

Legal Actions on Clean Air

Summary 2016 – 2019

English



RIGHT TO
CLEAN AIR

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Deutsche Umwelthilfe (DUH) and the Frank Bold Society (FBS) are campaigning for the right to clean air in Europe as part of the EU-LIFE "Right to Clean Air" project. They provide information on both the EU laws on clean air the right to breathe air that is low in pollutants. The aim is to improve the quality of air in the cities of EU Member States as quickly as possible and promote the protection of health, nature and climate. Deutsche Umwelthilfe and the FBS support cities in complying with EU legal thresholds for air pollutants.



„Right to Clean Air“ (LIFE15 GIE/DE/000795) is funded under the LIFE programme of the EU Commission.



THE PROJECT

Everyone in the European Union has the right to clean air. In a landmark 2008 ruling, the Court of Justice of the European Union determined that the citizens of EU Member States have a legal right to breathe air that is non-hazardous to health. That means that cities, regions and Member States must ensure that the applicable EU thresholds for nitrogen oxides, particulate matter and other air pollutants are adhered to. At the start of the millennium, the EU Commission elaborated thresholds and guidelines for air quality in order to protect people against harmful gases and superfine particles emitted from the exhaust pipes of cars and lorries, the stacks of industrial plants and power stations and the chimneys of fireplaces and wood-burning stoves in private homes. The threshold for particulate matter (PM10) has applied to all EU Member States since 2005, and the threshold for nitrogen dioxide (NO2) since 2010. Directive 2008/50/EC on ambient air quality and cleaner air came into force in 2008.

However, EU Member States are violating the right of citizens to clean air. Governments are not paying enough attention to air pollution control and legal thresholds are being exceeded across Europe. The widespread inactivity of governments is having a significant impact on climate, nature and health. In its Air Quality Report 2018, the European Environment Agency considers that more than 420,000 premature deaths in 2015 could be ascribed to the consequences of particulate pollution in the air. According to the report, high concentrations of nitrogen oxide are responsible for around 79,000 premature deaths in EU Member States. Up to 95 percent of the urban population in the EU is exposed to concentrations of pollutants which are significantly damaging to health. The main polluters are industry, transportation and small-scale private furnaces.

Deutsche Umwelthilfe (Germany) and the Frank Bold Society (Czech Republic) are campaigning with their project, Right to Clean Air (LIFE15 GIE/DE/795 LEGAL ACTIONS), to improve air quality in Europe. The Frank Bold Society (FBS) and Deutsche Umwelthilfe (DUH) have driven forward measures to enforce air pollution control and informed about the legal possibilities. Separately from the project, both partner organisations have used the legal possibilities and initiated legal action against authorities. DUH and FBS have explained the European Air Quality Directive to NGOs and private citizens in ten EU Member States.

The primary aim of the project was to sensitize environmental associations and people to participate in public consultation procedures to compile or revise air quality plans. Governments determine how they will implement the clean air guidelines in action or air quality plans, whether they want to create environmental zones, purchase low-emission buses, expand local public transport or expand their network of cycle paths in order to protect people from air pollutants.

Deutsche Umwelthilfe and the Frank Bold Society are basing this project on the three principles of the Aarhus Convention:

- **Access to environmental information**
- **Public participation in environmental decision-making**
- **Access to justice**

Project partners Deutsche Umwelthilfe (DUH) and the Frank Bold Society (FBS) have ensured that the basis for governments' decisions is made public and hence have contributed to the transparency of government actions. By submitting applications for new air quality plans, the project partners have prompted authorities to implement European and national standards on air quality and thus comply with their obligations in terms of protecting people's health and complying with legislation. The LIFE project has helped to ensure that EU Member States respect EU clean air legislation and citizens are empowered to participate.

DUH and FBS have provided information on air pollution control and the relevant EU legislation at numerous events across Europe. In addition, citizens of EU Member States have been given necessary information through extensive press and PR work. By equipping citizens and state decision-makers in this manner, the LIFE project has initiated and encouraged measures to improve air quality in numerous EU Member States. The decisive factors for the success of the project included:

- **Extensive press and PR work on the latest trends in air pollution control in the EU and its Member States**
- **Pointers to possible financial aid for cities and local authorities**
- **Information on best practice measures in different EU Member States**
- **Tips on sustainable public procurement**
- **Advice on legal options if air quality thresholds are exceeded significantly over an extended period**

FACTS & FIGURES – WHERE DO POLLUTANTS COME FROM AND WHAT EFFECT DO THEY HAVE?

Air pollutants come from different sources. Particulate matter is created by, for example, emissions from motor vehicles, power and district heating plants, furnaces and heating systems in residential buildings, agriculture and industry. Most particulate matter in conurbations and cities is caused by motorised traffic. Particulate matter is created by the combustion processes in engines and is then expelled into the air. But particles from brake and tyre wear and the dust stirred up on road surfaces also represent particulate pollution in ambient air.

