SUMMARY SUMMONS MILIEUDEFENSIE V SHELL (APRIL 2026)

Disclaimer: No rights can be derived from this publication. For a complete and exhaustive overview, please refer to the original legal summons.

TABLE OF CONTENTS

1. INTRODUCTION

A. WHY A NEW COURT CASE AGAINST SHELL?

Shell is one of the world's biggest climate polluters. Only four countries have higher fossil-fuel CO_6 emissions than Shell: the US, China, India and Russia. Yet in 2025, Shell announced that the company actually wishes to produce and sell *more* gas until after 2030, and does not intend to reduce its production and sale of oil. This is contrary to the November 2024 ruling of the Court of Appeal of The Hague, which found that Shell has its own duty to reduce its emissions and combat dangerous climate change. Shell is showing that it is ignoring this duty. In view of these facts and the urgency of the climate crisis, Milieudefensie has no other choice but to bring a new court case against Shell. This is necessary to protect us from Shell's climate-disrupting activities.

B. OUR MAIN DEMANDS

Milieudefensie is demanding that Shell must stop bringing new oil and gas fields into production. The science is perfectly clear: there is no more room for developing new oil and gas fields. Even if only all the oil and gas from existing fields were used, earth would still warm by well over 1.5°C. The Court of Appeal was also clear in its ruling in the appeal proceedings: investments in new oil and gas fields might be at odds with the Paris Climate Agreement. Nevertheless, Shell has a stake in 700 new oil and gas fields[1] worldwide: places where Shell could start drilling for oil and gas.[2] In addition, Milieudefensie is demanding that Shell must progressively reduce its emissions between 2030 and 2050.

[1] A new oil or gas field is an area with oil or gas reserves in the ground, for which no final investment decision has been made yet by a company. So the field is not in production yet: drilling to extract the oil or gas has not yet begun.

[2] "Developing Disaster: How Shell's fossil expansion plans continue to fuel the climate crisis", Milieudefensie in collaboration with Global Witness, May 2025.

C. THIS COURT CASE BUILDS ON THE FIRST CLIMATE CASE AGAINST SHELL

In the first climate case against Shell, Milieudefensie is demanding that Shell must have reduced its CO_6 emissions by 45% by 2030 compared to the 2019 level, in line with the Paris Climate Agreement. The appeal before the Dutch Supreme Court in this case is still pending.[3]

The second climate case against Shell builds on the first one. In this new case, Milieudefensie is demanding that Shell must progressively reduce its emissions with targets set for 2035, 2040 and 2050. After all, Shell still does not have adequate climate targets: not for 2030 and not for the years beyond. This means that Shell has no concrete plan to bring its emissions to net zero by 2050. Shell's current policy makes it clear that the emissions from its oil and gas production will not be drastically lower in 2030, as is necessary, but may even rise. Stopping investment in new oil and gas fields is a prerequisite for achieving the climate targets.

2. SHELL SUED BEFORE A DUTCH COURT OF LAW

In 2022, Shell's headquarters moved from the Netherlands to the United Kingdom. This makes no difference to our climate case: Shell's emissions do not stop at the country's borders; the damage is (also) occured in the Netherlands. Under Dutch law, Shell can therefore also be held liable in the Netherlands.[4] Shell can run, but cannot hide.

3. CLIMATE CHANGE SCIENCE

A. THE RISK OF A "CARBON LOCK-IN"

If we want to stop further global warming, simply setting a net-zero target for 2050 will not be enough. The pathway to achieving it is just as important. After all, to remain within the carbon budget[5] for 1.5°C, global emissions must already be drastically reduced in the short term. If

---

[3] The hearing of the appeal by the Dutch Supreme Court will take place on 22 May 2026. More information about why Milieudefensie took the case to the Supreme Court can be found in this explainer: https://milieudefensie.nl/actueel/waarom-naar-de-hoge-raad-stappen.

[4] The District Court has jurisdiction under Section 6(e) of the Dutch Code of Civil Procedure. This is in line with the established case law on Article 7(2) of the Brussels I-bis Regulation of the Court of Justice of the European Union. The plaintiff has the choice of bringing the case before the court for the place where the damage was caused (*"handlungsort"*) or the place where the damage occurred (or threatens to occur) (*"erfolgsort"*). On 18 March 2026, a Belgian court also confirmed in a climate case brought by a Belgian farmer against the French oil and gas company TotalEnergies that the jurisdiction of the Belgian court could be based on the *Erfolgsort*.

[5] The remaining carbon budget is the total amount of CO_6 that can still be emitted globally for a 50% chance of limiting global warming to 1.5°C. (See also footnote 31 in this explainer).

greenhouse gas emissions develop as expected based on countries' current climate policies, Earth will have warmed by around 3 degrees by the end of this century. That would be a disaster for people and the environment.

