

EU AIR QUALITY LEGISLATION AND THE RIGHT TO CLEAN AIR

Focus on access to justice

Online workshop for judges and prosecutors

24, 25 and 31 January 2022

1 February 2022 - 08:45-13:30 (CET)

UP GRADE

YOUR LEGAL
EXPERTISE

Environmental Law



Speakers & training managers

Alberto González, Air quality and health expert, European Environment Agency (EEA), Copenhagen

Vanda Jakir, Policy Officer, Clean Air, DG ENV, European Commission, Brussels

Matthias Keller, Presiding Judge, Administrative Court, Aachen

Klaus Lernhart, Judicial Training Advisor, ERA, Trier; former Presiding Judge, Higher Administrative Court, Mannheim

Luca Liberti, Air quality reporting expert, European Environment Agency (EEA), Copenhagen

Kleoniki Pouikli, Training Manager, Deputy Head of Section, European Public Law, ERA, Trier

Christoph Sobotta, Legal Secretary (AG Kokott), CJEU, Luxembourg

Ugo Taddei, Head of Clean Air, Client Earth, Brussels

Peter Vajda, Senior Environmental Expert, Energy Community Secretariat, Vienna

Vojtěch Vomáčka, Advisor in Environmental Law and EU Law Matters, Supreme Administrative Court of the Czech Republic

Key topics

- Scientific and technical aspects of air pollution
- Aims and main elements of the Air Quality Directive (AQD)
- Limit and target values – Art. 13(1) and Art. 16 AQD
- Air Quality Plans – Art. 23(1) AQD
- Litigation for air quality
- Access to justice & clean air cases across EU
- Relevant CJEU case law
- Preliminary ruling procedure

Language
English

Event number
422DV46e

Organiser
ERA (Dr Kleoniki Pouikli) on behalf of the European Commission (contracting authority)



Monday, 24 January 2022 – 1st Session

- 08:45 Join the platform
- 09:00 **Welcome and practical information**
Kleoniki Pouikli, Training Manager, ERA
- 09:15 **“Ice-breaking” exercise with the participants**
Kleoniki Pouikli, Training Manager, ERA

I. SETTING THE SCENE

- 09:30 **Effects of air pollution on human health: a scientific and technical introduction**
Alberto González
- 10:00 **Introduction to the framework of EU clean air policies**
- Overview of the EU's long-term air quality objectives and main policy and legislative tools
 - Fitness Check of the Air Quality Directives
- Vanda Jakir*
- 10:45 Break

II. OVERVIEW OF THE MAIN EU AIR QUALITY LEGISLATION

- 11:00 **Air Quality Directive (AQD)**
- Genesis and development
 - Main objectives and key features
 - Links with other relevant EU legislation
- Christoph Sobotta*
- 12:00 Break
- 12:15 **National Emissions Ceilings (NEC) Directive**
- Adoption and revision
 - Main objectives and key features
 - 2020 and 2030 emission reduction commitments for five main air pollutants
 - National Air Pollution Control Programmes (Commission Report 2020)
- Peter Vajda*
- 12:45 **Quiz Session I**
- 13:00 **Summing-up and end of the first session**
Kleoniki Pouikli

Tuesday, 25 January 2022 – 2nd Session

- 08:45 Join the platform
- 09:00 **Introduction and practical information**
Kleoniki Pouikli

III. AIR QUALITY DIRECTIVE UNDER SCRUTINY

- 09:05 **Limit and target values – Focus on PM_{2.5} and PM₁₀**
- Different air quality objectives for the protection of human health
 - Overview of limit values for the protection of human health (Article 13(1) and Annex XI)
 - Evolution of the PM_{2.5} legal standards (Article 15 and Article 16 AQD) and comparison with the World Health Organization guidelines
- Vanda Jakir*
- 09:30 **Assessment of air quality**
- Different assessment methods: monitoring, modelling and indicative measurements
 - Requirements for number, type and location of sampling points (Articles 6 and 7 AQD)
 - Citizen science and low-cost sensors
- Luca Liberti*
- 10:00 Break
- 10:15 **Adoption of an air quality plan according to Article 23 AQD**
- Main provisions
 - Implementation at national level
 - Similarities and differences compared with other “plans” required by EU Environmental
- Christoph Sobotta*
- 11:15 Break

Objective

The goal of this four-session online workshop is to develop a comprehensive understanding of the key legal aspects of EU air quality legislation and to exchange views among judges from various Member States regarding this topic.