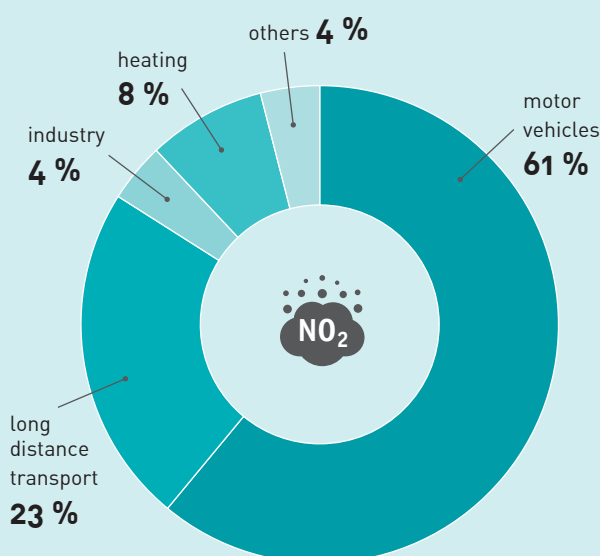
Nitrogen oxides (nitrogen monoxide and nitrogen dioxide) are created as products of undesirable secondary reactions in the combustion processes. The main sources of nitrogen oxides are diesel combustion engines, which is why road traffic is the main source of air pollutants in conurbations.

These pollutants represent a health hazard primarily to people with impaired health, children and the aged. This particulate matter enters the body through the respiratory system. It increases the risk of people suffering from cardiovascular and respiratory diseases as well as lung cancer. The smaller the particles, the further they can penetrate into the human body and the more serious their impact on health.

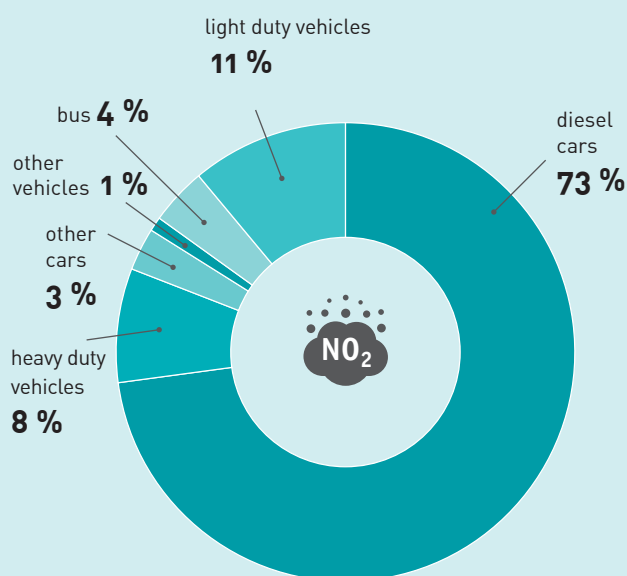
In contrast, nitrogen dioxide is an irritant gas that impacts the respiratory tracts. It can cause asthma or worsen pre-existing asthmatic conditions; it can aggravate inflammatory processes and allergic reactions and can decrease pulmonary function.

It is clear that the impact on health of air pollutants should not be underestimated and that the corresponding thresholds were established for exactly this reason.

Sources of urban NO₂-pollution in %



Share of different vehicles in traffic related NO₂ pollution



» Particulate matter and NO₂ are killers [...]

chemical processes in the lungs transform

NO₂ into nitric acid. This results in irritation of mucous membranes and local inflammations

in the bronchial tubes or alveoli.«

Norbert Mülleneisen, Founder of the Asthma and Allergy Centre Leverkusen

BACKGROUND AND PRINCIPLE

The European Ambient Air Quality Directive - a legal foundation for cleaner air for Europe

The legal foundation for cleaner air for Europe is composed of in particular Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management Directive 2008/50/EC on ambient air quality and cleaner air for Europe, which came into force on 21 May 2008. The directives determine thresholds for concentrations of pollutants in ambient air. These directives and relevant thresholds have been enshrined in national law by the Member States. If air quality thresholds are exceeded, the relevant authorities are required to compile action or air quality plans and must ensure that the period when a threshold is exceeded is kept as short as possible.

What are air quality plans?