The IPCC recognises the risk of an energy transition that happens too slowly and of allowing fossil-fuel demand and supply – and the associated fossil-fuel infrastructure – to grow even further. We are stuck with the fossil fuel system, which is also known as the "**carbon lock-in**". Furthermore: if a new oil or gas field is brought into production *now*, that field will remain in use for decades, sometimes for up to 50 years. That is why it is important to stop developing new fields now.

B. THE CONSEQUENCES OF CLIMATE CHANGE FOR PEOPLE

Global warming is leading to changes in the climate and the environment everywhere in the world, including in Europe and the Netherlands. According to science, this poses a major threat to people, their lives, health, family life and property. The warmer Earth will become, the higher these risks to, for example, our health, food security and water supply. Every fraction of a degree of further warming counts. Moreover, continued global warming will make these risks increasingly difficult to manage.

4. INTERNATIONAL AGREEMENTS ON COMBATING CLIMATE CHANGE

Climate change first appeared on the United Nations (UN) agenda in 1972. Following the Paris Agreement (2015), countries agreed with each other in the Glasgow Climate Pact (2021) to limit global warming to 1.5°C. In 2025, the 1.5°C temperature limit was confirmed by the International Court of Justice.[6] In addition, countries have recognised that global CO_6 emissions must have been reduced by 45% by 2030 compared to 2010, and that net zero CO_6 emissions are required by 2050, in order to have a 50% chance of staying below 1.5°C.[7]

[6] ICJ Advisory Opinion, "Obligations of States in respect of climate change", 23 July 2025: https://www.icj-cij.org/sites/default/files/case-related/187/187-20250723-pre-01-00-en.pdf.

[7] IPCC SR 1.5 and e.g. the Glasgow Climate Pact (2021).

5. THE RESPONSIBILITY OF LARGE COMPANIES IN THE CLIMATE CRISIS

A. SOFT LAW - WHAT SHOULD LARGE COMPANIES DO?

Scientists emphasise the significant gap between the emission reductions needed to limit global warming to 1.5°C and the emissions actually reduced by countries. Countries cannot bridge this "emissions gap" on their own. **Within the UN climate regime, it is widely recognised that large companies[8] need to make a contribution** to reduce global emissions and not exceed the 1.5°C limit. In addition, various UN climate protocols have established principles for determining what constitutes a fair contribution from large companies.[9] These principles indicate that large companies:

- must reduce their Scope 1, 2 and 3 emissions to net zero as soon as possible, but no later than 2050;
- must set concrete interim emission reduction targets;
- must make a fair contribution ("fair share"). This means that companies that have contributed significantly to causing dangerous climate change and have considerable (financial) capabilities must make an above-average contribution;
- are not acting in line with a credible net-zero policy if they continue to invest in new oil and gas production.

The fact that the contribution of large companies is indispensable to staying below 1.5°C not only follows from the climate protocols, but also from the UN Guiding Principles on Business and Human Rights (UNGPs)[10] and the OECD Guidelines[11]. The UNGPs set out that companies have their own responsibility to protect human rights. It follows from both the OECD Guidelines and the UNGPs that this means companies have their own responsibility to reduce their Scope 1, 2 and 3 emissions in line with climate science.

---

[8] The decision under the Paris Agreement and subsequent COP decisions refer to the role of non-state actors, which also includes large companies.

[9] See e.g. UNFCCC 2019, "Climate Ambition Alliance: Nations Renew their Push to Upscale Action by 2020 and Achieve Net Zero CO_6 Emissions by 2050" (website printout, 27 February 2025) and UN Race to Zero: UNFCCC, "Starting Line and Leadership Practices 3.0 – Minimum criteria required for participation in the Race to Zero campaign" and – the Leadership Practices, UNFCCC, "Interpretation Guide Race to Zero Expert Peer Review Group Version 2.0", UNEP 2021. "Emissions Gap Report 2021", p. 28. And UN High-Level Expert Group on the Net-Zero Emissions Commitments of Non-State Entities 2022, "Integrity Matters: Net Zero Commitments by Businesses, Financial Institutions, Cities and Regions" (p. 15).

[10] The UNGP is an international code of conduct for businesses that Shell has also embraced. The UNGP were established because there is no international oversight of large companies and it is difficult for states to regulate international businesses.

[11] The OECD Guidelines set standards for responsible business conduct across a wide range of areas, such as human rights, labour rights and the environment.

The non-binding UN climate protocols, the UNGPs and the OECD Guidelines are authoritative soft-law instruments. These are important sources for determining the legal responsibility (or part of the responsibility) on the part of Shell to prevent dangerous climate change. You can read more about this in Chapter 6 of this summary.

