

# ClientEarth's clean air work in Central and Eastern Europe.

## Litigation and alternative solutions

Amsterdam, June 4th, 2019

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Radca prawny, Clean Air – Strategic Litigation



# ClientEarth. Who we are?

ClientEarth is a non-profit environmental law organisation

We use law, science and policy to tackle key environmental challenges

We work on climate change, energy, environmental justice, biodiversity, forests and human health

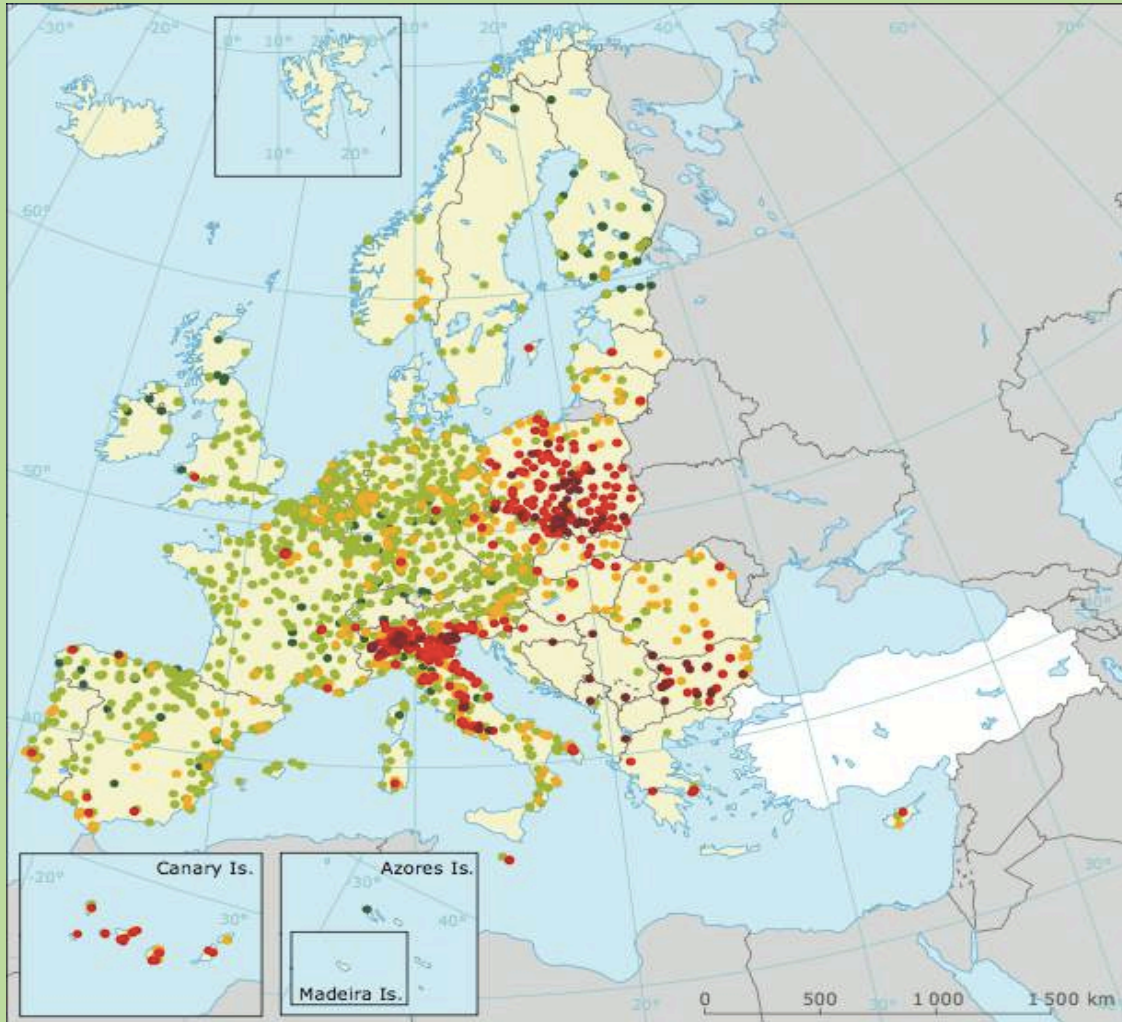
## Offices:

