

COOPERATION WITH NATIONAL JUDGES IN THE FIELD OF EU ENVIRONMENTAL LAW



Trainer's Manual
EU Air Quality Legislation and the Right to Clean Air –
Focus on access to justice
Workshop for national judges and prosecutors



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I. Introduction

This training module on **EU Air Quality Legislation and the Right to Clean Air – Focus on access to justice**, developed by ERA on behalf of the European Commission, addresses judicial training institutes, networks of judges, national judges, experts from NGOs, academic experts, trainers, any other relevant actors (for example, prosecutors) and end-users of European Union Member States wishing to organise training sessions in the area of EU environmental law with particular focus on legal standing, scope of the judicial review, effective remedies, costs for access to justice and time limits of procedures.

Objectives

The training module addresses judges and prosecutors dealing with environmental issues with previous general, and in certain cases specific, knowledge regarding the subject. The module will provide judges and prosecutors with relevant information on the latest developments of the EU environmental law *acquis*, relevant jurisprudence of the Court of Justice of the EU and an in-depth analysis of the topic with a special focus on EU air quality legislation and right to clean air. This training module will also assist national judges as well as prosecutors to apply the relevant EU instruments in detail.

The training module will gather materials to conceive a face-to-face workshop of 2.5 days or an online workshop, divided in four half-day sessions, with the goal to develop and raise understanding on the key legal aspects of EU air quality legislation and right to clean air. The key topics to be covered are:

- 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
- Litigation for air quality
- Access to justice & clean air cases across EU
- Relevant CJEU case law
- Preliminary ruling procedure

After this training on EU Air Quality Legislation and the Right to Clean Air – focus on access to justice, participants will have greater knowledge of international and EU actors and instruments presented. They will have gained a better understanding of the legal aspects related to EU Air Quality Legislation and the Right to Clean Air – focus on access to justice, and implementing EU instruments, and they will be in a better position to actively apply EU rules transposed into their respective national legislation. They will also have an excellent opportunity to exchange views regarding implementation practices in their respective Member States with colleagues from other jurisdictions.

Structure

The module on “EU Air Quality Legislation and the Right to Clean Air – focus on access to justice” consists of 13 interrelated but self-standing units. These units can be combined into an implementing workshop depending on the prior knowledge of participants, the time available and the specific training approach.

Setting the scene

- Unit 1: Effects of air pollution on human health: a scientific and technical introduction
- Unit 2: Introduction to the framework of EU clean air policies

Overview of the main EU Air Quality Legislation

- Unit 3: Air Quality Directive (AQD)
- Unit 4: National Emissions Ceilings (NEC) Directive

Air Quality Directive under Scrutiny

- Unit 5: Limit and target values – Focus on PM_{2.5} and PM₁₀
- Unit 6: Assessment of air quality
- Unit 7: Adoption of an air quality plan according to Article 23 AQD
- Unit 8: Case study on the main provisions of the Air Quality Directive (AQD)

Access to justice in Environmental Matters – Focus on air pollution

- Unit 9: Access to justice within the EU in cases relating to air quality (two parts)
- Unit 10: The right to clean air before national courts – mapping the reality
- Unit 11: Case study on access to justice for citizens and NGOs in cases relating to air quality

Enforcement at National Level

- Unit 12: What is the role for a national judge in air quality litigation? – preliminary reference
- Unit 13: Roundtable discussion – national experiences and practices relating to challenges in implementing AQD

The various training methods that can be used in future workshops based on this material will also be presented in the module, together with recommendations on how and in which part of the training they may be best employed. Face-to-face presentations can also be combined with practical exercises requiring active contribution of participants, IT-supported learning, allowing participants to familiarise themselves with available tools and interactive sessions promoting the exchange of good practice and experience.

II. Methodology

Time frame

The workshop is divided in four sessions of half a day in its online format or lasts 2.5 days in its face-to-face setting. The exact structure and length will, of course, be decided by the training providers.

Elements that should be considered in each instance when finalising the workshop programme and deciding on the allocation of time between the different sub-sessions include the need to effectively cover all the main features of the subject matter and provide sufficient time for participants to ask questions and interact with the trainers and with each other. The fact that long sessions have proven to be less effective in adult training should be borne in mind. Frequent breaks or changes in teaching style should therefore be introduced in the workshop.

➤ An indicative time allocation for each unit will be provided in Part IV of this trainer's manual.

Trainer's profile

Crucial for the success of the training workshop is the selection of trainers. It has been proven that trainers with a professional background common to that of the participants tend to have a better understanding of their training needs and be more effective when addressing them. For this reason, the composition of the target group is a factor to be considered when selecting the trainers of an implementing workshop.

It is also important to identify the right trainer for each unit. In the units where the emphasis is on practical issues, the involvement of a practitioner, lawyer, or judge with personal experience in the issue would be ideal. If the focus of a presentation is the transmission of information or the introduction to concepts or a broader area of law, an academic or a suitable policy officer even with a scientific background could also constitute a good option.

➤ More concrete input on the trainer's profile seemingly best fitting to each unit will be provided in Part IV of this trainer's manual.

In addition to professional qualifications, the quality of an implementing workshop will also depend on the individual trainer's didactic competences and pedagogical skills. Trainers should not only be knowledgeable, but also be able to effectively transmit information, assist end users in developing new skills and motivate them to actively follow the training. They would have to provide the necessary information in a clear and structured manner, highlight the links between participants' daily work and issues being discussed, retain some flexibility to adapt to the specific needs and interests of the end users attending the workshop as they become apparent, and be open and encouraging in discussing and exchanging views with them in the course of the session.

Other skills that potential trainers should ideally possess and which should be considered are the trainer's linguistic skills (when workshops are international), and their familiarity with IT products; the use of technology would be required in at least some parts of the training, even if

conducted face-to-face (IT-training sessions, use of PowerPoint or other audio-visual material, e-learning course, etc.).

For the successful implementation of the workshop and to better address participants' training needs, some diversity among the trainers should be sought. Variety between speakers' professional background, gender and (in the context of cross-border training) nationality would enrich the event, offering different perspectives on the issues, employing different teaching methods, and ensuring a more comprehensive analysis of air quality law.

Finally, although not always easy to assess, the potential trainer's personal motivation could be a factor worth considering. For the implementation of a workshop on the basis of the training module, significant flexibility and commitment, as well as the willingness to interact with end users is expected from the trainers. Engaging experts, who have an interest in the project and are prepared to make the necessary effort for a successful outcome would bring added value to the workshop, while further motivating the participants.

Criteria for selecting the workshop trainers:

- Good knowledge and expertise in the subject and objectives of each sub-session
- Didactic competences and pedagogical skills
- Linguistic and IT skills
- Professional background similar to that of the workshop's participants
- Diversity in the group of trainers
- Motivation

Teaching methods

Lecture-style presentation

The optimal method for the provision of a large amount of information in a limited period of time is lecture-style presentations, conducted in plenary. This method provides the trainer with the necessary time and flexibility to structure and present the content of the sub-session as s/he sees fit.

Supporting material such as outlines, and PowerPoint or other presentation tools should be employed during the lecture. This would not only enable participants to follow the presentation better, but also constitute a reference document for the future, should end users wish to review the main issues of the sub-session.

One of the objectives of the workshop is to familiarise participants with existing legislation. In this context, reference to the material included in the user's pack should be made throughout the lecture and participants should be encouraged to go through the legal texts, identify the provisions and acquire a better understanding of their structure and applicability.

Enriching the lecture with practical examples could also be a means of emphasising the link between theory and practice and better illustrating the application of various legal instruments. Brief exercises or questions could also be formulated by the trainers, requiring participants to reflect and discuss them before presenting the answer. Trainers would, thus, not only create an

atmosphere of dialogue within the group, but also assess whether the concepts have been properly explained.

Time for discussion or Q&A sessions should in all cases be ensured for end users wishing to ask for clarification or further information. Depending on the content and structure of each lecture, questions may be raised during the presentation or in a subsequent discussion session moderated by the trainer or the workshop leader.

Although the key role in face-to-face presentations is played by the trainer, end users should also be encouraged to actively contribute to different sub-sessions. Participants learn not only from the provision of the training per se, but also from hearing questions and problems they have not yet found themselves confronted with. For this reason, it is important that all end users attending the workshop are encouraged and feel comfortable enough to share thoughts and ideas and contribute with their own experiences. This element is of particular importance in international workshops, where participants have the possibility to expand their knowledge with information on the application of EU environmental law in other Member States, learning from each other.

Workshop case studies

In addition to information on the EU general aspects and frameworks on environmental law, the training also aims at providing participants with some practical experience in the particularities of related cases.

In order to further highlight issues requiring special attention and allow participants to develop specific skills, it is important to ensure their involvement in this part of the training. For this reason, specially designed workshop case studies will complement each thematic unit. Another advantage of this method is that the preparation of a case study constitutes an interactive way of learning. After having listened to face-to-face presentations or read background material, participants would appreciate a change of presentation technique.

- Case studies prepared in working groups

During the workshop exercises, participants will be given the opportunity to use their skills and knowledge to solve case studies related to i. the main provisions of the Air Quality Directive (AQD), and ii. access to justice for citizens and NGOs in cases relating to air quality.

A short introduction on the organisational aspects of the task shall be provided to participants by the trainer with the questions and answers session to be followed during the plenary session: which issues shall be discussed in the groups, what results shall be aimed for, and which deliverables shall be presented during the plenary session to be followed after the discussions.

Participants should subsequently be divided into smaller working groups and working space should be provided for each of them. Working in smaller groups has significant advantages for participants: the possibility to focus on case studies will enable them to deepen their recently acquired knowledge by applying it to concrete cases. This approximates a real-life scenario and can constitute valuable experience for the future. The working group format would allow each participant to be actively involved in the debate and improve their communication skills.