B. HOW SHELL IS OBSTRUCTING CLIMATE ACTION

Over the past decades, Shell has obstructed an effective approach to climate action. This is relevant to the climate case Milieudefensie is now bringing. After all, what Shell knew, how the company acted and what damage it could foresee all play a legal role in determining Shell's societal duty of care.

More than 35 years ago, Shell established, based on its own research[12], the major dangers that climate change could pose to humanity. **In the decades that followed, Shell then worked both directly and via interest groups to obstruct, delay and weaken climate action**. By doing so, Shell misled the public about the dangers of climate change and about the possibilities for combating it.

Even today, Shell is still part of many organisations that have a (very) negative influence on climate policies. Research organisation InfluenceMap has shown that Shell is part of a network of interest groups that have contributed to the global weakening of climate action and continue to advocate for the expansion of oil and gas extraction. Almost all of the organisations to which Shell donates the most money were given a very poor score by InfluenceMap.[13]

Shell is also lobbying, among others, policymakers around the world for the acknowledgement of the continuing role of fossil gas and for an increase in LNG production.[14] When doing so, Shell refers, among other things, to its own LNG Outlook and studies carried out by fossil-fuel interest groups, in which the importance of gas is stressed and a massive increase in (particularly) LNG use is predicted. This growth in LNG is far higher than the 1.5°C-compliant emission scenarios of the International Energy Agency.[15]

---

[12] Shell 1988, The Greenhouse Effect, p. 1, summary: https://www.climatefiles.com/shell/1988-shell-report-greenhouse/.

[13] InfluenceMap, LobbyMap: https://lobbymap.org/LobbyMapScores.

[14] Shell Climate and Energy Transition Lobbying Report 2024, pp. 28–30.

[15] Shell Climate and Energy Transition Lobbying Report 2024, pp. 28–30: https://www.shell.com/sustainability/advocacy-and-political-activity/_jcr_content/root/main/section/simple/promo_copy_copy_copy/links/item0.stream/1746798498441/097ec9469a351908a2d97321d3ed486f6b883c81/shell-climate-and-energy-transition-lobbying-report-2024.pdf.

6. LEGAL FRAMEWORK

A. SECTION 6:162(2) OF THE DUTCH CIVIL CODE - THE UNWRITTEN DUTY OF CARE

Section 6:162 of the Dutch Civil Code ("DCC"), the Section dealing with unlawful acts ("*onrechtmatige daad*"), forms the legal basis for Milieudefensie's lawsuit against Shell. Under this Section, Shell must not create or perpetuate any hazard, and Shell has an **unwritten duty of care** to contribute to the reduction of this hazard. Exactly what this duty of care on the part of Shell means when it comes to preventing dangerous climate change can be determined on the basis of all the circumstances of the case. This is therefore a broad standard of review. Objective points of reference that courts may use in this context can be found in, for instance:

- climate science
- the doctrine of hazardous negligence
- human rights
- soft law
- legal principles
- customary international law.

Climate science was already discussed in chapter 3 of this explainer. This chapter will examine the other objective points of reference and their sources.

B. OBJECTIVE POINTS OF REFERENCE FOR INTERPRETING THE UNWRITTEN DUTY OF CARE

Doctrine of hazardous negligence

In Dutch case law and legal literature, frameworks have been developed to determine when behaviour that causes a hazard for others is in breach of the law: the "doctrine of hazardous negligence". The criteria from the Dutch *Kelderluik* judgment play an important role in this doctrine:

I. The severity and magnitude of the damage
II. The foreseeability of the damage
III. The likelihood that the damage will actually occur
IV. The conduct of the person causing the damage
V. The onerousness of taking precautionary measures[16]

[16] In Milieudefensie's first climate case against Shell, the Dutch District Court and Court of Appeal (indirectly)

Human rights

Since the Urgenda case, it has been widely recognised in global case law that hazardous climate change poses a threat to human rights. The assessment framework used in the application of the European Convention on Human Rights (ECHR) to determine whether measures must be taken in a concrete situation to protect human rights is comparable to the assessment framework from the Dutch doctrine of hazardous negligence. In this case, Milieudefensie is, for instance, invoking the right to life (Article 2 ECHR) and the right to respect for private and family life (Article 8 ECHR).

Soft law

The soft-law sources discussed in Chapter 5 of this summary demonstrate that companies have a responsibility of their own to protect human rights and pursue a sound climate policy. It follows from this that companies must reduce their Scope 1, 2 and 3 emissions in line with the best available science and must stop developing new oil and gas fields.

General principles of international law

Precautionary principle

It follows from the precautionary principle that Shell must not postpone taking precautionary measures until there is complete scientific certainty about the precise emissions pathway to be followed to reach net zero.[17] Every fraction of further warming will increase the risk that tipping points in the climate system are irreversibly passed. The *Urgenda* ruling shows that more far-reaching precautionary measures must be taken rather than less far-reaching ones. Better safe than sorry!

