Complaint

Plaintiffs

1. Ma **

Gyeongsangnam-do **********

2. Hwang **

Dangjin-si **********

3. Yoon **

Seogwipo-si **********

4. Song **

Icheon-si **********

5. Kim **

Gyeongsangbuk-do **********

6. Lee **

Gyeongsangnam-do **********

Counsel for Plaintiff Weon Law Firm

Attorneys-in-charge Kwak Joon-hyeok, Jeon Byeong-mo, Son Won-woo, Park Chan-ho, Park Se-jin

8th floor, 414 Teheran-ro, Gangnam-gu, Seoul (Daechi-dong, L&B Tower) [06193]

(Tel: 583-7100, Fax: 583-7101, Email: mail@weonlaw.co.kr)

Attorneys Leem Duri, Kim Yeny, Choi Hoyeon

505-ho, Heyground 5th floor, 5 Ttukseom-ro 1na-gil, Seongdong-gu, Seoul

Defendants 1. **Korea Electric Power Corporation**

55 Jeollyeok-ro, Naju, Jeollanam-do (Bitgaram-dong)

Representative President Kim Dong-cheul

2. Korea South-East Power Co., Ltd.

32 Sadeul-ro 123beon-gil, Jinju, Gyeongsangnam-do (Chungmugong-dong)

Representative President Kang Gi-yoon

3. Korea Midland Power Co., Ltd.

160 Boryeongbuk-ro, Boryeong-si, Chungcheongnam-do (Daecheon-dong)

Representative President Lee Yeong-jo

4. Korea Western Power Co., Ltd.

285 Jungang-ro, Taean-eup, Taean-gun, Chungcheongnam-do (Pyeongcheon-ri)

Representative President Lee Jeong-bok

5. Korea Southern Power Co., Ltd.

40 Munhyeongeumyung-ro, Nam-gu, Busan (Munhyeon-dong, Busan International Finance Center)

Representative President Kim Joon-dong

6. Korea East-West Power Co., Ltd.

395 Jongga-ro, Jung-gu, Ulsan (Bukjeong-dong)

Representative President Kwon Myeong-ho

Complaint for Damages

Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

Remedy Sought

1. Defendants are to jointly pay each Plaintiff the sum of KRW 5,002,035 and interest on this amount at a rate of 12% annually from the day after the date of service for the Subject Complaint until the date payment is completed.

2. Defendants shall bear the costs of litigation.

3. Paragraph 1 may be provisionally executed.

is the decision sought.

Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

Cause of Action

1. Positions of Parties

A. Positions of Plaintiffs

Plaintiffs are citizens of the Republic of Korea who reside in Korea and are people who work in agriculture, etc.

(1) Plaintiff Ma **

Plaintiff Ma ** has been farming for 15 years, and has been cultivating apples in Hamyang-gun, Gyeongsangnam-do since 2011. Plaintiff Ma ** grows multiple varieties of apples on his 21592m^2 orchard, and has supported his wife and two sons through the cultivation of apples. The father of Plaintiff Ma ** has been cultivating apples since 1990 in Plaintiff Ma **'s orchard, and in 2011 Plaintiff Ma ** inherited his father's business and has continued the cultivation of apples in the orchard (Exhibit A No. 1, Resident Registration Record for Plaintiff Ma **; Exhibit A No. 2, Agricultural Company Registration Confirmation for Plaintiff Ma **; Exhibit A No. 3-1, Plaintiff Ma **'s Farmland Registry Record for Plot No. 1188-4; Exhibit A No. 3-2, Plaintiff Ma **'s Farmland Registry Record for Plot No. 968-3; Exhibit A No. 3-3, Plaintiff Ma **'s Farmland Registry Record for Plot No. 968-5).

(2) Plaintiff Hwang **

Plaintiff Hwang ** has been cultivating rice for over 30 years in Seosan-si, Chungcheongnam-do. Plaintiff Hwang ** and his spouse non-party Park ** farm on roughly 100,958.8m^2 of farmland[1] that is leased,[2] and the rice that is cultivated on Plaintiff Hwang **'s farmland amounts to roughly 75,000kg - 80,000kg (Exhibit A No. 4, Resident Registration Record for

[1] The arable land will be included in the additional exhibits that will be submitted in the future.
[2] Plaintiff Hwang ** farms together with Park **, so the farmland is being leased under the name of Park **.

We On law firm
Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

Plaintiff Hwang **; Exhibit A No. 5, Resident Registration Record for Park **; Exhibit A No. 6, Agricultural Company Registration Confirmation for Plaintiff Hwang ** and Park **; Exhibit A No. 7-1, Plaintiff Hwang **'s Farmland Registry Record for Plot No. 478; Exhibit A No. 7-2, Plaintiff Hwang **'s Farmland Registry Record for Plot No. 480; Exhibit A No. 7-3, Plaintiff Hwang **'s Farmland Registry Record for Plot No. 874; Exhibit A No. 7-4, Plaintiff Hwang **'s Farmland Registry Record for Plot No. 873; Exhibit A No. 7-5, Plaintiff Hwang **'s Farmland Registry Record for Plot No. 871; Exhibit A No. 7-6, Plaintiff Hwang **'s Farmland Registry Record for Plot No. 870; Exhibit A No. 7-7, Plaintiff Hwang **'s Farmland Registry Record for Plot No. 869; Exhibit A No. 7-8, Plaintiff Hwang **'s Farmland Registry Record for Plot No. 868; Exhibit A No. 7-9, Plaintiff Hwang **'s Farmland Registry Record for Plot No. 867).

(3) Plaintiff Yoon **

Plaintiff Yoon ** is a farmer that has been cultivating tangerines in Jeju for 18 years (Exhibit A No. 8, Resident Registration Record for Plaintiff Yoon **; Exhibit A No. 9-1, Agricultural Company Registration Confirmation for Plaintiff Yoon **; Exhibit A No. 9-2, Agricultural Company Registration (Registration of Amendment) Confirmation for Plaintiff Yoon **; Exhibit A No. 10-1, Plaintiff Yoon **'s Farmland Registry Record for Plot No. 30-1; Exhibit A No. 10-2, Plaintiff Yoon **'s Farmland Registry Record for Plot No. 675; Exhibit A No. 10-3, Plaintiff Yoon **'s Farmland Registry Record for Plot No. 676; Exhibit A No. 10-4, Plaintiff Yoon **'s Farmland Registry Record for Plot No. 2463).

(4) Plaintiff Song **

Plaintiff Song ** is a farmer that has been cultivating peaches, etc., for over 23 years in Icheon-si, Gyeonggi-do since 2002. Plaintiff Song ** has been making his living by farming 8,162m^2 of fields and orchards alongside his spouse, Kim ** (Exhibit A No. 11, Resident Registration Record for Plaintiff Song **; Exhibit A No. 12, Agricultural Company Registration Confirmation for Plaintiff Song **; Exhibit A No. 13-1, Plaintiff Song **'s Farmland Registry Record for Plot No. 159; Exhibit A No. 13-2, Plaintiff Song **'s Farmland Registry Record for Plot No. 159-3).

Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

(5) Plaintiff Kim **

Plaintiff Kim ** is a farmer that has been cultivating peaches, etc., in Yeongdeok-gun, Gyeongsangbuk-do (Exhibit A No. 14, Resident Registration Record for Plaintiff Kim **).

(6) Plaintiff Lee **

Plaintiff Lee ** is a farmer that has been cultivating strawberries, etc., in Sancheong-gun, Gyeongsangnam-do (Exhibit A No. 15, Resident Registration Record for Plaintiff Lee **).

As set forth above, the Plaintiffs have been engaged in agriculture in Korea for a long period of time, and these Plaintiffs have suffered great harm to their livelihoods due to abnormally high temperatures, natural disasters, unusual droughts and heavy rains, etc., that have resulted from the intensifying severe climate crisis.

B. Positions of Defendants

(1) Background to the Establishment of the Defendants and the Relationship Between the Defendants

Defendant Korea Electric Power Corporation (hereinafter "**Defendant KEPCO**") is a public corporation established on December 31, 1981, in accordance with the Korea Electric Power Corporation Act. The purpose of the Korea Electric Power Corporation Act was to promote stable supply and demand for electrical power and contribute to the development of the national economy (Article 1), and to achieve this purpose, the Korea Electric Power Company (corporation established on July 1, 1961, by the merger of Chosun Electrical Corporation, Kyongsong Electricity Corporation, and the Namsun Electricity Corporation in accordance with the Korea Electric Power Company Act) was dissolved in order to establish Defendant KEPCO

Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

(Exhibit A No. 16-1, Certified Copy of Corporate Registration for Defendant KEPCO).

Since the establishment of its predecessor, the Korea Electric Power Company, Defendant KEPCO has had a **monopoly over the domestic power generation, transmission, and distribution industry**, and since April 2, 2001, which was after the foreign exchange crisis, Defendant KEPCO has been **engaged in the business of power transmission and distribution after the spin-off of its power generation divisions**[3] in accordance with the restructuring of the Korean power industry by the Ministry of Commerce, Industry, and Energy (currently the Ministry of Trade, Industry and Energy) and the Act on the Restructuring of the Korean Power Industry.

The spin-off of Defendant KEPCO's power generation division on April 2, 2001, resulted in the establishment of the free market public corporations that are the Defendant Korea South-East Power Co., Ltd. (hereinafter "**Defendant KOEN**"), Defendant Korea Midland Power Co., Ltd. (hereinafter "**Defendant KOMIPO**"), Defendant Korea Western Power Co., Ltd. (hereinafter "**Defendant KOWEPO**"), Defendant Korea Southern Power Co., Ltd. (hereinafter "**Defendant KOSPO**"), and Defendant Korea East-West Power Co., Ltd. (hereinafter "**Defendant EWP**". Defendants KOEN, KOMIPO, KOWEPO, KOSPO, and EWP hereinafter collectively referred to as "**Defendant Power Generation Subsidiaries**") (Exhibit A No. 16-2, Certified Copy of Corporate Registration for Defendant KOEN; Exhibit A No. 16-3, Certified Copy of Corporate Registration for Defendant KOMIPO; Exhibit A No. 16-4, Certified Copy of Corporate Registration for Defendant KOWEPO; Exhibit A No. 16-5, Certified Copy of Corporate Registration for Defendant KOSPO; Exhibit A No. 16-6, Certified Copy of Corporate Registration for Defendant EWP).

These Defendant Power Generation Subsidiaries were established as wholly owned subsidiaries of Defendant KEPCO as Defendant KEPCO held 100% of their shares outstanding, and this relationship is still ongoing (Defendant KEPCO and Defendant Power Generation Subsidiaries

[3] Six power generation companies were established in order to stimulate competition between power generation companies and prevent collusion.

We on law firm
Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

hereinafter collectively referred to as the "**Defendants**"). As such, Defendant KEPCO has actual control over the Defendant Power Generation Subsidiaries, and society as a whole views the Defendants as a single entity (Exhibit A No. 17, Screenshot of KEPCO Subsidiaries; Exhibit A No. 18, National Archive of Korea Records on the Reorganization of the Electrical Power Industry).

(2) Status of the Defendants in the Domestic Electric Power Industry

Since its establishment, Defendant KEPCO has had a monopoly over the generation, transmission, distribution, and sales of electric power in Korea, and even after its power generation division was spun-off into the Defendant Power Generation Subsidiaries in order to promote competition between power generation companies, the **transmission, distribution, and sale of electrical power is still being monopolized** by Defendant KEPCO, so the domestic electric power industry is still under the decisive influence of Defendant KEPCO (Exhibit A No. 18, National Archive of Korea Records on the Reorganization of the Electrical Power Industry).