As one of the key objectives of the exercise is the exchange of opinions among end users, it is important that the workshop leader allocates participants to the working groups to support this interaction: in international implementing workshops and as long as participants working languages allow it, end users from different Member States or from jurisdictions with different legal traditions should be brought together in the working groups. If a workshop is organised as a national judicial training, judges from different courts could be asked to work together. Further to solving the case, this diversity would allow participants to obtain better insights into how the questions would be dealt with and how the EU legislation involved is applied in another country, by a different legal profession, in a different city or court.

➤ As two case studies are recommended for the workshops implementing this training module, altering the composition of the working groups in each exercise would be a way to further increase participant interactivity.

The trainer shall set exact timing for each part of the task during the introductory part of the case study. Depending on the time available, the trainer, coordinating each exercise, will have to decide whether all working groups should deal with all case studies or if specific case studies should be allocated to different groups to ensure that end users are able to thoroughly examine all issues.

Once the working groups have been set up, they should organise themselves, develop a working method and identify which member(s) of the group will be responsible for reporting the conclusions of their discussion to other end users. The trainer leading the exercise should be present and following the interaction in each group to a certain extent, offering advice on time management, being available to provide clarification and answering questions, and being prepared to assist participants if they face major difficulties or if their discussion becomes derailed. If trainers of other subjects of the workshop are present, they may also get involved in discussions of the chosen smaller group for monitoring the discussion and helping on the subject matter.

When all the groups complete their work, participants should return to the plenary session room to discuss their conclusions. This will allow them to compare their solutions to the features of the case studies, get further ideas from their colleagues in the other groups and broaden their understanding of the subject matter.

To achieve the objectives of this closing discussion, it is important to ensure that all groups take the floor and present the results of their work. It would be most effective to discuss one case at a time, invite the rapporteur of one of the groups to present their conclusions and the main elements of their discussion and then ask the end users of the other groups for additional comments, different opinions etc. In conclusion, the trainer should summarise the main points raised in the discussion and give his/her own feedback, so that participants can confirm whether they successfully dealt with the case or whether there could be further improvement.

- IT-supported learning

IT-supported learning can enhance the efficiency of training and give end users the opportunity to gain practical experience by making use of the possibilities the internet offers on issues related

to environmental law in general. In this way end users will have the opportunity to become familiar with the various EU websites in the area (such as the E-Justice Portal, the EJTN website, Eur-Lex, the Curia website, ECLI etc.), where they can acquire further information and advice on how to apply EU instruments covered by the workshop. By efficiently using these websites, participants will actively learn how to find the relevant legal texts and cases and receive assistance on practical problems they may face when applying EU law in this area.

Roundtable discussion: National experiences and practices

The exchange of experiences among participants is one of the valuable experiences of the workshop. It enhances the efficiency of training by enabling participants to share perspectives and learn from each other practices, thus being in contact with real-life cases that otherwise they would not have contact with. Especially in international implementing workshops, the participants can be exposed to real scenarios in the context of the different Member States implementing EU law. Bearing that in mind, a roundtable discussion, based on the participants' national own experiences relating to the challenges in implementing the Air Quality Directive, is employed.

The discussions are based in a survey applied with the participants, which assesses:

1. Participants' profile (mainly Member State)
2. What are the main sources of unlawful levels of air pollution in your Member State? (closed question)
3. Are there particular areas in your country that are significantly affected by air pollution (hotspots)? (closed question)
4. Were there pre-existing national laws relating to air quality standards (similar to the AQD)? (closed question)
5. Have EU infringement proceedings been brought against your Member State for failure to comply with the AQD? (closed question)
6. How are AQD air quality standards implemented in law in your Member State (what is the legal form)? (open question)
7. Which public bodies have legal responsibilities for meeting air quality standards in your Member State? (open question)
8. Does your Member State have a national Air Quality Plan under Article 23? (closed question)
9. Whether or not your Member State has an Air Quality Plan, has any of the following measures that contribute towards compliance with EU air quality standards been implemented in your Member State. 11 potential measures are displayed for indication. (closed question)
10. What is the primary mode for enforcing air quality law in your Member State? (open question)
11. Have there been court cases concerning the enforcement of air quality law in your Member State? (closed question)
12. Who are the claimants in these cases? (closed question)
13. Please outline any other major challenges faced in your Member State for enforcing the AQD, or any other applicable air quality law. (open question)

14. According to your experience, how could the enforcement of air quality legislation be strengthened at domestic level? (closed question)

The structure and functioning of the roundtable are explained briefly to the participants in the first day of the workshop, when the anonymous survey is made available to each of them. The participants are also informed about the deadline for submitting their answers. After the deadline passes, the workshop leader processes the acquired data and prepares a presentation with a summary of the findings, which will be the basis for the roundtable discussions among the participants, mediated by the trainer. Depending on the level of engagement of the participants while the trainer is presenting the results, they may or may not be divided into subgroups before a final exchange of national viewpoints in plenary. The trainer and the workshop leader should assess which approach is better indicated to each specific group.

The roundtable also counts with a second part, consisting of a real-life scenario related to air quality, followed by short questions to stimulate further discussions.

Documents

The documents to be made available at the training workshop consist of the contents of the user's pack. The user's pack will, in particular, include:

- blended e-learning material;
- workshop reader;
- background documentation set;
- workshop programme;
- list of participants;
- list of trainers/ speakers;
- CVs of the trainers;
- speakers' contributions;
- evaluation form.

III. User's pack: the function of different elements of the training module

Introduction

The term 'user's pack' means the entire wealth of material that will be made available to participants of an implementing workshop. This will consist mostly of the blended e-learning material, training material (related printed legal documents, links to online sources of bibliography of legal instruments on the topic on a USB stick, trainers' contributions and case studies) as well as supporting documents, such as the workshop programme, the list of participants, workshop evaluation forms etc.

It is, of course, at the discretion of the workshop organisers and trainers to use the materials provided in the manner they deem most fitting and to also include additional documents where necessary. All key EU legal instruments required for the provision of the training on EU Air Quality Legislation and the Right to Clean Air – Focus on Access to Justice are already part of the user's pack, but as implementing workshops may be structured with a specific focus, further material could be of use.

The materials for inclusion in the user's pack can and should be provided mainly in electronic format, either using a USB stick or by making the content available online and granting all workshop participants access to it. If the workshop is implemented face-to-face, material that needs to be regularly referred to during the workshop or that would make it easier to follow proceedings should be provided in a hardcopy for ease of reference during the event:

- workshop programme;
- list of participants;
- list of trainers/ speakers;
- trainers' contributions;
- printed texts of the legal acts to be analysed;
- case studies;
- evaluation forms.

➤ When presenting the material that should accompany each unit, distinction should be made between 'necessary material' to be provided in hardcopy and 'additional material' that should be included in the electronic documentation.

Blended e-learning

The training module has been structured to include 'blended learning' as a methodological approach, given that it combines the interactivity of face-to-face training during the implementing workshops with the flexibility provided by e-learning material. As the e-learning material has different functions and can be used by the workshop participants at several stages of their learning process, it is important that they have access to it on different occasions: before the implementation of the workshop, in order to prepare for the meeting, while it is taking place, in order to make best use of the available material with the help of the trainers, and after the workshop, as a point of reference for finding information on EU Air Quality Legislation and the Right to Clean Air.

The key function of this e-learning material is to introduce end users to a number of legal topics with regard to various aspects of EU Air Quality Legislation and the Right to Clean Air. Namely, scientific and technical aspects of air pollution, aims and main elements of the Air Quality Directive (AQD), limits and target values in the AQD, litigation for air quality, access to justice and clean air cases across EU, relevant CJEU case law, and preliminary ruling procedure.

It will include:

- The main international and EU legal instruments as well as case law that will be analysed during the workshop which participants should go through before they attend the course, as well as the corresponding quiz to test their knowledge. The aim is not to replace the workshop sessions on these subjects but to complement them by ensuring that all participants have a common basic level of knowledge before they start and can make the most of the discussion to clarify issues in the workshops.
- Access to the bibliography of legal instruments and other relevant source material which participants can refer to at any time.
- Access to the remainder of the e-learning version of the training module to be provided after the workshop for participants to use as a refresher and to re-use with their colleagues alongside the training materials.

Once participants have been selected, they should receive information on how to access the e-learning materials and be encouraged to go through its contents 7-10 days before the implementation of the workshop. In this way, they will have the possibility to refresh or acquire some basic knowledge and be better prepared for the workshop programme.

Background documentation

Legal texts will make up the large majority of the content of the training materials: international conventions, treaty articles, regulations, directives, case law of the Court of Justice of the European Union etc. will constitute the background to analysis in the workshop. A comprehensive collection of all background documents, which can be referred to after the conclusion of the workshop, should be included in the electronic documentation. Participants are likely to come back to these texts to refresh their memory, find a specific provision or judgment, and seek guidance or inspiration if confronted with a case on the subject at a later stage. This format could also support easy further dissemination of this material, which workshop participants could forward to their colleagues if requested.

Further to legal texts, links to online databases, tools and sources, such as the e-justice portal, Eur-Lex, Curia, ECLI and other similar websites should also be included as background material in the electronic documentation.

➤ Proposals on which specific material to include in this part of the user's pack are included in Part d) on the analysis of each sub-session of the workshop.

The material should be provided in the language of the workshop. When international workshops are organised, links to EU databases (such as <http://eur-lex.europa.eu/> or

<http://curia.europa.eu/>) could be included, so that end users can access EU legal texts in the language of their choice. Further to their inclusion in the electronic documentation, providing the few documents in hard copy that are absolutely essential during the workshop is recommended. Being able to quickly find a provision, see the structure of a legal instrument, make notes etc. could help end users to better follow the training and further familiarise themselves with the legal instruments being discussed.

Workshop exercise material

Three workshop exercises are proposed for the workshops implementing the training module on 'EU Air Quality Legislation and the Right to Clean Air'. Two of them are structured on the basis of case studies. Preparatory material supporting the workshops' case studies, such as the tasks of the different cases that are to be discussed or additional legal texts that will be needed for solving the cases must be provided for the participants in hardcopy during the workshop. The third one is a roundtable based on a survey answered by the participants in the first days of the workshop.