CBDR principle

The principle of Common But Differentiated Responsibilities (CBDR) is based on a fair distribution of burdens according to everyone's capabilities. The heaviest burdens must not fall on the countries of the Global South, which have little or no capacity to bear them, have hardly contributed to the emergence of dangerous climate change anyway and are already bearing the brunt of its impacts now.[18]

---

considered points I to IV above when they determined Shell's legal duty. However, unlike the District Court, the Court of Appeal failed to consider criterion V (the onerousness for Shell of taking precautionary measures) when it determined Shell's legal duty. Furthermore, the Court of Appeal did not consider the above-mentioned criteria at all in the step regarding the setting of a specific reduction percentage for Shell. So instead of considering all the relevant circumstances of the case, the Court of Appeal only looked for scientific consensus on a specific reduction percentage for Shell (which could, of course, not be found). Naturally, this issue will be brought up for discussion in the appeal proceedings now pending before the Dutch Supreme Court.

[17] An emissions scenario is a projected future trend in greenhouse gas emissions, based on assumptions regarding, for example, economic growth, energy consumption, technology and policy.

[18] In the first case against Shell, the Court of Appeal explicitly held: *"More can be expected of Shell* […] *than of most other companies, as Shell has been a major player in the fossil fuel market for over 100 years and as it continues to occupy a prominent position in that market today."* See ground 7.55: https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:GHDHA:2024:2099.

Intergenerational justice
Younger and future generations will inevitably be hit harder by the consequences of climate change in future than the current generations. The internationally recognised principle of intergenerational justice means that this generation has a responsibility to limit the burdens for younger generations and not to pass the bill on to them.

Customary international law – ICJ ruling
In 2025, the International Court of Justice (ICJ) ruled that, in addition to treaties, an unwritten *"duty to prevent significant harm to the climate system"* also exists under customary international law. This ruling contains many objective points of reference that the court can use to concretely determine Shell's duty of care. For instance, the ICJ confirms, among other things, the CBDR and the precautionary principle.

7. SHELL'S LEGAL RESPONSIBILITY (CH. 10)

Whether we look at the ECHR's assessment frameworks or customary international law, the assessment framework is comparable to the doctrine of hazardous negligence. All frameworks lead to the same objective points of reference that can be found in general legal principles, science, case law, international treaties, legislation and soft law.

When these criteria of the doctrine of hazardous negligence – which are comparable to the applicable international assessment frameworks – are applied to Shell, it becomes clear that Shell must make an appropriate contribution to limiting global warming to 1.5°C. The criteria will be applied to Shell below.

I and III. Severity and magnitude & likelihood of damage occurring

- Unless Shell also takes action, the consequences and magnitude of dangerous climate change will be severe and irreversible.
- There is a very high likelihood of serious climate damage occurring if Shell does not also take action.

II. Foreseeability

- Shell has been aware, certainly since the 1980s, of the key role the company is playing in causing and preventing that damage. Shell knew that the company was required and able to take precautionary measures.
- Contrary to what the company knew was necessary, Shell has actually scaled back its investments in renewable energy and scaled up those in fossil fuels since 2007.

- Contrary to what the company knew was necessary, Shell has had an inhabiting influence on climate action, both directly and through interest groups.

III. The conduct of the party causing the damage
Shell has full and direct control over the fossil fuels it is producing and trading now and will produce and trade in the future, and so also over Scope 3 emissions. Shell itself can choose whether it will phase out fossil fuels and commit to green energy, or vice versa. By continuing to invest in fossil-fuel sources, Shell is creating a carbon lock-in. And through its lobbying and shaping of public opinion to counter climate measures, Shell is influencing not only the supply side, but also the demand side of the market. Shell's conduct is slowing down and obstructing the energy transition.

IV. The onerousness of taking precautionary measures
It is difficult to see why the whole world should have to endure catastrophic climate change simply because it would be too onerous for Shell (and other major polluters) to change. **It is unjustifiable that the world is being plunged into an ecological and humanitarian crisis, whilst Shell's shareholders continue to rake in tens of billions of dollars in profits every year.**

A. SHELL CAN CHANGE

Shell itself has acknowledged that the company can change.[19] There is sufficient demand for sustainable energy globally. There are plenty of opportunities and possibilities if Shell is willing to invest in them. However, Shell is leaving it to others to build a sustainable energy market and is even combating this market by keeping the world as dependent on oil and gas as possible.

B. SHELL CAN DOWNSIZE

Shell does not necessarily have to transform into a sustainable company. After all, Shell can also downsize. There are many smaller oil and gas companies in the world that are also profitable.
Even if Shell were halved in size, the company would still rank among the world's 10 largest oil and gas companies.