Before 2001, Defendant KEPCO monopolized the generation of electrical power in Korea, **and from 2001 onwards, the Defendant Power Generation Subsidiaries generated the majority of the electrical power in Korea.** This is because the characteristics of the electric power industry—where the initial costs and time required to construct a power plant are immense—make it extremely difficult for new businesses to enter the market and give existing businesses that already have facilities or personnel a competitive edge.

In fact, when the share of the domestic electricity market held by the Defendant Power Generation Subsidiaries is calculated based on the amount of electric power generated by the Defendant Power Generation Subsidiaries in relation to total electric power generated in Korea as set forth in "Korea Electric Power Statistics: Amount of Electric Power Generated" published by Statistics Korea,[4] since 2001, when the system of competition in the electricity market was

[4] https://kosis.kr/statHtml/statHtml.do?sso=ok&returnurl=https%3A%2F%2Fkosis.kr%3A443%2FstatHtml%2FstatHtml.do%3Fconn_path%3DI2%26tblId%3DDT_31002N_A001%26orgId%3D310%26

We On law firm
Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

established, the Defendants held over 90% of the electricity market for at least 10 years, and at the present time, the Defendants still hold roughly 66% of the market (Exhibit A No. 19, Defendants' Share of Electricity Market).

2. Harm Suffered by Plaintiffs Due to the Climate Crisis

A. Economic Harm to Livelihood

(1) Harm Suffered by Farmers Due to Climate Change

Due to human activity, average global temperatures have risen by approximately 1℃ over the past 20 years (2001-2020) compared to pre-industrial times (1850-1900). If greenhouse gas emissions continue at the current level, the increase in the average global temperature compared to pre-industrial times is likely to reach 1.5℃ sometime around 2021-2040. The Korean peninsula has experienced a 1.6℃ rise in average temperatures and a 135.4mm increase in precipitation over the past 30 years (1991-2020) when compared to the averages during 1912-1940. In addition, in the past 109 years, the frequency of heat waves has been at its highest level over the past 10 years (2011-2020), and the frequency of extreme cold events has also been at its highest level over the past 30 years (1991-2020). As such, the number of abnormal weather events resulting from global warming will continue to increase in the future, and their intensity is expected to increase as well, so it is clear that a climate crisis is unfolding (Exhibit A No. 20, Comprehensive Report on Climate Change in the Agricultural Sector and Assessment of Impact/Vulnerability page 7).

This climate crisis has a significant impact on agriculture in particular. This is because the average state of the agricultural ecosystem of a region is formed over a long period of time by the given environmental conditions (soil and climate), and the cropping systems, varieties planted, and cultivation techniques are all optimized based on this. Therefore, any weather abnormalities that deviate significantly from the average climate of a region will cause major damage to crops. The frequent occurrence of abnormal weather in recent times resulting from

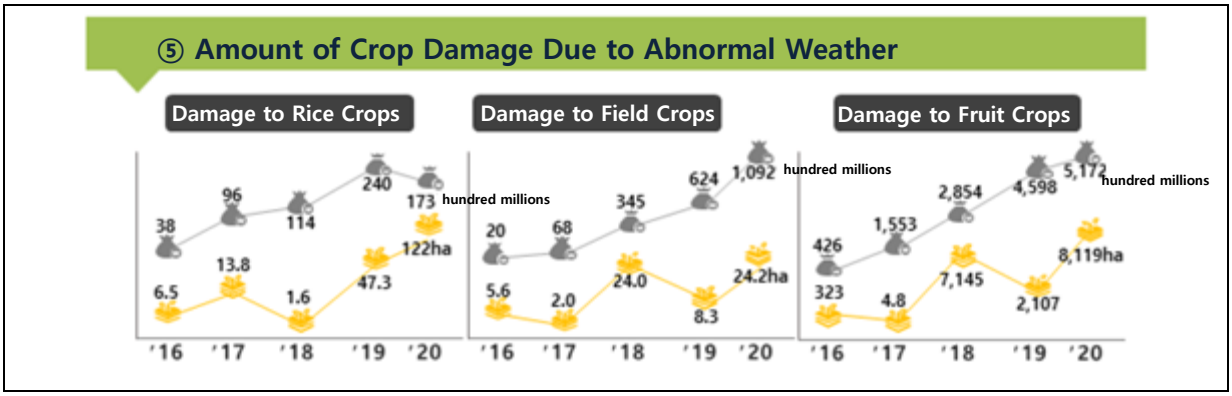
We On law firm
Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

climate change has caused a great deal of harm to crop growth and productivity, and these incidents are expected to become more severe in the future (Exhibit A No. 20, page 439).

Ultimately, farmers bear the brunt of the impact of this climate crisis. The Plaintiffs, who are farmers, are being subject to direct and reoccurring harm in the form of reduced production, worsening quality, and economic losses when compared to the past as a result of this climate crisis.

According to Exhibit A No. 20, the Comprehensive Report on Climate Change in the Agricultural Sector and Assessment of Impact/Vulnerability published by the Rural Development Administration, when compared to the reference years of the survey (2006-2015), the number of abnormal weather events over the past five years (2016-2020) amounted to 129.9 events, which is 45.2 events (1.5 times) more than the 84.7 events recorded during the reference years, and the amount of crop damage continues to increase (Exhibit A No. 20, page 29, page 30).

[Exhibit A No. 20, Page 33]



However, the harms suffered by the Plaintiffs as a result of this climate crisis do not simply stop at the damage done to crops due to abnormal weather. The following is a more detailed

Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

explanation of the harms suffered by each Plaintiff due to this climate crisis.

(2) Harms Suffered by Plaintiffs

a) Harms Suffered by Plaintiff Ma **

1) While Plaintiff Ma ** constantly experienced issues due to climate change, the climate crisis truly impacted Plaintiff Ma **'s livelihood in the spring of 2018 as a result of cold-weather damage. Plaintiff Ma ** will never forget the precise date and circumstances of that horrible incident. On April 8, 2018, when flower buds were beginning to appear on the apple trees, there was a heavy snowstorm in Hamyang-gun, where Plaintiff Ma **'s orchard was located. Apple blossoms are vulnerable to cold during the bud stage, so the heavy snowfall prevented the flowers from blooming. Ultimately, Plaintiff Ma ** was unable to harvest any high quality apples that year, causing Plaintiff Ma ** to suffer immense economic harm.

This cold-weather damage that was suffered by Plaintiff Ma ** was caused by climate change. Plaintiff Ma **'s father had run the orchard currently being run by Plaintiff Ma ** since 1990 (Exhibit A No. 3-1, Plaintiff Ma **'s Farmland Registry Record for Plot No. 1188-4; Exhibit A No. 3-2, Plaintiff Ma **'s Farmland Registry Record for Plot No. 968-3; Exhibit A No. 3-3, Plaintiff Ma **'s Farmland Registry Record for Plot No. 968-5), and he states that there had been no incidents of cold-weather damage during that time. However, Plaintiff Ma ** has been suffering from cold-weather damage once every other year in recent years. This is because apple blossoms had previously bloomed during late April and early May, but with spring coming earlier as a result of climate change, apple blossoms are now beginning to appear in early April,[5] when spring has yet to fully take hold and cold spells still appear, making them even more vulnerable to cold-weather damage (Reference Material 1, Article on Flowering Seasons; Reference Material 2, Article on Apple Crops).[6]

[5] Hotter and Faster Spring…Even the Flower Buds Will Be Early This Year | KBS News
[6] Sharp Increase in Cold Damage in Spring Due to Climate Change…'Golden Apples' Becoming Common?

Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

2) Apples are a crop that prefers colder weather as it grows well and with good quality at lower temperatures, so high temperatures during ripening causes the quality to drop in the form of discoloration, etc. As such, climate change has had a large impact on the quality of the apples grown by Plaintiff Ma **. In addition, when compared to the climate conditions of the past 30 years, the land suitable for the cultivation of apples and land available for the cultivation of apples will continue to decrease rapidly, and it is expected that the cultivation of apples will only be possible in some parts of Gangwon-do by around 2070 (Exhibit A No. 21, Press Release by the Rural Development Administration). Ultimately, it is becoming clear that Plaintiff Ma ** will be unable to cultivate apples in the near future. Plaintiff Ma ** is already unable to grow certain varieties of apples that he had previously grown in the orchard.

As a result of the drop in production due to various types of climate change such as cold-weather damage, heat waves, flooding, etc., Plaintiff Ma ** received a total of KRW 52,277,119 in crop disaster insurance payouts in 2019 and a total of KRW 11,832,524 in crop disaster insurance payouts in 2020 (Exhibit A No. 22-1, Certificate of Crop Disaster Insurance for Plaintiff Ma ** (2019-2025); Exhibit A No. 22-2, Certificate of Payment for Plaintiff Ma **'s Crop Disaster Insurance Premiums (2019-2025); Exhibit A No. 22-3, Transfer Statements for Plaintiff Ma **'s 2019 Crop Disaster Insurance Premiums; Exhibit A No. 22-4, Transfer Statements for Plaintiff Ma **'s 2020 Crop Disaster Insurance Premiums). These insurance payouts clearly show the economic harm suffered by Plaintiff Ma ** due to the drop in apple production, but Plaintiff Ma ** is unable to fully recover from these harms with these insurance payouts. In particular, **the deductible rate for crop disaster insurance is around 10% to 20%, so even if these harms suffered by the Plaintiff are acknowledged, the Plaintiff must simply absorb some of these harms.** Furthermore, given the nature of crop disaster insurance for apples, the insurance payout only covers the decrease in the number of apples; **it is difficult to receive an insurance payout for a drop in quality due to cold-weather damage or high temperatures, so much of the harm must be borne by Plaintiff Ma ** on his own**.

4) The economic harm suffered by Plaintiff Ma ** as a result of climate change does not stop at just a drop in apple production and quality. Plaintiff Ma ** has spent time, money, and labor to

We On law firm
Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

take a variety of measures to ensure that he can continue his livelihood even in the face of this climate crisis.

This year, Plaintiff Ma ** sprayed a lime Bordeaux mixture on all of his apple varieties for the first time. Spraying a lime Bordeaux mixture causes the surface of the fruit to be covered in white, and this is a measure to reduce the damage to the fruit from sunlight. While a lime Bordeaux mixture was sprayed only on some apple varieties (Fuji variety) in the summer of last year, all of the varieties had to be sprayed this year due to heat waves. Spraying a lime Bordeaux mixture requires a great deal of time, money, and labor.

In addition, since farm work cannot be missed even for a day, the Plaintiff is suffering and facing his physical limits as he is forced to work in his orchard even during heat waves. With each subsequent summer expected to get hotter and hotter, the Plaintiff cannot help but be concerned about how he will manage the heat waves in the future.

b) Harms Suffered by Plaintiff Hwang **

Plaintiff Hwang ** is a tenant farmer who receives roughly 30% of his total sales as net profit, so Plaintiff Hwang ** is particularly sensitive to drops in production. However, Plaintiff Hwang **'s rice paddies have suffered serious damage in recent years due to pests and diseases, frequent heavy rainfall in autumn, heat waves in the summer, etc., and the damage is becoming more severe every year. According to Exhibit A No. 20, the surface area of rice paddies suffering damage due to abnormal weather has been increasing sharply since 2019 when compared to the reference year (2015), with 2019 coming in at 5.1 times the area in the reference year, and 2020 coming in at 13 times (Exhibit A No. 20, page 29). In addition, as a result of heat waves during the fall, the optimal heading period for rice during the past five years of the report (2016-2020) had been delayed by an average of roughly 2.4 days (August 23rd -> August 25th) when compared to the reference years (2001-2005). This delay to the heading period is directly linked to a decline in quality and yields (Exhibit A No. 20, page 20), and this in turn leads to the economic harm suffered by Plaintiff Hwang **.

Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

[Exhibit A No. 20, Page 29]

2) Changes to the Productivity of Food and Horticultural Products

(1) Amount of Damage to Crops

○ The surface area of rice paddies suffering damage due to abnormal weather has risen sharply since 2019, with 2019 having an increase of 5.1 times and 2020 having an increase of 13 times when compared to the reference year (2015).

* Surface area of damage: (2016) 6.5ha → (2017) 13.8 → (2018) 1.6 → (2019) 47.3 → (2020) 122.0

* Insurance payouts: (2016) 3.79 billion → (2017) 9.58 billion → (2018) 11.43 billion → (2019) 24.0 billion → (2020) 17.26 billion

[Exhibit A No. 20, Page 20]

2) Changes to the Productivity of Food and Horticultural Products

(1) Change to the boundaries of suitable areas for crops

○ (Rice) Rice) Due to high temperatures during the fall, the optimal heading period for rice[2)] during the past five years (2016-2020) has been delayed an average of roughly 2.4 days (August 23rd → August 25th) when compared to the reference years (2001-2005) (roughly 9 days for Yeongseo in Gangwon-do and the East Sea region).

* Among a total of 65 regions, 48 regions saw a delay in the heading period, 10 regions saw no changes, and 7 regions had an early heading period.

Furthermore, Plaintiff Hwang ** is already expecting a great deal of damage to occur this year due to pests and diseases. While Plaintiff Hwang ** is expected to receive crop insurance payouts as a result of this damage, the deductible ratio for crop insurance is 20%, so Plaintiff Hwang ** will not be sufficiently compensated for the economic harms (Exhibit A No. 23-1, Plaintiff Hwang **'s Tongjeong-ri Crop Ledger; Exhibit A No. 23-2, Plaintiff Hwang **'s Tongjeong-ri Crop Damage Investigation Report; Exhibit A No. 23-3, Plaintiff Hwang **'s Chang-ri Crop Ledger; Exhibit A No. 23-4, Plaintiff Hwang **'s Chang-ri Crop Damage Investigation Report).

c) Harms Suffered by Plaintiff Yoon **

Tangerines are a representative subtropical fruit crop that is seeing a continuous increase in the total area available for the cultivation of the crop in Korea; the boundaries of the area where the crop can be cultivated are expected to expand from Jeju-do to the southern coastal areas and the coastal areas of Gangwon-do (Exhibit A No. 21, page 2). Alongside the increase in the total area

We On law firm
Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

available for the cultivation of tangerines is an increase in the likelihood that the surface area used for the cultivation of tangerines and tangerine yields will also increase. However, in Jeju-do, the cultivation of tangerines may actually become more difficult due to increasingly warmer weather.

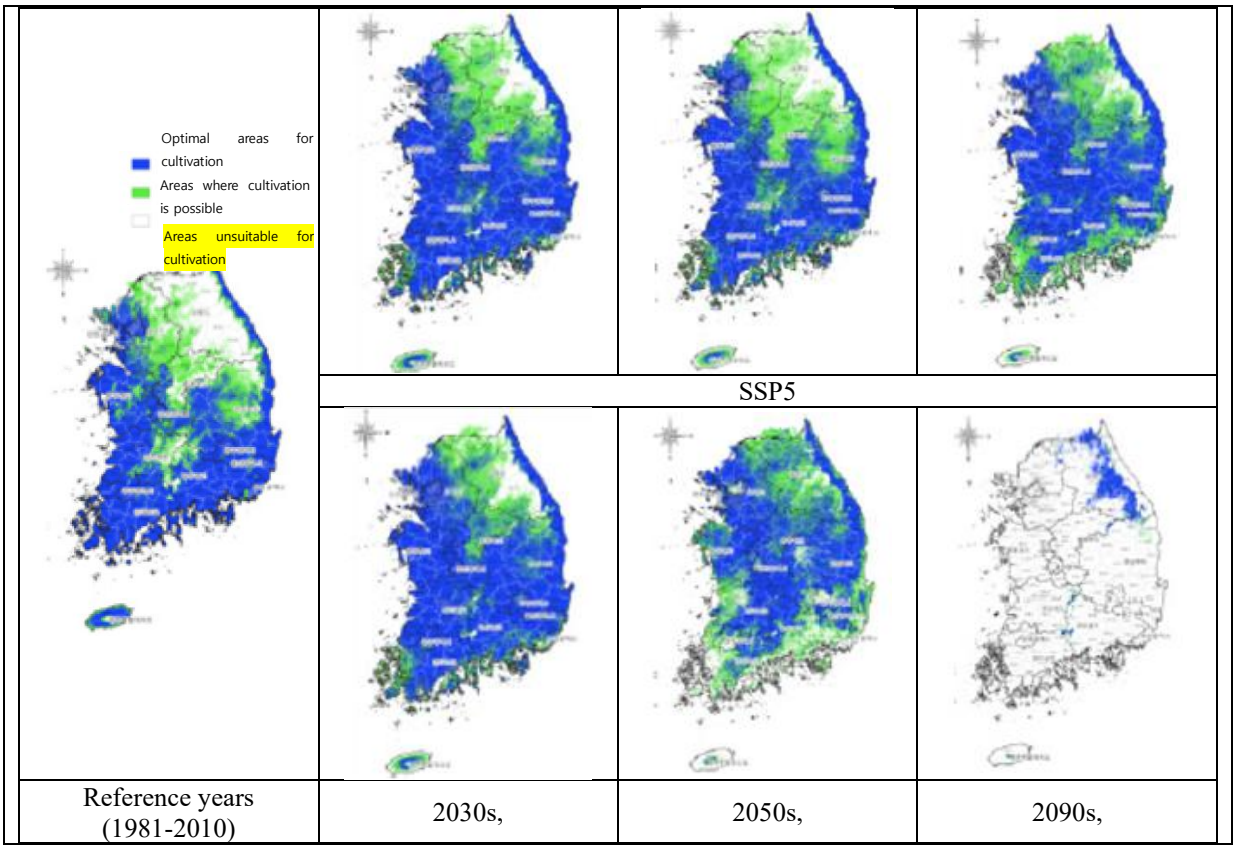
Furthermore, as the areas suitable for the cultivation of tangerines expands, the competitiveness of tangerines from Jeju-do drops due to their high transportation costs when compared to tangerines from other regions, and as a result, consumers are increasingly choosing tangerines from inland regions compared to tangerines from Jeju-do. As such, it is highly likely that Plaintiff Yoon **'s profits will be significantly reduced.

d) Harms Suffered by Plaintiff Song ** and Plaintiff Kim **

Peaches are one of the crops that are the most sensitive to climate change; while the total area where the cultivation of peaches is possible is expected to increase by a small amount until the 2030s when compared to the previous 30 years, this area is expected to shrink rapidly afterwards until peaches are only be cultivated in the mountainous regions of Gangwon-do by around the 2090s (Exhibit A No. 21, page 11). In other words, the Plaintiffs will be in a situation where the cultivation of peaches will become more and more difficult due to climate change.

We On law firm
Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

[Exhibit A No. 8, Page 101]



In particular, Plaintiff Song ** farms peaches organically, and because of climate change, outbreaks of peach budworms have caused significant damage. This pest is breeding more frequently as the weather becomes warmer due to climate change. And this has ultimately led to Plaintiff Song ** being forced to cut down most of his peach trees.

In addition, the dormant period for peach trees has been cut short by 10 days compared to the reference years (2006-2015) according to the report above, and this shorter dormant period leads to incomplete flowering and poor fruiting (Exhibit A No. 20, page 23).[7]

[7] The chill hour requirements for temperate fruit trees refers to the amount of time spent in low temperatures that is required to awaken winter buds from dormancy; the required temperature range is roughly 0°C - 10°C, and the amount of time spent in those temperatures is also a factor. If the total amount of time spent in low temperatures drops due to an increase in temperatures during the winter, temperate fruit trees will remain in dormancy for longer, leading to

Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

e) Harms Suffered by Plaintiff Lee **

In Sancheong-gun, where Plaintiff Lee ** lives and cultivates strawberries, a massive wildfire broke out last March. The wildfire raged for ten days, during which time it burned down 1858ha of forest in Hadong-gun and Sancheong-gun in Gyeongsangnam-do, and it was only brought under control after 213 hours. Ultimately, Sancheong-gun was declared a national disaster area. And then four months later, flooding occurred. Sancheong-gun, which was still suffering from the wildfire, experience a severe rainstorm that brought 759.0mm of rain over four days, which is an amount that greatly exceeds the average precipitation of 632.0mm for the region, with 283mm of precipitation falling on the 19th alone (Reference Material 3, Article on Severe Rains in Sancheong-gun).[8] Wildfires and severe rainfall are representative abnormal weather events that result from climate change.

According to Sancheong-gun, as of August 6, 2025, 715ha of farmland, 1291ha of crops, and 4661 agricultural and livestock facilities have been registered with the National Disaster Management System (NDMS) as having been subject to damage from flooding and landslides in Sancheong-gun. In particular, strawberries, which is the main crop of the region and Plaintiff Lee **, suffered a great deal of damage. As there was a great deal of damage done to not just strawberry seedlings but also strawberry greenhouses, some estimates even say that recovery will take 1-2 years. Furthermore, as of 9:00 AM on August 7, 2025, a total of 1429 pieces of farm machinery encompassing 38 types of farm machinery have been registered as having been subject to landslides, flooding, and damage (Reference Material 4, Article on Recovery for Farmers in Sancheong-gun).[9] This damage to farm machinery is to the extent that the repair costs are difficult to afford.

Plaintiff Lee **, who is a strawberry farmer in Sancheong-gun, has also suffered from the above immense flooding related damage that resulted from climate change. And while Plaintiff Lee **

incomplete flowering and poor fruiting (Exhibit A No. 20, page 162).

[8] After March Fires, Severe Rain in July... "Extreme Natural Disaster" Brings Tears to Sancheong - Maeil Business Newspaper

[9] "Let's Help Farmers Suffering From Flooding" Full-Scale Support for Farmers in Sancheong Begins - Busan Ilbo

Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

is still busy trying to recover from the flooding, it is clear that complete recovery will be impossible.

f) Sub-Conclusion

The Plaintiffs have suffered a great deal of damage to their livelihoods and assets as a result of climate change. The economic harm suffered by the Plaintiffs will be proven further through the submission of additional evidence, applications for appraisals, etc.

B. Psychological Harm

As shown above, it is a well-known fact that climate change is becoming more severe and that this is resulting in harm to the agricultural industry and threatening the livelihoods of farmers like the Plaintiffs. However, Plaintiffs have suffered not only economic harm as a result of climate change, but psychological harm as well.

One of Plaintiff Ma **'s two sons are in 5th grade of elementary school, while the other is a freshman in middle school (Exhibit A No. 1, Resident Registration Record for Plaintiff Ma **). While there are at least 10 more years left until the Plaintiff's sons are both adults, there is no guarantee that the Plaintiff will be able to farm apples in a stable manner until then. In fact, science has even predicted that the Plaintiff will be unable to farm apples in Hamyang-gun due to the area suitable for apple cultivation shrinking as a result of climate change.

Under such circumstances, the Plaintiffs are complaining of extreme anxiety. The Plaintiffs are living with constant anxiety, worried that they will have to flee their home at some point, that they might lose their livelihoods, worried about the financial burden of adjusting to this new climate, etc. They even worry about how long they will be able to endure the physical toll, additional costs, etc., that result from climate change. And the Plaintiffs say that whenever they hear news about the climate crisis or experience abnormal weather, these concerns grow larger.

Even the Sixth Assessment Report published by the IPCC (Intergovernmental Panel on Climate

We On law firm
Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

Change) states that the changes in the environment that result from climate change can have a negative impact on mental health (Exhibit A No. 24, Report on the Impact of the Climate Crisis on Mental Health, page 231).

