

Project-Newsletter #02 / 25.01.2018

The Dieselsummit

Dieselgate is still a major public topic. In August 2017, almost two years after the emission fraud became public, the German government arranged a so-called National Diesel Forum and invited federal ministries and German car manufacturers. Representatives from civil society such as DUH and other NGOs were explicitly not invited, which led to a major public outcry. DUH and other initiatives and associations organized a demonstration in front of the Federal Ministry of Transport. With dozens of interviews and huge media impact, we led the national debate about this summit. We rated the outcome as a complete failure, lacking any effect on air quality in cities. The decision to retrofit EURO 5 and EURO 6 cars with mere software updates is cosmetic only and will have no significant effect on emission reduction. In the past months, we participated in the follow-up working groups on technical and legal questions and are able to represent the environmental and health-aspects. The outcome of those experts groups remains to be seen. As a contribution to the debate, we developed an *8 Point Plan* for the immediate compliance with the limit values.



LINK: [Press release with further information \(German\)](#).

Recent air quality litigation

In the last few months, we have had some very interesting developments in the Stuttgart and Munich cases. The Administrative Court of Stuttgart granted DUH's action and declared the present draft of the clean air plan to be invalid. The court clarified that year-round diesel driving bans will be inevitable in the low emission zone of Stuttgart. The state of Baden-Württemberg has lodged a revision to the Federal Administrative Court (BVerwG) Leipzig: the hearing is scheduled for 22 February 2018.

On October 26, 2017, the Bavarian Administrative Court threatened the Free State of Bavaria with the imposition of a compulsory fine of 4.000 EURO because the Free State did not initiate public participation in updating Munich's air quality plan. The Bavarian government paid this fee without complying with the obligation of the court decision. So the DUH filed a second application for a compulsory fine up to 25.000 EURO or coercive detention. The Administrative Court of Munich will decide on this on January 29, 2018.

In September 2017, we sent letters to the authorities responsible for those cities with NO₂ above 44 µg/m³ in 2016. We asked for appropriate measures to lower air pollution and comply with the limit values as soon as possible. This is the first step in a potentially new case. As a result, the



DUH announced that it would file three further lawsuits because of continuous non-compliance with NO₂ limits in Kiel, Hanover and Halle (Saale).

On February 22, 2018, the Federal Administrative Court Leipzig will decide on the implementation of diesel ban in Düsseldorf and Stuttgart. This decision will be very important for air quality management in Germany and as well other Member States.

Please find detailed descriptions and updates relating to all of our cases [on our website](#).

English Guidelines "Legal actions for clean air"

DUH published the guideline "Legal actions for clean air" that summarizes all legal cases currently being led by the DUH concerning non-compliance with air quality limits. The paper gives an overview of the air quality situation in Germany and the legal basis. In addition, readers can find examples of air quality measures. The brochure is available at our project website [for download](#).

Capacity Building Workshop Bratislava

The second Capacity Building Workshop was organized on April 6, 2017 in Bratislava, Slovakia, together with our colleagues from the LIFE project [Clean Heat](#) (LIFE14 GIE/DE/490). The event was supported by the Danish Ecological Council (DEC), CEPTA and the Ministry of Environment of the Slovak Republic. At the event, we combined the general air quality situation, measures and legal actions for the better implementation of air quality legislation with the issue of domestic heating as the main source of particles in Slovakia. Sixty-five representatives from NGOs, citizen's initiatives, local and regional authorities, industry and science as well as legal experts attended the conference. The Ministry of Environment realized that air quality is one of the mayor challenges in Slovakia and declared that there was a need to introduce a bunch of measures to reduce air pollution, for example informing the public to use better heating methods and technologies. At the same time, stricter emission limits, financial supporting programs and laws to ban burning have to be provided.