Emphasis will be given to the analysis of the main provisions relating to limit and target values for certain pollutants (PM_{2.5} and PM₁₀) as well as air quality plans. In addition to this, the spotlight will be put on the right to clean air and access to justice in air quality cases both at EU and national level.

By addressing these issues concerning the implementation of the Air Quality Directive and the EU and national challenges relating to air quality litigation, the workshop aspires to facilitate the handling of future national court proceedings relating to this topic.

Who should attend?

Judges and prosecutors interested in environmental law

Interactive Webinar

The online workshop will be hosted on ERA's own online training platform. You will be able to interact immediately and directly with our top-quality speakers and other participants, break out into working groups and work collaboratively on case studies. We will make the most of the technical tools available to deliver an intensive, interactive training experience. As the platform is hosted on our own server, the highest security settings will be applied to ensure that you can participate safely in a high-quality online training environment



Times indicated are CET
(Central European Time)

Your contact persons



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11:30 **Case study on the main provisions of the Air Quality Directive (AQD)**

- Introduction to the case study
- Working groups
- Plenary discussion of the results

Peter Vajda

13:00 **Summing-up and end of the second session**

Klaus Lernhart

Monday, 31 January 2021 – 3rd Session

08:45 Join the platform

09:00 **Introduction and practical information**

Kleoniki Pouikli

IV. ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS – FOCUS ON AIR POLLUTION

09:05 **Access to justice within the EU in cases relating to air quality (Part: I)**

- Aarhus Convention
- Commission Notice on Access to Justice in Environmental Matters
- Standing: key principles and case law of the CJEU

Vojtěch Vomáčka

10:00 Break

10:10 **Access to justice within the EU in cases relating to air quality (Part: II)**

- Intensity of judicial review of the content of air quality plans
- Adequate and effective remedies: key principles and case law of the CJEU

Vojtěch Vomáčka

11:00 Break

11:10 **The right to clean air before national courts – mapping the reality**

Ugo Taddei

11:50 **Break**

12:00 **Case study on access to justice for citizens and NGOs in cases relating to air quality (role-play exercise)**

- Introduction to the case study
- Working groups
- Plenary discussion of the results

Ugo Taddei

13:30 **Summing-up and end of the third session**

Kleoniki Pouikli

Tuesday, 1 December – 4th Session

08:45 Join the platform

09:00 **Introduction and practical information**

Kleoniki Pouikli, Training Manager, ERA

V. ENFORCEMENT AT NATIONAL LEVEL

09:05 **What is the role for a national judge in air quality litigation? – Preliminary reference**

Matthias Keller

10:15 **Quiz Session II**

10:30 Break

10:45 **ROUNDTABLE DISCUSSION**

National experiences and practices relating to challenges in implementing AQD

- Questionnaire results
- Discussion in sub-groups
- Exchange of national viewpoints in plenary

Matthias Keller

12:00 **Take-home messages of the workshop**

Klaus Lernhart

12:15 **Evaluation of the workshop**

Kleoniki Pouikli

12:30 **End of the workshop**

Apply online for

EU Air Quality Legislation and the Right to Clean Air – Focus on Access to Justice

Webinar, 24, 25 and 31 January and 1 February 2022 / Event Number: 422DV46e



Europäische Rechtsakademie
Academy of European Law
Académie de Droit Européen
Accademia di Diritto Europeo

Terms and conditions of participation

Selection

1. Participation is only open to judges and prosecutors from an EU Member State.
2. The number of places available is limited. Participation will be subject to a selection procedure. Selection will be dependent on:
 - i. the relevance of the workshop to the professional life of the applicant;
 - ii. geographical and linguistic balance among the participants will be sought;
 - iii. in case of exceeding applications, only one person per institution may be accepted.
3. Online applications can be made until **10 January 2022**
4. A response will be given to every applicant of this workshop shortly after this deadline.

Registration Fee

5. There is no registration fee.

Participation

6. Participation in the whole workshop is required and your presence will be monitored.
7. A list of participants including each participant's address will be made available to all participants unless ERA receives written objection from the participant no later than one week prior to the beginning of the event.
8. The participant's address and other relevant information will be stored in ERA's database in order to provide information about future ERA events, publications and/or other developments in the participant's area of interest unless the participant indicates that he or she does not wish ERA to do so.
9. A certificate of attendance will be issued at the end of the workshop.
10. For further details please follow our project website: www.era.int/environmental_law

Online application:

www.era.int/?131144&en

Language

English

Contact Person

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