In addition, in its 2022 Policy Report, the World Health Organization (WHO) stated that climate change poses a significant threat to mental health, and emphasized the urgent need for establishing mental health support systems in each country (Exhibit A No. 25, Article on WHO Mental Health Report). In particular, there is research indicating that farmers such as the Plaintiffs may suffer from more severe mental anguish, and are more vulnerable to these impacts on mental health.

[Exhibit A No. 24, Page 64]

> Many lower-income households work in industries that are significantly impacted by the climate, such as agriculture or fishing, and reside in areas that are vulnerable to changes in weather and temperature (ex: flood zones, areas subject to droughts, etc.). Such people may suffer more mental anguish due to the impact of serious weather events or other climate-related threats, and farmland and rural areas are particularly vulnerable to mental health impacts of droughts (Berry et al., 2010, p.123; Coelho, Adair, & Mocellin, 2004, p.1). Other research indicates that farmers in Australia felt a great sense of loss that is difficult to cope with as a result of chronic drought and its economic consequences (Polain, Berry, & Hoskin, 2011, p.239).

In other words, the Plaintiffs' concerns regarding their livelihoods and environment cannot help but grow as climate change becomes worse, and this serious anxiety and mental stress suffered by the Plaintiffs cannot be overlooked, as this eventually leads to long-term mental anguish.

3. Establishment of Defendants' Tort Liability

A. Defendants' Greenhouse Gas Emissions and Acts that Exacerbated Climate Change

(1) Defendants' Greenhouse Gas Emissions

Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

As shown above, the Defendants emitted a great deal of greenhouse gases while engaging in their business of generating electric power as they made up the majority of domestic power generation.

Since 2011, when data on greenhouse gas emissions by domestic companies began to be collected, up to 2022, when the most recent figures were released, Defendant Power Generation Subsidiaries have ranked 2nd to 6th in terms of greenhouse gas emissions by domestic companies for most of this period. In addition, when the amount of greenhouse gases emitted by all of the Defendant Power Generation Subsidiaries is combined, the Defendant Power Generation Subsidiaries have been in 1st place in terms of domestic greenhouse gas emissions since the time data on greenhouse gas emissions in Korea began to be collected.

Greenhouse gases collect in the atmosphere and cause climate change, so the cumulative amount of greenhouse gases that were emitted is also important. As such, when considering the cumulative amount of greenhouse gas emissions by companies in Korea, during the above period the Defendant Power Generation Subsidiaries were responsible for roughly 27%-30% of the emissions, and as of the present, the Defendants are responsible for roughly 27% of the cumulative total.

The Defendants, who are the top emitters of greenhouse gases in Korea as shown above, also make up roughly 0.4% of global cumulative greenhouse gas emissions, and even globally, this is a significant amount for a single company (Exhibit A No. 26, Defendants' Cumulative Emissions, Emissions by Year, and Domestic and Global Ratios).

Year	Greenhouse Gas Emissions by Year (Units: tCO2eq)

Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

	Defendants[10]	Domestic[11]		Global[12]	
		Total emissions	Defendants' percentage	Total emissions	Defendants' percentage
2011	210,827,431	721,638,000	29%	48,409,216,815	0.4%
2012	215,113,178	720,241,000	30%	49,068,901,428	0.4%
2013	220,037,979	728,409,000	30%	49,875,675,088	0.4%
2014	208,285,475	724,308,000	29%	50,242,997,508	0.4%
2015	200,978,687	726,105,000	28%	50,134,383,764	0.4%
2016	208,255,192	737,408,000	28%	50,343,044,450	0.4%
2017	215,701,087	759,108,000	28%	51,195,419,111	0.4%
2018	216,021,946	783,874,000	28%	52,398,143,260	0.4%
2019	202,235,938	759,397,000	27%	52,557,335,275	0.4%
2020	175,593,364	712,959,000	25%	50,632,309,454	0.3%
2021	175,069,091	740,976,000	24%	53,056,607,721	0.3%
2022	165,854,235	724,294,000	23%	53,786,038,909	0.3%

Year	Cumulative Greenhouse Gas Emissions (Units: tCO2eq)				
	Defendants	Domestic		Global	
		Total emissions	Defendants' percentage	Total emissions	Defendants' percentage
2011	210,827,431	721,638,000	29%	48,409,216,815	0.44%
2012	425,940,609	1,441,879,000	30%	97,478,118,242	0.43%

[10] https://ngms.gir.go.kr:8443/subMain.do?link=/cop/bbs/selectArticleList.do?bbsId=BBSMSTR_000000000031&menuNo=509002

[11] https://kosis.kr/statHtml/statHtml.do?sso=ok&returnurl=https%3A%2F%2Fkosis.kr%3A443%2FstatHtml%2FstatHtml.do%3Flist_id%3DT_2%26obj_var_id%3D%26seqNo%3D%26tblId%3DDT_106N_99_2800020%26vw_cd%3DMT_ZTITLE%26orgId%3D106%26path%3D%252FstatisticsList%252FstatisticsListIndex.do%26conn_path%3DMT_ZTITLE%26itm_id%3D%26lang_mode%3Dko%26scrId%3D%26

[12] https://edgar.jrc.ec.europa.eu/report_2024

Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

2013	645,978,588	2,170,288,000	30%	147,353,793,330	0.43%
2014	854,264,063	2,894,596,000	30%	197,596,790,838	0.43%
2015	1,055,242,750	3,620,701,000	29%	247,731,174,603	0.42%
2016	1,263,497,942	4,358,109,000	29%	298,074,219,052	0.42%
2017	1,479,199,029	5,117,217,000	29%	349,269,638,163	0.42%
2018	1,695,220,975	5,901,091,000	29%	401,667,781,423	0.41%
2019	1,897,456,913	6,660,488,000	28%	454,225,116,698	0.41%
2020	2,073,050,277	7,373,447,000	28%	504,857,426,153	0.40%
2021	2,248,119,368	8,114,423,000	28%	557,914,033,873	0.39%
2022	2,413,973,603	8,838,717,000	27%	611,700,072,782	0.39%

As shown above, between 2011-2022 the Defendant Power Generation Subsidiaries were responsible for 23%-29% of all greenhouse gas emissions in Korea and 0.3%-0.4% of all greenhouse gas emissions globally when viewed either annually and cumulatively. This is because the Defendant Power Generation Subsidiaries still utilize power generation methods that focus on thermal power generation.

(2) Global Trend of Phasing Out Coal and Defendants' Thermal Power Generation That Goes Against This Trend

a) Defendants' Thermal Power Generation Percentage

Even in 2024, the Defendant Power Generation Subsidiaries still focus on thermal power generation. The total amount of electric power generated by the Defendant Power Generation Subsidiaries in 2024 is 196,954,583 MWh. Among this, the amount of electric power generated through coal-fired power generation was 140,805,213 MWh, while 586,426 MWh was generated by oil- and gas-fired power generation and 46,027,957 MWh was generated by internal combustion and combined cycle power generation. **In other words, 187,419,596 MWh from among the total amount of electric power generated comes from thermal power generation,**

Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

and this amounts to over 95% of the total power generated.[13] Even the proportion taken up by coal-fired power generation alone is roughly 71.5%. Thermal power generation, and coal-fired power generation in particular, produces the greatest amount of greenhouse gas emissions among power generation methods. And the excessive greenhouse gas emissions of the Defendant Power Generation Subsidiaries set forth above are the result of these power generation methods utilized by the Defendant Power Generation Subsidiaries.

Meanwhile, clean energy makes up over 50% of all electric power generated in the US (Reference Material 5, Article on Energy Conversion in the US),[14] the EU is making efforts to have clean energy make up at least 45% of all electric power (Reference Material 6, Article on Renewable Energy in the EU),[15] and even China is making efforts to increase the amount of power generated by solar and wind power plants to 1200 GW by 2030 (Reference Material 7, Article on Renewable Energy in China).[16] However, in Korea, power from renewable energy sources only makes up 9.5% of all generated electric power, so the focus is still on thermal power generation.[17] **This is because power from renewable energy sources only accounts for no more than 5% of the total power generated by the Defendant Power Generation Subsidiaries, which generate the majority of the electric power in Korea.**

The reason why the Defendant Power Generation Subsidiaries lag far behind the rest of the world in reducing greenhouse gas emissions is because **Defendant KEPCO has failed to make any related measures such as having their subsidiaries switch their focus to generating electric power through renewable energy sources, increasing the amount of power generated by subsidiaries that utilize renewable energy sources, reducing the amount of electric power generated by the Defendant Power Generation Subsidiaries through thermal power generation, etc.** Another reason why domestic energy production focuses on thermal power

[13] https://epsis.kpx.or.kr/epsisnew/selectEkgeGepGscGrid.do?menuId=060103

[14] https://www.energydaily.co.kr/news/articleView.html?idxno=154842

[15] https://www.donga.com/news/It/article/all/20171026/86956653/1

[16] https://www.yna.co.kr/view/AKR20220415102400009

[17] https://epsis.kpx.or.kr/epsisnew/selectEkgeGepGscGrid.do?menuId=060103

Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

generation is because the Defendant Power Generation Subsidiaries, who account for most of the generated electric power, focus on thermal power generation, and Defendant KEPCO encourages this.

b) Construction of Thermal Power Plants by Defendants

The first report released by the IPCC in 1990 clearly states that the concentration of greenhouse gases emitted by human activity is increasing in the atmosphere, which is in turn strengthening the greenhouse effect and so causing the surface temperature of the Earth to rise.

At this time, when awareness of climate change started to grow through this report, the Defendants had the opportunity to help avoid climate instability by conducting research on renewable energy sources and advancing potential solutions, but the Defendants made a different choice.

Even after 1990, the Defendants built multiple coal-fired power plants, ranging from standard coal-fired power plants (500 MW-800 MW class) to even a super-massive bituminous coal-fired power plant. Construction of Taean Thermal Power Plant Units 1-4 (500 MW each) was completed one after another from 1995-1997, ultimately resulting in the completion and utilization of a large capacity bituminous coal (coal)-fired power plant complex in Korea. Construction of Yeongheung Power Plant Units 1 and 2 (800 MW each) was completed in the early 2000s, and this power plant is a large coal-fired thermal power plant that was planned and designed in the 1990s. In addition, the last coal-fired power plant that was autonomously constructed by the Defendant Power Generation Subsidiaries is the Shin Seocheon Power Plant (Seocheon-gun, Chungcheongnam-do), with construction on the 1,000 MW ultra-high efficiency, supercritical bituminous coal-fired power generation facility (Shin Seocheon Unit 1) having been completed in 2021.

Meanwhile, the Defendants have been actively moving towards LNG power plants as an alternative to coal-fired power generation, but some analyses suggest that LNG power plants can

We on law firm
Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

emit greenhouse gases at levels comparable to those of existing coal-fired power plants (Reference Material 8, Article on LNG's Impact on Climate).[18] But despite this, the Defendants plan on constructing the latest liquefied natural gas (LNG) combined cycle power plants and fuel cell power plants at the Honam Coal-Fired Power Plant, operating the "Yeosu Green Energy LNG Cogeneration Power" facility starting in 2025, establishing fuel cell facilities starting in 2026, and even constructing the "Shin Honam LNG Combined Cycle Power" facility starting in 2029.

c) Thermal Power Generation Even Under RPS System

Article 12-5 (1) of the Act on the Promotion of the Development, Use, and Diffusion of New and Renewable Energy (hereinafter the "**Renewable Energy Act**") sets forth the RPS system. This system calls for electric power companies to supply electric power by utilizing renewable energy sources for a portion of the electric power that is supplied.[19] The electric power companies subject to this RPS system can meet the requirements by generating electric power themselves using renewable energy sources, or by purchasing RECs[20] from renewable energy producers (Article 12-5 (5) of the Renewable Energy Act).

