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Deutsche Umwelthilfe

 **Frank Bold**



Legal Action on Celan Air

**A project to enforce the right to clean air
and the fulfillment of Aarhus Convention in
Europe**

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The Aarhus Convention – Art. 1

“In order to contribute to the **protection of the right** of every person of present and future generations to **live in an environment adequate to his or her health and well-being**, each Party shall guarantee the **rights of access to information, public participation in decision-making, and access to justice in environmental matters** in accordance with the provisions of this Convention.”



EU LIFE Project Right to Clean Air 2016 to 2019

Project based on three principles of the Aarhus Convention:

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

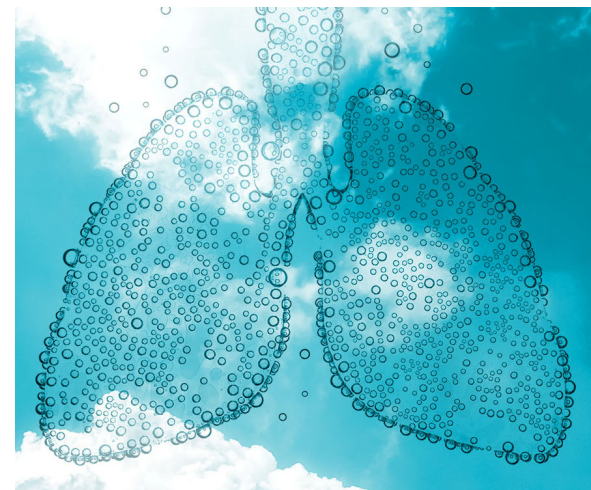


EU LIFE Project Right to Clean Air 2016 to 2019

Project based on three pillars of action:

- Inform
- Train
- Submit best practice

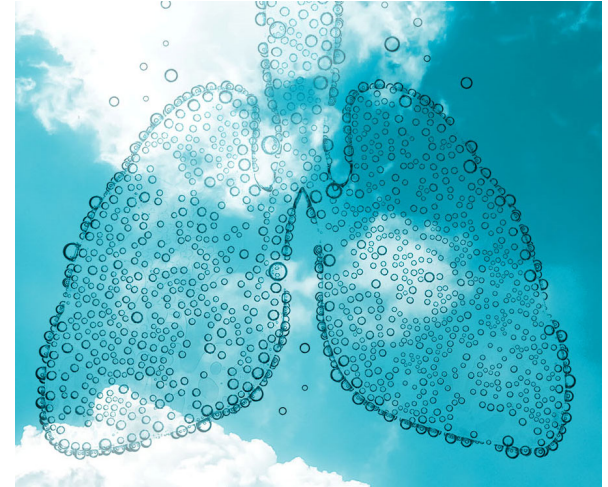
Implementation of the Aarhus Convention within the project



- Raising public awareness of the issue of air quality and health
- Informing about current levels of air pollution and non-compliance with the limit values
- Exchange about clean air management and measures with relevant Stakeholders from industry, municipalities, federal authorities, science and NGOs
- Legal actions brought up the discussion about feasible, effective and necessary measures to reduce air pollution
- Lawsuits: Rulings established clearer understanding of the right to clean air and defined possibilities/ measures for responsible authorities to comply with the air quality regulations

Challenges

Long road to the entitlement of NGOs to sue for the right to clean air in the event of non-compliance with the Ambient Air Quality Directive