Trainer's contributions

In addition to the background documents, every time an implementing workshop on 'EU Air Quality Legislation and the Right to Clean Air – Focus on access to justice' is organised, the trainers involved should be asked to prepare their own supporting material, in the form of PowerPoint presentations, outlines, notes or full texts of their lectures. Trainers should be free to structure the material supporting their presentations as they prefer. The main objective would be to help end users attending the workshop to better follow the presentation, and for this reason particular emphasis should be given to the provision of a clear structure.

Trainers may also be advised to prepare a well-judged number of slides, leaving some time for questions and answers session during the presentation or if an unplanned discussion evolves.

The trainers' contributions could also be used as a reference document for identifying the main points of the subject matter.

Speakers' contributions should additionally be included in the user's pack. They should also be included in hardcopy in the documentation pack.

➤ Providing some kind of written support of the lectures is always recommended and for this reason always mentioned under 'necessary documents'. Especially an outline of the PowerPoint presentation reflecting the structure of the sub-session allows participants to better understand the structure and follow the lecture.

Additional documents

Further to the training material, several documents supporting the organisation of the workshop must be made available to participants. These would be of immediate and continuous use during the workshop and should therefore be provided in hardcopy.

The finalised workshop programme must be provided at the beginning of the training, allowing participants to plan accordingly and better understand the training flow. A list of all workshop participants should be provided, facilitating the interaction between end users attending the

workshop. Moreover, by including certain contact details (professional position and postal address) participants are given the opportunity to maintain contact even after the conclusion of the workshop. Finally, to achieve an immediate evaluation of the workshop, a questionnaire seeking participant feedback on the workshop content, organisational features and overall effectiveness shall be distributed.

IV. Organising and implementing workshop: structure, content and methodology

For the training module on 'EU Air Quality Legislation and the Right to Clean Air – Focus on access to justice' and its implementing workshops, a structure on the basis of thematic units is proposed. Each thematic unit will focus on a specific topic of EU law in this area. Each implementing workshop will thus consist of several units, ensuring the alternation of theoretical and practical elements. The final structure will, however, have to be decided by taking into consideration end users' prior knowledge and training priorities.

Setting the scene

- Unit 1: Effects of air pollution on human health: a scientific and technical introduction
- Unit 2: Introduction to the framework of EU clean air policies

Overview of the main EU Air Quality Legislation

- Unit 3: Air Quality Directive (AQD)
- Unit 4: National Emissions Ceilings (NEC) Directive

Air Quality Directive under Scrutiny

- Unit 5: Limits and target values – Focus on PM_{2.5} and PM₁₀
- Unit 6: Assessment of air quality
- Unit 7: Adoption of an air quality plan according to Article 23 AQD
- Unit 8: Case study on the main provisions of the Air Quality Directive

Access to Justice in Environmental Matters – Focus on Air Pollution

- Unit 9: Access to justice within the EU in cases relating to air quality
- Unit 10: The right to clean air before national courts – mapping the reality
- Unit 11: Case study on access to justice for citizens and NGOs in cases relating to air quality (role-play exercise)

Enforcement at national level

- Unit 12: What is the role for a national judge in air quality litigation? – Preliminary reference
- Unit 13: Roundtable Discussion – National experiences and practices relating to challenges in implementing AQD

Setting the scene

Short description of the contents

The workshop should always start by welcoming the participants and providing a brief introduction and explanation of the content of the programme, organisation and implementation of the workshop.

General objectives

The main objective of this first session is to welcome trainers and participants to the workshop, to set the scene by reminding them of the framework of the training course and to encourage their interaction and active participation in the course.

Specific learning points

Introduction of organisers of the workshop

The welcoming session shall be used to introduce the training manager of the workshop, who is responsible for the successful implementation of the content of the programme, chairing of presentations, managing of the questions and answers sessions, arranging and implementing of the practical exercises, and dealing with *ad hoc* issues during the whole workshop. The training manager may be assisted by a judicial training advisor of the workshop, who, ideally, shall be an expert on the topic (a judge, a legal practitioner or an academic) and who is usually involved in preparation of the workshop material from the very beginning (setting the structure of the programme, arranging the content of each presentation as well as of practical exercise to be covered, checking all the prepared presentations to make sure that the material is not duplicating each other and also helping in implementing a workshop, if needed).

Introduction of participants and trainers

The opening session should also be used to allow participants to introduce themselves, present their national and professional background, and illustrate their expectations for the workshop. In this way, end users will be familiar with addressing the group, which should facilitate their active participation in the following sessions, and they will also get to know their colleagues' background a little better. Making trainers and participants aware of which nationalities and professional groups are represented in the workshop can be of great relevance in the discussion and an asset in ensuring effective exchange of information and experience. The possibility to discover from participants the experience which they bring with them to the training course and what they are primarily seeking to achieve by their participation could help the workshop leader to better adapt the programme to meet participants' specific needs, by emphasising certain aspects, making adjustments on the time allocated in the different sub-sessions, etc.

- This may be achieved by inviting participants to ask a key question they expect to see addressed during the workshop or to indicate which element made them apply for the workshop.

Presentation of the workshop's programme

The workshop should include, at the beginning, a presentation of the programme, scope, and objectives. The focus of each unit will be indicated and the expected contribution of the participants in each part of the programme emphasised. It is important that end users realise the goal of each unit and the flow of the workshop programme in order to be better equipped to follow the discussions and make sure they do not miss the opportunity to raise questions or clarify any ambiguity.

Presentation of the training material

The opening session is also the opportunity to present the material included in the user's pack and explain its function, so that end users may use it throughout the workshop. The content of the electronic documentation should be outlined (all related legal texts, links to online sources, suggested solutions to the case studies, etc.) and explanations provided on the documents that will have been made available to the participants in hardcopy for reference during the workshop (e.g. trainers presentations and outlines, key legal texts, the case studies for the workshop exercises, documents such as the list of participants, the workshop assessment tools etc.).

Presentation of the workshop's organisational aspects

Further to this, all logistical aspects of the workshop will be presented. The locations that will be used during the workshop for the different sessions, the exercises and the lunch and coffee breaks will be indicated, the possibility to use computers, Wi-Fi, a library, a business station etc. laid out and information on the lunches organised and dinners provided. It is important here to ensure that end users are reminded of and are able to profit from all measures taken to facilitate their participation in the workshop, as well as of the importance of the joint activities in allowing a less formal interaction among trainers and fellow participants.

Methodology

While participants are in plenary; everyone is invited to introduce themselves. The programme of the workshop will be presented by the training manager of the workshop.

After welcoming participants and trainers to the workshop, they will be given the opportunity to introduce themselves and express their expectations regarding the workshop. This will improve the atmosphere of the workshop from the very beginning, which is a key element for its success. Participants are more likely to be active during the event if they know their colleagues' backgrounds.

Furthermore, the outline and main objectives of the workshop will be presented. This introduction will contain information on both the programme and the logistics (e.g. which rooms will be available for the participants during the workshop, library, availability of computers and Wi-Fi, coffee breaks and meals, evening programme). An 'ice-breaking' exercise may also be proposed by the manager of the workshop.

Duration

The time allocated to the opening session will depend on the number of participants attending the workshop. Considering that the workshop should ideally have 20 to 30 participants, the opening session should last approximately 30 minutes, in order to ensure sufficient time for all trainers and participants to present themselves, and for the provision of all necessary information on the event.

Documentation

Necessary material (to be made available in hardcopy during the sub-session):

01	Final version of the workshop programme
02	List of trainers
03	Trainers' CVs
04	List of participants

The training manager should demonstrate the entire user pack in this unit, including the electronic documentation, to inform participants of all the different features of the pack.

Trainer's profile

The opening session will be held in plenary and coordinated by the training manager, the person responsible for ensuring the coherent management of the workshop, or the judicial training advisor. There would be an added value in assigning the role of the 'workshop manager' to the person responsible for the organisation of the workshop. He or she would be most suitable to present the programme's structure and main objectives, having made all related decisions and given priority to specific features of the training over others.

Unit 1: Effects of air pollution on human health: a scientific and technical introduction

Short description of content and general objectives

The aim of this unit is to introduce scientific and technical aspects related to the impact of air pollution in human health. The presentation starts with a general overview regarding emissions data, main pollutants and sources, concentrations, and sources. It follows by specifying the main impacts of air pollution in the environment (e.g., in biodiversity and crops), in climate change, in the human body, and what are the related economic costs of all of those aspects. Additionally, the presentation gives some examples of improvement of the air quality in Europe, as well as of the exposure of urban population to air pollution. The calculation of mortality related to air pollution is followed by the exposition of the inequalities of such deaths, from a comparison of the burden of deaths in EU countries per 100,000 inhabitants and per GDP per capita. Finally, the presentation explains the benefits that would come from reaching different PM levels, such as the WHO air quality guideline.

Specific learning points

- Air pollution
 - Emissions, main pollutants, and sources
 - Concentrations
 - Impacts
- Health impacts of air pollution
 - Population, mortality, life expectancy, epidemiological studies
- Inequalities in the burden of deaths
- Potential benefits of reaching different PM_{2.5} levels
 - Potential benefits of reaching the WHO air quality guideline level

Methodology

This unit should be conducted as a frontal presentation in plenary session, either online or in person. There will be sufficient time for participants to raise questions or discuss any unclear points and to contribute with their own experience, especially related to the legal applications of such technical aspects.

Time frame

The time allocated to this unit should be approximately 30 minutes.

Documentation

Necessary material (to be made available in hardcopy during the sub-session):

01	PowerPoint Presentation: "Health impacts of air pollution in Europe: Focus on mortality"
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Trainer's profile

The ideal speaker has scientific knowledge and expertise with working with measurements of air quality data, or with human health and diseases related to air pollution. There is no need for legal background in this case, as the focus is on the impacts of the air pollution on human health and not the legal provisions regarding such a problem.

