

Municipality of The Hague City Council
Attn: Alderman Robert Barker
P.O. Box 126002500 DJ
The Hague
The Netherlands

Dear Sirs

Fossil Fuel Advertising Ordinance and EU internal market law

We write from ClientEarth. ClientEarth is an environmental legal non-profit organisation, with a team of over 300 people across eight offices, working in over 60 countries. More information on ClientEarth and its work can be found on its website: www.clientearth.org

We write in support of the Hague City Council's defence of its local ordinance prohibiting fossil fuel advertising (advertising for fossil products and services such as air holidays, cruise holidays, petrol cars and gas suppliers).

We understand that the travel business TUI and the Dutch Association of Travel Agents and Tour Operators (ANVR) has announced they will bring legal proceedings seeking to quash the Hague's ordinance.¹ We anticipate that they may seek to argue that European internal market law prohibits the Hague's ordinance.

However, EU internal market law does not prohibit national advertising restrictions that reasonably serve an objective of public interest, such as the mitigation of climate change.

Climate mitigation is an internationally agreed policy objective, and a requirement of human rights law and other legal frameworks.² Reducing the consumption of high-carbon goods and services is a necessary climate mitigation step. For example, in its assessment of mitigation required to reach international climate goals, the Intergovernmental Panel on Climate Change notes that decarbonisation requires public behaviour change in the consumption of fossil fuel products (known as 'demand-side mitigation').³ The International Energy Agency's Net Zero roadmap makes frequent reference to the need for behaviour change to reduce consumption of air travel, petrol cars, etc.⁴

The concept of a fossil fuel advertising ban is supported by the World Health Organisation (WHO), which has described climate change as "*the biggest health threat facing humanity*" and further estimates that there are 550,000 annual deaths from local air pollution in Europe alone, which

¹ [Travel sector says Hague ban on fossil fuel ads restricts their freedom of speech | NL Times](#)

² ECtHR, *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, no. 53600/20, judgment (Grand Chamber) of 9 April 2024; UN Human Rights Committee, *Daniel Billy et al. v. Australia*, Communication No. 3624/2019, 22 September 2022, UN Doc. CCPR/C/135/D/3624/2019

³ https://report.ipcc.ch/ar6/wg3/IPCC_AR6_WGIII_Full_Report.pdf Chapter 5, p. 5-67

⁴ [Net Zero Roadmap: A Global Pathway to Keep the 1.5 °C Goal in Reach - 2023 Update](#), page 122, Fig. 3.11

includes heightened health risks to residents living near airports.⁵ According to the European Commission, in 2022, between 60,000 and 70,000 premature deaths in Europe were attributed to summer heatwaves. In October 2024, flash floods in Spain caused over 230 deaths, following similar floods in 2021 in Germany and Belgium.⁶ Experts estimate that temperature-related deaths across European cities may rise to 80,000 each year on our current high-warming trajectory.⁷ These physical risks act as a threat multiplier for migration, conflict, nutrition and health crises. The scale of escalating and compounding risks in the future are decided by which global heating levels we manage to stay to.⁸

The broad range of independent scientific support for prohibiting high-carbon advertising in order to meet international policy goals implies that the Hague's ordinance is likely to comply with these restrictions.

We append to this letter a short memorandum on the conformity of the Hague's ordinance prohibiting fossil fuel advertising with EU internal market law, produced by Dr. Clemens Kaupa of Vrije Universiteit Amsterdam.

Yours faithfully,



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ClientEarth is an environmental law charity, a company limited by guarantee, registered in England and Wales, company number 02863827, registered charity number 1053988, registered office 10 Queen Street Place, London EC4R 1BE, a registered international non-profit organisation in Belgium, ClientEarth AISBL, enterprise number 0714.925.038, a non-profit limited liability company in Germany, ClientEarth gGmbH, HRB 202487 B, a registered foundation in Poland, Fundacja ClientEarth Poland, KRS 0000364218, NIP 701025 4208, a registered delegation in Spain, Fundación ClientEarth Delegación en España, NIF W0170741C, a registered 501(c)(3) organisation in the US, ClientEarth US, EIN 81-0722756, a registered subsidiary in China, ClientEarth Beijing Representative Office, Registration No. G1110000MA0095H836, a registered subsidiary in Japan, Ippan Shadan Hojin ClientEarth, corporate number 6010405022079, a registered subsidiary and company limited by guarantee in Australia, ClientEarth Oceania Limited, company number 664010655.

⁵ <https://www.who.int/news-room/fact-sheets/detail/climate-change-and-health>;
<https://www.who.int/europe/news/item/07-11-2022-statement---climate-change-is-already-killing-us--but-strong-action-now-can-prevent-more-deaths>; [Can living near an airport make you ill? | Transport & Environment](#)

⁶ [Extreme downpours increasing in southeastern Spain as fossil fuel emissions heat the climate – World Weather Attribution](#)

⁷ [Estimating future heat-related and cold-related mortality under climate change, demographic and adaptation scenarios in 854 European cities | Nature Medicine](#)

⁸ [EUR-Lex - 52024DC0091 - EN - EUR-Lex](#)