

# Why air quality is about to land EU countries in court

## Media advisory

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### WHAT, WHERE and WHEN?

This Thursday (17 May) the European Commission is expected to refer Germany, France, the UK, Italy, Hungary, and Romania to the European Court of Justice for their failure to tackle repeated breaches of EU air quality limits. It is also expected to take Germany, the UK, and Luxembourg to court for failing to take action against the VW group cars with illegal defeat devices.

These cases refer to breaches by countries of the following laws:

- Germany, France, UK: for breaches of NO<sub>2</sub> levels set for 2010 under the Ambient Air Quality Directive (AAQD; Directive 2008/50/EC);
- Italy, Hungary, Romania: for breaches of PM<sub>10</sub> limits set for 2010 under AAQD;
- Germany, the UK, and Luxembourg: for failing to take action on VW group cars with illegal defeat devices used to cheat emissions tests (Directive 2007/46/EC).

### HOW DID IT COME TO THIS?

These countries already received warnings from the Commission, which sent them reasoned opinions; in January 2018, their environment ministers were summoned by the Commission to explain their failure to cut air pollution levels. They were given the opportunity to **submit a set of “credible, timely and effective”** measures to fix the problem. As they failed to do so, they are now being referred to the European Court of Justice.

Separately, the Commission is referring Germany, the UK and Luxembourg to court for failure to properly investigate and levy penalties on the VW Group for fitting illegal defeat devices to millions of its vehicles; as well as Italy for [failure to take adequate action](#) against the FCA group following their national emissions investigation. These cases relate to the failure of the member states to take action in the wake of the Dieselgate scandal, given that the Commission does not have powers today to require vehicles upgrades and recalls.

### WHY DOES IT MATTER?

PM (particulate) concentration were responsible for about 428,000 premature deaths in Europe in 2014 – while exposure to NO<sub>2</sub> resulted in 78,000 premature deaths that year, according to the [latest figures](#) from the European Environmental Agency. Continuous breaches of the air quality limits result in much toxic pollution, seriously damaging EU citizens’ health, productivity and well-being.

The main cause of toxic NO<sub>2</sub> exceeding the limits in urban areas are diesel vehicles, which often emit much higher NO<sub>x</sub> than permitted by EU laws. Germany, France, the UK, Italy and Spain – currently failing to meet NO<sub>2</sub> limits – are the key member states that approve the [large majority of diesel vehicles](#) for the EU market and thus are the only ones that can force carmakers to recall and fix them. These countries **have failed to do so, putting the carmakers’ interests above those of public health and the rule of law.**

Italy, which is in breach of both PM10 and NO2 levels, refused to take appropriate action against FCA in the investigations following the Dieselgate scandal, despite the results showing suspicious emission control performance. Both France and Germany found Fiat diesel cars to be the most polluting but cannot take **any action unless Italy, which certified them for sale, mandates FCA to act. Again, carmakers' profit seems to matter more than citizens' right to clean air.**

Likewise, VW has not been fined by Germany, nor has Skoda been penalised by the UK. Some high emitting Audi models were approved by Luxembourg and have also escaped fines – as has Seat in Spain. Almost three years after VW admitted cheating – and in stark contrast to action in the US – some of the vehicles are still not fixed and remain on the road, while EU consumers have not been compensated as opposed to their US counterparts.

## Further information

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