



## **Access to justice in an air quality case in Stockholm, Sweden**

**Oscar Alarik, Legal Council  
SSNC**

## **Swedish Society For Nature Conservation**

- **Founded in 1909**
- **270 local branches**
- **210.000 members**

# Stockholm

Hornsgatan, Stockholm



# Hornsgatan, Stockholm

- The SSNC represented 5 members living in a radius approximately 100 meters around the control point.
- When the case started in 2008, environmental organizations lacked standing, today the situation is better.
- Historically, the worst affected street in Sweden, with infringements of limit values of PM<sub>10</sub> and NO<sub>2</sub>.
- Studded tires, heavy traffic and a canyonlike structure are part of the problem.



# Proceedings

- A formal complaint was filed with the City of Stockholm January 2008
- Basically two demands:
  1. The City has the main responsibility for enforcing air quality standards and must take appropriate measures.
  2. The City must comply with the measures pointed out in the Action Plan decided by the government in 2004.
- The demands were dismissed by the City and the County Administration.



National media gave the case much attention the first years.

# Proceedings – 11 years later

**After a first win in 2008, the case was sent back to the City of Stockholm.**

**The final verdict came from Land- and Environment Court of Appeal in 2019**

- The Court can not determine an obligation for the City to take action, since that is a matter of lawmaking, not judicial review.
- The limit values for **PM<sub>10</sub>** are now fulfilled, no measures are necessary anymore.
- Measures to comply with the limit values for **NO<sub>2</sub>** are “to a large extent” of such nature that they "fall outside the City's competence".
- It is a matter for the County Administration, alternatively, the Government to take action by working out new measures in a revised Air Quality Plan.

**The appeal was rejected.**

# Legal results after 11 years

- The national court has judged that limit values don't establish a right that can be relied upon to seek remedy from responsible authorities.
- Air Quality Plans are the only means to remedy.
- The Courts have accepted Air quality Plans that explicitly are not sufficient for compliance – with measures the responsible authority doesn't have to carry through.
- The right to appeal is in place and working.
- The right to efficient remedies is not.



Local support for the case – hanging out white linen to show how quickly they turned grey from the particle deposition.

# Results – outside the proceedings

- An infringement case that resulted in a condemning judgement in 2011 had considerable effect on policy.
- Several measures have been put in place:
  - A ban on studded winter tires in the worst affected streets 
  - A low emission zone (LEZ) for private cars has been put in place for the road. 
  - Higher price for crossing the congestion charge cauldron. 
  - Spreading of particle-binding liquids (calcium-magnesium acetate, CMA) and extra street-cleaning.
- Today, EU limit values for PM<sub>10</sub> and NO<sub>2</sub> are followed.