- Londyn
- Brussels
- Warsaw
- Nowy Jork
- Beijing
- Madrid
- Berlin



# Europe: Concentrations of PM10 in 2015

Source European Environmental Agency 2017



90.4 percentile of PM<sub>10</sub> daily concentrations in 2015

µg/m<sup>3</sup>

- ≤ 20
- 20-40
- 40-50
- 50-75
- > 75

□ No data

□ Countries/regions not included in the data exchange process

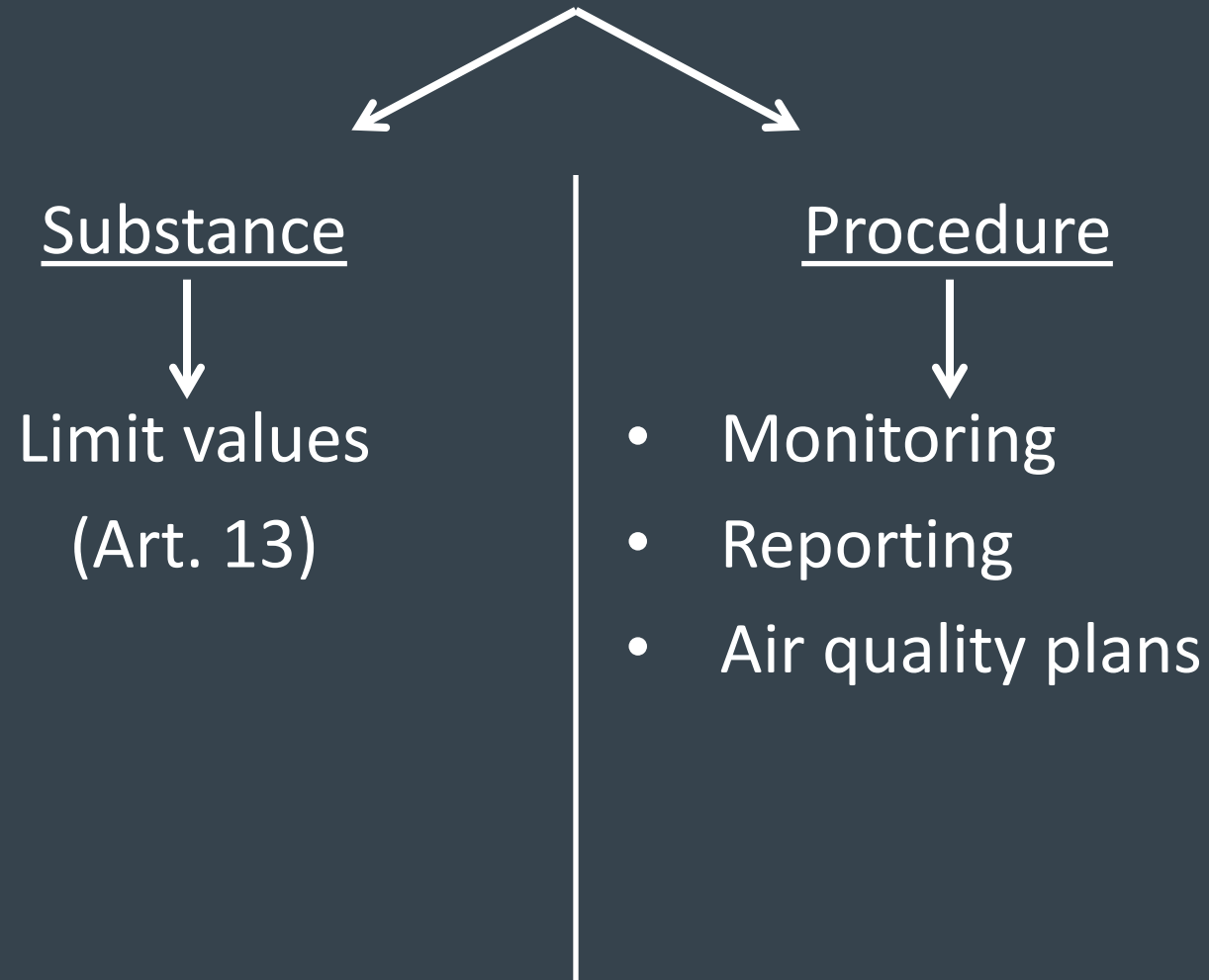
Premature deaths annually:

EU – 400 000

PL – 48 000

BU – 15 000

# The Air Quality Directive 2008/50/EC





# The Court of Justice of the European Union, Luxembourg

## RIGHT TO CLEAN AIR

- Case C-237-07 Janecek v Freistaat Bayern
- Case C-404/13 – ClientEarth v UK (SoSEFRA)

# Clean Air for CEE



- Poland
- Bulgaria
- Hungary
- Czech Republic
- Slovakia
- Romania

# Clean Air Strategy in CEE



- Law enforcement - UK ClientEarth case
- Use of different legal tools - litigation and advocacy
- Access to justice challenges
- Alternative and innovative solutions

# Czech Republic: AQ cases 2017-2018

## Slovakia: AQ case 2018





# Hungary: AQ cases 2018-2019



# Bulgaria: AQ cases 2017-2019

- Access to justice
- Nature of air quality plans



# Poland: cases 2014-2018

**Access to justice**

**Nature of air quality plans - legal interest**



# Clean Air Strategy in CEE

## Innovative solutions



- Domestic heating: main source of air pollution
- Solid fuel restrictions: Kraków coal ban

# Introducing solid fuels restrictions in Poland

## Legal background

- Obligation under Polish Constitution 1997 – Article 68 and 74
- Environmental Protection Law – Article 96
- Local law – Resolution of the Provincial Assembly

# Introducing solid fuels restrictions in Poland Environmental Protection Law – Article 96

- Procedural and substantive parts of the resolution
- Power of local administration based on EPL
- Resolution of provincial assembly to limit use of solid fuels
- Impact on human health and protection of natural environment
- Public consultations

# Introducing solid fuel restrictions in Poland

## Experience from Kraków



2013 First coal ban in Kraków



2014-2015 Coal ban in the Court



2016 New 'antismog provision'



2016 New coal ban in Kraków



2019 Final judgment of the Supreme Administrative Court upholding the coal ban

# Working with CEE partners



- April 2019 workshop on air quality with partners
- Cooperation with local activists – public awareness



# Making the political difference



**January 2017**  
Polish Health Minister –  
Mr. Konstanty Radziwiłł



**December 2017**  
Polish PM – Mr. Mateusz  
Morawiecki



**April 2019**  
New Slovak President – Ms Zuzana  
Caputova

# Thank you!



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