The fact that Defendant KEPCO encouraged the current focus of the power generation industry on thermal power generation is shown by the Defendant KEPCO's operation of the RPS system. As all of the Defendant Power Generation Subsidiaries are subject to the RPS system, the Defendant Power Generation Subsidiaries can satisfy the relevant requirements by either directly producing renewable energy or purchasing RECs. **The Defendant Power Generation Subsidiaries opted to meet the RPS requirements by purchasing RECs instead of directly producing renewable energy, and in fact, they have purchased a large amount of RECs to**

[18] "Shock" at LNG Having Greater Impact on Climate Than Coal < College < R&D < Article Body - Net Zero News
[19] https://www.knrec.or.kr/biz/introduce/new_rps/intro_rps.do?gubun=A

[20] Certificate stating that a renewable energy generation business has generated renewable energy in accordance with Article 12-7 of the Renewable Energy Act.

Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

meet RPS requirements.

Meanwhile, Article 18-11 of the Enforcement Decree of the Renewable Energy Act allows for mandatory suppliers to be compensated for the costs incurred in performing the above RPS requirements at an appropriate level through the electricity market, and in particular, allows for businesses that sell electric power to recover such costs by reflecting them into electricity charges. So, in accordance with Article 18-11 of the Enforcement Decree of the Renewable Energy Act and as an entity engaged in the business of selling electric power under the Electric Utility Act,[21] Defendant KEPCO supports the performance of the supply obligations of the Defendant Power Generation Subsidiaries, as mandatory suppliers, by reflecting such costs in electricity charges. The annual settlement amount reaches approximately KRW 3–4 trillion (Reference Material 9, Article on Defendant Power Generation Subsidiaries' Costs for Purchasing RECs; Reference Material 10, Article on RECs and Defendant KEPCO's Costs for Purchasing RECs).[2223] As a result of such settlements, **the reserves of Defendant KEPCO that are available for supporting other power generation companies that produce electric power through renewable energy sources or developing related technologies is dwindling** (Reference Material 9, Article on REC Purchase Costs of the Defendant Power Generation Subsidiaries).[24] In addition, the purchase of RECs by the Defendant Power Generation Subsidiaries is not leading to the supply of energy from renewable sources (Reference Material 11, Report on RPS).

[Reference Material 11, Report on RPS]

> This difference has resulted from loopholes in the RPS, which allow power generators to fulfill their obligations by directly increasing their renewable energy generation or purchasing RECs in the Korea Power Exchange (KPX).

[21] The sale of electric power is monopolized by Defendant KEPCO, so Defendant KEPCO is the only entity in Korea that is engaged in the business of selling electric power.

[22] https://www.electimes.com/news/articleView.html?idxno=327393

[23] https://www.hankyung.com/article/2025022614781

[24] https://www.electimes.com/news/articleView.html?idxno=327393

We on law firm
Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

RECs are tradable instruments that certify renewable electricity generation. Many GENCOs and KEPCO's power generators have primarily relied on purchasing RECs to meet their RPS obligations. This approach has resulted in a low share of renewable energy capacity in the national power mix.

Despite the mandated proportion of generation increasing to 13.5% in 2024, KEPCO and GENCOs' captive renewable energy production lagged at a 2% share in the national power generation in 2023, while IPPs contributed 23% (Figure 24).

The overreliance on purchasing RECs to fulfill RPS obligations has also resulted in rising costs. In 2023, KEPCO's provision for RPS and greenhouse gas (GHG) emission liabilities reached KRW36 billion and KRW 19 billion, respectively.[38] This has significantly increased financial costs associated with RPS compliance, which could lead to suppressed investments and limited direct renewable power generation, especially for public entities.

[Translation of the above]

이러한 격차는 RPS 제도의 허점 때문인데, 발전사들은 직접 재생에너지 발전량을 늘리거나, 한국전력거래소(KPX)에서 RECs를 구매하여 의무를 이행할 수 있기 때문이다.

REC는 재생에너지 발전을 인증하는 거래 가능한 수단이다. 대부분의 발전 공기업과 한국전력의 자회사들은 RPS 의무 이행을 위해 주로 REC 구매에 의존하고 있다.

이로 인해 국가 전체 전력 생산에서 재생에너지의 비중은 낮은 수준에 머물고 있다. 2024년 기준 의무 비율이 13.5%임에도 불구하고, 2023년 공공 발전사의 재생에너지 비중은 2%에 불과했다. 반면, 민간 IPPs는 23%를 기여했다.

REC에 의존하는 구조는 비용 증가를 초래했다. 2023년 한국전력의 RPS 및 온실가스 배출 관련 충당금은 각각 360억 원과 190억 원에 달했다. 이는 공공 부문의 직접적인 재생에너지 발전 투자를 억제할 수 있는 재무적 부담이다.

In other words, by having the Defendant Power Generation Subsidiaries purchase RECs in order to meet RPS requirements instead of having them directly produce energy from renewable sources, a financial burden is imposed on Defendant KEPCO, and as a result of this financial burden, Defendant KEPCO is unable to invest in the development of new and renewable energy

Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

sources, and the purchase of RECs by the Defendant Power Generation Subsidiaries is not even leading to the development of the renewable energy industry.

Furthermore, the Defendant Power Generation Subsidiaries are not free from criticism for their complacent attitude in responding to the RPS system by simply purchasing RECs instead of directly increasing the amount of power generated by renewable sources.

(3) Sub conclusion

In many places across the word, real efforts to reduce emissions are taking place. The Defendant Power Generation Subsidiaries are wholly owned subsidiaries of Defendant KEPCO, and Defendant KEPCO holds a dominant position in the domestic power industry. In addition, the Defendant Power Generation Subsidiaries make up a majority of the electric power capacity in Korea.

However, despite the position the Defendants have in the power generation industry and their sufficient technical and financial capabilities, the Defendants have stuck to electric power generation methods that exacerbate the climate crisis such as coal-fired power generation, etc., and continue to emit great volumes of greenhouse gases to this day.

As such, the Defendants are responsible for delaying and postponing their transition to renewable sources of energy.

B. Causal Relationship Between the Harm Suffered by Plaintiffs and the Actions of the Defendants

(1) Exacerbation of the Climate Crisis by the Actions of the Defendants

Climate change resulting from human greenhouse gas emissions is a well-known fact that has

Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

even been acknowledged by the Constitutional Court of Korea. In the process of determining whether the greenhouse gas emission reduction targets under the Framework Act on Carbon Neutrality infringed upon constitutional rights, the Constitutional Court acknowledged that unnatural climate change is occurring due to human greenhouse gas emissions, stating that: "Greenhouse gas emissions resulting from human activity being the main cause of global warming is a scientific fact that has been continuously stated in IPCC reports, etc. **Greenhouse gases emitted from activities such as the use of fossil fuels by humans are not fully absorbed by nature, with some of these gases lingering and continuing to accumulate in the atmosphere, and this results in a continuous increase the total amount of greenhouse gases in the atmosphere. As the concentration of these greenhouse gases increases, the temperature of the Earth rises due to the greenhouse effect.** According to the IPCC's 6th Assessment Report, which had its comprehensive report and summary report both approved on March 19, 2023, global surface temperatures increased by 1.09℃ between 2011-2020 when compared to temperatures during 1850-1900, which was before industrialization, and global surface temperatures increase by 0.45℃ for each 1,000GtCO2 emitted into the atmosphere due to human activity. **Such global warming goes beyond the scope of natural climate change and can cause changes in the climate that cannot be reverted, and climate change is causing extreme weather events such as heat waves, droughts, and floods, water shortages, food shortages, ocean acidification, rises in sea level, and ecosystem collapses all around the world.** The negative impacts of climate change, which threaten human lives and health in addition to harming the natural environment and the living environments that are based on the natural environment, will become worse and become broader as global warming increases, In particular, if global temperatures rise past a certain critical point, there is even the possibility that climate change will occur in a sudden and irreversible manner. For example, the global rise in sea level could suddenly exceed several meters due to glaciers melting in major fashion, and changes to ocean currents in certain regions can drastically alter the climate in those regions. In order to suppress the negative impacts of climate change, there must be both "mitigation," which involves reducing the greenhouse gas emissions that are the main cause of global warming, in addition to "adaptation," which involves reducing or preventing the harms that can result from climate change. However, as global warming intensifies and the harms that result increase,

Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

adaptation becomes ever more difficult and costly. As such, in order to slow the speed of global warming, which is the cause of this climate crisis, there must be efforts to reduce the amount of greenhouse gases that are emitted by humans." (Constitutional Court of Korea Decision 2020HunMa389 decided August 29, 2024 (en banc)).

The rise of this climate crisis and the existence of the resulting harms has even been acknowledged by Defendant KEPCO as shown by their publication of a sustainability management report every year, and it is assumed that there is no dispute between the Plaintiffs and the Defendants on this point. **In addition, as confirmed by scientific consensus as shown by the IPCC, etc., and the above decision in the constitutional case, an increase in the concentration of greenhouse gases leads to an increase in the Earth's temperature as a result of the greenhouse effect. However, even though the Defendants recognize that climate change worsens as carbon emissions increase, the Defendants have continued to generate electric power through thermal power plants that burn coal, petroleum, etc., resulting in great volumes of greenhouse gases being emitted into the atmosphere and worsening climate change.**

(2) Defendants' Contribution Among Greenhouse Gas Emitters

a) Basis for Calculating Each Company's Liability

It is a scientific certainty that the accumulation of greenhouse gases directly contributes to rising average global temperatures, and the responsibility for the climate change caused by such emissions of greenhouse gases lies with the individuals and companies that generate large amounts of greenhouse gas emissions. And it is scientifically possible to measure the cumulative amount of greenhouse gases emitted by each company, in addition to the impact these cumulative greenhouse gas emissions have had on the overall greenhouse gas emissions and climate change.

In Richard Heede's 2014 paper entitled "Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854-2010," there is: (1) a determination of the

Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

production volume of companies producing fossil fuels and cement as calculated through books, corporate reports, etc.; (2) an analysis of the amount of carbon contained in the total annual fossil fuel production volume using data from the International Energy Agency and the US Environmental Protection Agency; (3) the exclusion of any methods that do not burn fossil fuels and so do not emit any greenhouse gases; and (4) a comparison of the calculated emissions values with data from the Carbon Dioxide Information Analysis Center (CDIAC). The paper then calculated the amount of carbon contained in each product based on the production volume of each company, and then analyzed total greenhouse gas emissions by considering the amount of product that is actually burned and the greenhouse gas emission factors for burning said products.

Using such methods, it is possible to calculate the cumulative greenhouse gas emissions by a company over a given period of time. Furthermore, by calculating the percentage of global carbon emissions that were contributed by each Defendant, each company's contribution to global climate change can be quantified.

