

RETURN WITH SIGNATURE

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Port of Rotterdam Authority N.V.

Attn. Mr. Ir. B. Siemons, CEO
Wilhelminakade 909
3072 AP ROTTERDAM

COPY TO:

Gemeente Rotterdam

Attn. Mr. R. Simons, Municipal Executive Port Affairs
Postbus 70012
3000 KP ROTTERDAM

The State of the Netherlands

Minister of Finance
Attn. Mr. E. Heinen
Postbus 20201
2500 EE DEN HAAG

Also sent to the following ministers:

- Minister of Economic Affairs and Climate
- Minister of Climate and Green Growth
- Minister of Foreign Affairs
- Minister of Infrastructure and Water Management

Date: 12 May 2026
Our ref: 120526_AftF_Sommatiebrief

Mr Maikel van Wissen
Director

Subject: Demand letter to amend the climate policy of Port of Rotterdam Authority N.V.

Dear Mr. Siemons,

Stichting Advocates for the Future ("**Advocates for the Future**") hereby addresses Port of Rotterdam Authority N.V. (the "**Port Authority**") on behalf of present and future generations with the following:

The fossil-related activities in the Port of Rotterdam make a significant contribution to global greenhouse gas emissions. The Port Authority facilitates these activities and thereby contributes substantially to dangerous climate change.

Stichting Advocates for the Future is gevestigd in Amsterdam en ingeschreven in het handelsregister onder nr. 94969124.

Advocates for the Future is een organisatie met een ideële doelstelling, welke is vastgelegd in de statuten die zijn raad te plegen in het handelsregister. De stichting beoogt haar maatschappelijke doelen te verwezenlijken door publiekscampagnes te organiseren en met juridische interventies. Bij de stichting zijn advocaten in dienst die zijn ingeschreven bij de Nederlandse Orde van Advocaten. Meer informatie is beschikbaar via www.advocatesforthefuture.org.

A timely and controlled phase-out of fossil-related activities is necessary in order to align the Port of Rotterdam with the Paris Climate Agreement (the "**Paris Agreement**").¹ It is also necessary to keep the port liveable, competitive and socially just: with less climate damage for young people and future generations, cleaner air for local residents, future-proof jobs, and less negative impact on the world.

The port's dependence on fossil raw materials is not only harmful to people, nature and the climate. Fossil fuels are also finite. A port that takes its future seriously cannot continue to build upon activities of which they need to be phased out.

Advocates for the Future is convinced that the Port of Rotterdam is strongly positioned to make the transition to a non-fossil port. The port has the knowledge, infrastructure, workforce and strategic position to play a key role in a sustainable world. However, that future will not materialise on its own. It requires choices, planning and leadership.

Although the Port Authority acknowledges its contribution to climate change, it lacks a plan to phase out fossil-related activities in the port and to bring emissions into line with the objectives of the Paris Agreement.

As a result, the Port Authority is acting in breach of fundamental human rights and the duty of care incumbent upon the Port Authority, and thus unlawfully. Advocates for the Future hereby formally demands that the Port Authority amend its climate policy and phase out fossil-related activities in the Port of Rotterdam in line with the objectives of the Paris Agreement.

A copy of this letter is being sent simultaneously for the information of the shareholders of the Port Authority – the Municipality of Rotterdam and the Dutch State.

1. CORE OF THIS LETTER

1. The Port of Rotterdam is one of the largest fossil fuel energy and industrial hubs in Europe. Enormous quantities of oil, coal and gas are imported, processed and transhipped through the port. The greenhouse gas emissions associated with these activities are very substantial.
2. According to research by CE Delft, the global emissions that can be attributed to activities in the Port of Rotterdam amount to approximately 604 Mton CO₂-equivalent ("**CO₂-eq**") per year.² This equates to **50x** the reported global emissions of Schiphol³ or Tata Steel Nederland.⁴

¹ Paris Agreement, 12 December 2015 ([link](#)).

² CE Delft, *Analyse klimaatplannen haven van Rotterdam*, October 2024, pp. 17-18 ([link](#)).

³ Royal Schiphol Group, *Annual Report 2024*, February 2025, p. 118 ([link](#)). Schiphol's reported emissions in 2024 were 11.8 Mton CO₂-eq.

⁴ Tata Steel, *Annual Report & Accounts 2023-2024*, May 2024, p. 167 ([link](#)). Tata Steel Nederland's reported emissions in financial year 23/24 were 12.6 Mton CO₂-eq.

3. As manager, operator and developer of the port area, the Port Authority facilitates these activities to a significant degree. The Port Authority's commitment is therefore crucial for the climate transition.
4. The Port Authority acknowledges that activities in the port contribute to climate change and that the consequences thereof put fundamental human rights under pressure worldwide.⁵ The Port Authority has long been aware of the risks of climate change. During the launch of the *Rotterdam Climate Initiative ("RCI")* in 2007, the Port Authority committed itself to substantially reducing the emissions associated with port activities. Through the RCI, the Port Authority championed a proactive climate policy, not only for the planet, but also because this is in the interest of the port and Rotterdam:

*"Climate action is inevitable but also good for Rotterdam: it strengthens the Rotterdam economy and creates employment."*⁶

5. In the years that followed, the Port Authority repeatedly reaffirmed its ambition to be a frontrunner in the energy transition and committed itself to the objectives of the Paris Agreement, including a 55% reduction of CO₂ emissions by 2030 compared to 1990 levels and climate neutrality by 2050.⁷ And although the port is developing new initiatives in various areas (e.g. CO₂ storage, hydrogen, biofuels, etc.), the emissions from fossil-related activities in the port have remained unchanged over the past fifteen years.⁸
6. The objectives of the Paris Agreement require that the use of fossil fuels be reduced rapidly and structurally in the coming decades.⁹ For a fossil fuel energy hub such as the Port of Rotterdam, this necessarily means that fossil-related activities must be phased out gradually, but as quickly as possible.
7. This is not only crucial for the climate but is also important from an economic and geopolitical perspective. An accelerated transition results in lower financial risks than delay,¹⁰ and decarbonisation offers opportunities for European competitiveness.¹¹ An accelerated focus on renewable energy furthermore reduces risky fossil fuel dependencies and thereby strengthens European security of supply and strategic autonomy. That applies all the more given current geopolitical

⁵ Port of Rotterdam Authority, *Annual Report 2025*, March 2026, p. 206 ([link](#)); Port of Rotterdam Authority, *Annual Report 2024*, March 2025, p. 254 ([link](#)): "The activities of our customers in the Port of Rotterdam are associated with greenhouse gas emissions. CO₂ is a cause of climate change, with the indirect consequence that various human rights, including the right to life, come under pressure worldwide."

⁶ RCI, *Tussenbalans: resultaten en kansen*, March 2010, p. 2.

⁷ Port of Rotterdam Authority, *Annual Report 2016*, March 2017, p. 3 ([link](#)); Port of Rotterdam Authority, *Annual Report 2023*, March 2024, pp. 11, 13, 20 ([link](#)); Port of Rotterdam Authority, *Annual Report 2024*, pp. 11, 43, 48, 74 ([link](#)); Port of Rotterdam Authority, *Climate Transition Plan*, December 2025, pp. 4, 15 ([link](#)); Port of Rotterdam Authority, *Annual Report 2025*, pp. 28, 57, 120 ([link](#)).

⁸ CE Delft, *Analyse klimaatplannen haven van Rotterdam*, pp. 23, 24.

⁹ See e.g. IPCC, *Climate Change 2023 - Synthesis Report (Summary for Policy Makers)*, 2023, statement C.3 ([link](#)).

¹⁰ T. Emambakhsh et al., 'Occasional Paper Series. The Road to Paris: stress testing the transition towards a net-zero economy. The energy transition through the lens of the second ECB economy-wide climate stress test', *ECB Occasional Paper 2023/328*, pp. 4-5 ([link](#)).