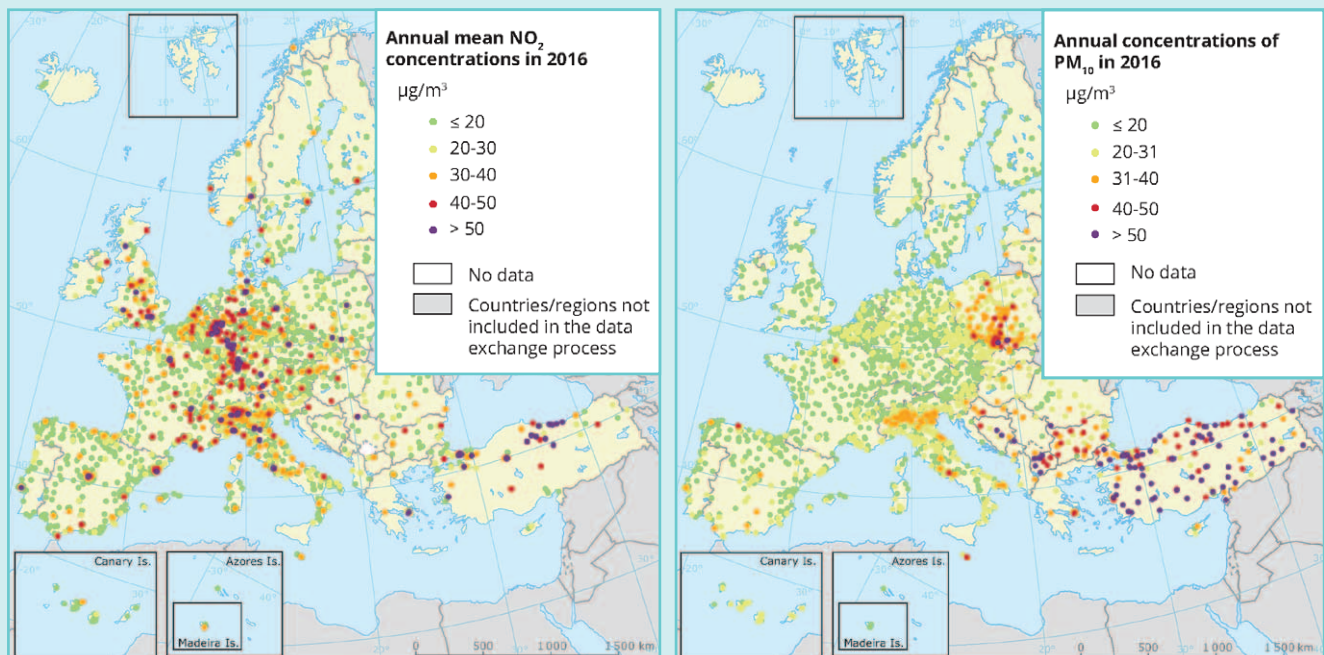
Air quality plans are action plans which must be compiled by the relevant authorities when the legally applicable thresholds are exceeded. The aim is to determine measures to minimise pollution loads and ensure as quickly as possible that the threshold is adhered to. The measures determined in an air quality plan are legally binding and must be implemented by the authorities.

The authorities are required to ensure rapid compliance with thresholds through the implementation of effective measures in order to protect health, nature and the climate. In cases where this does not happen, Deutsche Umwelthilfe (DUH) and the Frank Bold Society (FBS), or the international NGO ClientEarth, use the relevant national legal system to rectify the omissions of Member States and assert the right to clean air through legal means.

The right to clean air – which rights do EU citizens have?

1. Right to compliance with EU thresholds
2. Right to the compilation of an air quality plan if thresholds are exceeded
3. Right to monitoring of air quality in accordance with the relevant rules and regulations at the most highly polluted location
4. Right to information on the air quality data collected

Air quality in Europe



Source: European Environment Agency, 2018.

The applicable thresholds for air pollutants

Particulate matter (PM10)

- **40 µg/m³** as an annual average
- **50 µg/m³** as a daily average on a maximum of 35 days in a calendar year
- **mandatory since 2005**

Particulate matter (PM2.5)

- **20 µg/m³** as an annual average
- **mandatory since 2015**

Nitrogen dioxide (NO2)

- **40 µg/m³** as an annual average
- **200 µg/m³** as a daily average on a maximum of 18 days in a calendar year
- **mandatory since 2010**

Decisions by the Court of Justice of the European Union – the right to clean air

The right to clean air has been confirmed on a number of occasions by the Court of Justice of the European Union (CJEU). On 25 July 2008, the CJEU confirmed the actionable right to clean air in a case in Munich supported by Deutsche Umwelthilfe (file no. M 1 K 12.1046, Janecek v Freistaat Bayern). On 19 November 2014, in a lawsuit brought by the NGO ClientEarth against the United Kingdom, the CJEU decided (C-404/13) that national courts are required to order any necessary measure vis-à-vis the relevant authorities if air quality thresholds are exceeded. On a judgment of 26 June 2019, regarding a lawsuit about the Brussels measuring stations (C-723/17), the CJEU stated clearly that every citizen has a right to the pollution caused by air pollutants being measured at the point where the maximum concentration is or is expected. This increases the importance of air pollutant thresholds, since the legally binding thresholds must be complied with at every single location where people are present. This means that every deviation represents a statutory violation, against which legal action can be taken.



25.07.2008

- **enforceable right to clean air is confirmed**



19.11.2014

- national courts **are obliged to take all possible measures** when limit values are exceeded



26.06.2019

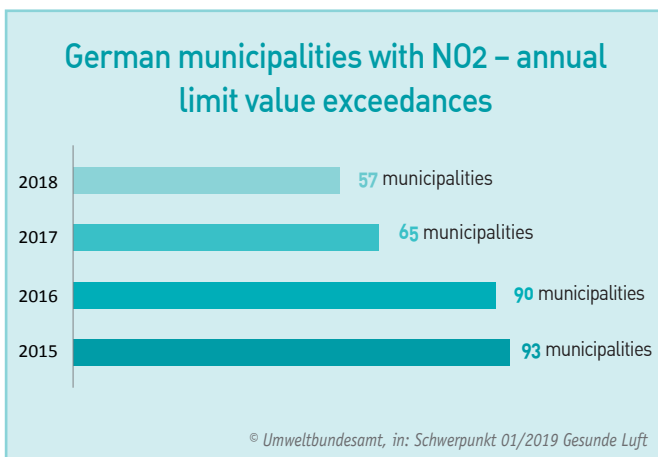
- the legal limit values for air pollutants **must be complied with at every location**, even at the most polluted location
- Citizens have a **right to air pollution monitoring** at the most polluted place



EVALUATION OF THE PROJECT: SUCCESSSES OF THE LIFE PROJECT

Since the start of the project in 2016, the question of clean air has gained in importance, primarily due to the campaigning and the resulting pressure from civil society to comply with health-related thresholds in EU Member States. Through extensive press work, the project partners have made the media aware of the lawsuits filed and judgments issued on air pollution control. With its ongoing reporting in social media, at press conferences and in press releases, the project has triggered a debate among broad swaths of the public on the effects of air pollutants and compliance with European thresholds.

