



Landtag Nordrhein-Westfalen  
Petitionsausschuss  
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**Review and revision of lignite planning in NRW: Initiation of a review and revision procedure pursuant to Article 30 of the NRW State Planning Act to correct the 2021 Lead Decision: "New perspectives for the Rhenish lignite mining region".**

Dear Ladies and Gentlemen of the Petitions Committee,

We hereby call upon you to initiate a review and revision of lignite planning in NRW or to instruct the competent authority to do so. In particular, from our point of view, the key decision 2021: "New perspectives for the Rhenish lignite mining area" must be revised.

Essential basic assumptions, both legal and factual, for lignite planning in NRW have changed, so Article 30 of the NRW State Planning Act must be applied. The 2021 guiding decision must be revised and corrected downwards with regard to the permissible lignite extraction quantities.

An immediate clearing and demolition moratorium must be enacted in the run-up to the Garzweiler opencast mine, especially around the village of Lützerath.

## Justification

### Change the legal parameters:

With the so-called "for Future ruling" 1 BvR 2656/18 of the Federal Constitutional Court (1), the concept of freedom has been redefined. The Federal Constitutional Court has unequivocally decided that ART 20a GG is a justiciable norm. The constitutionally enshrined protection of the livelihoods of future generations must therefore be the standard for legislation and measures of the executive.

In particular, Guiding Principle 2 b defines the special duty of care of the state and the legislature for future generations: "If there is scientific uncertainty about environmentally relevant causal relationships, the special duty of care imposed on the legislature by Art. 20a GG, also for the benefit of future generations, includes taking into account already robust indications of the possibility of serious or irreversible impairments."

### Changing the facts according to the latest scientific findings:

The 6th Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) (2), published in August 2021, removes many uncertainties and provides policymakers with a very clear summary for policymakers ("Summary for Policymakers - SPM").

With the publication of the 6th IPCC Assessment Report, the maximum amounts of greenhouse gas emissions that in all likelihood will not lead to uncontrollable climate heating have been revised significantly downwards.

The flood disaster in July 2021 has shown us all the effects that are already being felt today.

Against this backdrop, it can be assumed that the current version of the guiding decision (3) does not meet constitutional standards and must therefore be amended, as will be explained further below.

Since the Federal Republic of Germany has ratified the Paris Climate Protection Agreement and compliance with the 1.5°C limit is a political and social consensus, the Landtag of NRW must take action in accordance with Article 30 of the NRW State Planning Act on the basis of these latest findings.

In order to avoid further loss of human life and livelihoods with damages in the billions in NRW and to comply with the guiding principles of the "for Future" judgement, the legislature must use the highest possible probability of occurrence of 83% and the lowest possible temperature limit of 1.5°C from the 6th IPCC Assessment Report. This is particularly in line with Guiding Principle 2d of the "for Future" judgment. It calls for limiting the increase in the global average temperature to 1.5°C.

Furthermore, according to guiding principle 4, the state of NRW must "initiate the transition to climate neutrality in good time. In concrete terms, this requires that transparent targets for further greenhouse gas reductions are formulated at an early stage, which provide orientation for the necessary development and implementation processes and give them a sufficient degree of development pressure and planning certainty".

Thus, among other things, there must be a significant reduction in the permissible lignite production volumes.

In Annex 1 to the 2021 Guidelines Decision, Table 5 deals with the forecast lignite production requirements in the Rhenish mining area up to 2038. With the publication of the 6th IPCC Assessment Report, the production volumes must be classified as significantly too high to ensure compliance with the Paris climate protection agreement.

If the remaining budgets for the Hambach and Garzweiler opencast mines are calculated on the basis of Table SPM.2 of the 6th IPCC Assessment Report, a CO<sub>2</sub> residual budget of 0.1 gigatonnes remains for a 1.5°C limit with a target probability of 83%.

This corresponds to a maximum extraction of 100 million tonnes of lignite for the two opencast mines Hambach and Garzweiler as of 01.01.2020.

The calculation is analogous to the statement on the draft of the guiding decision "A sustainable perspective for the Rhenish mining area" by Parents for Future GERMANY et. al. (4) and is derived as follows:

Based on the above-mentioned table SPM.2, the remaining global CO<sub>2</sub> budget (without additional repercussions in the Earth system) is 300 gigatonnes of CO<sub>2</sub> equivalents as of 01.01.2020.

With a distribution according to the population key, the German residual budget is 3 gigatonnes of CO<sub>2</sub> equivalents with a 1.1% share of the world population.

Lignite-fired power generation from the Hambach and Garzweiler opencast mines accounts for about 4% of Germany's greenhouse gas emissions. Using the usual rule of thumb that 1 tonne of lignite emits 1 tonne of CO<sub>2</sub> when it is converted into electricity, this results in a maximum production volume of 100 million tonnes of lignite from the two opencast mines from January 2020.

We further reserve the right to assert our concerns under Article 67 or 68 of the Constitution of the State of North Rhine-Westphalia.

Yours sincerely

Näide Échantillon

#### Literatur

1. Bundesverfassungsgericht (2021): Beschluss des Ersten Senats vom 24. März 2021 - 1 BvR 2656/18 -, Rn. 1-270, [https://www.bundesverfassungsgericht.de/e/rs20210324\\_1bvr265618.html](https://www.bundesverfassungsgericht.de/e/rs20210324_1bvr265618.html)
2. IPCC, 2021: Summary for Policymakers. In: Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change [Masson-Delmotte, V., P. Zhai, A. Pirani, S. L. Connors, C. Péan, S. Berger, N. Caud, Y. Chen, L. Goldfarb, M. I. Gomis, M. Huang, K. Leitzell, E. Lonnoy, J.B.R. Matthews, T. K. Maycock, T. Waterfield, O. Yelekçi, R. Yu and B. Zhou (eds.)]. Cambridge University Press. In Press. <https://www.ipcc.ch/assessment-report/ar6/>
3. Ministerium für Wirtschaft, Innovation, Digitalisierung und Energie (2021): Leitentscheidung 2021: Neue Perspektiven für das Rheinische Braunkohlerevier, Auswertung von aktuellen Studien über den prognostizierten Beitrag der Braunkohle für die Energieversorgung in Deutschland und Nordrhein-Westfalen, <https://www.wirtschaft.nrw/pressemitteilung/landeskabinett-beschliesst-neue-leitentscheidung>
4. Parents for Future GERMANY, Christians for Future, Teachers for Future GERMANY und Grandparents for Future Deutschland 2020: Stellungnahme zum Entwurf der Leitentscheidung "Eine nachhaltige Perspektive für das Rheinische Revier", <https://koelle4future.de/wp-content/uploads/2020/11/2011-stellungnahme-leitentscheidung-final.pdf>