¹¹ M. Draghi, *The Future of European Competitiveness. Part A - A competitiveness strategy for Europe*, September 2024 ([link](#)); Cf. also J.P. Wennink, *The Roadmap to Future Prosperity. A strong Netherlands in a relevant Europe*, December 2025, pp. 98, 102 ([link](#)).

tensions.¹² This is not a new insight; in 2009, the RCI, of which the Port Authority was a member, wrote:

*"Rotterdam owes its international name and reputation as a world port city with a strong industrial base largely to fossil fuels and raw materials. But these are scarce and finite, and will therefore become increasingly expensive. In the long term, this may pose a threat to Rotterdam as a world port city and thereby also to the Dutch economy."*¹³

8. Since 2024, Advocates for the Future has repeatedly called on the Port Authority to come forward with a concrete plan for the phase-out of fossil activities.¹⁴ However, the Port Authority has stated that a plan for the phase-out of fossil activities in the port is "not on the table".¹⁵
9. The Port Authority has various instruments at its disposal to steer the transition in the port, including land allocation, contractual terms and investment decisions. However, it fails to use these instruments, or at least fails to use them sufficiently, to actually phase out of fossil activities.
10. Nor does the Climate Transition Plan published by the Port Authority on 18 December 2025 (the "**Climate Transition Plan**"),¹⁶ set out how the activities in the port as a whole will be brought into line with the objectives of the Paris Agreement.
11. Advocates for the Future holds the Port Authority liable for failing to make its appropriate contribution to combating dangerous climate change, and for the associated violation of the human rights of current and future generations.
12. To end this unlawful situation and to prevent unlawful conduct in the future, Advocates for the Future demands that the Port Authority bring its climate policy into line with the 1.5°C target of the Paris Agreement.¹⁷ This means at the very least that the Port Authority must draw up a plan for the controlled but rapid phase-out of all fossil-related activities in the port, with the ultimate goal of a fully climate-neutral port by 2050.
13. In this letter we set this out, explaining that:
 - (i) the Port Authority bears a significant legal responsibility to do its part to combat dangerous climate change (chapter 2);

¹² Clingendael Institute, Ecologic Institute & Norwegian Institute of International Affairs, *Europe's Selective Blindness on Gas: US LNG and the Limits of Supply Diversification*, January 2026, p. 13 ([link](#)).

¹³ RCI, brochure *Het nieuwe Rotterdam*, June 2009.

¹⁴ Advocates for the Future heeft brieven gestuurd aan het Havenbedrijf Rotterdam op 31 oktober 2024 ([link](#)) en 18 juni 2025 ([link](#)). Daarnaast hebben gesprekken plaatsgevonden met vertegenwoordigers van het Havenbedrijf Rotterdam op 28 november 2024 en 15 januari 2026.

¹⁵ Brieven van Havenbedrijf Rotterdam aan Advocates for the Future d.d. 10 februari 2025 ([link](#)) en d.d. 5 september 2025 ([link](#)).

¹⁶ Port of Rotterdam Authority, *Climate Transition Plan*, December 2025 ([link](#)).

¹⁷ Paris Agreement, Article 2(a).

- (ii) the Port Authority interprets that responsibility too narrowly (chapter 3);
 - (iii) it is necessary to phase out the fossil-related activities in the port area (chapter 4);
 - (iv) the Port Authority has the means to achieve the transition in the port (chapter 5);
 - (v) the Port Authority does not deploy those means, or at least insufficiently, and thereby acts unlawfully (chapter 6).
14. The letter concludes with an explanation of the specific demands of Advocates for the Future (chapter 7).

2. ENHANCED LEGAL RESPONSIBILITY OF THE PORT AUTHORITY

15. The Port Authority plays a central role in the management and development of the Port of Rotterdam. As manager of the port area, the Port Authority determines to a significant degree which (industrial) activities take place in the port and under which conditions these are carried out.
16. The Port Authority bears a stringent legal responsibility to limit the contribution of the Port of Rotterdam to climate change. This follows, inter alia, from:
- (i) the Port Authority's responsibility to protect fundamental human rights;
 - (ii) the Port Authority's position as a state-owned enterprise with public duties;
 - (iii) the Port Authority's particular responsibility as a systemic actor within global energy and industrial value chains;
 - (iv) the scale of the historical contribution of the Port of Rotterdam to greenhouse gas emissions; and
 - (v) the Port Authority's responsibility to take into account the interests of future generations.

2.1. The Port Authority's responsibility to protect human rights

17. The link between climate change and the threat to human rights is indisputable and is recognised internationally. As early as 2019, the Supreme Court of the Netherlands held in the *Urgenda* case that climate change gives rise to a risk of serious impairment of the life and well-being of residents of the Netherlands.¹⁸ In 2024, the European Court of Human Rights ("ECtHR") confirmed this link in the *KlimaSeniorinnen* judgment.¹⁹

¹⁸ Supreme Court of the Netherlands 20 December 2019, ECLI:NL:HR:2019:2006 (*Urgenda/State of the Netherlands*), para. 5.6.2 ([link](#)).

¹⁹ ECtHR 9 April 2024, ECLI:CE:ECHR:2024:0409JUD005360020 (*KlimaSeniorinnen*), para. 434. The ECtHR noted the "(...) scientific, political and judicial recognition of a link between the adverse effects of climate change and the enjoyment of (various aspects of) human rights" ([link](#)).

18. In 2025, the International Court of Justice ("ICJ") also emphasised in the *Advisory Opinion on the Obligations of States in Respect of Climate Change* that climate change constitutes an urgent and existential threat to humanity, and that the degradation of the climate system harms numerous human rights.²⁰ The ICJ observed, inter alia:

*"The consequences of climate change are severe and far-reaching; they affect both natural ecosystems and human populations. Rising temperatures are causing the melting of ice sheets and glaciers, leading to sea level rise and threatening coastal communities with unprecedented flooding. Extreme weather events, such as hurricanes, droughts and heatwaves, are becoming more frequent and intense, devastating agriculture, displacing populations and exacerbating water shortages. Furthermore, the disruption of natural habitats is pushing certain species toward extinction and leading to irreversible loss of biodiversity. Human life and health are also at risk, with an increased incidence of heat-related illnesses and the spread of climate-related diseases. These consequences underscore the urgent and existential threat posed by climate change."*²¹ (emphasis added)

19. In order to counter the adverse consequences of climate change, the ICJ emphasised that climate policy must be aimed at limiting global warming to a maximum of 1.5°C.²² Limiting warming to 1.5°C – and not to 2°C – thus serves as the starting point for effective climate policy.
20. The violation of human rights entails not only a responsibility for states to combat dangerous climate change, but also for other actors that contribute substantially to climate change and have influence over activities that lead to significant greenhouse gas emissions.²³ This applies in particular to the Port Authority, which fulfils a central, facilitating role in the fossil fuel energy and industrial value chains that run through the Port of Rotterdam.

2.2. The Port Authority's responsibility as a state-owned enterprise

21. The Port Authority's responsibility is enhanced by its position as a state-owned enterprise. The shares in the Port Authority are held entirely by the Municipality of Rotterdam and the Dutch State.²⁴ In addition, public duties have been conferred on the Port Authority, including the role of Harbour Master. The Port Authority thus

²⁰ International Court of Justice ("ICJ"), *Advisory Opinion: Obligations of States in Respect of Climate Change*, 23 July 2025, paras. 73 and 375 ([link](#)).

²¹ ICJ, *Advisory Opinion*, para. 73.

²² ICJ, *Advisory Opinion*, para. 224.

²³ The Hague Court of Appeal 12 November 2024, ECLI:NL:GHDHA:2024:2099 (*Milieudefensie/Shell*) ([link](#)).

