supporters of WeMove Europe, who are exclusively attributable to civil society, and the entire civil society of the European Union. As a result, one of the primary tasks of WeMove Europe statutes to promote environmental protection by unconditionally supporting the goals

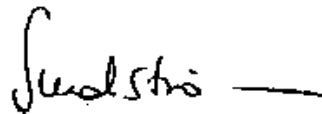
set out in the “Paris Climate Protection Convention” would be dissolved and thus seriously contradicted.

8.3.24. In the contrary scenario, if the court upheld the case, the legislative processes in the European Union, which in no way reflect the “endeavour” promised in the “Paris Agreement” to reduce the temperature rise to an environmentally compatible level of 1.5°C, would be rejected by the court. A judicial break based on individual rights within the CFR corresponds to the objectives set out in the statute of WeMove Europe, once again demonstrating the direct and existing interest in the outcome of the pending case of WeMove Europe.

8.3.28. WeMove Europe, including the 698,064 supporters, also applies in particular to the successes already achieved by WeMove Europe and its supporters, in which a considerable increase in awareness of the problem has already been achieved in civil society on the basis of well-founded scientific findings in respect of information on sustainable approaches to solving greenhouse gas emission reduction.

9. CONCLUSIO

For the foregoing reasons, WeMove Europe respectfully requests that the Court grant its application for leave to intervene in support of the form of order sought by the Applicants in the case.



MMag. Vera Sundström

Sundström | Partner Rechtsanwaltsgesellschaft mbH

Vienna, Austria

28th September 2018

List of annexes:

ANNEX A.1 pages 1-11 (see page 4 pt. 5.1; page 5 pt 6. a); page 6 pt. 8.3.4 and pt. 8.3.5; page 12 pt. 8.3.14. of the application to intervene):
An English translation of the current statutes of 16th June 2015 of WeMove Europe SCE Ltd.

ANNEX A.2 pages 12-13 (see page 2 pt. 2.; page 5 pt. 6 b); page 5 pt. 6 c) of the application to intervene):

A copy of the recent original excerpt from the Register of Cooperatives of 27th July 2018, with the County Court (Amtsgericht) in Charlottenburg, of WeMove Europe SCE Ltd.(with number GnR 777B) in German, inclusive an English translation of the excerpt from the Register of Cooperatives and the recent proof for WeMove SCE Ltd's legal representative Executive Director, Christoph Bautz, Alte Reihe 16, 27313 Dörverden, Germany, according to the Register of Cooperatives of 27th July 2018

ANNEX A.3 page 14 (see page 7 pt. 8.3.6. of the application to intervene):

Number and composition of supporters in the EU of WeMove Europe SCE Ltd.

ANNEX A.4 pages 15-16 (see page 7 pt. 8.3.9. of the application to intervene):

Results of the 2016 supporter survey: Survey of Europe's priority problems

ANNEX A.5 page 17 (see page 7 pt. 8.3.9. of the application to intervene):

Results of the 2018 supporter survey: Survey of Europe's priority problems

ANNEX A.6 pages 18-24 (see page 8 pt. 8.3.11. a) of the application to intervene):

CAN Europe Briefing paper: A fresh start for the ETS: Setting the Phase 4 starting point at actual emissions

ANNEX A.7 page 25 (see page 8 pt. 8.3.11 a) of the application to intervene):

Screenshot of the campaign to reform the Emissions Trading System

ANNEX A.8 page 26 (see page 8 pt. 8.3.11. a) of the application to intervene):

Examples of comments on the campaign to reform the Emissions Trading System

ANNEX A.9 page 27 (see page 9 pt. 8.3.11 b) of the application to intervene):

Screenshot of the Beyond Coal campaign

ANNEX A.10 page 28 (see page 10 pt. 8.3.11. b) of the application to intervene):

Examples of comments on the Beyond Coal campaign

ANNEX A.11 page 29 (see page 10 pt. 8.3.11. c) of the application to intervene):

Screenshot of the Coal Pollution campaign

ANNEX A.12 page 30 (see page 10 pt. 8.3.11. c) of the application to intervene):

Examples of comments on the Coal Pollution campaign

Annex A.13 pages 31-38 (see page 2 pt. 3 of the application to intervene):

A copy of the original version of Power of Attorney of 11th September 2018, for SUNDSTRÖM I PARTNER Rechtsanwaltsgesellschaft mbH to represent WeMove Europe SCE mbH in the present case T-330/18 Carvalho et al., regarding the application for leave to intervene in the form of written and oral statements, in German, inclusive an English translation of the Power of attorney, for SUNDSTRÖM I PARTNER Rechtsanwaltsgesellschaft mbH and to her Executive Director, MMag. Vera Sundström.

Annex A.14 page 39 (see page 2 pt. 3 of the application to intervene):

A copy of the original Attorney's License of the Vienna Bar Association dated 28th April 2011 for attorney-at-law, to the Executive Director of SUNDSTRÖM I PARTNER Rechtsanwaltsgesellschaft mbH MMag. Vera Sundström