

(Example)

For the attention of (Example)

Amsterdam, 21 March 2023

Re: Climate action or court proceedings?

Dear

Last year, Milieudefensie asked your company for a climate plan that is demonstrably aligned with the Paris Climate Treaty, leading to at least 45% CO<sub>2</sub> reduction in 2030, in an absolute sense, along the entire business chain (i.e., scopes 1, 2 and 3).

In June, we published the Climate Crisis Index (CCI). Neither your company, nor any of the 28 other companies, appear to be doing enough to halt dangerous climate change. This makes your company legally vulnerable.

### **Social outrage**

Many polluting companies are realising extreme profits. These are invested in paying out bonuses or rewarding their shareholders. Meanwhile, climate ambitions lag far behind. You will have noticed the social outrage at companies that use their profits to continue causing dangerous climate change.

### **No time to lose**

As you know, preventing an existential climate crisis requires immediate action by your company and the others included in the CCI. In 2018, the IPCC calculated that it is necessary to reduce global CO<sub>2</sub> emissions by 45 percent by 2030 (compared to 2010) in order to prevent this scenario.

In the 2021 Glasgow Climate Pact, the imperative for this specific reduction target for 2030 has been confirmed by all countries in the world. In that same year, the urgency of this task was reaffirmed in the most recent report of the IPCC, the UN Climate Panel, which underlines the need for immediate, far-reaching, and sustainable emission reductions. Without such measures, the remaining carbon budget for preventing dangerous climate change will have been depleted within 10 years. Hence, an ambition to reach zero emissions in 2050 is meaningless if it fails to go hand in hand with absolute emission reductions between now and 2030.

The energy transition required to meet the 1.5°C target demands a system change. Without a proportional contribution from key system players, such as your company, it will be impossible to reach this target. What you and other system players do or do not do will in large part determine what our common future will look like.

### **Second Climate Crisis Index**

In the period after publication of the Climate Crisis Index, we have seen too little movement. Of course, it is entirely possible that you do have plans, but that these are not in the public domain or that your plans have not yet or insufficiently been assessed. Hence, it is now time for a second, independent investigation. We hope that this will show that your company is taking significant steps to prevent dangerous climate change so that we can hail it as a green frontrunner. SEO Amsterdam Economics will make an inventory of the climate plans of each of the 28 companies on our list and analyse and assess them. This will be done in the exact same way as in our first survey.

The deadline for submitting your climate plan is Monday 24 April 2023. Please note: this is a hard deadline. After this date, we will not be accepting any plans or amendments. Please send in your plan to [ccrm@seo.nl](mailto:ccrm@seo.nl)

### Will you be doing what is needed?

The outcomes of the new CCI will be expressly included in the legal preliminary investigation that Milieudéfensie is conducting into, inter alia, your company. As we announced in our previous letter, companies that refuse to make the required contribution to preventing dangerous climate change can count on our unrelenting pressure.

World-wide it has become clear over the past decade, at the scientific, political, and legal level, that limiting global warming to 1.5°C is crucial to (i) prevent substantial and irreversible damage to people and planet; and to (ii) be able to continue to protect and respect human rights across the world, including in the Netherlands.

A refusal to make an adequate contribution to attaining the temperature goal of the Paris Agreement is therefore not only a serious infringement on morality and the norms and values underpinning our society; it also leads to liability risks for large emitters, their financiers and board members. Your company belongs to the category of businesses and institutions to which these risks apply.

In the absence of the necessary climate-conscious change of direction, you will have to consider that your company or institution will be held liable in court for responsibility not taken.

It is neither our ambition nor our intention to enter into a legal battle with all major emitters. Our goal is not to litigate, but to prevent dangerous climate change. All system players – and that includes your company – will have to proportionally contribute to this goal. We would prefer if this would come from a moral awareness on the part of you, your board, and your shareholders; or from the realisation that world-wide human rights and global liveability are at risk if you do not move and start to act in conformity with the Paris Agreement.

However, should there be no such moral awareness, and should the new index show that you are taking insufficient action to prevent dangerous climate change, Milieudéfensie is willing and able to launch legal proceedings against your company.

Meanwhile, we hope for a good climate plan from your side, so that we can work together to tackle the climate problem.

Looking forward to your prompt response,

Yours sincerely, Peer de Rijk

On behalf of Milieudéfensie's Director Donald Pols and Winnie Oussoren, Chair of Milieudéfensie Jong

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