²⁴ The Municipality of Rotterdam holds 70,83% of the shares and the Dutch State 29,17%, see: Port of Rotterdam Authority, *Annual Report 2025*, p. 114.

fulfils a public role in the management and development of the Rotterdam port area and in safeguarding the public interests associated with the port.²⁵

22. State-owned enterprises are expected to set an example in complying with international standards in the areas of climate, the environment and human rights, as follows, inter alia, from the State Ownership Policy of the Dutch State and the policy frameworks of the Municipality of Rotterdam.²⁶ It is also emphasised that state-owned enterprises must ambitiously commit to the objectives of the Paris Agreement.²⁷
23. The Port Authority has also committed itself to the objectives of the Paris Agreement and endorses international standards such as the *United Nations Guiding Principles on Business and Human Rights* ("UNGPs") and the *OECD Guidelines for Multinational Enterprises on Responsible Business Conduct* ("**OECD Guidelines for Multinational Enterprises**").²⁸ These standards prescribe that enterprises must take measures to prevent or mitigate the adverse effects of their activities on human rights and the environment as far as possible. For state-owned enterprises, these must be implemented "*to the greatest extent possible*".²⁹
24. It is therefore clear that the Port Authority's particular position as a state-owned enterprise and its associated public duties are accompanied by far-reaching climate obligations. Indeed, this close intertwining with the public domain means that the Port Authority's obligations are not, or barely, distinguishable from the efforts that can be expected of public institutions and the State.³⁰ This means not only that a significant obligation rests on the Port Authority to bring its policy and operations into line with the objectives of the Paris Agreement, but also, for example, that it must follow the authoritative findings of the ICJ on international climate obligations.

2.3. The Port Authority's responsibility as a systemic actor

25. The Port Authority also fulfils a unique role as a systemic actor. The Port of Rotterdam is the largest port in Europe. The Port Authority describes the Port of Rotterdam as the "*gateway to the Netherlands and Europe*" and the "*backbone of European trade and industry*".³¹
26. The Port Authority has a central role in global energy and industrial value chains. A large part of these activities takes place on land managed and allocated by the Port

²⁵ Safeguarding public interests is indeed the primary reason for the public shareholding of the State and the Municipality of Rotterdam, see inter alia: Ministry of Finance, *Nota Deelnemingenbeleid 2022*, pp. 5-7 ([link](#)); Municipality of Rotterdam, *Beleidskader verbonden partijen en bestuurlijke relaties 2022-2026*, November 2022, p. 11 ([link](#)).

²⁶ Cf. Ministry of Finance, *Nota Deelnemingenbeleid 2022*, pp. 6 and 31; Municipality of Rotterdam, *Beleidskader verbonden partijen en bestuurlijke relaties 2022-2026*, p. 9.

²⁷ Ministry of Finance, *Nota Deelnemingenbeleid 2022*, p. 32.

²⁸ Port of Rotterdam Authority, *Annual Report 2024*, pp. 107, 248; Port of Rotterdam Authority, *Annual Report 2025*, pp. 87, 99. See also: Port of Rotterdam Authority, *Bedrijfscode Havenbedrijf Rotterdam*, April 2024, p. 5 ([link](#)).

²⁹ OECD, *Guidelines on Corporate Governance of State-Owned Enterprises*, 2024, p. 76 ([link](#)).

³⁰ Cf. inter alia the authoritative and by the Port Authority endorsed United Nations Global Compact ("**UNGC**"): UNGC, 'Principle Two: Human Rights', unglobalcompact.org: "*State-owned enterprises should be aware that because they are part of the state, they may have direct responsibilities under international human rights law.*"

³¹ Port of Rotterdam Authority, 'Deep sea and feeder', portofrotterdam.com ([link](#)).

Authority. By making this land available and developing and managing the necessary infrastructure, the Port Authority determines to a significant degree which activities take place in the port area, and under which conditions.

27. Precisely because of this influential position, the Port Authority bears all the more responsibility to actively shape the energy transition and to step-by-step bring the activities in the port area into line with the objectives of the Paris Agreement.

2.4. The Port Authority's responsibility in light of historical emissions

28. The Port Authority's responsibility is further enhanced by the scale and duration of the Port of Rotterdam's historical contribution to climate change.

29. The Paris Agreement provides that (the scope of) climate obligations are determined in part by the historical contribution to climate change and the availability of means or capability to address it.³² The ICJ confirmed that these factors are relevant in determining the scope of climate obligations:

"In the view of the Court, the principle of common but differentiated responsibilities and respective capabilities reflects the need to distribute equitably the burdens of the obligations in respect of climate change, taking into account, inter alia, States' historical and current contributions to cumulative GHG emissions, and their different current capabilities and national circumstances, including their economic and social development. The principle of common but differentiated responsibilities and respective capabilities thus acknowledges, on the one hand, the historical responsibility of certain States and, on the other, that the measures which can be expected from all States with respect to addressing climate change are not the same."³³ (emphasis added)

30. This principle applies not only to states but also to other actors. The Hague Court of Appeal held in *Milieudefensie/Shell* that:

"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."³⁴

31. For decades, large quantities of fossil materials have been imported, processed and transhipped through the Port of Rotterdam to other parts of Europe and the world. The emissions associated with these activities have for a long time contributed substantially to greenhouse gas emissions and thereby to climate change. At the same time, the Port Authority has considerable influence over the nature and scale of the activities that take place in the port.

³² Paris Agreement, preamble.

³³ ICJ, *Advisory Opinion*, para. 148.

³⁴ The Hague Court of Appeal 12 November 2024, ECLI:NL:GHDHA:2024:2099 (*Milieudefensie/Shell*), para. 7.55.

2.5. The Port Authority's responsibility to take into account the interests of young people and future generations

32. A defining feature of the climate crisis is that young people and future generations bear, and will continue to bear, an increasingly heavy burden of the consequences of current shortcomings in combating climate change, whilst they have no voice in today's decision-making.³⁵
33. This is at odds with the principle of intergenerational equity, which the ICJ describes as "[...] *an expression of the idea that present generations are trustees of humanity tasked with preserving dignified living conditions and transmitting them to future generations*".³⁶ The ICJ calls the relevance of this principle for climate obligations "*undisputable*".³⁷
34. The principle is expressly mentioned, inter alia, in the United Nations Framework Convention on Climate Change (the "**UNFCCC**")³⁸ and the Paris Agreement,³⁹ and is also firmly anchored in the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the "**Aarhus Convention**"):

*"[...] every person has the right to live in an environment adequate to his or her health and well-being, and the duty, both individually and in association with others, to protect and improve the environment for the benefit of present and future generations."*⁴⁰
(emphasis added)

35. The Port Authority thus bears a responsibility to take into account in its climate policy the interests of young people and future generations who have no voice in the Port Authority's decision-making. The company must weigh the long-term consequences of its actions in its policy.⁴¹ It must make every effort to limit the Port of Rotterdam's contribution to climate change, so as not to place a disproportionate burden on future generations.

3. THE PORT AUTHORITY INTERPRETS ITS RESPONSIBILITY TOO NARROWLY

36. There is no disagreement between the parties as to the fact that the Port Authority bears a legal responsibility for combating dangerous climate change.⁴² The Port Authority itself acknowledges that the activities in the Port of Rotterdam are

³⁵ Cf. ECtHR 9 April 2024, ECLI:CE:ECHR:2024:0409JUD005360020 (*KlimaSeniorinnen*), para. 420.

³⁶ ICJ, *Advisory Opinion*, para. 156.

³⁷ ICJ, *Advisory Opinion*, para. 155.

³⁸ UNFCCC, preamble and Article 3(1).

³⁹ Paris Agreement, preamble.

⁴⁰ UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, 25 June 1998, preamble ([link](#)).

⁴¹ ICJ, *Advisory Opinion*, para. 157.

⁴² See e.g. Letter from Port of Rotterdam Authority to Advocates for the Future dated 10 February 2025, p. 1 ([link](#)).

associated with significant greenhouse gas emissions and that the port plays an important role in the energy transition.⁴³

37. The dispute therefore does not concern the question of whether the Port Authority bears a responsibility, but how far that responsibility extends.