Overall, the number of municipalities in Germany has dropped where the thresholds for air pollutants are exceeded. According to the German Environment Agency 90 cities still exceeded the nitrogen dioxide thresholds in 2016. By 2018, the number of municipalities which exceeded the NO₂ threshold had dropped by more than a third. Provisional figures for 2019 show only **40** cities which still exceed these thresholds.



The German Government has adopted a **financial aid programme** of over 2 billion euros. Germany intends to use the money to speed up the electrification and digitalisation of transport. In addition, local authorities are encouraged to retrofit buses used in local public transport, light and heavy-duty commercial vehicles and other urban vehicles with clean technology (immediate action programme Clean Air 2017-2020).

The EU develops green public procurement (GPP) criteria to facilitate the inclusion of green requirements in public tender documents. The project partners participated in the development of the new criteria catalogues for transport (published in January 2019) and for public space maintenance (published in November 2019).

Air pollutant emissions are one major aspect of the GPP criteria. As core and as comprehensive criteria of the transport catalogue, new buses must meet Euro VI emission standard. As fleet renewal takes a long time, the German Federal government introduced subsidies for hardware retrofitting of buses to reduce NO_x-emissions from bus fleets as quickly

as possible. In a background paper that we sent to all eligible cities and public transport companies, at a GPP expert talk in Berlin and in the context of statements on air quality plans, we successfully promoted the retrofitting of diesel buses. As a result of this work, there is a large number of public transport companies that meet the GPP criteria for air pollutant emissions. The municipal transport operators of **38** cities have committed themselves to exclusively purchase Euro VI buses and to retrofit their bus fleet to emission standard Euro VI. Until the end of the project, more than 2.000 buses were retrofitted with exhaust gas cleaning devices.

SUPPORTING LEGAL PROCEEDINGS OF THE EUROPEAN COMMISSION

The European Commission has confronted some Member States with legal proceedings due to an infringement of the Treaty because they are not doing enough to finally comply with thresholds. The countries include Germany, France, Romania, Italy, Hungary and the United Kingdom. The project partners have submitted important information on measuring stations, judgments in Germany and the results of further NO₂ measurements to the Commission. In the meantime, the Court of Justice of the European Union has ordered France to comply with these thresholds as quickly as possible. Further judgments will be issued shortly. With their work, the project partners are supporting the aims of the European Commission of improving compliance with European environmental legislation and ensuring that all citizens of the EU have clean air to breathe.

EXCHANGE OF INFORMATION IN EUROPE

The topic of air pollution control has become more controversial and important due to its legal enforceability. Reporting by the media on these judgments and the ensuing consequences has awakened interest in air pollution control. Citizens, governmental decision-makers and NGOs wanted to know which laws and thresholds apply and what impact on health air pollutants have. The need for up-to-date and more comprehensive information has grown as the project progresses. DUH and FBS have held numerous information events and discussion meetings for various target groups in Berlin, Brussels and in numerous EU Member States. In nine workshops held across the EU, experts from DUH and FBS discussed the consequences of air pollution and explained the options for taking legal action to citizens' action groups, NGOs and lawyers in the countries where the meetings were held and discussed national and regional specifics. The project partners were closely involved in working groups at the European level; as speakers they took part in numerous events in different EU Member States and kept the question of air quality on the agenda with regular newsletters, a project website, webinars and lectures.

» Despite all appeals by us as pulmonologists nothing happened. Finally, court judgments have brought about some activity. That is invaluable assistance for us.«

Michael Barczok, Pulmonologist in Ulm and speaker of the Federal Association of Pneumologists quoted by Deutsche Welle on 26.02.2018.

LEGAL PROCEDURES AND PLANNED LAWSUITS IN EUROPE

Through its work on its network, the LIFE Legal Actions project has initiated air quality activities in at least six Member States where workshops were held. This is a clear indication of the positive impact the project is having. Environmental organisations in Hungary, Italy and the Czech Republic have filed lawsuits to obtain new air quality plans. Detailed feedback on strategy and legal options took place between the project partners and local organisations regarding many other intended lawsuits, in Romania,

for example. The project supported campaigns for air pollution control and its legal implementation in the Netherlands and Spain.

Organisations shared legal strategies within the network, translated statements of case and court judgments and transmitted them around the network. All participants found this flow of information extremely helpful for their work because judgments from the highest national courts in the EU Member States and the decisions of the Court of Justice of the European Union in particular are relevant for jurisdiction in all EU Member States. Environmental organisations and citizens' action groups found the effective network offering knowledge and the experience of other organisations in the various EU Member States to be of particular benefit. They were able to make use of the legal knowledge gained from proceedings and judgments from other EU Member States for their work at home. Finally, good collaboration across national borders helped to ensure that European legislation on ambient air quality was implemented in more EU Member States.