Even in the Nature article entitled "Carbon majors and the scientific case for climate liability" that was written by Christopher Callahan and Justing Mankin and published in the April 2025 issue of the academic journal Nature, there is a calculation of the historical greenhouse gas emissions of 111 of the world's largest corporations, an analysis of how these emissions contributed to rising average temperatures, and an analysis of these companies' share of the damage caused by climate disasters. In this paper, the research team calculated the total greenhouse gas emissions of 111 companies and their supply chains over 100 years. The paper then went on to calculate the climate change that would have resulted if such greenhouse gas emissions had not occurred, then compared this with the actual climate change that has occurred in order to determine these companies' contribution to climate change. This degree of contribution was then linked to the damage caused by specific climate disasters, and this was then used to calculate the economic harm that resulted from climate risks. And so this method was used to calculate the economic harm caused by each company's greenhouse gas emissions over the past 100 years (Reference Material 12, Article on the Calculation of the Amount of

Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

Harm Resulting from Greenhouse Gas Emissions).[25]

This shows that it is possible to identify and quantify the degree of climate change caused by the greenhouse gas emissions of a given company, in addition to the resulting socioeconomic harms. In other words, it can be said that there are methods to determine the causal relationship between a company's greenhouse gas emissions and the resulting damage, in addition to the extent of such damage.

b) Defendants' Contribution

As major emitters, the Defendants jointly caused climate change alongside other emitters, and the Defendants also exacerbated climate change individually. Even if it cannot be said that a single company's emissions alone caused the overall outcome, the extent of the climate crisis would be different if the company in question did not contribute their emissions. As such, in terms of the harms suffered by the Plaintiffs due to climate change resulting from greenhouse gas emissions, those who emitted these greenhouse gases must be held liable. **As climate change results from cumulative greenhouse gas emissions, and this relationship between climate change and greenhouse gas emissions is global in scope, the Defendants, who account for roughly 0.4% of cumulative global greenhouse gas emissions, are liable for roughly 0.4% of the harms suffered by the Plaintiffs due to climate change.**

c) Sub conclusion

The harms suffered by the Plaintiffs were due to the greenhouse gas emissions of the Defendants, the resulting climate change that occurred, and the occurrence of natural disasters such as abnormal weather, floods, droughts, etc., that were caused by such climate change. As such, there is a causal relationship between the actions of the Defendants and the harms suffered by the Plaintiffs. And when the above is taken into consideration, a causal relationship between the

[25] https://www.esgeconomy.com/news/articleView.html?idxno=11105

We on law firm
Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

Defendants' emission of greenhouse gases and the harms suffered by the Plaintiffs can be sufficiently acknowledged.

C. Defendants' Awareness of Their Contribution to Climate Change

(1) Academic Papers and International Treaties

Climate change being caused by human greenhouse gas emissions has been a widely known fact since the mid-1900s.

In particular, the 1958 paper by Charles Keeling analyzed data on the correlation between increased carbon emissions and global warming, showing that the correlation between carbon emissions and climate change was known well enough for a paper on the topic to be published in 1958. In addition, in 1990 the IPCC published an official international report that evaluated the scientific basis for climate change and the impact of climate change.

The United Nations Framework Convention on Climate Change (UNFCCC, 1992), which cites this IPCC report as an important foundation, is a foundational agreement on the response to climate change, and it makes it clear that the parties to this agreement need to control and reduce their greenhouse gas emissions. Article 2 of this Convention states its purpose as being the "stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system," and in order to achieve this purpose, it states that the parties shall adopt policies to reduce their greenhouse gas emissions. The execution of this climate change agreement makes it difficult for the Defendants, who are public enterprises, to deny that they were clearly aware of climate change.

In light of the facts set forth above, the Defendants could have known of the dangers of climate change due to carbon emissions since that period of time. And if the Defendants were aware of climate change due to greenhouse gases, and knew that they were emitting greenhouse gases, then the Defendants cannot deny their liability.

Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

(2) Defendant KEPCO's Management Consultation

The fact that the Defendants were aware that their actions were contributing to climate change is even shown in the management consultation for Defendant KEPCO that was issued around 1996 (Exhibit A No. 27, Defendant KEPCO's Management Consultation).

[Exhibit A No. 27, Defendant KEPCO's Management Consultation, Page 43]

> Joint international efforts to address environmental issues, including the adoption of the UNFCCC (June 1992) to prevent global warming, are expected to be realized through practical regulations on the use of fossil fuels, which are the main cause of carbon dioxide emissions. If this occurs, Korea's long-term plans for power supply and demand, which includes a rapid increase in power consumption and an increased proportion of bituminous coal-fired power generation, are expected to face serious challenges.

[Exhibit A No. 27, Defendant KEPCO's Management Consultation, Pages 334-335]

> In terms of the environment, the climate change convention is coming into effect and international regulations on environmental protections such as the GR, etc., are being enhanced. And in response to changes in domestic environmental policies and strengthened environmental regulations, social interest in environmental conservation is growing as collective complaints by environmental groups and local residents increase. In terms of forest land, the difficulties with securing a site are worsening due to the expansion and decentralization of rural areas, rising land prices, and collective complaints, and the cost of securing a site is increasing due to the increased demand for support and cooperative projects in the areas around power plants.
>
> In order to respond to this trend of changing domestic and international environmental policies, stronger environmental regulations, and increasing difficulties with securing locations, it is necessary to unify the environment-related work at headquarters and

Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

coordinate environmental policies. Currently, KEPCO's environment-related departments are scattered across the company as shown in <Table IV-5-34>.

Department			Assigned Tasks
Electric Power Planning Office		Environmental Planning Department	• Establishment of the long-term environmental master plan in accordance with the plans for power supply and demand • Determination of environment-related international trends and establishment of related responses
Power Generation Office	Environmental Office	Environmental Technology Department Chemistry Department Environmental Preservation Department Regional Resources Department	• Establishment of mid-long term plans for environmental facilities and liaising with the government on the environment • Management of fuel, manpower, and lubricants for power generation, maintenance and upkeep of chemical facilities • Measures to prevent collective complaints regarding the environment, follow-up management of environmental impact evaluations • Oversight of regional business tasks
Nuclear Power Business Unit	Nuclear Power Generation Office	Nuclear Power Environmental Department Radiation Disasters Department Regional Cooperation Department	• Investigation of the causes of nuclear power plant related damage and establishment of responses • Management of environmental radiation around nuclear power plants • Support for areas surrounding nuclear power plants
Construction Business Unit	Site Office 2nd Construction Office	Site Administration Department Site Investigation Department Construction Site Department Environmental Evaluation Department	• Liaising with the government for the designation of long-term sites • Planning for the investigation of potential power plant sites • Acquisition of land for the construction of power plants • Environmental impact assessments for power plant development projects • Basic design of chemical and environmental pollution facilities

		Chemical Equipment Department	
Technology Research Institute		Electric Power Research Office Nuclear Power Research Office Technical Support Office	• R&D and technical support relating to the environment

[Exhibit A No. 27, Defendant KEPCO's Management Consultation, Pages 392-393]

Issues expected to have a major impact on the electric power industry include the execution of the climate change convention and the ISO on the standardization of the management of the environment (ISO 14000). The climate change convention sets forth regulations on the consumption of fossil fuels, which will bring about significant changes to the composition and price of the fuels used for power generation. In addition, the ISO on the standardization of environmental management is expected to have a major impact on KEPCO's reliability and its ability to raise funds from overseas.

First, the development and use of non-polluting clean energy must be expanded. Second, there must be a restructuring of the power generation organization, focusing on power plants with fewer environmental issues such as coal and gas-fired combined cycle thermal power plants, nuclear power plants, etc. Third, energy efficiency must be improved through more efficient operation of power generation systems and energy conservation measures. Fourth, a system must be established to proactively respond to international trends related to environmental regulations, such as the adoption of ISO 14000 methods for the management of the environment, etc. Fifth, various long-term solutions must be planned to ensure smooth access to electric power, such as strengthening the systems that allow for regional cooperation, better public relations, etc.

This shows that Defendant KEPCO had been aware of the fact that climate change was occurring, and that this would result in great harm to humanity as a result, since the 1990s, and that the Defendant Power Generation Subsidiaries had been aware of this fact as well since their respective establishments.

(3) Sub conclusion

Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

Even though the Defendants had clearly been aware of the existence of climate change, the negative effects of such, and the harms that would result, as shown above the Defendants still continued to operate their thermal power plants that emitted great quantities of greenhouse gases, thereby exacerbating climate change. This means that the Defendants had been aware of climate change and the harms that would befall the Plaintiffs as a result, and also means that the Defendants allowed such harm to occur. And given such actions by Defendant KEPCO and the Defendant Power Generation Subsidiaries, intent and/or negligence on the part of the Defendants must also be acknowledged with respect to the harms suffered by the Plaintiffs.

D. Unlawfulness of the Defendants' Emission of Greenhouse Gases

(1) International Standards (Paris Agreement, ICJ Advisory Opinion)

The Paris Agreement is an agreement adopted by the 21st Conference of the Parties to the UNFCCC on December 12, 2015. The main goal of the Paris Agreement is to make efforts to limit the rise in temperature due to climate change to within 2℃ of pre-industrial levels, and to pursue efforts to limit the temperature increase to 1.5℃ above pre-industrial levels. As such, the parties to this agreement must submit Nationally Determined Contributions (NDCs) every 5 years, and must periodically review their implementation.

Meanwhile, Article 6 of Korea's Constitution states that "Treaties duly concluded and promulgated under the Constitution and the generally recognized rules of international law shall have the same effect as the domestic laws of the Republic of Korea." And since the Paris Agreement had been deliberated upon at the 38th Cabinet Meeting on August 30, 2016, ratified at the 11th plenary session of the 346th National Assembly on November 3, 2016, and was formally ratified and promulgated in Korea on December 3, 2016, the Paris Agreement has the same effect as a Korean law in accordance with Article 6 of the Korean Constitution.

Korea, which became a party to the Paris Agreement through this process, stated in the NDC submitted in 2021 that it will reduce its greenhouse gas emissions by 40% by 2030 when

We on law firm
Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

compared to the level of emissions in 2018. In addition, the UN Framework Convention on Climate Change (UNFCCC, 1992), the Kyoto Protocol (1997), the Paris Agreement (2015), the IPCC reports, etc., have established common international goals for reducing greenhouse gas emissions and protecting a sustainable environment.

And just weeks ago, the International Court of Justice (ICJ) unanimously adopted an advisory opinion stating that neglecting the climate crisis violates international law, and that the right to live in a healthy environment is a human right. This advisory opinion by the ICJ makes it clear that governments, and entities authorized by a government, have a legal obligation to prevent environmental damage that threatens the lives, dignity, and well-being of people.

These **international norms explicitly acknowledge responsibilities and obligations regarding climate change**. **And it is obvious that the Defendants, as public corporations, must also abide by these international norms and their aims.** To achieve the international mission of reducing greenhouse gases and expanding renewable energy, and to live up to the international standing of the Korean economy and its responsibility for greenhouse gas emissions, there must be a quick and effective transition away from the current paradigm of the electricity market that is focused on thermal power so that the electricity market can be structured to align with the goal of expanding renewable energy. **However, the Defendants, who are public corporations that dominate the Korean electricity market and also have a high market share, have failed to perform this obligation, even though they have the status and capability to perform these international and public obligations**.

(2) Domestic Laws (Constitution, Framework Act on Carbon Neutrality, and Framework Act on Environmental Policy)

The Preamble to the Korean Constitution has always stated, “to ensure security, liberty and happiness for ourselves and our posterity forever,” and since the 8th amendment to the Constitution, has also included the expression “contribute to... the common prosperity of mankind.” This clearly states that it is the responsibility of the state to protect the safety, freedom,

We on law firm
Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

and happiness of its citizens in response to global issues.

The Framework Act on Carbon Neutrality solidifies this obligation of the state to protect its citizens in the context of the climate crisis. Article 1 of the Framework Act on Carbon Neutrality states that its legislative purpose is to prevent the serious impacts of the climate crisis, improve the quality of life of present and future generations, and to protect the ecosystem and climate, thereby contributing to the sustainable development of the international community. Here, climate change is defined as changes to the climate beyond natural changes in the climate that result from changes in the concentration of greenhouse gases, and the term climate crisis is defined as the state of needing a reduction in greenhouse gases due to irreversible risks to human civilization such as extreme changes to the weather, insufficient water, food shortages, etc. **In other words, the purpose of the Framework Act on Carbon Neutrality is to improve the quality of life of current and future generations by reducing greenhouse gas emissions in order to respond to the climate crisis, and this is a constitutional value that has been implemented through legislation by the National Assembly.**

Article 8 and 9 of the Framework Act on Carbon Neutrality sets forth the state's mid- and long-term reduction targets, reduction targets by sector, and reduction targets by year, in addition to provisions on the reexamination of reduction targets in consideration of the Paris Agreement and international and domestic circumstances, considerations that must be accounted for when setting targets, inspections of the status of implementation, etc. In particular, Article 8 (1) delegates the 2030 greenhouse gas reduction target levels when compared to 2018 to the Enforcement Decree, and Article 3 (1) of the Enforcement Decree of the Framework Act on Carbon Neutrality states that the ratio in question shall be 40%, so **reducing greenhouse gas emissions is an obligation that is also set forth in domestic law**.