3.1. Responsibility extends to all fossil-related activities in the port

38. Advocates for the Future takes the position that the Port Authority's responsibility is not limited to the direct emissions of the Port Authority and the Port Industrial Complex, but extends to *all* fossil-related activities that the Port Authority facilitates and enables in the Port of Rotterdam (including the related emissions, also referred to as "**facilitated emissions**").⁴⁴
39. The Port Authority, by contrast, takes the position that its responsibility is primarily limited to the direct emissions of companies in the port (i.e. the "*scope 1*" emissions of those companies). In doing so, the Port Authority hides behind emission categories. That approach fails to recognise the nature of the role the Port Authority fulfils.
40. For the assessment of the Port Authority's responsibility, it is not decisive how emissions are classified for accounting purposes, for example as scope 1, 2 or 3, or where exactly greenhouse gas emissions occur. Nor is it decisive whether the Port Authority itself directly causes the emissions. What matters is whether the Port Authority facilitates activities that lead to emissions.
41. Companies establish themselves on the port grounds on the basis of land allocation by the Port Authority and make use of infrastructure and facilities developed and managed by the Port Authority. The Port Authority acknowledges that the global emissions caused by fossil-related activities in the port "*may be linked to our role in global logistics and industrial value chains*" and that the emissions *outside the port* by end users are the result of fossil-related activities in the Port Authority's "*management area*".⁴⁵ Through its activities, the Port Authority thus enables the fossil-related activities in the port area. This means the Port Authority bears a responsibility to limit the adverse effects of these activities.
42. International standards confirm this principle. The UNGPs provide that enterprises must take measures in respect of "*all their actual and potential climate change-related impacts on human rights and the environment*".⁴⁶ The OECD Guidelines for Multinational Enterprises also make clear that enterprises are not only responsible

⁴³ Port of Rotterdam Authority, *Annual Report 2025*, p. 55; Port of Rotterdam Authority, *Annual Report 2024*, p. 224.

⁴⁴ The facilitated emissions of the Port of Rotterdam are the global (value chain) emissions of the activities that take place *in* the Port of Rotterdam. This comprises the emissions from extraction, production, transport and end use of the oil, coal and gas that are imported, transhipped or exported through the port (as calculated by CE Delft).

⁴⁵ Port of Rotterdam Authority, *Climate Transition Plan*, pp. 13, 20.

⁴⁶ United Nations Working Group Business and Human Rights, *Information Note on Climate Change and the Guiding Principles on Business and Human Rights*, June 2023, para. 17(b) ([link](#)).

for harm they themselves cause, but also for harm to which they contribute or which they facilitate.⁴⁷

43. The State Ownership Policy of the national government furthermore provides that the Port Authority must take responsibility for people, society and the environment, "*insofar as these are affected by the activities of the state-owned enterprise*".⁴⁸ What is therefore decisive for the scope of the Port Authority's responsibility is the actual impact of the activities facilitated by the Port Authority on people and the climate.

3.2. Obligation to prevent adverse effects

44. Against this background, the Port Authority is obligated to take all measures within its power to end, or at least limit as far as possible, the adverse effects of the polluting activities it facilitates in the port.
45. This applies all the more in light of the recent findings of the ICJ on international climate obligations. Climate change is an existential problem of global dimensions that threatens all forms of life and the health of our planet.⁴⁹ According to the ICJ, there is therefore a "*stringent*" legal standard when it comes to combating dangerous climate change and taking mitigation measures.⁵⁰ For the Port Authority, this means, inter alia, that it must deploy "*all the means at its disposal*" to make its appropriate contribution to the emission reductions necessary to achieve the 1.5°C target of the Paris Agreement.⁵¹ The Port Authority furthermore bears a duty to prevent damage to the global climate system, which duty is owed to *everyone*.⁵² This also means that it is not relevant *where* the adverse effects (CO₂ emissions) actually occur.
46. Should the Port Authority fail to take such measures, it acts in violation of fundamental human rights and the duty of care incumbent upon the Port Authority within the meaning of Article 6:162(2) of the Dutch Civil Code.

4. THE PHASE-OUT OF FOSSIL-RELATED ACTIVITIES IS NECESSARY

47. The Port Authority takes the position that a phase-out of fossil-related activities in the Port of Rotterdam is "*not on the table*".⁵³ The Port Authority thereby chooses to maintain fossil-related activities that cause a substantial contribution to climate change. That position is incompatible with the scientific consensus that dangerous climate change can only be averted through a structural phase-out of fossil-related.

⁴⁷ OECD, *OECD Guidelines for Multinational Enterprises on Responsible Business Conduct 2024*, para. 68 ([link](#)). Cf. also: UNGC, 'Principle Two: Human Rights', [unglobalcompact.org](#) ([link](#)). This clarifies that "*complicity*" in human rights violations also arises where an enterprise facilitates those violations.

⁴⁸ Ministry of Finance, *Nota Deelnemingenbeleid 2022*, p. 31. See also: Municipality of Rotterdam, *Beleidskader verbonden partijen en bestuurlijke relaties 2022-2026*, p. 9.

⁴⁹ ICJ, *Advisory Opinion*, para. 456.

⁵⁰ ICJ, *Advisory Opinion*, inter alia paras. 138 and 254.

⁵¹ ICJ, *Advisory Opinion*, see inter alia paras. 229, 270, 281 and 457.

⁵² ICJ, *Advisory Opinion*, see inter alia paras. 229, 270, 281 and 457.

⁵³ Letters from Port of Rotterdam Authority to Advocates for the Future dated 10 February 2025 ([link](#)) and 5 September 2025 ([link](#)).

4.1. Phase-out of fossil-related is essential to achieve the 1.5°C target

48. According to the Intergovernmental Panel on Climate Change ("IPCC"), limiting global warming to a maximum of 1.5°C is only possible if the use of fossil fuels is phased out structurally and rapidly.⁵⁴ The IPCC moreover warns that the emissions associated with existing fossil fuel infrastructure already consume a significant portion of the remaining global "carbon budget".⁵⁵ The long-term continuation of existing fossil fuel infrastructure, as the Port Authority still intends, is not in line with this.
49. The UN expert report on "net zero commitments" emphasises that actors committing to climate neutrality can only achieve this by phasing out and ultimately ending fossil-related activities: "All net zero pledges should include specific targets aimed at ending the use of and/or support for fossil fuels."⁵⁶
50. Moreover, this phase-out must be set in motion immediately. The IPCC emphasises that the current decade (2020–2030)⁵⁷ is decisive for limiting global warming and that the window to secure a liveable and sustainable future is rapidly narrowing.⁵⁸

4.2. The Port of Rotterdam must also phase out as quickly as possible

51. The foregoing applies all the more to a fossil fuel hub such as the Port of Rotterdam. Climate neutrality by 2050 is simply not possible without a phase-out of fossil-related activities in the port. The Port Authority also acknowledges this in its Climate Transition Plan, in which it sketches a vision for 2050: "petroleum refining largely disappears", "oil imports and the transit of fossil products are kept to a minimum", and "fossil-based production is phased out".⁵⁹
52. This is also endorsed in Dutch port policy:

"Sustainability in line with the Paris Agreement requires cleaner energy carriers such as (bio-)LNG, hydrogen and biomass. In the long term, the energy transition may mean that oil refining or petrol and coal transshipment in ports largely or entirely disappear, while

⁵⁴ IPCC, *Special Report - Global Warming of 1.5°C (Technical Summary)*, 2019, pp. 27-46 ([link](#)).

⁵⁵ IPCC, *Climate Change 2023 - Synthesis Report (Summary for Policy Makers)*, 2023, statement B.5.