The organisations, initiatives and individual players made contact and networked at our workshops in the different countries. The EU LIFE project created the network originally, which made these numerous successful activities possible. Our project has brought people together across the European Union who are working to improve air quality in their countries and achieve implementation of the corresponding EU directives.

LIFE Legal Actions Capacity Building Workshops 2016-2019



COUNTRY EXAMPLES

Poland: The workshop in Krakow revolved primarily around small-scale furnaces, which are the main source of pollution in Poland. Hence the workshop took place in cooperation with the EU LIFE project "Clean Heat". The workshop resulted in collaboration between the LIFE Legal Actions project and the Fundacja Frank Bold, polish branch of Frank Bold. With the support of the LIFE project in terms of finances and content, the Fundacja Frank Bold initiated two lawsuits to improve air quality in Poland. The organisation filed a suit against an entrepreneur who had applied to remove filters for diesel exhaust particulates. In another lawsuit, Fundacja Frank Bold took action against the sale of illegal wood burners and coal-burning stoves. Both lawsuits were successful, and the relevant advertising and products were removed from the market.

Netherlands: We held a workshop in Amsterdam with the Dutch environmental protection organisation Milieudefensie. NO₂ from the exhausts of diesel vehicles is polluting the ambient air in large cities in the Netherlands as well, even though many people use bicycles to move around. The workshop made it clear that NGOs shy away from lawsuits due to a lack of time and money. They do not have the financial resources and they are afraid of the amount of time complex legal processes will take before a judgment is issued. Nevertheless, after the workshop a citizen's action group took up the fight for clean air in Amsterdam and started a crowdfunding appeal to finance a new lawsuit. The Right to Clean Air project supported the initiative and publicised the crowdfunding appeal in the project network.

Italy: The Italian environmental organisation Cittadini per l'Aria has been campaigning for years for better air quality in Lombardy and the regional capital of Milan. Environmental campaigners from Northern Italy have long appreciated the cooperation of project partners DUH and FBS. Experts from these organisations have exchanged information on technical and legal questions relating to air quality in many discussions and numerous e-meetings. Cittadini per l'Aria participated in the project workshops in Berlin and Brussels. They used the knowledge, support and political drive from the Brussels workshop to file a lawsuit in July 2018 against the regional government of Lombardy, with the financial support of ClientEarth. They hope to enforce a new air quality plan through a court judgment in order to put an end to the health crisis in one of Europe's dirtiest regions. Furthermore, DUH and FBS, together with Cittadini per l'Aria, held a workshop in Milan to reach NGOs from the Italian regions South Tyrol, Veneto and Latium.

Spain: Together with the Spanish organisation Ecodes, DUH and FBS organised a workshop in Madrid which took place shortly after the local elections. One subject of the electoral campaign was the low-emission zone Madrid Central, which had been set up just a few months before. The newly elected local authority suspended the penalties for violations of the restricted traffic zone – this meant the environmental zone became ineffective. Prior to that, the Spanish environmental protection organisation Ecologistas en Acción proved that the zone had





significantly lessened NO₂ pollution in Madrid. Ecologistas en Acción also participated in the workshop and asked for the support of the other European environmental protection organisations in maintaining the environmental zone. The LIFE project team wrote a letter to the Spanish ambassador in Germany, referring to the right to clean air. DUH had already taken successful legal action against the abolition of the environmental zone in Hanover; this meant that they were able to support Ecologistas en Acción in Madrid with their legal knowledge. UCO, which also participated in the workshop, is currently preparing several lawsuits for clean air in Spain.

Hungary: The Hungarian environmental organisation Clean Air Action Group has been working with DUH and FBS for many years to ensure implementation of European legislation on air pollution control. The three organisations were able to delineate their positions even more clearly in the working groups of the European umbrella organisations European Environmental Bureau and Transport & Environment. Clean Air Action Group, Deutsche Umwelthilfe and FBS have elaborated tactical steps for implementation of these directives in shared projects and regular meetings. Only a few days after the shared workshop held in Budapest at the end of 2018, the Clean Air Action Group filed a lawsuit to compile an air quality plan for Budapest. The Hungarian organisation enjoys the financial support of the international environmental organisation ClientEarth. In the lawsuit, the Clean Air Action Group is demanding a reduction in particulate matter contamination and also, for the first time, measures to reduce NO₂ pollution in the Hungarian capital caused by motorised road traffic.

Romania: Staff of the LIFE project at Deutsche Umwelthilfe got on the phone to advise their colleagues at the Romanian environmental organisation "Asociatia Justitie si Mediu" on the legal options for a lawsuit against air pollution in Bucharest. After an intensive exchange of information, experts from the NGOs met in Berlin to discuss their strategic approach and financing for a lawsuit. This collaboration proved successful: in 2019, Asociatia Justitie si Mediu filed a lawsuit for exceeding thresholds and violation of the Air Quality Directive in Bucharest.

Bulgaria: At the workshop in Sophia, which was organised together with Za Zemiata, experts from DUH, FBS and Bulgarian clean air initiatives were able to exchange detailed information on the issues in Bulgaria. Bulgarian participants complained particularly of the lack of data. Since government agencies do not measure air pollutants, civil society is not able to assess air quality and demand that the government take action. The project therefore made its network available and provided contacts so they themselves could organise measurements in Bulgaria. The data could subsequently be used by citizens and decision-makers to increase awareness among the public in Bulgaria and to demand effective action by the State. Joint activities will be developed in future on the basis of the data collected. In this respect the meeting in Sophia proved to be the spark triggering further activities and cooperation.