Finally, if Shell pursues a sound climate policy, this will not only be in the interest of protecting human rights, but it is also an economical necessity to guarantee energy security and financial stability.

[19] Including the Shell Industry Association's Climate Review (April 2019).

8. MILIEUDEFENSIE'S DEMANDS - WHAT MEASURES MUST SHELL TAKE?

It has long been clear to Shell what the company can and must do to make its contribution to preventing dangerous climate change. Shell's appropriate contribution must, as a minimum, consist of the following:

i. an absolute reduction in Shell's total Scope 1, 2 and 3 CO_6 emissions;
ii. ceasing the production of oil and gas from new fields and ceasing the trade and sale of oil, gas and energy products obtained from oil and gas in respect of which Shell knows, or can reasonably be expected to know, that they originate from new fields.

Shell's reduction obligation must be viewed in the context of the global reduction obligation, which is why Milieudefensie will address this first.

A. THE GLOBAL REDUCTION OBLIGATION

According to the IPCC, global CO_6 emissions must have been reduced by 48% by 2030, 65% by 2035, 80% by 2040 and 99% by 2050 relative to the 2019 level.[20] Even with such a steep reduction in emissions, there is no guarantee that global warming can actually be limited to 1.5°C or even below 2°C: it offers a 50% chance of staying below 1.5°C.

Moreover, these IPCC figures are based on "low-overshoot scenarios" which "build in" the possibility that the 1.5°C limit will be exceeded, and are based on the assumption that it will be possible to "turn the thermostat down" at a later stage. It is highly uncertain whether the technologies (CDR[21]) intended to be used for this purpose will become available in time and on a large scale. Finally, scientists have made it clear that the carbon budget for 1.5°C is smaller than the IPCC has assumed.[22] All this means that almost every tonne of CO_6 that is still emitted will have to be removed from the atmosphere again in the future.[23]

As a result, major risks are associated with these overshoot scenarios. Every fraction of warming will increase the risk of irreversible tipping points being passed. (see Chapter 3). The IPCC's global emission targets are therefore the absolute minimum of what needs to be done to prevent dangerous climate change.

---

[20] IPCC 2022, AR6 WGIII, SPM C1.1 and note 41, p. 17.

[21] Carbon Dioxide Removal.

[22] UNEP 2025, Emissions Gap Report 2025, Box 4.2 and Box 39.

[23] UNEP 2025, Emissions Gap Report 2025, pp. 41–42.

B.I. SHELL'S REDUCTION OBLIGATION

To determine Shell's specific reduction obligation, it must be established what constitutes a fair share of the global average reduction targets,[24] with absolute interim targets being set for the Scope 1, 2 and 3 emissions.[25]

When determining the concrete reduction percentage, the CBDR principle (see paragraph 6a) is of paramount importance. Shell is an influential Western company with substantial emissions, a large historical responsibility and considerable transition capabilities. As a result, Shell bears an above-average responsibility and can be asked to reduce its CO_6 emissions at a faster rate than the global average.[26]

Principal demand – IEA-NZE advanced-economy scenario

However, many reduction scenarios are based on cost-effectiveness and do not take the CBDR principle into account. This is one of the reasons why Milieudefensie has principally opted to base its demands in relation to Shell on the IEA-NZE 2023 advanced-economies scenario[27] , as this scenario *does* take the CBDR principle into account. Yet, this scenario also starts out from an overshoot of the 1.5°C limit, with all the associated risks. Milieudefensie therefore considers it as the absolute minimum for Shell's reduction obligation. If developed economies and companies follow the global average reduction pathway or even do less than that, it is ruled out from the outset that the world will remain below the warming limit. For the interim target years 2035, 2040 and 2050, the IEA's advanced-economies scenario results in the following CO_6 emission reductions relative to the IEA's baseline year of 2022:

Emission reductions[28]	**2035**	**2040**	**2050**
Principally: Relative to 2022	oil: -70% gas: -78%	oil: -86% gas: -89%	oil: -98% gas: -98%

[24] See footnote 9 regarding the UN Race to Zero and the UN Expert Report. Furthermore, the Court of Appeal ruled in the first Shell case that Shell has an obligation to make an appropriate contribution to the objectives of the Paris Agreement and reduce the company's CO_6 emissions for Scopes 1, 2 and 3.

[25] See footnote 9 regarding the UN Race to Zero and the UN Expert Report as well as the UNGPs and OECD Guidelines.

[26] See footnote 9 regarding the UN Race to Zero and the UN Expert Report.