⁵⁶ United Nations' High-Level Expert Group on the Net Zero Emissions Commitments of Non-State Entities, *Integrity Matters: Net Zero Commitments by Businesses, Financial Institutions, Cities and Regions*, 2022, p. 23 ([link](#)). This was also endorsed at COP 27, see: UNFCCC, *Report of the Conference of the Parties, COP 27, Decision 1/CMA.4: Sharm el-Sheikh Implementation Plan*, 17 March 2023, para. 92 ([link](#)). See also: United Nations Working Group Business and Human Rights, *Information Note*, para. 19(b); The Hague Court of Appeal 12 November 2024, ECLI:NL:GHDHA:2024:2099 (*Milieudefensie/Shell*), para. 7.61.

⁵⁷ UNFCCC, *Report of the Conference of the Parties, COP 28, Decision 1/CMA.5: Outcome of the first global stocktake*, 15 March 2024, para. 28(d): "Transitioning away from fossil fuels in energy systems, in a just, orderly and equitable manner, accelerating action in this critical decade, so as to achieve net zero by 2050 in keeping with the science" ([link](#)).

⁵⁸ IPCC, *Climate Change 2023 - Synthesis Report (Summary for Policy Makers)*, 2023, statement B.5 and C.1; ICJ, *Advisory Opinion*, para. 87. See e.g. also: UNFCCC, *Report of the Conference of the Parties, COP 28, Decision 1/CMA.5: Outcome of the first global stocktake*, 15 March 2024, paras. 15, 16 and 28.

⁵⁹ Port of Rotterdam Authority, *Climate Transition Plan*, p. 10.

chemical production processes will need to become substantially more sustainable.⁶⁰ (emphasis added)

53. Nevertheless, the Port Authority does not pursue a policy that is actually aimed at achieving this phase-out. The Port Authority continues to facilitate fossil-related activities that are incompatible with the objectives of the Paris Agreement.
54. This passivity is not only in breach of the climate obligations incumbent upon the Port Authority, but also conflicts with the long-term interests of the port and its stakeholders (including an estimated 182,000 jobs according to the Port Authority⁶¹). A timely and controlled phase-out of fossil-related activities is necessary to make the port economically viable in the long term and to prevent the port from being confronted at a later stage with high transition costs, stranded investments and economic damage.⁶² This is also important for European security of supply and strategic autonomy as it will diminish the dependence on fossil fuels.
55. A timely and controlled phase-out of fossil-related activities – combined with the development of sustainable activities – offers the best guarantee for an economically and ecologically sustainable future for the Port of Rotterdam.⁶³

4.3. New development is not an alternative to phase-out

56. The Port Authority argues that it is strongly focused on the **development** of new sustainable activities (hydrogen, biofuels, shore power) and the **conversion** of existing activities.⁶⁴
57. However, the Port Authority fails to recognise that these efforts alone will not lead to the necessary emission reductions as long as fossil-related activities in the port continue unabated. The Scientific Climate Advisory Council (in Dutch: *Wetenschappelijke Klimaatraad, "WKR"*) confirms this: "*Incremental sustainability improvements can deliver substantial emission reductions, but on their own do not lead to climate neutrality or independence from fossil fuels.*"⁶⁵
58. The WKR emphasises that industrial transformation consists of new development, conversion **and phase-out**.⁶⁶ This is also confirmed in the NOVEX report on spatial constraints in the Port of Rotterdam, which expressly states that "*in a coherent*

⁶⁰ Ministry of Infrastructure and Water Management, *Havennota 2020-2030*, November 2020, p. 18 ([link](#)).

⁶¹ Port of Rotterdam Authority, 'Facts and Figures', portofrotterdam.com ([link](#)).

⁶² Cf. J.P. Wennink, *The Roadmap to Future Prosperity. A strong Netherlands in a relevant Europe*, December 2025, pp. 98, 102.

⁶³ Cf. J.P. Wennink, *The Roadmap to Future Prosperity. A strong Netherlands in a relevant Europe*, December 2025, pp. 98.

⁶⁴ Port of Rotterdam Authority, *Climate Transition Plan*; Port of Rotterdam Authority, *Annual Report 2025*, p. 36.

⁶⁵ WKR, *Adviesrapport - Kiezen of verliezen. Naar een industrie die past in een toekomstbestendig Nederland*, January 2026, p. 19 ([link](#)).

⁶⁶ WKR, *Adviesrapport - Kiezen of verliezen. Naar een industrie die past in een toekomstbestendig Nederland*, p. 29.

transition [...] new development, conversion and phase-out take place as simultaneously as possible".⁶⁷

59. Indeed, timely phase-out is a precondition for the success of developing new activities. Currently, a significant portion of the space in the port is occupied by the fossil fuel industry. The aforementioned NOVEX report notes that "*the space currently used for oil storage and refining is potential transition space for the energy system of the future*".⁶⁸ Without clear and timely agreements on phase-out, this space will not become available for new development in time – in view of the long terms of contracts with the fossil fuel industry – and possibly not even before 2050. The NOVEX report warns that this is an "*issue for the build-up of a new cluster before 2050*" and emphasises that "*waiting and watching in the coming years to see which scenario materialises is inadvisable and may even be highly damaging to the transition*".⁶⁹
60. Without timely phase-out, the required space remains occupied, and the development of a future-proof port is structurally impeded.

4.4. Phase-out is an effective measure to achieve emission reductions

61. The Port Authority further argues that the phase-out of fossil fuel production may lead to emission displacement, whereby emissions shift to other regions.⁷⁰
62. That argument overlooks the core of Advocates for the Future's demands. The Port Authority is not being asked to terminate fossil-related activities overnight. The Port Authority is being asked to develop, within its own sphere of influence and using its position as manager and operator of the port area, a controlled transition plan. That transition plan must be aimed at the phase-out of fossil-related activities, but also at creating space for the new development of climate-neutral alternatives and conversion of existing activities.
63. It is precisely the absence of direction over the transition that keeps the port dependent on fossil fuels, steers investments towards fossil fuel infrastructure and delays the necessary shift to renewable activities. A controlled phase-out strategy therefore does not create additional problems but is rather part of the solution.
64. In this context, it is important that the Port Authority itself acknowledges that fossil fuel flows in the port will structurally decline in importance. The Port Authority has developed four future scenarios, which take into account varying geopolitical, economic and societal developments. In each of these scenarios, demand for fossil fuel flows declines and these are replaced by renewable energy flows:

"In each scenario, the share of container cargo increases and fossil fuel flows have been replaced to a significant extent (and possibly

⁶⁷ NOVEX Rotterdamse havengebied, *Ruimtegebruik en ruimtegebrek in de Rotterdamse haven*, June 2025, p. 7 ([link](#)).

⁶⁸ NOVEX Rotterdamse havengebied, *Ruimtegebruik en ruimtegebrek in de Rotterdamse haven*, p. 36.

⁶⁹ NOVEX Rotterdamse havengebied, *Ruimtegebruik en ruimtegebrek in de Rotterdamse haven*, pp. 42, 65.

⁷⁰ Letter from Port of Rotterdam Authority to Advocates for the Future dated 5 September 2025 ([link](#)).

*entirely) by renewable alternatives. [...] Oil and oil products decline by 75 to 100% in the scenarios. The strongest growth is in renewable liquid bulk, especially hydrogen (carriers) replacing oil (products)."*⁷¹

65. The Port Authority also states:

*"Liquid bulk volumes decreased; the extent depends on transition to renewable flows and the pace of the energy transition."*⁷²

66. The decline of fossil fuel flows is therefore, also according to the Port Authority, inevitable and goes hand in hand with the emergence of renewable alternatives. The question is therefore not *whether* this transition takes place, but whether it takes place in a timely, orderly manner and in line with the goals of the Paris Agreement. It is precisely on that point that the Port Authority falls short. The Port Authority acknowledges that fossil fuel flows will dry up yet fails to attach to this any adequate transition plan with concrete, verifiable and enforceable measures.