AWARENESS AND AGENDA-SETTING THROUGH PRESS AND PR WORK

The press and PR work was a significant factor in the success of the project. Regular press releases informed the traditional media of lawsuits and judgments, the health hazards caused by air pollutants and effective measures taken against air pollution. In addition, the project used videos and brochures to inform people of the impact of air pollution on health and raise awareness among the public of its right to clean air.

The combination of different media meant that a total in excess of 60 million people could be reached. Through its PR work in social media, the project has regularly reached 73,000 users via various channels. Furthermore, the staff of the LIFE project responded to more than 2,000 individual inquiries by private persons and held numerous off-the-record discussions with journalists.

EXCHANGE OF INFORMATION AMONG EXPERTS IN GERMANY

The most recent findings were exchanged at regular discussions with an established circle of experts from industry, public administration, politics and interest groups. Questions such as retrofitting hardware, various sources of emissions, emission measurements, calculation of imissions and new regulations were presented and discussed. The open atmosphere helped to establish and develop a dialogue across all stakeholders. Technical and regulatory information in particular was transmitted to the organisations in the network. This included findings on the effectiveness of software updates on diesel vehicles and the technical options for retrofitting hardware. The availability of new findings and the group's own measurements, as well as the latest studies, meant that they could influence regulatory activities so that data availability, for example, the Handbook Emission Factors for Road Transport (HBEFA), could be improved and obstacles to accessing financial aids could be removed.

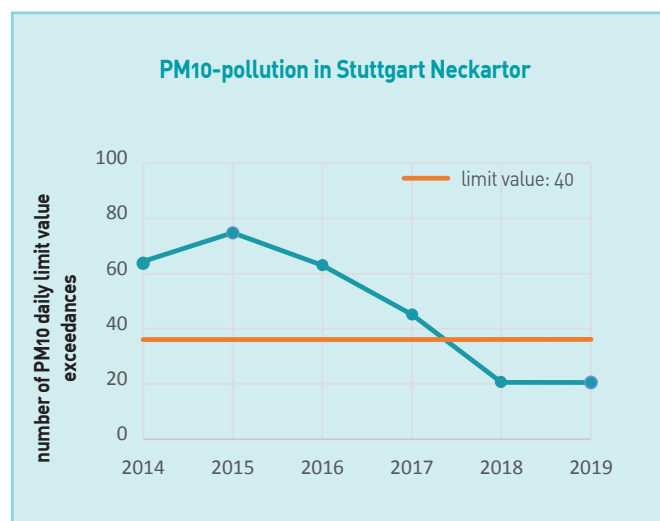
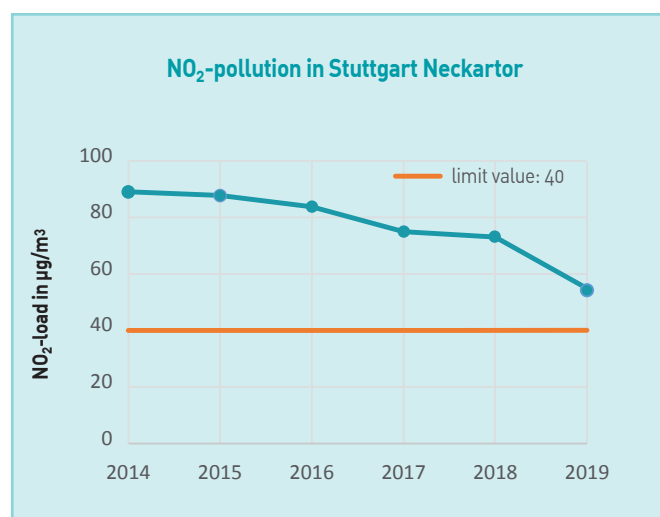
DEVELOPMENT OF AIR POLLUTION CONTROL IN GERMANY

During the project period, judgements for better air quality were already obtained for 13 cities. All complaints were filed and financed independently of the LIFE project, but are the basis for the campaign work to rise awareness of the need to comply with the legally binding limit values. Through numerous statements on air quality plans, public relations work, expert discussions and last but not least legal decisions the creation of 23 new air quality plans was achieved. Measures, which promote public transport, cycling and limiting particularly dirty vehicles, are the success of these air quality plans.

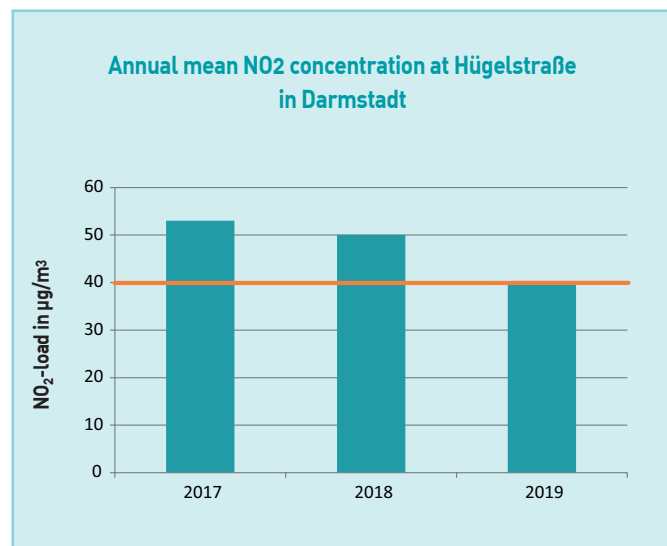
The Regional Administrative Authority in Stuttgart has compiled a new air quality plan after years of pressure from civil society and in particular from the project partners. On 1 January 2019, the first zonal and city-wide ban on diesel vehicles was issued including exhaust emis-