Unit 2: Introduction to the framework of EU clean air policies

Short description of content and general objectives

The general objective of this presentation is to give a comprehensive overview of the different legal instruments regarding air quality in the EU legal system. Emphasis is put on the Air Quality Directive, but that will be discussed in detail in the following unit. The presentation starts with an overview of the European Green Deal and a zero-pollution ambition, contextualizing the clean air policies. Then, the specific EU Clean Air legislations are briefly explained: Ambient Air Quality Directives, and National Emission Reduction Commitments Directive. The unit finalizes with a “fitness check” and revisions of those clean air policies, as well as a forecast of the next milestones to be achieved.

Specific learning points

- European Green Deal and its Zero-Pollution Ambition
- Overview of the EU Clean Air Legislation:
 - Ambient Air Quality Directives
 - National Emission Reduction Commitments Directive
- Fitness Check of the Ambient Air Quality Directives
- Revision of the Ambient Air Quality Directives

Methodology

This unit should be conducted as a frontal presentation in plenary session, online or in person, encouraging questions and discussion.

Time frame

The time allocated to this unit should be approximately 45 minutes but should be organized in a way that there is time left for questions and discussions.

Documentation

Necessary material (to be made available in hardcopy during the sub-session):

01	PowerPoint Presentation: “Introduction to EU Clean Air Policy”
02	European Green Deal
03	Directive 2008/50/EC on Ambient Air Quality and cleaner air for Europe, as amended by Commission Directive (EU) 2015/1480

04	Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air, as amended by Regulation (EC) 219/2009 and Commission Directive (EU) 2015/1480
05	National Emission Reduction Commitments Directive (Directive (EU) 2016/2284 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC

Trainer's profile

An ideal speaker is a representative of the European Commission with expertise in this field.

Unit 3: Air Quality Directive (AQD)

Short description of content and general objectives

The general objective of this presentation is to provide an in-depth understanding of the Air Quality Directive (AQD), its genesis and development, main objectives, key features and links with other EU legislation. Thus, the presentation provides context and basic mechanism, historical stages and context of relevant EU legislation, and pinpoints some relevant problems, such as monitoring and limit/target values.

Specific learning points

- Different EU legal approaches to air quality
- Basic mechanism of the AQD
- Historical stages and context of air quality protection in the EU
- Relevant EU legislation regarding air quality
- Selected problems
 - Monitoring air quality
 - Limit values
 - Target values
 - Air Quality and authorisation of projects
- Case law

Methodology

This unit should be conducted as a frontal presentation in plenary session, either online or in person. The scope of this unit is not large but can be rather confusing for judges with no experience in the field, especially given the short duration of the unit. Therefore, the speaker should focus more on the principles and relationship between various provisions instead of reading the parts of the EU provisions word by word. It is recommended to ask the audience whether the slides are understood correctly and leave some time even during the presentation for questions and remarks from the audience. Also, it is recommended that the case law is presented clearly so the audience understand how to apply the key features, especially the relevant problems.

Time frame

The time allocated to this unit should be approximately 60 minutes, leaving time for questions and comments from the participants.

Documentation

Necessary material (to be made available in hardcopy during the sub-session):

01	PowerPoint Presentation: "General Overview of the Air Quality Directive"
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02	Directive 2008/50/EC on ambient air quality
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Additional material (to be included in the electronic documentation – USB stick):

	EU legislation and documents
01	Directive 2010/75 on Industrial Emissions
02	Directive 2011/92 on Environment Impact Assessment
03	Directive 80/779/EEC on air-quality limit values and guide values for sulphur dioxide and suspended particulates
04	Directive 82/884/EEC on a limit value for lead in the air
05	Directive 85/203/EEC on air quality standards for nitrogen dioxide
06	Directive 96/62/EC on ambient air quality assessment and management
07	Directive 1999/30/EC relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air
08	Directive 2000/69/EC relating to limit values for benzene and carbon monoxide in ambient air
09	Directive 2002/3/EC relating to ozone in ambient air
10	Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air
11	Directive 2008/50/EC on ambient air quality and cleaner air consolidates most directives
12	Commission Directive (EU) 2015/1480 amending several annexes to Directives 2004/107/EC and 2008/50/EC of the European Parliament and of the Council laying down the rules concerning reference methods, data validation and location of sampling points for the assessment of ambient air quality
13	Regulation No 715/2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles
14	Directive 2016/2284 on the reduction of national emissions of certain atmospheric pollutants
15	Directive 2001/42 on Strategic Environmental Assessment (plans and programs)
	Case Law
16	C-375/21 - Sdruzhenie 'Za Zemiata – Dostap Do Pravosadie' and others

17	Case Stichting Natuur en Milieu and Others (C-165/09 to C-167/09)
18	C-177 - 179/19 P
19	T-339/16, T-352/16 and T-391/16, EU:T:2018:927
20	C-635/18, EU:C:2021:437
21	C-404/13, EU:C:2014:2382, ClientEarth Case
22	C-237/07, EU:C:2008:447, Janecek Case
23	C-723/17, EU:C:2019:533, Craeynest Case
24	C-174/21 – COM v Bulgaria
25	C-635/18, EU:C:2021:437, COM v Germany
26	C-664/18, EU:C:2021:171, COM v UK
27	C-637/18, EU:C:2021:92, COM v Hungary
28	C-644/18, EU:C:2020:895, Grand Chamber, COM v Italy
29	C-638/18, EU:C:2020:334, COM v Romania
30	C-636/18, EU:C:2019:900, COM v France
31	C-336/16, EU:C:2018:94, COM v Poland
32	C-488/15, EU:C:2017:267, COM v Bulgaria
33	C-68/11, EU:C:2012:815, COM v Italy
34	C-34/11, EU:C:2012:712, COM v Portugal
35	C-479/10, EU:C:2011:287, COM v Sweden

Trainer's profile

The ideal speaker is someone with knowledge in the practical application of the Directive and the corresponding case law of the CJEU, either from judiciary or academia.

Unit 4: National Emissions Ceilings (NEC) Directive

Short description of the contents and general objectives

The aim of this unit is to provide an in-depth understanding of the National Emission Ceilings (NEC) Directive, its adoption and revision, main objectives and key features, 2020 and 2030 commitments, and related programmes. The presentation starts by historicizing the adoption of the directive and establishing the milestones related to it. Then follows with some data and how were the developments until and from 2010, thus, also how the revision of the NECD unfolded. Finally, the presentation explains de 2030 targets, and the National Air Pollution Control Programmes, ideally also presenting some related case law.

Specific learning points

- Adoption and revision of the NEC Directive
 - Main objectives and key features
- 2020 and 2030 commitments
- National Air Pollution Control Programmes
- CJEU case law related to the NEC Directive

Methodology

This unit should be conducted as a frontal presentation in a plenary session, either online or in person. Some concept aspects may be a bit confusing, so time for questions and discussions should be given even during the presentation, and some practical application should be clarified.

Duration

The duration of this session should be 30 minutes.

Documentation (see general list of materials)

Necessary material (to be made available in hardcopy during the sub-session):

01	PowerPoint Presentation ‘The National Emission Ceilings (NEC) Directive’
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Additional material (to be included in the electronic documentation – USB stick):

	EU legislation and documents / International documents
01	EIA Directive (85/337/EEC as amended by Council Directive 97/11/EC and Directive 2003/35/EC)
02	Sulphur in Fuels Directive (1999/32/EC)
03	LCP Directive (2001/80/EC, Directive on the limitation of emissions of certain pollutants into the air from large combustion plants)

04	Wild Birds Directive (79/409/EEC)
05	Kyoto Protocol
06	IPPC Directive (96/61/EC)
07	Industrial Emissions Directive (2010/75/EU)
08	SEA Directive (2001/42/EC)
09	Environmental Liability Directive (2004/35/EC)
10	Directive (EU) 2016/2284 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC
11	1999 Gothenburg Protocol to Abate Acidification, Eutrophication and Ground-level Ozone
	Case Law
12	CJEU, C-273/08 – COM v LU
13	CJEU, Joined Cases C-165-167/09 <i>Stichting Natuur en Milieu</i>
14	CJEU, C-128/17 – <i>PL v Parl and Cons</i>

Trainer profile

The ideal speaker is someone with knowledge in the practical application of the Directive and the corresponding case law of the CJEU, either from judiciary, academia, or from national governmental bodies.

Unit 5: Limit and target values – Focus on PM_{2.5} and PM₁₀

Short description of content and general objectives

The general objective of this presentation is to give an understanding of the legal standing of how the limit and target values related to particulate matter PM_{2.5} and PM₁₀ work. First it covers the different types of EU air quality standards: limit values, target values, critical levels, alert thresholds, information thresholds, long-term objectives, national exposure reduction target, and exposure concentration obligation. Then, it explains the WHO Air Quality Guidelines and how they may be used, as evidence-informed reference, to design effective measures. Finally, the presentation gives a brief comparison of those guidelines with the EU air quality standards to protect human health.

Specific learning points

- Types of EU air quality standards under the Ambient Air Quality Directives
- Air Quality Guidelines of the World Health Organization
- Overview of limit values for the protection of human health
- Focus on particulate matter – PM_{2.5} and PM₁₀

Methodology

This unit should be conducted as a frontal presentation in plenary session, either online or in person, encouraging questions and discussion.

Time frame

The time allocated to this unit will be approximately 25-30 minutes.

Documentation

Necessary material (to be made available in hardcopy during the sub-session):

01	PowerPoint Presentation: “Limits and Target Values – Focus on PM _{2.5} and PM ₁₀ ”
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Trainer’s profile

The ideal speaker is a professor or a representative of the European Commission with expertise in this field.

Unit 6: Assessment of air quality

Short description of content and general objectives

The presentation starts by clarifying the definitions related to the assessment of air quality, and follows by explaining the zones, their classification and criteria, and some examples. Then, methods of assessment are explained by type and measurements. Similarly with assessment regimes, which are explained by types, number of locations, and siting. It ends describing the importance of citizen science, especially with the low-cost sensors.