67. Moreover, the Port of Rotterdam is not an arbitrary location where fossil-related activities can simply be replaced one-for-one by activities elsewhere. The port is a concentrated energy and industrial cluster with a unique infrastructure, specialised enterprises, pipelines, terminals, refineries, chemical plants and logistics connections. That concentration also means that emission displacement is not a given and that Rotterdam is in fact well positioned to take a leading role in the transition.⁷³

68. This unique position also gives the Port Authority influence over the direction and pace of the transition. The Port Authority calls itself a "*crucial link and accelerator*" in the transition.⁷⁴ That position carries responsibility: it requires the Port Authority to actively steer towards a rapid, controlled transition. Companies in the port are making their own plans for the energy transition. Clarity about a legally secured transition pathway supports those plans, prevents new *lock-in* and makes investments in climate-neutral activities possible. A transition in the Port of Rotterdam can therefore not only reduce the port's own emissions but also provide direction for the broader phase-out of fossil fuel value chains and the transition to a climate-neutral economy.

5. THE PORT AUTHORITY CAN EFFECT PHASE-OUT

69. The phase-out of fossil-related activities in the Port of Rotterdam is not only necessary, but also feasible. The Port Authority wrongly suggests that this phase-

⁷¹ Port of Rotterdam Authority, *Havenvisie Rotterdam 2050*, p. 27 ([link](#)).

⁷² Port of Rotterdam Authority, *Toekomstscenario's 2050*, p. 6, September 2022 ([link](#)).

⁷³ A. Gianoli & F. Bravo, 'Carbon Tax, Carbon Leakage and the Theory of Induced Innovation in the Decarbonisation of Industrial Processes: The Case of the Port of Rotterdam', *Sustainability* 2020/12, 7667 ([link](#)).

⁷⁴ Ministry of the Interior and Kingdom Relations, Ministry of Infrastructure and Water Management, Ministry of Economic Affairs, Ministry of Agriculture, Province of South Holland, Municipality of Rotterdam, Port of Rotterdam Authority and DCMR, *Ontwikkelperspectief NOVEX-gebied: samenwerken aan de toekomst van het Rotterdamse havengebied*, December 2023, p. 62 ([link](#)).

out lies beyond its power and that the responsibility for it lies primarily with government and private companies.

70. In doing so, the Port Authority misconceives its own stringent responsibility. The Port Authority therefore has considerable influence over the nature and scale of the activities in the port area.

5.1. The Port Authority has various instruments at its disposal

71. The Port Authority has various instruments at its disposal to set in motion the phase-out of fossil-related activities. This is apparent from the Port Authority's own Climate Transition Plan:

- **Land allocation:** the Port Authority determines which companies can establish themselves in the port area. In doing so, it can impose conditions on the use of this land and on the activities carried out on it.
- **Contractual relationships:** in its commercial contracts, the Port Authority can impose conditions on its customers' activities.
- **Infrastructure development and investment decisions:** as developer of the port area, the Port Authority decides on the construction of terminals, infrastructure and logistics facilities. These investment decisions determine to a significant degree which economic activities can develop in the port.
- **Tariff structures and financial incentives:** through these, the Port Authority can influence the behaviour of companies.⁷⁵

72. These instruments make clear that the Port Authority has a decisive influence on the development of the port area and on the activities that take place there.

5.2. The Port Authority already uses these instruments for climate policy

73. The Port Authority already uses these instruments to stimulate certain forms of sustainability. The Climate Transition Plan demonstrates that climate considerations are taken into account when admitting new customers:

*"For new land allocations, the principle is "CO₂-neutral, unless."
This means that new customers are expected to operate their site
CO₂-neutral from the start (with respect to their Scope 1 and 2
emissions)."*⁷⁶

74. In addition, the Port Authority makes sustainability agreements with existing customers, distinguishing between large industrial customers and other existing customers. With large industrial customers, the Port Authority has long-term agreements and makes tailored arrangements where possible aimed at reducing scope 1 and 2 emissions. With other existing customers, the Port Authority makes

⁷⁵ Port of Rotterdam Authority, *Climate Transition Plan*, p. 7.

⁷⁶ Port of Rotterdam Authority, *Climate Transition Plan*, p. 15.

sustainability agreements at interim contractual moments, again aimed at reducing scope 1 and 2 emissions.⁷⁷

75. The Port Authority also uses financial incentives to stimulate sustainability. For instance, the Port Authority grants discounts on land lease contracts when customers invest in sustainability or operate in a climate-neutral manner. In addition, discounts are granted to ships with a so-called "*Green Certificate*".⁷⁸

5.3. The Port Authority utilises its instruments insufficiently

76. The problem is therefore not that the Port Authority lacks the necessary instruments, but that it chooses not to utilise them, or does not utilise them sufficiently, for the purpose of phasing-out of fossil-related activities.
77. The Port Authority wrongly distinguishes between scope 1 and 2 emissions on the one hand, and emissions beyond that scope on the other. In doing so, the Port Authority steers towards efficiency improvements within the Port Industrial Complex but not towards the phase-out of fossil-related activities. According to the Port Authority, its influence over scope 1 and 2 is greater than over the remaining emissions, which it claims lie "*outside our direct control*" and "*beyond our immediate sphere of influence*".⁷⁹
78. This is based on a fundamental misconception. For the instruments available to the Port Authority – including land allocation, contract terms, infrastructure development and investment decisions – it makes no difference how emissions are classified for accounting purposes.
79. The import, storage, processing and transshipment of fossil raw materials take place in the port area and are enabled by the Port Authority. It is precisely these activities that form the basis of the fossil fuel energy flows that run through the Port of Rotterdam. The Port Authority's instruments relate to these activities that take place in the port area.
80. The Port Authority can therefore deploy its instruments not only to reduce the direct emissions of companies in the port, but also to phase-out the fossil-related activities that cause these emissions in a controlled manner. This reduces both the direct and indirect emissions of the port.
81. That the Port Authority has this influence was acknowledged in 2016 by the Wuppertal Institut, a research institution commissioned by the Port Authority to advise on the decarbonisation of the industrial cluster in the port. Even at that time, the Wuppertal Institut called on the Port Authority to draw up a "*decarbonisation roadmap*", precisely also for emissions *outside the boundaries of the port area*, given the influence the Port Authority has on these emissions:

⁷⁷ Port of Rotterdam Authority, *Climate Transition Plan*, p. 15.

⁷⁸ Port of Rotterdam Authority, 'Green Award Discount', portofrotterdam.com (link).

⁷⁹ Port of Rotterdam Authority, *Climate Transition Plan*, pp. 13, 14.

"[I]t is obvious that the huge up- and downstream flows and transports of resources, energy and products that are linked to the industrial as well as logistics activities also have significant impacts on global GHG emissions and resource depletion. Via their influence on these flows and the linked value chains, the port and its industries hold an important lever for climate mitigation outside of their territorial boundaries. These options should also be systematically explored in the future and should be included in an overall decarbonisation strategy for the port."⁸⁰ (emphasis added)

5.4. Existing contracts do not form an obstacle

82. The Port Authority suggests that it can only intervene to a limited extent because many contracts in the port have a long duration, sometimes until 2050 or later.⁸¹ This argument does not hold.