sions standard Euro 4/IV. The ban will be extended in 2020 to exhaust emissions standard 5/V. With this development of the environmental zone, Stuttgart has set an example for other cities. The ban on Euro 4/IV diesel vehicles already had an effect on the air quality in 2019 – NO₂ pollution dropped from 71 to 53 µg/m³ in the first year alone when the measure was implemented. The highest court in Germany for this case, the Federal Administrative Court in Leipzig, determined in a landmark ruling in February 2018 that bans on driving certain vehicles are lawful and necessary.

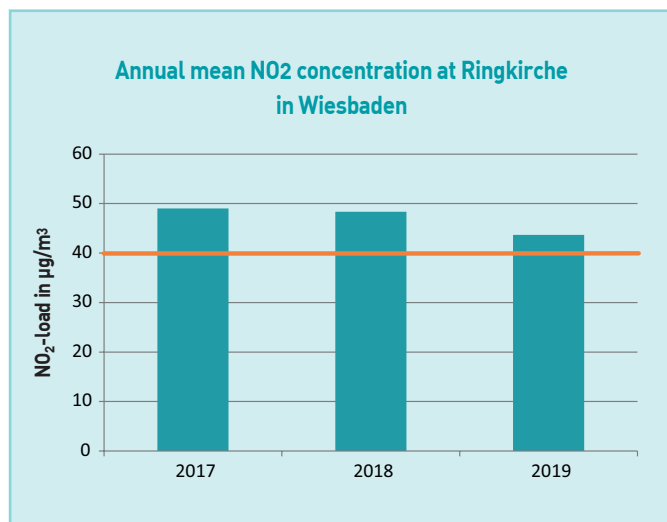
Since 2018, **Stuttgart** has also complied with the legally defined maximum number of exceedance days for particulate matter (PM₁₀). Two years earlier, the regional government had banned the use of comfort fireplaces in the entire urban area on days with particularly high pollution levels. On days with high loads of particulate matter, Stuttgart lowers the price of tickets for local public transport in order to encourage people to leave their cars at home and take the bus or tram. Both measures lower the particulate matter load (PM₁₀).



In **Darmstadt**, negotiations with authorities resulted in the city issuing a ban for streets with excessively high NO₂ loads and where thresholds are exceeded. Since June 2019 diesel vehicles, including those of the exhaust emission standard Euro 5/V, are no longer permitted to use two polluted main roads. In addition, Darmstadt has turned car lanes into bus and cycle lanes. Both traffic-related measures reduced nitrogen dioxide pollution.



Wiesbaden has decided in favour of traffic transformation and has earmarked 400 million euros for these measures. Local public transport is to be improved and cycle traffic expanded rapidly. Two days before the decisive session in court, the Hesse Ministry of the Environment published the new air quality plan. This is a significant success, which can be attributed to the constant commentary on air quality plans and also to legal pressure. Wiesbaden will comply with thresholds by 2020 at the latest.



SUCCESS STORIES IN EUROPE

In addition to the examples of countries given above, where the authorities in the relevant EU Member States already were motivated to implement air pollution control measures and comply with EU directives, we can already see very specific success stories in the campaign for clean air. The activities of the Frank Bold Society in the **Czech Republic** and the lawsuit filed at the end of 2018 against the Czech Ministry of the Environment are yielding results. The case is of a great social significance, as it highlights a systemic breach of the air quality legislation in the Czech Republic and a long-term inactivity of the Ministry of Environment to meet the air quality standards. Here too, it can be seen that public pressure exerted by court proceedings is effective and encourages the authorities to make additional efforts. In connection with the lawsuit, information on air quality and the legal framework was disseminated through media work. Hence, many people were made aware of the need for more ambitious air pollution control measures.

In **Italy**, the environmental organisation Cittadini per l'Aria has been using legal means for years to fight for clean air in the northern region of Lombardy. Filing a lawsuit has exerted additional pressure on the relevant authorities in the Milan area. In February 2019, the existing ban on the heaviest polluting vehicles in the city centre was extended and tightened to cover the whole municipal area. In October 2019, the ban was extended to cover vehicles in the upper categories of polluting vehicles. It is intended to further tighten the ban in 2022 and 2025.



MEASURES IMPLEMENTED TO IMPROVE AIR QUALITY IN CITIES

- **Ban on diesel vehicles in areas with particularly high NO₂ pollution**
- **Retrofitting of public vehicles with SCRT systems to achieve near zero emissions of particulate matter**
- **Financial incentives to retrofit diesel buses, tradesmen's and delivery vans and heavy municipal vehicles such as refuse collection trucks**
- **Lowering of the maximum permissible speed**
- **Expansion and increased frequency of local public transport, introduction of a citizen's ticket (365 euro ticket)**
- **Cycle paths replacing car lanes or parking spaces**
- **Expansion of on-street parking controls**

AFTER LIFE – FUTURE AND REMAINING CHALLENGES

During the project period, from August 2016 to November 2019, air quality improved in large parts of the European Union. Consequently, the risk to the health of citizens and the load on nature and climate lessened. Despite this positive trend, nitrogen oxides, diesel exhaust particulates and particulate matter continue to pollute the air - the overall level of air pollutants in EU Member States is still too high. The legally binding thresholds continue to be exceeded at numerous locations in the EU.