Specific learning points/ questions raised for the case study

- Definition of Assessment
- Air Quality Zones
- Classification of Zones
- Air Quality Assessment Methods
- Assessment Criteria
- Number of Measurement Location
- Citizen Science and Low-Cost Sensors

Methodology

This unit should be conducted as a frontal presentation in plenary session, either online or in person, encouraging questions and discussion.

Time frame

The time allocated to this unit will be approximately 30 minutes.

Documentation

Necessary material (to be made available in hardcopy during the sub-session):

01	PowerPoint Presentation: "Assessment of Air Quality"
02	Air Quality Directive

Trainer's profile

The ideal speaker should have scientific knowledge and expertise relating to the different technical aspects of assessing air quality.

Unit 7: Adoption of an air quality plan according to Article 23 AQD

Short description of content and general objectives

The objective of this presentation is to provide an in-depth understanding of the adoption of an air quality plan according to article 23 of the Air Quality Directive. Thus, it starts with a detailed explanation of the provisions under such an article and follows with a description of what is an air quality plan and what it should contain. The presentation also presents considerations on proportionality and enforcement of air quality plans. Finally, the presentation relates air quality and the authorisation of projects, analysing issues such as industrial emissions and impact assessment. The presentation brings examples from case law.

Specific learning points

- Article 23 of the Air Quality Directive (AQD)
- Objective and proportionality of AQ plans
- Enforcement of AQ plans
- Coordination and comparison of some plans under EU Environmental Law
- Air quality and the authorisation of projects

Methodology

This unit should be conducted as a frontal presentation in plenary session, preferably with many practical examples. The speaker should prepare to answer to questions and comments even during the presentation, due to the nature of the content.

Time frame

The time allocated to this unit should be approximately 60 minutes, including time for questions and answers.

Documentation

Necessary material (to be made available in hardcopy during the sub-session):

01	PowerPoint Presentation: "Adoption of an air quality plan according to Article 23 AQD"
02	Air Quality Directive

Additional material (to be included in the electronic documentation – USB stick):

	EU legislation and documents
01	Treaty on the Functioning of the European Union
02	Directive 2001/81/EC – NEC Directive

03	Directive 2002/49/EC – Directive relating to the assessment and management of environmental noise
04	Directive 2000/60 – Water Framework Directive
05	Directive 92/43 – Habitats Directive
06	Directive 91/676 – Nitrates Directive
07	Directive 2008/98 – Waste Directive
08	Directive 2010/75 – Industrial Emissions Directive
09	Directive 2011/92 – Environmental Impact Assessment Directive
	Case Law
10	<i>Janecek Case</i> (C-237/07, EU:C:2008:447)
11	<i>Client Earth Case</i> (C-404/13, EU:C:2014:2382)
12	<i>COM v Bulgaria</i> (PM10, C-488/15, EU:C:2017:267)
13	<i>COM v Poland</i> (PM10, C-336/16, EU:C:2018:94)
14	<i>COM v France</i> (NO2, C-636/18, EU:C:2019:900)
15	<i>COM v Romania</i> (PM10, C-638/18, EU:C:2020:334)
16	<i>COM v Italy</i> (PM10, C-644/18, EU:C:2020:895, Grand Chamber)
17	<i>COM v Hungary</i> (PM10, C-637/18, EU:C:2021:92)
18	<i>COM v UK</i> (NO2, C-664/18, EU:C:2021:171)
19	<i>COM v Germany</i> (NO2, C-635/18, EU:C:2021:437)
20	C-320/03, EU:C:2005:684
21	C-28/09, EU:C:2011:854
22	<i>Case Stichting Natuur en Milieu and Others</i> (C-165/09 to C-167/09, EU:C:2011:348)
23	<i>Case Sdruzhenie 'Za Zemiata – Dostap Do Pravosadie' and others</i> (C-375/21)

Trainer's profile

The ideal speaker is a professor or a practitioner with relevant knowledge and/or experience with air quality plans development or implementation.

Unit 8: Case study on the main provisions of the Air Quality Directive (AQD)

Short description of content and general objectives

In this unit a case study will be presented. It is a fictional case, which will help the participants to understand and discuss various aspects of air quality planning. In the described case, a fictional country is basing its air quality plan on data collected in evenly distributed assessment zones, but one of which contains the capital city – thus, several specificities regarding population density and industries. Thus, the participants should analyse the case basing on the Air Quality Directive, discussing mainly the duties of the State, conditions, elements, etc. They are also asked to reflex about: (i) their own Member States, especially regarding which authority would be obliged to prepare an air quality plan; (ii) how they would decide on a described legal action brought by a local environmental activist.

Specific learning points/ questions raised for the case study

- Air Quality Directive's elements, conditions, and other key features
- Assessment zones
- States' obligations
- Access to justice in air quality matters

Methodology

The trainer will present the case by raising the main factual features. After the introductory presentation, participants will be divided into groups of 6-8 people. The groups will discuss the case on the basis of EU law and national (procedural) law. After the group discussion, participants will return to the plenary. Each group will have a rapporteur to explain the results of their discussion, trainer will comment on their findings, and the group has an opportunity for further discussions.

Time frame

The introduction of the case study should take 15 minutes; afterwards participants will divide into groups. The discussion on the case will take 45 minutes, the following discussion in plenary including the debriefing will take another 30 minutes.

Documentation

Necessary material (to be made available in hardcopy during the sub-session):

01	Case study
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Trainer's profile

Continuous training of judges on the subject can be more successful when done by a colleague who has the same professional background ("speaking the same language"). An ideal speaker could therefore be a judge experienced in administrative justice or an experienced professor of environmental law.

Unit 9: Access to justice within the EU in cases relating to air quality

Short description of content and general objectives

The general objective of this presentation is to raise the awareness of the Aarhus / EU law aspects related to access to justice specifically concerning air quality. The relevant aspects of the Aarhus Convention, ECHR framework, and other related legislation and policies are, then, presented. The approach of the presentation is very practical, presenting diverse case law from the CJEU. The purpose is also to enable the audience to participate actively and exchange experiences in the field. Thus, leading CJEU-Judgments and tendencies – such as judicial review at the national level – are discussed.

Specific learning points

- Aarhus Convention
- Commission Notice on Access to Justice in Environmental Matters
- Standing:
 - Key principles
 - Case law of the CJEU
- Intensity of judicial review of the content of air quality plans
- Adequate and effective remedies
 - Key principles
 - Case law from the CJEU
- Obligations of the national courts in the matter
 - Interpretation
 - Effectiveness
 - Preliminary reference

Methodology

This unit should be conducted as a face-to-face frontal presentation in plenary session either online or in person. Discussions and questions should be stimulated at the maximum.

Time frame

The time allocated to this unit will be approximately 120 minutes and should include some time for discussion with the participants as well as for a 10 minutes break.

Documentation

Necessary material (to be made available in hardcopy during the sub-session):

01	PowerPoint Presentation: “Access to Justice within the EU in cases relating to Air Quality (parts I and II)”
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02	Aarhus Convention
03	Commission Notice on Access to Justice in Environmental Matters C(2017)2616 final

Additional material (to be included in the electronic documentation - USB stick):

	EU legislation and documents
01	Environmental Impact Assessment Directive (2011/92/EU)
02	Industrial Emissions Directive (2010/75/EU)
03	Environmental Liability Directive (2004/35/CE)
04	Treaty on the Functioning of the European Union
05	Habitats Directive
	Case Law
06	CJEU, Apollo Tyres - Hungary (C-575/20)
07	CJEU, VÍTKOVICE STEEL - Czechia (C-524/20)
08	CJEU, Aurubis - Germany (C-271/20)
09	CJEU, Energieversorgungscenter Dresden-Wilschdorf - Germany (C-938/19)
10	CJEU, Joined Cases C-177/19 P to C-179/19 P - Allemagne - Ville de Paris and Others v Commission
11	CJEU, Janecek (C-237/07)
12	CJEU, ClientEarth (C-404/13)
13	CJEU, Folk (C-529/15)
14	CJEU, Protect Natur-, Arten- und Landschaftschutz Umweltorganisation (C-664/15)
15	CJEU, Land Nordrhein-Westfalen (C-535/18)
16	CJEU, Wasserleitungsverband Nördliches Burgenland and Others (C-197/18)
17	CJEU, Commission v Germany (C-137/14)
18	CJEU, Stichting Varkens in Nood and Others (C-826/18)
19	CJEU, Klohn (C-167/17)

20	CJEU, North East Pylon (C-470/16)
21	CJEU, East Sussex (C-71/14)
22	CJEU, Gruber (C-570/13)
23	CJEU, Mellor (C-75/08)
24	CJEU, Inter-Environnement Wallonie (C-41/11)
25	CJEU, Leth (C-420/11)
26	CJEU, Vereniging Hoekschewaards Landschap (C-281/16)
27	CJEU, Joined Cases C-165/09, C-166/09 and C-167/09
28	CJEU, Craeynest and Others (C-723/17)
29	CJEU, Commission v Slovenia (C-365/10)
30	CJEU, Commission v Sweden (C-479/10)
31	CJEU, Commission v Portugal (C-34/11)
32	CJEU, Commission v Romania (C-638/18)
33	CJEU, Commission v Italy (C-68/11)
34	CJEU, Commission v Bulgaria (C-488/15)
35	CJEU, Commission v Poland (C-336/16)
36	CJEU, Deutsche Umwelthilfe (C-752/18)
37	CJEU, Lyckeskog (C-99/00)
38	CJEU, Cartesio (C-210/06)
39	CJEU, Consorzio Italian Management e Catania Multiservizi and Catania Multiservizi (C-561/19)
40	CJEU, Commission v France (C-416/17)
41	CJEU, Standley (C-293/97)
42	CJEU, Eco-Emballages (Joined Cases C-313/15 and C-530/15)
43	CJEU, Vereniging Hoekschewaards Landschap (C-281/16)
44	ECHR, Sporrang and Lönnroth v Sweden, 7152/75

45	ECHR, Taşkın and Others v Turkey, 46117/99
46	ECHR, Lopez Ostra v. Spain (1994)
47	ECHR, Guerra and Others v. Italy (1998)
48	ECHR, Fadeyeva v. Russia (2005)
49	ECHR, Tătar v. Romania (2009)
50	ECHR, Cordella and Others v. Italy (2019)

Trainer's profile

An ideal speaker is a professor or a practitioner. Emphasis should be placed on how the practical aspects of litigation procedures are relevant for an adequate access to justice in environmental matters and, specifically, regarding air quality.