83. It is precisely with those long-term contracts that have a significant adverse climate impact that the Port Authority can be expected to pursue a policy aimed at the controlled phase-out of those activities. This requires the Port Authority to make binding agreements with its customers on the transition of their activities and, where necessary, to apply an escalation mechanism when customers insufficiently cooperate with the necessary emission reductions. This principle is also explicitly confirmed in the international standards endorsed by the Port Authority. The UNGPs provide that enterprises must use their leverage in business relationships to counter the adverse effects on human rights:

"To fulfill these responsibilities, business enterprises should take measures, such as the following: [...] Use their leverage over their business relationships to prevent, reduce or mitigate any climate change-related human rights impacts that they contributed to or are directly linked to through operations, products or services."⁸²

84. The OECD Guidelines supplement this with concrete courses of action: continuation under conditions, temporary suspension, or ultimately termination of the relationship:

"Appropriate responses with regard to the business relationship may include continuation of the relationship throughout the course of risk mitigation efforts; temporary suspension of the relationship while pursuing ongoing risk mitigation; or, as a last resort, disengagement from a business relationship either after failed attempts at mitigation, or where the enterprise deems mitigation not feasible, or because of the severity of the adverse impact."⁸³

⁸⁰ Wuppertal Institut, *Decarbonization Pathways for the Industrial Cluster of the Port of Rotterdam*, September 2016, p. 8 ([link](#)).

⁸¹ Letter from Port of Rotterdam Authority to Advocates for the Future dated 10 February 2025. See also NOVEX Rotterdamse havengebied, *Ruimtegebruik en ruimtegebrek in de Rotterdamse haven*, pp. 6 and 40.

⁸² United Nations Working Group Business and Human Rights, *Information Note*, para. 17.

⁸³ OECD, *OECD Guidelines for Multinational Enterprises on Responsible Business Conduct*, commentary to chapter II, para. 25.

85. Advocates for the Future does not have insight into individual contracts of the Port Authority,⁸⁴ but in general, Dutch civil law provides scope to modify (long-term) contractual relationships when changed circumstances so justify.
86. According to the UNGPs, moreover, climate policy must focus not on the risks to enterprises, but on the impact on human rights: *"the impacts on rightsholders and not the risks to businesses should be at the centre of all climate change goals, policies, programmes and actions."*⁸⁵
87. The Port Authority can therefore not hide behind existing contracts to justify the absence of effective climate policy. Both the Port Authority and the companies operating in the port bear a responsibility to bring their activities into line with the objectives of the Paris Agreement.⁸⁶

6. THE PORT AUTHORITY ACTS UNLAWFULLY

88. Dangerous climate change forms a serious threat to fundamental human rights. National and international courts have confirmed that climate change constitutes an existential threat and thereby impairs the right to life, health and well-being of people.
89. The Port Authority has a significant legal obligation to limit the Port of Rotterdam's contribution to dangerous climate change. In that regard, it is relevant that:
- the Port of Rotterdam has for decades been one of the most important hubs for the import, processing and transshipment of fossil fuels and raw materials in Europe and has for a long time contributed substantially to global greenhouse gas emissions;
 - the Port Authority is a state-owned enterprise of the Municipality of Rotterdam and the Dutch State with an important public function and a key role in the energy transition.
90. The Port Authority can therefore be expected to make every effort to bring the activities in the port into line with the objectives of the Paris Agreement. In concrete terms, this means that the Port Authority must phase out the fossil-related activities in the port in a controlled manner as quickly as possible.
91. The Port Authority does in fact have the means and instruments to phase out the fossil-related activities in the port. As manager of the port area, the Port Authority determines to a significant degree which activities take place in the port, and under which conditions these activities are carried out. The Port Authority moreover

⁸⁴ Advocates for the Future has repeatedly requested the Port of Rotterdam Authority to provide further information on the content of its contracts, whether in aggregated or anonymised form, including at least by email of 21 January 2026 and by letter of 30 March 2026. To date, the Port of Rotterdam Authority has not provided the requested information.

⁸⁵ United Nations Working Group Business and Human Rights, *Information Note*, para. 5.

⁸⁶ Cf. The Hague Court of Appeal 12 November 2024, ECLI:NL:GHDHA:2024:2099 (*Milieudefensie/Shell*), para. 7.27.

already uses these instruments to stimulate certain forms of sustainability. It can therefore also deploy these instruments to phase out fossil-related activities in a controlled manner.

92. However, the Port Authority fails to do so, or at least insufficiently. The Port Authority focuses on the scope 1 and 2 emissions of its customers. While this does lead to emission reductions within the port grounds, it leaves the underlying fossil fuel basis of the port – and the enormous emissions associated therewith – untouched.
93. Research by CE Delft shows that scope 1 emissions represent only 3% of the global emissions of the Port of Rotterdam.⁸⁷ This means that the Port Authority does not engage with its customers and does not make binding agreements about the remaining 97% of emissions. The Port Authority thereby continues to facilitate fossil-related activities in the port without establishing concrete phase-out pathways for the fossil fuel energy flows that run through the port.
94. The Port Authority's climate policy is failing. The Port Authority acknowledges that it will probably not achieve its own target of a 55% reduction in 2030 of the CO₂ emissions from the Port Industrial Complex (i.e. the scope 1 emissions of companies in the Port of Rotterdam).⁸⁸ On the contrary: in 2025, the emissions of the Port Industrial Complex increased by 11% compared to 2024.⁸⁹
95. In addition, it is clear that the total facilitated emissions of the port have barely changed over the past fifteen years.⁹⁰
96. These facts establish that it has now become practically impossible to achieve by 2030 a reduction that is in any way consistent with the objectives of the Paris Agreement.
97. The Port Authority thereby fails to make its appropriate contribution to combating dangerous climate change. This is in violation of fundamental human rights and the duty of care resting on the Port Authority. By extension this means that the Port Authority is already acting unlawfully within the meaning of Article 6:162(2) of the Dutch Civil Code.

7. DEMANDS OF ADVOCATES FOR THE FUTURE

98. In view of all of the foregoing, Advocates for the Future demands that the Port Authority take the following actions:

⁸⁷ CE Delft, *Analyse klimaatplannen haven van Rotterdam*, pp. 4, 18.

⁸⁸ Port of Rotterdam Authority, *Climate Transition Plan*, p. 2; Port of Rotterdam Authority, *Annual Report 2025*, p. 63. Also with regard to the long term, the Port Authority Rotterdam is not on track to achieve a fully climate-neutral port by 2050, see: DCMR, *Effect Klimaatactieplan Rotterdam 2025, Beoordeling CO₂-effect van maatregelen*, 14 April 2025, p. 16 ([link](#)).

⁸⁹ Port of Rotterdam Authority, 'CO₂e emissions in the Rotterdam port area rose in 2025 due to increased electricity generation for Europe', 1 May 2025 ([link](#)).

⁹⁰ CE Delft, *Analyse klimaatplannen haven van Rotterdam*, pp. 47-48.

- A. *Climate policy in line with 1.5°C:* the Port Authority shall amend its climate policy such that all fossil-related activities in the port area are brought into line with the 1.5°C target of the Paris Agreement, taking into account the global emissions of the fossil-related activities.**

The Port Authority's current climate policy does not meet the 1.5°C target of the Paris Agreement. The Port Authority largely limits its climate policy to the direct emissions of the Port Authority itself and the emissions within the Port Industrial Complex. As a result, the majority of the emissions associated with activities in the port remain unconsidered.

A climate policy in line with the 1.5°C target requires the Port Authority to take responsibility for all fossil-related activities it facilitates in the port, regardless of where in the value chain the associated emissions occur. To that end, the Port Authority must deploy all available instruments to bring the development of the port area into line with this target.

- B. *Phase-out of fossil-related activities:* the Port Authority shall make every effort to phase out the fossil-related activities in the port in a controlled but rapid manner, with the ultimate goal of a fully climate-neutral port by 2050, taking into account the global emissions of the fossil-related activities.**

According to the current scientific consensus, the objectives of the Paris Agreement can only be achieved if the use of fossil fuels is reduced rapidly and structurally worldwide.

For a fossil fuel energy and industrial hub such as the Port of Rotterdam, this necessarily means that fossil-related activities must be phased out. Moreover, this phase-out is needed to create space for the development of new, sustainable markets and activities; without phase-out, the Port Authority impedes the climate transition and obstructs the development of a future-proof port in which employment, economic prosperity and autonomy are safeguarded in the long term.