[27] In the alternative, Milieudefensie is demanding that Shell must reduce its emissions in line with the IPCC's global reduction pathways. Relative to the baseline year of 2019 mentioned by the IPCC, this results in the following reduction percentages: -65% by 2030, -80% by 2040, -99% by 2050. Further in the alternative, Milieudefensie is demanding that Shell must reduce its emissions in line with the global CO_6 reduction pathways for oil and gas from the IEA NZE scenario. Relative to the base year of 2022, this results in the following reduction percentages: -51% for oil and -56% for gas by 2035, -71% for oil and -76% for gas by 2040, and -92% for oil and -95% for gas by 2050.

[28] This table and the absolute reduction percentages it shows have been compiled on the basis of the Extended Dataset accompanying the International Energy Agency's World Energy Outlook 2023.

Shell has indicated that it is aiming to achieve net zero emissions by 2050, but has no concrete plan to achieve this goal. **Shell currently has no absolute reduction targets whatsoever for Scope 1, 2 and 3 for the period from 2030 to 2050.** This constitutes an imminent breach of Shell's duty of care.

Additional demands

- Milieudefensie's emission reduction demands apply to both the production division and the trading division of Shell separately.
- Shell must achieve the reduction targets in 2035, 2040 and 2050 by phasing out emissions in a linear manner or faster in the intervening years.
- Shell may not reduce its emissions by selling off business units.
- Shell may not "offset" its emissions with carbon credits.[29]

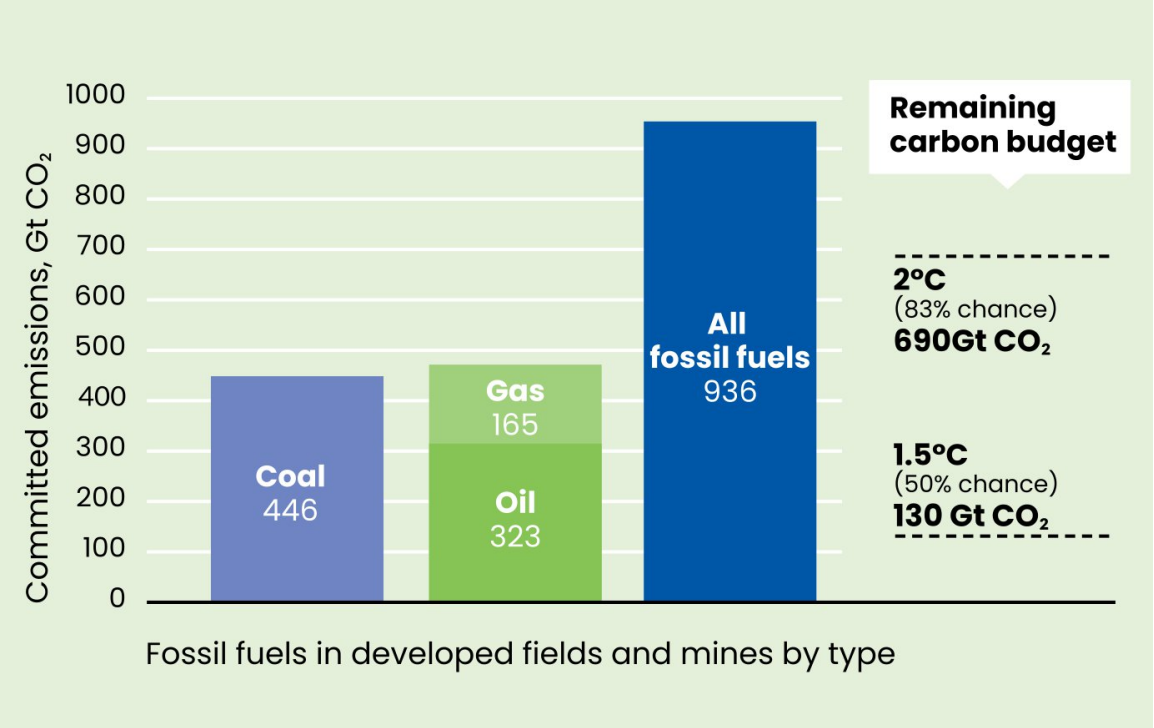
B.II. NO NEW OIL AND GAS FIELDS

In addition to Shell's reduction obligation, ceasing the development and bringing into production of new oil and gas fields is an indispensable pillar of a sound climate policy for Shell on the basis of, among other things, the doctrine of hazardous negligence, human rights, legal principles and soft law,.