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

Short description of content and general objectives

In this unit, the general objective is to understand the key aspects related to access to justice in matters of air quality at the national level. To this end, it starts by explaining the widespread exceedances of limit values in air pollutants and the health impacts of air pollution in Europe. But, mostly, the approach of the presentation is very practical, describing diverse national cases, in different courts of countries such as Germany and the UK. As well as understanding the main issues related to the enforcement of those judgments and to other barriers to access to justice, for example in the cases of Poland and Bulgaria. CJEU case law is also discussed in the same context.

Specific learning points/ questions raised for the case study

- Widespread exceedances of limit values: PM₁₀, NO₂
- Health impacts of air pollution in Europe
- The right to clean air before national courts:
 - Active legitimation
 - UK case
 - Procedural obstacles in national law: examples of the barriers to access to justice in Poland and Bulgaria
 - Aarhus Convention Compliance Committee
 - German cases (Düsseldorf, Munich, Stuttgart, Leipzig)
 - Enforcement of judgments
- Case law of the CJEU on air quality plans

Methodology

This unit should be conducted as a face-to-face frontal presentation in plenary session, either online or in person. Discussions and questions should be stimulated at the maximum.

Time frame

The time allocated to this unit will be approximately 40 minutes and should include some time for discussion with the participants.

Documentation

Necessary material (to be made available in hardcopy during the sub-session):

01	Air Quality Directive 2008/50/EC
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Additional material (to be included in the electronic documentation – USB stick):

	EU and international legislation and documents
01	Communication ACCC/C/2016/151
02	Communication ACCC/C/2018/161
03	Charter of Fundamental Rights
04	Aarhus Convention
05	European Convention of Human Rights
	Case Law
06	C-237/07 Janecek
07	C-404/13 ClientEarth
08	C-723/17 Craeynest
09	C-68/11 Commission v Italy
10	C-488/15 Commission v Bulgaria
11	C-336/16 Commission v Poland
12	C-636/18 Commission v France
13	C-638/18 Commission v Romania
14	C-644/18 Commission v Italy (Grand Chamber)
15	C-664/18 Commission v UK
16	C-752/18 Deutsche Umwelthilfe

Trainer's profile

An ideal speaker is a professor or a practitioner or an NGO lawyer.

Unit 11: Case study on access to justice for citizens and NGOs in cases relating to air quality (role-play exercise)

Short description of content and general objectives

In this unit a case study will be presented. It is a fictional case, which will help the participants to understand and discuss various aspects of access to justice for citizens and NGOs in cases relating to air quality. In the described case, a fictional city is affected by persistent and significant air pollution issues, and namely PM10 and PM2.5, the main source being domestic heating and with significant contributions from private vehicles and from the coal-fired power plant in the proximity of the city. The participants also receive information and data regarding deaths related to air pollution in the region, to the Air Quality Plan adopted by the competent authority, and some of their impacts. Considering that a local NGO, together with a resident of one of the most polluted areas of the city, decide to apply to the Administrative Court and ask for the review of the plan and the introduction of urgent matters, the participants are invited to reflex, mainly, about: (i) active legitimation of individuals and NGOs when not provided by national law; (ii) requirements for access to justice; (iii) how may a national court analyse the contents of air quality plans; (iv) citizen science.

Specific learning points/ questions raised for the case study

- Access to justice for citizens and NGOs in cases relating to air quality
- Apparent incompatibility between European law, Aarhus Convention, and national law
- Procedural aspects of access to justice in cases relating to air quality
- The role of courts in air quality plans
- Citizen science

Methodology

The trainer will present the case by raising the main factual features. After the introductory presentation, participants will be divided into groups of 6-8 people. The groups will discuss the case on the basis of EU law and national (procedural) law. After the group discussion, participants will return to the plenary. Each group will have a rapporteur to explain the results of their discussion, trainer will comment on their findings, and the group has an opportunity for further discussions.

Time frame

The introduction of the case study should take 15 minutes; afterwards participants will divide into groups. The discussion on the case will take 45 minutes, the following discussion in plenary including the debriefing will take another 30 minutes.

Documentation

Necessary material (to be made available in hardcopy during the sub-session):

01	Case study
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Trainer's profile

Continuous training of judges on the subject can be more successful when done by a colleague who has the same professional background ("speaking the same language"). An ideal speaker could therefore be a judge experienced in administrative justice or an experienced professor of environmental law or a lawyer experienced in cases like this. Alternatively, a NGO lawyer might be a suitable expert.

Unit 12: What is the role for a national judge in air quality litigation? – preliminary reference

Short description of content and general objectives

In this unit, the general objective is to understand the key aspects related to the role of the national judge in the implementation of European Environmental Law, as well as explain the importance of preliminary as tool for such a purpose. To this end, emphasis should be placed on analysing how the national judges and prosecutors will properly interpret and implement the main provisions of the EU Air Quality Legislation at national level. A significant part of this unit is devoted to the preliminary reference procedure which has an essential place in the national judges' EU legal toolbox.

Specific learning points/ questions raised for the case study

- Role of the national judge
- Preliminary reference
- Practical advice
- Air quality case

Methodology

This unit should be conducted as a face-to-face frontal presentation in plenary session, either online or in person. Discussions and questions should be stimulated at the maximum.

Time frame

The time allocated to this unit will be approximately 75 minutes and should include some time for discussion with the participants.

Documentation

Necessary material (to be made available in hardcopy during the sub-session):

01	Air Quality Directive 2008/50/EC
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Additional material (to be included in the electronic documentation – USB stick):

	EU legislation and documents
01	Industrial Emissions Directive (2010/75/EU)
02	Commission Notice on Access to Justice in Environmental Matters C(2017) 2616 final

03	Improving access to justice in environmental matters in the EU and its Member States COM(2020) 643 final
	Case Law
04	CJEU, Commission v Poland C-619/18
05	CJEU, Cartesio C-210/06
06	CJEU, Parfums Christian Dior C-337/95
07	CJEU, Foto-Frost 314/85
08	CJEU, Consorzio Italian Management C-561/19
09	CJEU, C-683/19
10	CJEU, C-375/21
11	CJEU, C-174/21

Trainer's profile

An ideal speaker is a judge with experience in environmental cases and preliminary reference.

Unit 13: ROUNDTABLE DISCUSSION: National experiences and practices relating to challenges in implementing AQD

Short description of content and general objectives

The general objective of this unit is to enhance the exchange of experiences among participants. It enables them to share perspectives and learn from each other practices, thus being in contact with real-life cases that otherwise they would not have contact with. The roundtable discussion is, thus, based on the participants' national own experiences relating to the challenges in implementing the Air Quality Directive. Those experiences are previously collected through the application of a survey among the participants.

Specific learning points/ questions raised for discussions

In participants' Member States

- Main sources of unlawful levels of air pollution
- Areas that are significantly affected by air pollution
- Pre-existing national laws relating to air quality standards (similar to the AQD)
- EU infringement proceedings brought against the Member State for failure to comply with the AQD
- How are AQD air quality standards implemented in national law
- Which public bodies have legal responsibilities for meeting air quality standards in the Member State
- Existence or not of a national Air Quality Plan under Article 23
- National court cases concerning the enforcement of air quality law and who are the claimants

Methodology

This unit should be conducted as a face-to-face frontal presentation in plenary session, either online or in person. The core aspect here is that the participants discuss around the survey's results presented by the instructor. The roundtable also counts with a second part, consisting of a real-life scenario related to air quality, followed by short questions to stimulate further discussions.

Time frame

The time allocated to this unit will be approximately 75 minutes.

Documentation

Necessary material (to be made available in hardcopy during the sub-session):

01	Results of the survey
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Trainer's profile

An ideal speaker is a judge with experience in environmental cases. An experienced professor or a practitioner can also be a good option.

Unit 14: Closing session – evaluation of the workshop

Short description of content

In the final session of the workshop, conclusions will be drawn, and participants will be invited to evaluate the event.

General objectives

Participants will provide feedback on the whole event, the preliminary information, the workshop documentation, the e-learning module and the usefulness of the workshop for their daily work.

Specific learning points

- Summing up the event
- Obtaining the feedback
- Use the feedback and the evaluations to improve the training module (for organisers)

Methodology

Participants will be in plenary, either online or in person. Before the final discussion and evaluation of the event is actually opened, each participant should have already filled in the evaluation form. If possible, all participants, i.e. including the speakers and the training manager and/or judicial training advisor of the workshop, shall participate in this final evaluation session. The training manager of the workshop should encourage the participants to speak openly about their impressions of the workshop.

Time frame

The closing session should take approx. 20-30 minutes.

Documentation

Necessary material (to be made available in hardcopy during the sub-session):

01	Evaluation form
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Trainer profile

The closing session will be chaired by the training manager and/or the judicial training advisor of the workshop.