Capacity Building Workshop in Krakow

DUH organized the third Capacity Building Workshop in Krakow on November 26, 2017. Due the successful event in Bratislava, we adhere to the concept of joining forces with the LIFE project team of Clean Heat. Fundacja Frank Bold supported the conference "How to improve air quality in Poland?". The topics were sources of air pollution, air quality measures and legal actions for the better implementation of air quality legislation. In addition, the workshop had a special focus on residential burning which is a main source of particle pollution in Poland. Forty-eight representatives from 40 different institutions, e.g. local and national authorities, environmental organizations and citizen initiatives, took part in the workshops. We were surprised by the successful activities of the local Smog Alert groups and the adoption of German "Klimamanager" in Poland. We had a fruitful discussion on air quality measures with the competent stakeholders. The best practice examples from Germany, the Czech Republic and Slovakia gave a good link for upcoming activities.

Capacity Building Workshop in Brno

Under the LIFE project Right to Clean Air, Frank Bold Society organized a Capacity Building Workshop in Brno on September 29, 2017, called "Improving air quality in municipalities". It serves as an information exchange on what steps municipalities can take in order to improve local air quality and what tools they can use to do so. Czech laws offer some instruments; however, municipalities rarely use them, as they might be too complicated and costly, especially for smaller municipalities. Fifteen participants from municipalities and active public attended and seven speakers presented their expertise. There were Presentations on best practices of air quality protection in Germany, legal tools, air quality protection policy and its implementation, open funding possibilities and possibilities for monitoring by municipalities were held by experts. In addition, representatives of three citizens' initiatives spoke out about issues they are dealing with, such as domestic heating and air pollution in proximity of schools in Prague.

Conference on Health impacts of air pollutants in Berlin

To increase awareness of air pollution and its impacts on human health and to bring together the latest scientific results within this working field, DUH, together with the Health and Environment Alliance (HEAL), organized the conference "Health impacts of air pollutants". This conference took place in Berlin on November 22, 2017. More than 50 participants from local and national authorities, ministries, environmental organizations, media and science attended the conference.

There is plain scientific proof of damage to human health even below the limit values. In addition, the effects of ultrafine particles from combustion processes, e.g. from wood burning, are not considered in an effective way in the public and political debate. Those particles have been proven to have a severe effect e.g. on inflammatory processes with chronic diseases. In the last few years, the right to clean air for every citizen has been confirmed by courts several times. Four medical experts presented the latest studies about the damage air pollutants do to the cardiovascular system, the respiratory tracts and the nervous system. In addition, the topics of diabetes and the impact on pregnant women and unborn babies were covered.

An input from the WHO opened the final discussion. It pointed out how important it is to convey the scientific information to non-professionals in such a way that they can understand the negative impact on their own health. Feedback shows that the presentations are important links in the not easy-to-see-through process of the formation of evidence, located between the abundance of publications on individual associations and the consensus of expert committees that agree their vote every 10-15 years. In 2017, this issue was only discussed in a few events.

EU-Conference on air pollution in Paris

To bring together experts and decision makers, address the most important questions and exchange best practice, the EU Commission organized the Clean Air Forum 2017 in Paris on November 15 and 16.

Air pollution is the number one environmental cause of premature deaths in Europe. The EEA published the latest numbers of premature deaths caused by air pollution only some weeks ahead of the conference. More than 400,000 Europeans still die prematurely each year because of air pollution and millions suffer from respiratory and cardiovascular diseases caused by air pollution.

The three main topics were air quality in cities, air pollution from agriculture and air quality and clean air business opportunities. The conference tried to answer the most important questions by holding panel discussions and expert talks.

Of course, the problems have already been known before, and these problems were not solved during this conference. However, after the EEA and WHO impressively pointed out, we need to take action since we do not have the opportunity to stop breathing, all experts agreed to start acting now, and to accept that there is no Plan B for implementing effective measures in all sectors. The presentation of several best practice examples also showed that there are feasible ways to reduce air pollution.

The official report of the conference is available for download: <https://euconf.eu/clean-air/index.html>



You can't stop breathing – short film on air pollution

Air Pollution is not the problem of some isolated hotspots. Recent data shows that we face a problem that covers entire cities, including smaller ones and suburbs. To raise awareness on this topic we produced a short clip. Have a look here: <https://www.youtube.com/watch?v=PtNzqJGOGhU>

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