Scientific research shows that the carbon budget required to maintain a 50% chance of limiting global warming to 1.5°C is already being exceeded with the operation of existing

[29] Carbon credits are certificates claiming that the emissions caused by a company are "offset" by someone else, for example by planting trees. There is international consensus that companies should not use carbon credits to meet their own reduction targets. Furthermore, it has been proven that carbon credits do not do work: research shows that in most cases, carbon credits do not deliver on what they promise at all.

fossil-fuel fields alone.[30] There is no room for new oil and gas fields,[31] as leading scientists from American universities have also warned.[32]



Locked-in CO2 emissions by developed oil and gas fields and coal mines, compared with the remaining carbon budgets as of 2025. This graph is designed by Milieudefensie and based on different sources. see footnote 31

Breaking the carbon lock-in is a necessary condition for staying below 1.5°C

Other scientific reports show that ceasing the development of new fields is necessary to

---

[30] Global Witness, 23 April 2019, "Overexposed, How the IPCC's 1.5°C Report Demonstrates the Risks of Overinvestment in Oil and Gas", pp. 2 and 10. This is also evident from the IPCC SR1.5 report, chapter 2, available at https://www.ipcc.ch/site/assets/uploads/sites/2/2022/06/SR15_Full_Report_LR.pdf. See also Trout (2022), "Existing fossil fuel extraction would warm the world beyond 1.5 °C", Kelly Trout et al, 2022, Environ. Res. Lett. 17 064010 and confirmed in the UNEP Emissions Gap Report of 2023 entitled "Broken Record – Temperatures hit new highs, yet world fails to cut emissions (again)".

[31] UNEP Emissions Gap Report 2023, "Broken Record – Temperatures hit new highs, yet world fails to cut emissions (again)", pp. 34–35. It should be noted that the figure from the UNEP Emissions Gap Report 2023 is based on a carbon budget of 250 $GtCO_6$ as per the beginning of 2023; As per the beginning of 2025, the carbon budget has dropped to 130 GtCO for a 50% chance of limiting global warming to 1.5°C, see UNEP Emissions Gap Report 2025 p. 39 box 4.2 https://www.unep.org/resources/emissions-gap-report-2025. This remaining carbon budget is significantly smaller than the 'committed emissions' from existing fossil infrastructure, based onKelly Trout et al. (2022), Existing fossil fuel extraction would warm the world beyond 1.5 °C, Environmental Research Letters, *https://doi.org/10.1088/1748-9326/ac6228*. The data from Trout et al.is from before 2022; in the meantime, the fossil fuel industry has continued to start up new fields and mines. The remaining carbon budget for a 83% chance of limiting global warming to 2 °C, is $GtCO_6$ as of the beginning of 2025, based on Piers M. Forster et al. (2025), Indicators of Global Climate Change 2024: annual update of key indicators of the state of the climate system and human influence, Earth System Science Data, *https://doi.org/10.5194/essd-17-2641-2025,* Table 8.

[32] Wolf et al (2025), "Scientists' warning on fossil fuels".

prevent further carbon lock-in and make way for the rapid scaling up of renewable energy (see also Chapter 8.2).[33]

After all, once investments in a new oil or gas field have been made, the company concerned will continue to produce for as long as possible, even when prices are low. Closing a field is always less favourable due to the high investment costs. In other words: the production is "locked in". This is a major barrier to the necessary change.

This means that supply does not follow demand, as Shell is claiming. On the contrary: forcing fossil fuels onto the market sustains supply and thereby the demand for fossil energy. Breaking the carbon lock-in and stopping investment in new fields is a prerequisite for limiting global warming to 1.5°C and creating space for the accelerated development of an energy system based on renewable sources, such as solar and wind power, and energy efficiency.

The good news is that the world in fact does not need any new oil and gas fields. The production from existing fields is sufficient to provide the world with enough oil and gas in a 1.5°C scenario.[34] According to authoritative sources such as the IEA and IPCC, we cannot afford to delay the hard choices needed to stay below 1.5°C any further, as this will only make the transition more difficult.

Shell, however, is fully committed to substantial increases in production and major investments in new fields. As much as 50–60% of Shell's planned investments between 2023 and 2030 will go to fields that were not yet producing oil and gas in 2024. Shell has 700 new oil and gas fields (or stakes in them).[35] Between 26 May 2021 and April 2025 alone, Shell approved 32 new fields.

In the context of the debate on the compatibility of new oil and gas fields with the 1.5°C limit, the Dutch Court of Appeal found the following in the first climate Case against Shell:

- "the use of fossil fuels imposed by the supply side of the market [can] seriously delay the energy transition";
- it is likely that the supply of fossil fuels must be limited in order to achieve the climate targets;
- the societal duty of care of oil and gas companies requires them to take their responsibility and therefore "consider, when deciding on investments in fossil-fuel

[33] See, for example, Oil Change International, "The Sky's Limit, Why the Paris Climate Goals Require a Managed Decline of Fossil Fuel Production" (September 2016).
[34] Global Witness 23 April 2019, "Overexposed, how the IPCC's 1.5°C report demonstrates the risks of overinvestment in oil and gas and International Energy Agency 2021", "Net Zero by 2050 – A Roadmap for the Global Energy Sector", p. 39.
[35] "Developing Disaster: How Shell's fossil expansion plans continue to fuel the climate crisis", Milieudefensie in collaboration with Global Witness, May 2025.

production, the negative consequences that a further expansion of fossil-fuels supply will have for the energy transition";

- Shell's proposed investments might be at odds with this.