Annex I: Template indicative workshop programme

EU AIR QUALITY LEGISLATION AND THE RIGHT TO CLEAN AIR

Focus on access to justice

Online workshop for judges and prosecutors

Date, time, and place

Speakers & training managers

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

Organiser

Date – 1st Session

- 08:45 **Join the platform**
- 09:00 **Welcome and practical information**
Training manager
- 09:15 **“Ice-breaking” exercise with the participants**

I. SETTING THE SCENE

- 09:30 **Effects of air pollution on human health: a scientific and technical introduction**
Speaker
- 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*Speaker*
- 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*Speaker*
- 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)*Speaker*
- 12:45 **Quiz Session I**
- 13:00 **Summing-up and end of the first session**
Speaker

Date – 2nd Session

- 08:45 Join the platform
- 09:00 **Introduction and practical information**
Training manager

III. AIR QUALITY DIRECTIVE UNDER SCRUTINY

- 09:05 **Limit and target values – Focus on PM2.5 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 PM2.5 legal standards (Article 15 and Article 16 AQD) and comparison with the World Health Organization guidelines*Speaker*
- 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*Speaker*
- 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 Law*Speaker*

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 (PM2.5 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.

- 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
- Speaker*

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

Date – 3rd Session

- 08:45 Join the platform
- 09:00 **Introduction and practical information**
Training manager

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
- Speaker*
- 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
- Speaker*
- 11:00 Break
- 11:10 **The right to clean air before national courts – mapping the reality**
Speaker
- 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
- Speaker*
- 13:30 **Summing-up and end of the third session**
Training manager

Date – 4th Session

- 08:45 Join the platform
- 09:00 **Introduction and practical information**
Training manager

V. ENFORCEMENT AT NATIONAL LEVEL

- 09:05 **What is the role for a national judge in air quality litigation? – Preliminary reference**
Speaker
- 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
- Speaker*
- 12:00 **Take-home messages of the workshop**
- 12:15 **Evaluation of the workshop**
Training manager
- 12:30 **End of the workshop**

Annex II: Background material to be contained in the user's pack

1. EU Treaty

Treaty on European Union (consolidated version) 7 June 2016, OJ C202/01
Treaty on the Functioning of the European Union (consolidated version), 7 June 2016, OJ C202/01
Charter of Fundamental Rights of the European Union, (2016/C 202/02)
Explanations relating to the Charter of Fundamental Rights (OJ C 303, 14.12.2007, p. 17)

2. Air Quality Legislation

I. EU Legislation
Directive 2008/50/EC (consolidated version) of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (Air Quality Directive)
Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (National Emissions Ceilings (NEC))
Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)
Directive (EU) 2019/1161 of the European Parliament and of the Council of 20 June 2019 amending Directive 2009/33/EC on the promotion of clean and energy-efficient road transport vehicles
Council Decision (EU) 2017/1757 of 17 July 2017 on the acceptance on behalf of the European Union of an Amendment to the 1999 Protocol to the 1979

<u>Convention on Long-Range Transboundary Air Pollution to Abate Acidification, Eutrophication and Ground-Level Ozone</u>
<u>Directive (EU) 2016/802 of the European Parliament and of the Council of 11 May 2016 relating to a reduction in the sulphur content of certain liquid fuels</u>
<u>Directive (EU) 2015/2193 of the European Parliament and of the Council of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants</u>
<u>European Parliament and Council Directive 2009/126/EC (consolidated version) of 21 October 2009 on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations</u>
<u>Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air</u>
<u>Directive 2004/42/CE of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directives 1999/13/EC</u>
<u>Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants</u>
<u>European Parliament and Council Directive 94/63/EC (consolidated version) of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations</u>
<u>Commission Implementing Decision (EU) 2015/2119 of 20 November 2015 establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the production of wood-based panels (notified under document C(2015) 8062)</u>
<u>Commission Implementing Decision 2014/738/EU of 9 October 2014 establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of</u>

<p><u>the European Parliament and of the Council on industrial emissions, for the refining of mineral oil and gas (notified under document C(2014) 7155)</u></p>
<p><u>Commission Implementing Decision 2014/687/EU of 26 September 2014 establishing the best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the production of pulp, paper and board (notified under document C(2014) 6750)</u></p>
<p><u>Commission Implementing Decision 2013/84/EU of 11 February 2013 establishing the best available techniques (BAT) conclusions under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions for the tanning of hides and skins (notified under document C(2013) 618)</u></p>
<p><u>Commission Implementing Decision 2012/119/EU of 10 February 2012 laying down rules concerning guidance on the collection of data and on the drawing up of BAT reference documents and on their quality assurance referred to in Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (notified under document C(2012) 613)</u></p>
<p><u>Commission Implementing Decision 2012/135/EU of 28 February 2012 establishing the best available techniques (BAT) conclusions under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions for iron and steel production (notified under document C(2012) 903)</u></p>
<p><u>COMMISSION IMPLEMENTING DECISION 2012/134/EU of 28 February 2012 establishing the best available techniques (BAT) conclusions under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions for the manufacture of glass</u></p>
<p><u>Commission Implementing Decision 2012/795/EU of 12 December 2012 establishing the type, format and frequency of information to be made available by the Member States for the purposes of reporting on the implementation of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (notified under document C(2012) 9181)</u></p>

II. EU Documents (Reports, Studies, Guidelines)
Briefing – Europe’s Air Quality Status 2021, 21 September 2021
EEA Report No 05/2021 European Union emission inventory report 1990-2019 under the UNECE Convention on Long-range Transboundary Air Pollution (Air Convention), 26 August 2021
Monitoring of CO2 emissions from vans, 17 June 2021
CO2 emissions from new passenger cars, 23 June 2021
Air Quality - revision of EU Rules - Status: 10 May 2021
Inception Impact Assessment - Revision of the Ambient Air Quality Directives, 17 December 2020
Air pollution country fact sheets 2020, 03 December 2020
EEA Report No 09/2020 Air quality in Europe — 2020 report, 23 November 2020
Report from the Commission to the European Parliament and the Council on the progress made of the implementation of Directive (EU) 2016/2284 on the reduction of national emissions of certain atmospheric pollutants, COM(2020) 266 final
European Environment Agency (EEA), National Emission Reduction Commitments Directive reporting status 2020, Briefing No 4/2020, June 2020
European Environment Agency (EEA), Assessing air quality through citizen science, Report No 19/2019, March 2020
Commission Staff Working Document, Fitness Check of the Ambient Air Quality Directives, Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air and Directive 2008/50 on ambient air quality and cleaner air for Europe, SWD(2019) 427 final, 28.11.2019
European Environment Agency (EEA), Air Quality in Europe – 2019 report, No 10/2019, October 2019

European Environment Agency (EEA), National Emission Ceilings (NEC) Directive reporting status 2019, No 2/2019, June 2019
European Environment Agency (EEA), Europe's urban air quality – re-assessing implementation challenges in cities, Report No 24/2018, March 2019
COM(2018) 446 final, Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – The First Clean Air Outlook, 7 June 2018
COM(2018) 330 final, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – A Europe that protects: Clean Air for all, 17 May 2018
COM(2018) 188 final, Report from the Commission to the European Parliament and the Council on implementation and compliance with the sulphur standards for marine fuels set out in Directive (EU) 2016/802 relating to a reduction in the sulphur content of certain liquid fuels, Brussels, 16 April 2019
COM(2013) 918 final, Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, A Clean Air Programme for Europe, 18 December 2013
III. EU Case Law
Case C-752/18, Judgment of the Court (Grand Chamber) of 19 December 2019 Deutsche Umwelthilfe eV v Freistaat Bayern
Case C-636/18, Judgement of the Court (Seventh Chamber) of 24 October 2019 European Commission v French Republic (not available in English)
Case C-638/18, Judgment of the Court of 30 April 2020, Commission v Romania (Dépassement des valeurs limites pour les PM10)
Case C-723/17, Judgment of the Court (First Chamber) of 26 June 2019, Lies Craeynest and Others v Brussels Hoofdstedelijk Gewest and Brussels Instituut voor Milieubeheer

<u>Case C-336/16, Judgment of the Court (Third Chamber) of 22 February 2018, European Commission v Republic of Poland</u>
<u>Case C-129/16, Judgment of the Court (Second Chamber) of 13 July 2017, Túrkevei Tejtermelő Kft. v Országos Környezetvédelmi és Természetvédelmi Főfelügyelőség</u>
<u>Case C-488/15, Judgment of the Court (Third Chamber) of 5 April 2017, European Commission v Republic of Bulgaria</u>
<u>Case C-304/15, Judgment of the Court (Seventh Chamber) of 21 September 2016, European Commission v United Kingdom of Great Britain and Northern Ireland</u>
<u>Case C-137/14, Judgment of the Court (Second Chamber) of 15 October 2015, European Commission v Federal Republic of Germany</u>
<u>Case C-404/13, Judgment of the Court (Second Chamber) of 19 November 2014, The Queen, on the application of ClientEarth v Secretary of State for the Environment, Food and Rural Affairs.</u>
<u>Case C-68/11, Judgment of the Court (First Chamber) of 19 December 2012, European Commission v Italian Republic</u>
<u>Case C-34/11, Judgment of the Court (First Chamber) of 15 November 2012. European Commission v Portuguese Republic</u>
<u>Case C-120/10, Judgment of the Court (First Chamber) of 8 September 2011, European Air Transport SA v Collège d'Environnement de la Région de Bruxelles-Capitale and Région de Bruxelles-Capitale, Reference for a preliminary ruling: Conseil d'État - Belgium</u>
<u>Joined cases C-165/09 to C-167/09, Judgment of the Court (First Chamber) of 26 May 2011, Stichting Natuur en Milieu and Others v College van Gedeputeerde Staten van Groningen (C-165/09) and College van Gedeputeerde Staten van Zuid-Holland (C-166/09 and C-167/09)</u>

<u>Case C-479/10, Judgment of the Court (Fifth Chamber) of 10 May 2011, European Commission v Kingdom of Sweden</u>
<u>Case C-365/10, Judgment of the Court (Third Chamber) of 24 March 2011, European Commission v Republic of Slovenia,</u>
<u>Case C-28/09, Judgment of the Court (Grand Chamber) of 21 December 2011, European Commission v Republic of Austria</u>
<u>Case C-237/07, Judgment of the Court (Second Chamber) of 25 July 2008, Dieter Janecek v Freistaat Bayern.</u>
<u>Case C-320/03, Judgment of the Court (Grand Chamber) of 15 November 2005, Commission of the European Communities v Republic of Austria</u>
<u>Case C-361/88, Judgment of the Court of 30 May 1991, Commission of the European Communities v Federal Republic of Germany</u>
<u>Case C- 6/64, Judgment of the Court of 15 July 1964. Flaminio Costa v E.N.E.L.</u>
<u>Case C-25/62, Judgment of the Court of 15 July 1963, Plaumann & Co. v Commission of the European Economic Community</u>