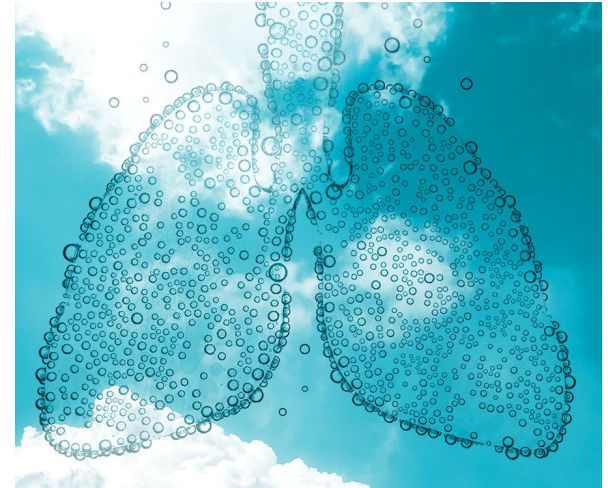


Each lawsuit had its own challenges and each ruling paved the way towards a strengthened right to clean air in Germany and Europe

- **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 must be complied with at every location; citizens have a right to air pollution monitoring at the most polluted place**

Best practice

Some examples of public participation, legal actions, new air quality plans and measures that lead to better air quality

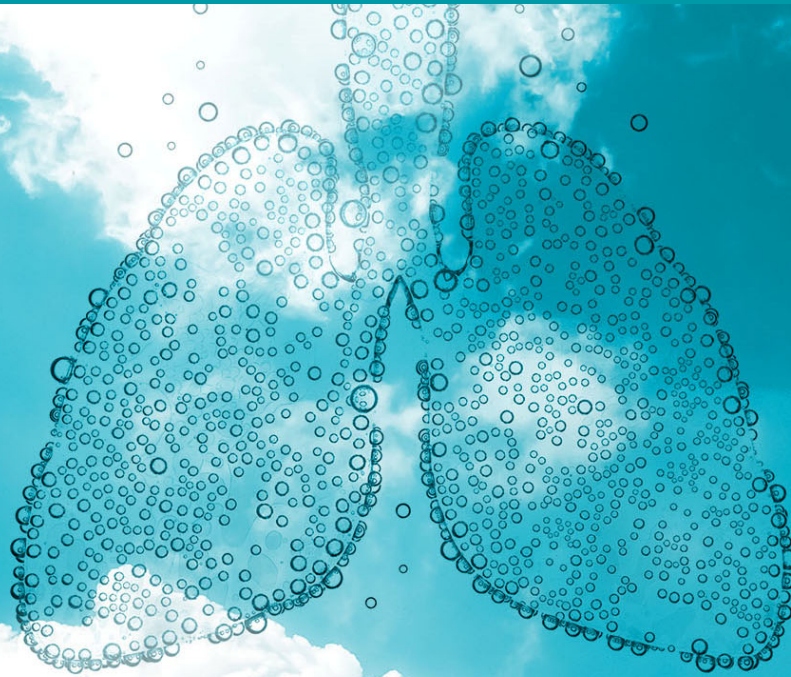


- **Debate on health effects of air pollution in 2019**
- **Statement blue prints during public participation process for the draft of new air quality plans**
- **Requests under the Environmental Information Act and the consequences**
- **Cooperation with responsible authorities on drafting air quality plans**
- **Air quality plans with measures starting a real traffic transition**



Legal Actions for Clean Air

- The DUH has sued for new air quality plans in 40 cities.
- DUH has won all the lawsuits that have been processed so far.
- Our lawsuits were not only a legal success, they also had a concrete impact on air quality.
- Numerous measures to promote local public transport and active transport have been put in place and were supplemented by restrictions on private cars.
- While the NO_2 level in other cities decreased by $2.1 \mu\text{g}/\text{m}^3$, the ones we targeted with our lawsuits did reduce NO_2 by $4.2 \mu\text{g}/\text{m}^3$ in the period between 2018 to 2019.



Suggestions on the way forward

- New WHO recommendation & revision process of the EU AAQD: Chance for participation and enforcement of better regulation, better access to justice
- Better regulation, more and easy accessible information about air pollution and health, better monitoring and information about personal affectedness
- Honest discussion about feasible, effective measures
- New lawsuits targeting the fundamental right to clean air



Thank you for your attention!

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