In addition, Article 7 of the Framework Act on Environmental Policy sets forth the principle of liability of people causing pollution, stating that, "Any person who causes any environmental pollution or environmental damage due to his or her business or other activities shall, in principle, be liable to prevent the relevant pollution or damage and to recover and restore the polluted or

We on law firm
Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

damaged environment, as well as to bear expenses incurred in restoring the damage resulting from the environmental pollution or environmental damage." Here, pollution or damage means "air pollution, water pollution, soil pollution, sea pollution, radioactive contamination, noise, vibration, malodor, sunshine obstruction, light pollution from artificial lighting and other similar pollution caused by industrial activities and other human activities, such as inflicting damage on human health or the environment." Therefore, the emission of greenhouse gases into the atmosphere due to the industrial activity known as power generation, resulting in harm to the health and living conditions of the Plaintiffs, is considered pollution or damage (Article 3 (4) of the above Act). The lower courts have even acknowledged that "the emission of greenhouse gases qualifies as environmental pollution, and companies subject to allotments qualify as a polluter under Article 7 of the Framework Act on Environmental Policy (Article 3 (4) and Article 7 of the Framework Act on Environmental Policy)." **Therefore, the Defendants must be liable for the costs of redressing the harms suffered by the Plaintiffs due to greenhouse gas emissions in accordance with the principle of liability for polluters as set forth in the Framework Act on Environmental Policy.**

Above all, the serious impacts of this climate crisis will be felt by our descendants and their descendants for generations to come, in addition to which the window of opportunity to reverse these effects is gradually disappearing, making this a problem that must be addressed more seriously and quickly. Given such, the public interest in reducing greenhouse gases continues to grow.

(3) Public Position of Defendants and Obligation to Follow Regulations

Article 2 (1) of the Act on the Management of Public Institutions (hereinafter the "**Public Institutions Act**") states that, "This Act shall apply to the public institutions designated and publicly notified under Articles 4 through 6." Articles 4 to 6 of this Act state that the Minister of Economy and Finance shall designate public institutions and give notice of such, and the Defendants are all public institutions (public corporations) designated as such by the Minister of Economy and Finance (Exhibit A No. 28, Press Release on the Designation of Public Institutions).

We On law firm
Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

The Defendants, who are subject to the provisions of the Public Institutions Act, were established in order for the government to serve the public interest, so they have a general obligation to serve the public interest by complying with the rules regarding the public interest, achieving the purpose of their establishment, etc. Meanwhile, Article 11 (1) of the Public Institutions Act sets forth the disclosure obligations of public institutions. Article 11 (1) 16 states that matters requested for publication after deliberation and resolution by the Steering Committee must be included as part of the disclosures, and Article 12 provides for the consolidated publication of these disclosures. The disclosures of public institutions include matters relating to ESG and the environment, and the reason why these provisions were enacted is because protecting the environment from climate change, etc., is included among the goals to be achieved by the government through the operation of public institutions. And when the regulatory framework of the Public Institutions Act is taken as a whole, it is clear that the Defendants, who qualify as public institutions, bear an obligation to protect the environment from various factors such as climate change.

ESG Status	Status of ESG Management and Steering Committee	ESG Steering Committee [2024 materials]	Regular	Report	Q1 (prior)
		State of ESG management [2024 materials]	Regular	Report	Q4 (prior)
E (Environmental)	Atmosphere	Greenhouse gas reduction performance	Regular	Report	Q3
		State of low-emission vehicles	Regular	Report	Q2
	Resources	Energy use	Regular	Report	Q1
		Waste generated	Regular	Report	Q1
		Water usage	Regular	Report	Q1
	Environmental protection	Green product purchase performance	Regular	Report	Q3
		Status of violations of environmental regulations	Periodically	Message board post	26

In addition, Article 5 (1) of the Framework Act on Carbon Neutrality states, "**Public institutions shall actively cooperate in policy measures taken by the State and local governments for the transition to a carbon neutral society**, induce investment and job creation in green technology and green industries through preferential purchase, etc. of green products prescribed in Article 66 (4), and **shall endeavor to minimize impacts on the climate crisis in all kinds of activities, including the formulation and execution of budget, and selection and**

[26] https://www.alio.go.kr/guide/managementDisclosure.do

Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

implementation of projects." As such, even according to the Framework Act on Carbon Neutrality, the Defendants bear an obligation to make efforts to respond to climate change as they are public institutions. Ultimately, when considering the above provisions and the status of the Defendants, the Defendants have an obligation to minimize their contribution to climate change in accordance with the purposes of the Public Institutions Act, Framework Act on Carbon Neutrality, etc., as the Defendants are public institutions.

If so, then the Defendants, as public institutions, should have improved their power generation methods to avoid the coal-fired power plants that generate large quantities of greenhouse gas emissions and transitioned to renewable energy sources in accordance with the aims of the Paris Agreement, Framework Act on Carbon Neutrality, etc. However, the Defendants appear to have done the opposite by investing in coal-fired power plants overseas, etc. And these acts qualify as violations of domestic and international regulations.

(4) Acknowledgment of Tort According to the Theory of the Limits of an Ordinary Person

a) Relevant Legal Principles

According to Article 750 of the Civil Act, if an action that inflicts harm on another is an unlawful act, then the act in question constitutes a tort. Relatedly, in terms of determining whether an environmental infringement is a tort, the Supreme Court makes such a determination based on the so-called theory of the limits of an ordinary person. In a case involving the infringement of a right to sunlight, the Supreme Court stated that "The question of whether the limits of an ordinary person have been exceeded in light of social norms must be determined by a comprehensive consideration of all of the circumstances, such as the extent of the harm, the nature of the harm and its evaluation by society, the purposes of the building in question, the regionality, the chronological relationship of the land use, the possibility of preventing harm and avoiding damage, whether public laws or regulations have been violated, the progress of negotiations, etc.," detailing the standards for determining whether the limits of an ordinary person have been exceeded (Supreme Court Decision 2009Da40462 decided February 27, 2014).

We On law firm
Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

In the same decision, the Supreme Court went on to determine that, even if an act is considered to be in accordance with a public law or regulation, it may still constitute a civil tort depending on the specific circumstances, stating that, "If there are regulations directly addressing the obstruction of sunlight in related laws such as the Building Act, etc., then the question of whether such conforms to said regulations will be an important factor in determining whether there was a violation of the law in a judicial context; **however, the ability to secure sunlight through these public regulations is an attempt to guarantee the right to sunlight through the judicial process as much as possible from a public law perspective, so in the absence of special circumstances, it is reasonable to view this as the minimum standard for protecting the right to sunlight**. And with respect to specific cases, **even if a new building formally complies with the public laws, if the actual extent of the obstruction of sunlight is so significant that it exceeds the acceptable limits under social norms, this may be deemed a tort**."

And in a different case, the Supreme Court even held that, "even if a facility is operated lawfully or provided for public use, if a third party suffers harm as a result of the hazardous emissions generated by the facility in question, the tortious nature of the act must be determined independently, and in such cases, the standard for such a determination must be **whether the harm goes beyond the limits of an ordinary person in society**," thereby taking the view that, even if something is operated in accordance with public regulations, if such operation causes harm to victims that goes beyond the limits of an ordinary person, then such operation can be deemed a tort (Supreme Court Decision 99Da55424 decided February 9, 2001).

Therefore, when considering the extent of the harm suffered by the Plaintiffs as a result of the Defendants' emission of greenhouse gases, the nature of such harm and society's view of such harm, the possibility of avoiding said harm, whether public regulations have been violated, etc., if the harm suffered by the Plaintiffs has gone beyond the limits of an ordinary person, then the acts in question can be deemed a tort. In particular, even if the Defendants' emission of greenhouse gases complied with relevant public regulations (emission limits as reduced by the Act on the Allocation and Trading of Greenhouse Gas Emission Permits, etc.), if the Plaintiffs suffered harm that went beyond the limits of an ordinary person as a result of such emissions,

We On law firm
Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

then the Defendants' actions qualify as a tort.

b) Defendants' Greenhouse Gas Emissions Exceed the Limits of an Ordinary Person

When the harms suffered by the Plaintiffs as set forth above are taken into consideration, the Plaintiffs have suffered significant harm. In particular, the harms suffered by the Plaintiffs are harms that can have an impact on each of the Plaintiffs' livelihoods, so even from the perspective of society at large, it can be said that serious harm was inflicted upon the Plaintiffs.

In addition, the Defendants knew that climate change was occurring as a result of greenhouse gas emissions, and were aware that damage was being inflicted by the abnormal weather, etc., that resulted from such climate change. But despite this, the Defendants failed to take any measures to prevent such damage by reducing the amount of power generated by coal, etc.

(5) Sub conclusion

Therefore, in accordance with the legal principles set forth by the Supreme Court, the actions of the Defendants caused harm to the Plaintiffs that went beyond the limits of an ordinary person, and besides this, the actions of the Defendants also violated the Paris Agreement, the aims of the Framework Act on Carbon Neutrality, and the public nature of public institutions, so the actions of the Defendants must be viewed as a tort.

In the midst of a climate crisis, neglecting excessive emissions cannot be considered lawful behavior. In particular, the Defendants could have foreseen the climate crisis and the resulting harm that would be inflicted on the Plaintiffs, who are people vulnerable to climate change, as a result of the climate crisis, and the Defendants also could have adopted additional technologies or policies to mitigate such, but avoided or delayed doing so, and this constitutes a tort. As shown by the 2024 decision of the Constitutional Court of Korea, etc., the Korean courts are also beginning to acknowledge that the climate crisis is a substantive infringement of rights, so if a company's actions cause or encourage risks to

We On law firm
Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

society, then such actions can be deemed unlawful.

E. Defendants' Joint Tort Liability

(1) Relevant Legal Principles

Article 760 (1) of the Civil Act states that if two or more people cause harm to another by their joint unlawful acts, they shall both be liable for providing compensation for such damages (unintended joint liability), and paragraph 3 of the same Article states that instigators and accessories shall be deemed to have acted jointly.

Here, with respect to the meaning of jointly, the Supreme Court stated that "establishing a joint tort does not require a common intent between the joint tortfeasors or a common awareness between them; **if there is an objective joint connection between their acts, and the harm resulted from these acts that have a joint connection, then liability for said harm cannot be avoided**," thereby determining that a **subjective joint intent is not required (Supreme Court Decision 97Da18448 decided November 28, 1997).** In another case, the Supreme Court also stated in similar fashion that "**these are cases where it is objectively acknowledged that the infringement of the victim's rights was committed jointly, and the acts in question were the common cause of the harms that resulted**." (Supreme Court Decision 87DaKa2723 decided May 23, 1989).

Therefore, if there is an objective commonality (acknowledgment that the infringement of rights was done jointly and was the common cause of the harms that resulted) between the actions of multiple parties, and the victims suffered harm as a result of these actions, then the actors that committed such acts bear joint tort liability.

(2) In the Present Case

In terms of the greenhouse gas emissions that took place before the Defendant Power Generation

Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

Subsidiaries were established, Defendant KEPCO bears sole liability as it monopolized the Korean electricity market during that time.