3. Access to justice in environmental matters

I. EU and International Legislation
<u>REGULATION (EC) No 1367/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies</u>
<u>DIRECTIVE 2003/4/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC</u>

<u>DIRECTIVE 2003/35/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC</u>
<u>REGULATION (EC) No 1049/2001 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 May 2001 regarding public access to European Parliament, Council and Commission documents</u>
<u>Recommendation 2001/331/EC of the European Parliament and of the Council of 4 April 2001 providing for minimum criteria for environmental inspections in the Member States</u>
<u>Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention), 25 June 1998</u>
II. EU and International Documents (Reports, Studies, Guidelines)
<u>European Commission, Citizen's Guide to Access to Justice in Environmental Matters, 28 September 2018</u>
<u>COM(2018) 10 final, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, "EU actions to improve environmental compliance and governance", 18 January 2018</u>
<u>Briefing, European Parliament, Implementing the Aarhus Convention – Access to justice in environmental matters, October 2017</u>
<u>C(2017) 2616 final, Communication from the Commission of 28 April 2017 - Commission Notice on Access to Justice in Environmental Matters</u>
<u>Aarhus Convention: An implementation guide, United Nations Economic Commission for Europe, 2014</u>
<u>Peters, R.L., Snethlage, M., Van Gossum, H., Vancauwenberghe,</u>

<u>G., Vandembroucke, Veronika Mikos, Amor Torre-Marín, D., Vertriest, L., & Lammerant, J., "Active dissemination of environmental information in relation to the Birds and Habitats Directive: Final Report", September 2014</u>
<u>Standing up for your right(s) in Europe, A Comparative study on Legal Standing (Locus Standi) before the EU and Member States' Courts, Study of the Policy Department C, 2012</u>
III. EU Case Law
<u>T-359/19, ARRÊT DU TRIBUNAL (deuxième chambre élargie) 15 septembre 2021, Daimler AG contre Commission européenne</u>
<u>OPINION OF ADVOCATE GENERAL BOBEK delivered on 10 June 2021(1) Joined Cases C-177/19 P, C-178/19 P and C-179/19 P</u>
<u>C-635/18, ARRÊT DE LA COUR (septième chambre) 3 juin 2021, Commission européenne contre République fédérale d'Allemagne</u>
<u>Case C-664/18, JUDGMENT OF THE COURT (Seventh Chamber) 4 March 2021, European Commission, v United Kingdom of Great Britain and Northern Ireland</u>
<u>C-693/18, ARRÊT DE LA COUR (deuxième chambre) 17 décembre 2020</u>
<u>Case C-644/18, JUDGMENT OF THE COURT (Grand Chamber) 10 November 2020, European Commission v Italian Republic</u>
<u>Case C-535/18, Judgment of the Court (First Chamber) of 28 May 2020, IL and Others v Land Nordrhein-Westfalen</u>
<u>Judgement of 15 March 2018, C-470/16 North East Pylon Pressure Campaign Limited and Maura Sheehy v An Bord Pleanála and Others</u>
<u>Case C-664/15, Judgment of the Court (Second Chamber) of 20 December 2017, Protect Natur-, Arten- und Landschaftsschutz Umweltorganisation v Bezirkshauptmannschaft Gmünd</u>
<u>Judgement of 19 October 2017, C-281/16 - Vereniging Hoekschevaards Landschap</u>

<u>Judgement of 26 July 2017, C-196/16 and C-197/2016, Commune di Corridonia, ECLI:EU:C:2017:589</u>
<u>Case C-60/15, Judgment of the Court (Fifth Chamber) of 13 July 2017, Saint-Gobain Glass Deutschland GmbH v European Commission</u>
<u>Case C-529/15 Judgment of the Court (First Chamber) of 1 June 2017 Gert Folk</u>
<u>Case C-673/13 P, Judgment of the Court (Fifth Chamber), European Commission v Stichting Greenpeace Nederland and Pesticide Action Network Europe (PAN Europe)</u>
<u>Case C-243/15, Judgment of the Court (Grand Chamber) of 8 November 2016, Lesoochránárske zoskupenie VLK v Obvodný úrad Trenčín</u>
<u>C-137/14 Opinion of Advocate General Wathelet of 21 May 2015. Commission v Germany. (FR)</u>
<u>C-570/13 Judgment of the Court (Fifth Chamber) of 16 April 2015. Gruber.</u>
<u>C-71/14 Opinion of Advocate General Sharpston of 16 April 2015. East Sussex County Council v Information Commissioner.</u>
<u>C-329/13 Order of the Court (Ninth Chamber) of 8 May 2014. Ferdinand Stefan v Bundesministerium für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft.</u>
<u>C-206/13 Judgment of the Court (Tenth Chamber) of 6 March 2014. Siragusa v Regione Sicilia – Soprintendenza Beni Culturali e Ambientali di Palermo.</u>
<u>C-530/11 Judgment of the Court (Second Chamber) of 13 February 2014. Commission v United Kingdom.</u>
<u>C-279/12 Judgment of the Court (Grand Chamber) of 19 December 2013. Fish Legal, Emily Shirley v The Information Commissioner, United Utilities, Yorkshire Water and Southern Water.</u>
<u>C-72/12, Judgment of the Court (Second Chamber) of 7 November 2013, Gemeinde Altrip and Others v Land Rheinland-Pfalz</u>

<u>C-420/11 Judgment of the Court (Fourth Chamber) of 14 March 2013. Leth v Republik Österreich and Land Niederösterreich.</u>
<u>C-416/10, Judgment of the Court (Grand Chamber) of 15 January 2013, Jozef Križan and Others v Slovenská inšpekcia životného prostredia.</u>
<u>T-62/12 Order of the General Court (Sixth Chamber) of 8 October 2012, ClientEarth v Council of the European Union.</u>
<u>T-111/11 ClientEarth v Commission.</u>
<u>C-135/11 P Judgment of the Court (Third Chamber) of 21 June 2012, IFAW Internationaler Tierschutz-Fonds gGmbH v European Commission.</u>
<u>C-204/09 Judgment of the Court (Grand Chamber) of 14 February 2012, Flachglas Torgau GmbH v Bundesrepublik Deutschland.</u>
<u>C-71/10 Judgment of the Court (Third Chamber) of 28 July 2011. Office of Communications v Information Commissioner.</u>
<u>T-233/09 Judgment of the General Court (Third Chamber) of 22 March 2011, Access Info Europe v Council of the European Union.</u>
<u>C-240/09 Judgment of the Court (Grand Chamber) of 8 March 2011, Lesoochránárske zoskupenie VLK v Ministerstvo životného prostredia Slovenskej republiky.</u>
<u>C-115/09, Judgment of the Court (Fourth Chamber) of 12 May 2011, Bund für Umwelt und Naturschutz Deutschland, Landesverband Nordrhein-Westfalen eV v Bezirksregierung Arnsberg.</u>
<u>T-362/08 Judgment of the General Court (Eighth Chamber) of 13 January 2011, IFAW Internationaler Tierschutz-Fonds gGmbH v European Commission</u>
<u>C-524/09 Judgment of the Court (Fourth Chamber) of 22 December 2010, Ville de Lyon v Caisse des dépôts et consignations.</u>
<u>C-266/09 Judgment of the Court (Fourth Chamber) of 16 December 2010, Stichting Natuur en Milieu and Others v College voor de toelating van gewasbeschermingsmiddelen en biociden.</u>

<u>C-28/08 P Judgment of the Court (Grand Chamber) of 29 June 2010, European Commission v The Bavarian Lager Co. Ltd.</u>
<u>C-263/08 Judgment of the Court (Second Chamber) of 15 October 2009. Djurgården-Lilla Värtans Miljöskyddsförening v Stockholms kommun genom dess marknämnd.</u>
<u>C-427/07 Judgment of the Court (Second Chamber) of 16 July 2009. Commission v Ireland.</u>
<u>T-121/05 Judgment of the Court of First Instance (Seventh Chamber) of 11 March 2009, Borax Europe Ltd v Commission of the European Communities.</u>
<u>T-166/05 Judgment of the Court of First Instance (Seventh Chamber) of 11 March 2009, Borax Europe Ltd v Commission of the European Communities.</u>
<u>C-552/07 Judgment of the Court (Fourth Chamber) of 17 February 2009, Commune de Sausheim v Pierre Azelvandre.</u>
<u>C-39/05 P Judgment of the Court (Grand Chamber) of 1 July 2008, Kingdom of Sweden and Maurizio Turco v Council of the European Union</u>
<u>C-344/04 Judgment of the Court (Grand Chamber) of 10 January 2006, The Queen, on the application of International Air Transport Association and European Low Fares Airline Association v Department for Transport.</u>
<u>C-321/96 Judgment of the Court (Sixth Chamber) of 17 June 1998, Wilhelm Mecklenburg v Kreis Pinneberg - Der Landrat.</u>
<u>C-321/95 P Judgment of the Court of 2 April 1998, Stichting Greenpeace Council (Greenpeace International) and Others v Commission of the European Communities</u>
<u>T-219/95 Order of the President of the Court of First Instance of 22 December 1995, Marie-Thérèse Danielsson, Pierre Largenteau and Edwin Haoa v Commission of the European Communities.</u>

T-585/93 Order of the Court of First Instance (First Chamber) of 9 August 1995, Stichting Greenpeace Council (Greenpeace International) and others v Commission of the European Communities.

C-25/62 Judgment of the Court of 15 July 1963, Plaumann & Co. v Commission of the European Economic Community.