For these reasons, Milieudefensie is now principally claiming a court order requiring Shell to cease, continue to cease and not restart the production from new oil and gas fields.[36] Milieudefensie is also demanding a court order requiring Shell to cease the trade and sale of oil and gas from new fields. Finally, Milieudefensie is demanding a court order requiring Shell to not transfer its new fields (or stakes in new fields) or the production from such fields to third parties to prevent other parties from extracting oil or gas in breach of the "no new fields" standard.

9. WHY AWARDING THE DEMANDS COMBATS DANGEROUS CLIMATE CHANGE

In Milieudefensie's first climate case against Shell, Shell argued that granting Milieudefensie's claims would be ineffective, as it would not lead to lower CO_6 emissions at a global level. According to Shell, if Shell were to produce or trade less oil and gas, other parties would simply take over. It is conceivable that Shell will use the same argument in this new climate case. This "effectiveness defence" runs counter to established Dutch and foreign case law and also fails to recognise that granting Milieudefensie's demands will also have effects other than emission reductions.

A. EFFECT - ENDING OF THE BREACH OF SHELL'S DUTY OF CARE

The acceptance of the effectiveness defence would mean that no one can be held liable as long as others do not take responsibility either. All major polluters could hide behind each other and the fight against climate change would be doomed to fail.

If Milieudefensie's demands are granted, this would end Shell's own breach of its duty of care. What other companies or governments do is irrelevant. This is evident not only from Dutch case law (including the *Urgenda* case), but also from foreign climate cases, such as the German *Neubauer* case, the Belgian *Klimaatzaak* (climate case), the *Klimaseniorinnen* ruling

[36] This applies to oil and gas fields for which the final investment decision was taken after 1 January 2022. This date is based on an IEA report that sent a significant signal to the fossil fuel sector. According to this report (Net Zero by 2050 – A Roadmap for the Global Energy Sector), there is no room for new oil and gas fields if we are to limit global warming to 1.5°C. Other leading scientific publications confirm this.

of the ECtHR and the Advisory Opinions of the ICJ and the Inter-American Court of Human Rights (IACtHR).

B. BROADER EFFECTS

Awarding Milieudefensie's claims will also strengthen mutual confidence in the fulfilment of individual responsibilities by major polluters. According to the German and Belgian courts, this "flywheel effect" will accelerate the solution of the climate problem and is therefore legally relevant[37] .

Finally, the IPCC recognises the importance of climate litigation and cites various relevant effects, such as: a) a changed perception of the risks associated with fossil-fuel activities on the part of insurers; b) a shift in public opinion; c) a "licence to operate"; d) influence on climate policy; and e) influence on the development of case law.

In short: A judgment against Shell will be an important step in tackling dangerous climate change - a step that is necessary in light of the urgency of the climate crisis. There is no time to wait.

10. SHELL'S DEFENCES

In two letters dated 13 June 2025 and 12 March 2026, Shell responded to Milieudefensie's notice of liability. According to Shell, its current climate policy is sufficient and legal action against individual companies is not effective in promoting climate action and the energy transition. In its summons, Milieudefensie explains why Shell's climate policy falls short and why Milieudefensie's demands are effective and necessary.

Furthermore, Shell also says that tackling climate change is not the sole objective of the energy transition. According to Shell, the security of the supply and the affordability of energy are equally important. Shell is therefore making it seem as if these goals are mutually exclusive and as if the security of the supply and the affordability of energy can only be guaranteed by continuing to invest in oil and gas. Shell is making it seem as if a shift towards renewable sources and a more efficient use of energy play no role whatsoever.

However, Shell is completely missing the mark here. Global agreements such as UN Resolution 70/1 and the Paris Agreement as well as scientific sources and reports from organisations including the IEA, UNEP, ECB, IMF and TNO show that a robust and fast climate

---

[37] *Bundesverfassungsgericht* (German Constitutional Court) 24 March 2021, *Neubauer*, ECLI:DE:BVerfG:2021:rs20210324.1bvr265618 and *Cour d'Appel Bruxelles* (Brussels Court of Appeal), 30 November 2023, 2021/AR/15gs 2022/AR/737 and 2022/AR891, Brussels Court of Appeal, Judgment (unofficial English translation).

response and energy transition will actually benefit the affordability and security of the supply of energy. This means the objectives are not mutually exclusive. It is actually the continued investment in oil and gas that threatens the security of the supply and the affordability of energy. Moreover, climate action takes precedence over both other interests. This is logical because the negative consequences of dangerous climate change threaten the sustainable development of countries.