After the Defendant Power Generation Subsidiaries were established, the Defendant Power Generation Subsidiaries emitted greenhouse gases during the course of generating power, and as a result, climate change occurred that caused the Plaintiffs to suffer harm. Therefore, the emission of greenhouse gases by the Defendant Power Generation Subsidiaries jointly caused climate change, which in turn caused the Plaintiffs to suffer harm, so objective commonality is recognized. Therefore, the Defendant Power Generation Subsidiaries bear joint tort liability towards the Plaintiffs.

In addition, the Defendant Power Generation Subsidiaries are wholly owned subsidiaries of Defendant KEPCO, so Defendant KEPCO is in the position of being able to involve itself deeply in the affairs of the Defendant Power Generation Subsidiaries with respect to the methods they use to generate power, the amount of power that is generated, whether to invest in coal-fired power plants overseas, etc. If so, then Defendant KEPCO and the Defendant Power Generation Subsidiaries are all joint tortfeasors with respect to the harms suffered by the Plaintiffs, so they all bear joint liability for providing compensation for said harms.

4. Specific Scope of Damages

A. Damage to Property

The damage to property has yet to be confirmed, and depending on the circumstances of the property damage, the Plaintiffs will be claiming 0.4% of the total amount of property damage based on the Defendants' contribution towards cumulative global greenhouse gas emissions. For the time being, the Plaintiffs are each claiming KRW 5,000,000 as part of the property damage that was suffered.

B. Damage to Mental State

We On law firm
Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

As shown above, the Plaintiffs are suffering from serious mental harm, including anxiety, as a result of climate change, and the Plaintiffs wish for the closure of the thermal power plants that are the main cause of this harm. The decisions and policies of the Defendants are vital to the continued use of thermal power generation, and this must change immediately.

The G7 countries, which include the US and Germany, came to an agreement on April 28, 2024, to close all of their coal-fired power plants by 2035 at the latest (Reference Material 13, Article on the Phase-Out of Coal by G7 Countries).[27] And there is even an analysis that states Korea must close its coal-fired power plants by 2035 in order to limit the rise in average global temperatures to within 1.5℃ compared to pre-industrial levels (Reference Material 14, Article on the Phase-Out of Coal by 2035).[28]

However, as the current administration aims to phase-out coal by 2040, the Plaintiffs symbolically claim KRW 2,035 as part of their compensation in reflection of the aim to have Korea phase-out coal by 2,035 at a minimum.

C. Sub conclusion

Therefore, the Defendants are jointly liable to the Plaintiffs and so must provide each Plaintiff with KRW 5,002,035 in compensation for a portion of the harms suffered by the Plaintiffs, in addition to the default interest for the delay in payment.

[27] G7 Agree to "Close Coal-Fired Power Plants by 2035": DongA Science
[28] "Phase-Out of Coal" by 2035 to Limit Global Warming

Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

5. Conclusion

As set forth above, the Plaintiffs' claims all have merit.

Climate change is an issue directly related to the livelihoods of farmers, and if a farmer's crop is destroyed in a given year, it becomes difficult for the farmer to continue to make a living for that year. In addition, farmers are in a situation where they cannot guarantee that they will be able to maintain their livelihood in the future.

Climate change is a new type of risk that has never been experienced by humanity before, and it is a real problem that is beginning to have a real impact on multiple aspects of our lives. And while international cooperation and domestic legal policy efforts are being conducted to address this problem, there are still many areas that need to be addressed, and more efforts, both internationally and domestically, are required to reduce the damage caused by climate change. In particular, if climate change passes a tipping point, the situation may become irreversible. And while such a situation has yet to occur, individuals and companies must be made to change their behavior through a shift in awareness.[29]

In such circumstances, seeking damages from the emitters of greenhouse gases such as in the present case may be the only real relief that is available to those who have been harmed by climate change and those who will be harmed by climate change in the future. The Defendants are emitters of greenhouse gases who are responsible for the climate change that inflicted serious harm on the Plaintiffs. If these Defendants are not held liable for their greenhouse gas emissions, then individuals will be unable to receive any protection with respect to the damage they suffer due to climate change.

As such, we respectfully request that the Court consider the severity of climate change, the need for individuals and companies to change their behavior, the harms suffered by the Plaintiffs and the need to provide compensation for such harms, etc., as set forth above and accept all of the claims of the

[29] Heo Seong Woo, Tort Laws in the Era of Climate Change - Pros and Cons of Tort Litigation as a Policy Tool to Respond to Climate Change and Notes on the Direction of Development, Private Law, 1(21), (2012) pages 83-123.

We On law firm
Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

Plaintiffs.

Exhibits

1. Exhibit A No. 1 Resident Registration Record for Plaintiff Ma **
1. Exhibit A No. 2 Agricultural Company Registration Confirmation for Plaintiff Ma **
1. Exhibit A No. 3-1 Plaintiff Ma **'s Farmland Registry Record for Plot No. 1188-4
1. Exhibit A No. 3-1 Plaintiff Ma **'s Farmland Registry Record for Plot No. 968-3
1. Exhibit A No. 3-1 Plaintiff Ma **'s Farmland Registry Record for Plot No. 968-5
1. Exhibit A No. 4 Resident Registration Record for Plaintiff Hwang **
1. Exhibit A No. 5 Resident Registration Record for Park **
1. Exhibit A No. 6 Agricultural Company Registration Confirmation for Plaintiff Hwang ** and Park **
1. Exhibit A No. 7-1 Plaintiff Hwang **'s Farmland Registry Record for Plot No. 478
1. Exhibit A No. 7-2 Plaintiff Hwang **'s Farmland Registry Record for Plot No. 480
1. Exhibit A No. 7-3 Plaintiff Hwang **'s Farmland Registry Record for Plot No. 874
1. Exhibit A No. 7-4 Plaintiff Hwang **'s Farmland Registry Record for Plot No. 873
1. Exhibit A No. 7-5 Plaintiff Hwang **'s Farmland Registry Record for Plot No. 871
1. Exhibit A No. 7-6 Plaintiff Hwang **'s Farmland Registry Record for Plot No. 870
1. Exhibit A No. 7-7 Plaintiff Hwang **'s Farmland Registry Record for Plot No. 869
1. Exhibit A No. 7-8 Plaintiff Hwang **'s Farmland Registry Record for Plot No. 868
1. Exhibit A No. 7-9 Plaintiff Hwang **'s Farmland Registry Record for Plot No. 867
1. Exhibit A No. 8 Resident Registration Record for Plaintiff Yoon **
1. Exhibit A No. 9-1 Agricultural Company Registration Confirmation for Plaintiff Yoon **

We On law firm
Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

1. Exhibit A No. 9-2 Agricultural Company Registration (Registration of Amendment) Confirmation for Plaintiff Yoon **

1. Exhibit A No. 10-1 Plaintiff Yoon **'s Farmland Registry Record for Plot No. 30-1

1. Exhibit A No. 10-2 Plaintiff Yoon **'s Farmland Registry Record for Plot No. 675

1. Exhibit A No. 10-3 Plaintiff Yoon **'s Farmland Registry Record for Plot No. 676

1. Exhibit A No. 10-4 Plaintiff Yoon **'s Farmland Registry Record for Plot No. 2463

1. Exhibit A No. 11 Resident Registration Record for Plaintiff Song **

1. Exhibit A No. 12 Agricultural Company Registration Confirmation for Plaintiff Song **

1. Exhibit A No. 13-1 Plaintiff Song **'s Farmland Registry Record for Plot No. 159

1. Exhibit A No. 13-2 Plaintiff Song **'s Farmland Registry Record for Plot No. 159-3

1. Exhibit A No. 14 Resident Registration Record for Plaintiff Kim **

1. Exhibit A No. 15 Resident Registration Record for Plaintiff Lee **

1. Exhibit A No. 16-1 Certified Copy of Corporate Registration for Defendant KEPCO

1. Exhibit A No. 16-2 Certified Copy of Corporate Registration for Defendant KOEN

1. Exhibit A No. 16-3 Certified Copy of Corporate Registration for Defendant KOMIPO

1. Exhibit A No. 16-4 Certified Copy of Corporate Registration for Defendant KOWEPO

1. Exhibit A No. 16-5 Certified Copy of Corporate Registration for Defendant KOSPO

1. Exhibit A No. 16-6 Certified Copy of Corporate Registration for Defendant EWP

1. Exhibit A No. 17 Screenshot of KEPCO Subsidiaries

1. Exhibit A No. 18 National Archive of Korea Records on the Reorganization of the Electrical Power Industry

1. Exhibit A No. 19 Defendants' Share of Electricity Market

1. Exhibit A No. 20 Comprehensive Report on Climate Change in the Agricultural Sector and Assessment of Impact/Vulnerability

1. Exhibit A No. 21 Press Release by the Rural Development Administration

We On law firm
Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

1. Exhibit A No. 22-1 Certificate of Crop Disaster Insurance for Plaintiff Ma ** (2019-2025)

1. Exhibit A No. 22-2 Certificate of Payment for Plaintiff Ma **'s Crop Disaster Insurance Premiums (2019-2025)

1. Exhibit A No. 22-3 Transfer Statements for Plaintiff Ma **'s 2019 Crop Disaster Insurance Premiums

1. Exhibit A No. 22-4 Transfer Statements for Plaintiff Ma **'s 2020 Crop Disaster Insurance Premiums

1. Exhibit A No. 23-1 Plaintiff Hwang **'s Tongjeong-ri Crop Ledger

1. Exhibit A No. 23-2 Plaintiff Hwang **'s Tongjeong-ri Crop Damage Investigation Report

1. Exhibit A No. 23-3 Plaintiff Hwang **'s Chang-ri Crop Ledger

1. Exhibit A No. 23-4 Plaintiff Hwang **'s Chang-ri Crop Damage Investigation Report

1. Exhibit A No. 24 Report on the Impact of the Climate Crisis on Mental Health

1. Exhibit A No. 25 Article on WHO Mental Health Report

1. Exhibit A No. 26 Defendants' Cumulative Emissions, Emissions by Year, and Domestic and Global Ratios

1. Exhibit A No. 27 Defendant KEPCO's Management Consultation

1. Exhibit A No. 28 Press Release on the Designation of Public Institutions

Reference Materials

1. Reference Material 1. Article on Flowering Seasons

1. Reference Material 2. Article on Apple Crops

1. Reference Material 3. Article on Severe Rains in Sancheong-gun

1. Reference Material 4. Article on Recovery for Farmers in Sancheong-gun

We on law firm
Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

1. Reference Material 5. Article on Energy Conversion in the US

1. Reference Material 6. Article on Renewable Energy in the EU

1. Reference Material 7. Article on Renewable Energy in China

1. Reference Material 8. Article on LNG's Impact on Climate

1. Reference Material 9. Article on Defendant Power Generation Subsidiaries' Costs for Purchasing RECs

1. Reference Material 10. Article on RECs and Defendant KEPCO's Costs for Purchasing RECs

1. Reference Material 11. Report on RPS

1. Reference Material 12. Article on the Calculation of the Amount of Harm Resulting from Greenhouse Gas Emissions

1. Reference Material 13. Article on the Phase-Out of Coal by G7 Countries

1. Reference Material 14. Article on the Phase-Out of Coal by 2035

Attached Documents

1. Exhibits and Reference Materials set forth above	1 copy each
1. Copy of Complaint	1 copy each
1. Power of Attorney	1 copy
1. Designation of Attorney-in-charge	1 copy
1. Transmission fee payment form	1 copy

We On law firm
Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101

August 12, 2025

Litigation Counsel for Plaintiffs

Weon Law Firm

Attorney-in-charge Kwak Joon-hyeok

Attorney-in-charge Jeon Byeong-mo

Attorney-in-charge Son Won-woo

Attorney-in-charge Park Chan-ho

Attorney-in-charge Park Se-jin

Attorney Leem Duri

Attorney Kim Yeny

Attorney Choi Hoyeon

To the Gwangju District Court

Weon Law Firm
Tel: 02-583-7100 / FAX: 02-583-7101