By not phasing out fossil-related activities in the port, the Port Authority fails to make its appropriate contribution to combating dangerous climate change in accordance with the Paris Agreement. This is unlawful and the Port Authority must remedy this unlawfulness by directing its policy towards the systematic phase-out of fossil fuel flows in the port.

- C. *Sector-specific phase-out pathways:* the Port Authority shall establish sector-specific phase-out pathways with concrete targets for 2030, 2035, 2040, 2045 and 2050.**

The Port Authority's current climate policy contains no concrete targets for the phase-out of fossil fuel energy flows. The Port Authority identifies various sectors, such as industry, chemicals, transport and shipping, but per sector there are no concrete reduction trajectories. As a result, it is not apparent which part of the required emission reductions must be achieved where and at what pace.

Without such targets, there is no credible pathway to climate neutrality. The Port Authority must therefore establish sector-specific phase-out pathways for the main fossil fuel energy flows in the port, including oil, coal and gas, with concrete interim targets for 2030, 2035, 2040, 2045 and 2050. These must moreover be aligned with the reduction pathways developed by authoritative scientific and international institutions, including the IPCC and the International Energy Agency.

D. 55% reduction by 2030: the Port Authority shall reduce the direct emissions of companies in the port (as defined in the Climate Transition Plan⁹¹) by at least 55% by 2030 compared to 1990 levels.

The Port Authority has committed achieving a 55% reduction in greenhouse gas emissions by 2030 compared to 1990 for the direct (scope 1) emissions of companies in the port but has since indicated that it is unlikely that this target will be met.⁹² It is thus established that the Port Authority's current policy is insufficient to achieve even this emission reduction in time.

In order to remedy this, the Port Authority must take additional measures aimed at the phase-out of fossil-related activities in the port and make every effort to still achieve this reduction.

E. Customer policy and business operations: the Port Authority shall bring its customer policy and business operations into line with demands A to D. This means at the very least that:

- the Port Authority **shall not enter into new contracts** in respect of activities that facilitate the development, expansion or continuation of fossil fuel energy flows or fossil carbon value chains in the port, unless these activities demonstrably fit within the established phase-out pathways;
- the Port Authority **shall not renew existing contracts in respect of fossil fuel activities**, unless the relevant customers bring their activities into line with the Port Authority's reduction targets and phase-out pathways;
- the Port Authority shall make **binding agreements with existing customers on the controlled phase-out of fossil-related activities** and the reduction of associated greenhouse gas emissions;
- the Port Authority shall **terminate contracts with customers that refuse** to bring their activities into line with the Port Authority's climate policy and phase-out pathways;
- the Port Authority shall make **no new investments** in, and shall not provide financial support for, projects that facilitate the development, maintenance or

⁹¹ Port of Rotterdam Authority, *Climate Transition Plan*, p. 15.

⁹² Port of Rotterdam Authority, *Annual Report 2025*, p. 65. Based on the Annual Report 2025, the Port Authority expects that the emissions of the Port Industrial Complex will be 11.1 Mton CO₂-eq in 2030, which amounts to a reduction of 48% compared to 1990.

expansion of fossil fuel energy flows or fossil carbon value chains, unless these activities demonstrably fit within the established phase-out pathways;

- the Port Authority shall utilise **financial incentives and tariff structures** that demonstrably contribute to emission reductions and the phase-out of fossil-related activities in the port.

The Port Authority is not making serious work of the energy transition in its customer policy and operations. The Port Authority has considerable influence through land allocation, contractual relationships, infrastructure development and investment decisions. In order to actually achieve the reduction targets and phase-out pathways, the Port Authority must bring the deployment of these instruments into line with demands A to D.

The Port Authority is not doing this at present. Although the Port Authority claims to make agreements with customers on the sustainability of their activities, the Port Authority limits those agreements to scope 1 and 2 emissions. This is unjustified. The Port Authority's actual influence extends to the fossil-related *activities* in the port; that is independent of the accounting classification of emissions. The Port Authority must make binding agreements on the phase-out of fossil-related activities.

The price incentives used by the Port Authority are also not aimed at measurable reductions in the use or transport of fossil fuels. The Port Authority must furthermore deploy financial incentives that stimulate the phase-out of fossil-related activities or a demonstrable reduction of emissions. The current financial incentives are inadequate and ineffective.

F. *Monitoring and reporting:* the Port Authority shall develop a systematic and transparent approach to monitoring and reporting the total global greenhouse gas emissions associated with the fossil-related activities in the port.

The Port Authority currently does not report on the total facilitated emissions of the fossil-related activities in the port. Insight into these emissions is, however, necessary to develop effective phase-out pathways and to assess the progress of the energy transition.⁹³

The Port Authority must therefore systematically assess the total greenhouse gas emissions associated with the activities in the port and report on this publicly on an annual basis.

⁹³ See the Rotterdam City Council motion 'Understanding Rotterdam's Global Impact' of 30 May 2024, in which it was considered that: "*It is essential to have insight into the total scope 2 and scope 3 emissions of the port in order to formulate and implement targeted and effective emissions reduction measures*" ([link](#)).

G. *Climate transition plan:* the Port Authority shall draw up an effective and feasible climate transition plan within six months at the latest, in which the measures under A to F are elaborated in concrete terms.

The Port Authority has not made a start on a concrete plan for achieving climate neutrality by 2050. The recent Climate Transition Plan does mention this objective, but does not set out how the port as a whole will be brought into line with the objectives of the Paris Agreement.⁹⁴

Given the scale of the necessary transition, an effective and feasible climate transition plan is essential.

In this plan, the Port Authority must set out in concrete terms how the above-mentioned measures will be implemented and how it will deploy its instruments – including customer policy, contract terms and financial incentives – to actually achieve the transition.

H. *Stakeholders:* the Port Authority shall actively engage with relevant stakeholders – including national government, local authorities, customers, suppliers, ports and other partners – in order to place and keep the phase-out of fossil-related activities structurally on the agenda.

The Port Authority itself frequently points out that the transition of the port depends on the cooperation of a multitude of actors, including policymakers, customers and partners.⁹⁵ The Port Authority is also in dialogue with governments, industry and port companies, innovation and knowledge partners and stakeholders.⁹⁶ However, the Port Authority's current approach within this cooperation is not aimed at a phase-out of fossil-related activities in the port.

The Port Authority can be expected to proactively raise the phase-out of fossil-related activities in the consultative structures in which it participates, and to work towards concrete agreements that accelerate the transition. This applies all the more given that the Port Authority, as operator of the largest port in Europe, occupies a unique position and thereby also bears a particular responsibility to drive the broader transition.

8. DEMAND

99. Advocates for the Future requests the Port Authority to confirm in writing **within six weeks of the date of this letter** that the Port Authority will comply with this demand letter.
100. In addition, Advocates for the Future would like to receive the further information previously requested by email of 21 January and by letter of 30 March 2026

⁹⁴ The Port Authority states in the Climate Transition Plan that the pathways towards 2050 will be described in a "next version of the plan" and that it is still working "on an update of promising and desirable CO₂ reduction pathways", see: Port of Rotterdam Authority, *Climate Transition Plan*, pp. 10, 14.

⁹⁵ Port of Rotterdam Authority, *Climate Transition Plan*, p. 1.

⁹⁶ Port of Rotterdam Authority, *Climate Transition Plan*, p. 30.

regarding the Port Authority's current climate policy, climate impact and customer policy.

101. Should the Port Authority fail to comply, or fail to comply in a timely manner, Advocates for the Future reserves the right to take legal action. This may include the commencement of civil proceedings in which compliance with the demanded measures is sought.
102. Advocates for the Future expresses the hope that such proceedings will not prove necessary and that the Port Authority is prepared to assume its responsibility for the Port of Rotterdam's contribution to climate change.
103. In the meantime, we naturally remain available for further consultation.

Sincerely,

Advocates for the Future

Maikel van Wissen

Director