Therefore, it is important to continue to raise awareness of air pollution control and to educate citizens about the cause and effects of pollutants. New alliances can lead to more public pressure on decision-makers in this area. However, legal measures also remain an important instrument for achieving the implementation of existing EU law.

Experience has shown that legal measures can have a positive effect. Court proceedings and judgments as well as public pressure force the authorities to deal with air quality and thresholds. The LIFE Legal Actions project led to a new dynamic, impetus and creativity among authorities, which resulted in more environmentally friendly traffic in the relevant cities through new ideas and additional measures.

Nevertheless, social and political change takes time. The downside of the legal path means: delay. Often, years can pass between filing a suit and a legally binding decision. During this period, activities in the cities and federal states concerned must continue to be observed, accompanied and commented on. The project partners will continue this work.

Unfortunately, it has become apparent that some authorities are partly not implementing the final judgements or are doing so only with delay.

In order to counteract this, the European Court of Justice has now issued a ground-breaking ruling (C-752/18), which in future will ensure the implementation of administrative court requirements - and thus the implementation of EU legislation. This ruling will be used by the project partners in the future to avoid further delays.

In some EU countries, problems remain with the implementation of the Aarhus Convention, which ensures access to justice in environmental matters, so that individuals and environmental organisations can effectively enforce their rights to access to environmental information and to participate in proceedings. In addition, lack of money and lack of funding for organisations in other countries keeps environmentalists in some EU countries from claiming their rights. Some countries still do not even provide sufficiently reliable data on air quality and concentrations of pollutants.

The path to clean air is long. The LIFE Legal Actions project has shown that additional efforts are needed to improve air quality and ensure that the Air Quality Directive 2008/50/EC is complied with by all EU Member States. The LIFE project has increased awareness of air pollutants and revealed the need for action in many countries of the European Union. The organisations and initiatives in the LIFE project network have shown which options can be revealed by legal procedures to enforce compliance with applicable statutory regulations.

In order to manage the effectiveness of the project in the long term, the communication about pollution load in the air and its effects, the network activity, expert talks and workshops, as well as expert exchange and discussions with political decision makers and administrations have to be continued. Already decided measures have to be observed and their implementation of measures secured. The public must continue to be informed about government failures, but also about successful examples as well as effective and efficient planning of measures as part of air quality policy.

WE WILL CONTINUE TO FIGHT FOR YOUR RIGHT TO CLEAN AIR!

Our commitment will not end with the end of the project. Our support of citizens who have been affected and our commitment to environmental protection across Europe will continue. Our cooperation with other environmental organisations in Europe will be maintained and expanded. Procedures we have initiated will be supported by scientific and legal expertise. The exchange of information with all participants will help us to continue campaigning for the implementation of effective measures and compliance with pan-European thresholds as soon as possible.

THE LIFE LEGAL ACTIONS PROJECT IN FIGURES (IN EU MEMBER STATES)

> new air quality plans: **23**



> retrofitted buses with functioning exhaust gas treatment:

↑ **2.000**



> new lawsuits in the EU: **32**

> Financial aid „Crash Programme for Clean Air 2017-2020“:

2.000.000.000 euros



> citizens' inquiries answered:

↑ **2.000**



> people reached through background material:

80.000



> political decision-makers reached through background material:

↑ **900**



> media scope (TV, internet and print):

60.000.000 users



> intensive cooperative actions with NGOs in Europe:

10



> workshop participants: **280**

> workshops in EU-Member-States:

9



ABOUT THE PROJECT

Air pollution is still one of the greatest challenges of our time. Despite directives throughout Europe, air pollution limits are regularly exceeded in many cities and agglomerations. This burdens the health of the citizens and harms our environment and the climate. With the project Right to Clean Air, we are endeavoring to significantly improve air quality in Europe. The Deutsche Umwelthilfe (DUH) and the Frank Bold Society (FBS) jointly promote air pollution control measures in different source areas and support legal action at European and national level. The project is funded under the LIFE program by the EU Commission.

A project by



The Deutsche Umwelthilfe e.V. (DUH) is a non-profit consumer protection association entitled to sue, that is working for a careful handling of natural resources, biodiversity and landscape since 1975.



The non-governmental organization Frank Bold Society (FBS) was founded in the Czech Republic in 1995 and provides legal aid in environmental complaints.

Co-financed by



The European Union's LIFE Program is a funding instrument that supports environmental and climate protection projects.

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[We'll keep you posted: www.duh.de/newsletter-abo](http://www.duh.de/newsletter-abo)

We are recognised as a non-profit environmental and consumer protection organisation. Politically independent and entitled to bring legal action we have been campaigning to preserve the natural foundations of life for more than 40 years. Please help us with your donation! www.duh.de/englisch/support-us

We are transparent according to the Transparent Civil Society initiative and have been awarded the DZI Seal-of-Approval as a sign of trustworthy organisations.

