EU Judges Overturn Lax ‘Dieselgate’ Emissions Laws in Huge Legal Win for Cities of Paris, Brussels & Madrid

The General Court of the European Union upholds action brought by cities: annuls in part the European Commission’s regulation setting excessively high NOx emission limits tests introduced following Dieselgate scandal

Ruling accepts the ‘admissibility of the actions’ by cities to challenge European law, creating major legal precedent as cities seek to create the future that citizens want.

Action brought by mayors of European cities in the interest of cleaning the air that citizens breathe, protecting public health and honouring the Paris Agreement.

(13 December 2018) — The General Court of the European Union today found in favor of a legal case brought by the cities of Paris, Madrid and Brussels to challenge vehicle emissions regulations set by the European Commission and agreed by national governments. The court found that the Commission did not have the power to amend emission limits for the new real driving emission tests, introduced following the Dieselgate scandal.

Regulation 2016/646, introduced in the wake of the “Dieselgate” scandal, mandates the maximum acceptable NOx emissions from diesel-engine vehicles during real driving emissions (RDE) tests. Rather than enforcing the 80 mg/km NOx emission limits agreed by the European Parliament in 2007, the European Commission, under intense lobbying from the auto-manufacturing industry, granted manufacturers time to gradually adapt to the new RDE rules.

From September 2017 for new models and from September 2019 for new vehicles, NOx emissions can legally exceed the 80 mg/km limit by up to 110%. From January 2020 for new models and from January 2021 for new vehicles, NOx emissions can still legally exceed the 80 mg/km limit by up to 50%.

The European Commission now has 12 months to amend the legislation in order to bring into compliance with today’s ruling.

Jeremie Assous, the lawyer representing Paris, Brussels and Madrid, successfully argued that these emissions limits are what Mayor of Paris, Anne Hidalgo has called “a licence to pollute” and a regression of existing European Environmental law designed to protect public health and improve air quality. The Regulation was described as a “betrayal of the Paris Agreement” for its failure to transition to clean vehicles needed to curb climate change.

In their ruling, judges also noted that “an action for annulment brought by a person other than a Member State or an EU institution against a regulatory act is admissible.”
Reflecting the growing authority of cities as defenders of public health and climate action, the ruling sets a new legal precedent that local authorities can challenge the European Commission in court for their failure to improve the air quality in cities and communities across the EU.

Cities are now empowered, and industrial lobbies must now know that cities have the political capacity and legal authority to stop the future we don't want. Citizens deserve a liveable, healthy and sustainable future, and this decision, will allow mayors to build trust and foster action for tomorrow.

“The citizens of Paris and cities around the world demand clean air to breathe,” said Anne Hidalgo, Mayor of Paris & Chair of C40. “For too long car manufacturers and industrial lobbies have been able to dictate the rules that regulate some of their most polluting products. Today, the General Court of the European Union backed our argument that this is a betrayal of the people of Europe. Cities are getting the job done and will now make sure it is perfectly done, thanks to this legal precedent. I am proud to stand beside Mayors of Madrid and Brussels on behalf of millions of people across the great cities of Europe, to say our voices cannot be silenced any longer.”

"Progress is never made unless vested interests are challenged", said Mark Watts, Executive Director of C40 Cities, "The Mayors of Paris, Madrid and Brussels have refused to accept the status quo and existing legal structures, and today that bold leadership has paid off for the benefit of every citizen of Europe. At the same time, they are using their own powers to improve air quality, from investing in public transport and cycling, to removing traffic altogether from the most polluted areas. Everyone who lives in a city has a stake in the success of their action, as air pollution causes more than 460,000 premature deaths each year in Europe alone."

“The decision today can and must be celebrated as the victory, not of the great European capitals, but of all the European citizens who are the first to suffer from the inertia of public policies,” said Jeremie Assous, Lawyer acting on behalf of the city of Paris.

26 pioneering mayors, 13 from European cities, have committed to the Green and Healthy Streets Declaration pledging to procure only zero-emission buses from 2025 and ensure that a major area of their city is zero emission by 2030. Signatories to the Green and Healthy Streets Declaration “envision a future where walking, cycling, and shared transport are how the majority of citizens move around our cities.” The cities are London, Paris, Copenhagen, Barcelona, Milan, Rome, Warsaw, Birmingham, Greater Manchester, Oslo, Oxford, Rotterdam and Heidelberg along with Los Angeles, Seoul, Tokyo, Medellin, Quito, Vancouver, Cape Town, Seattle, Mexico City, Auckland, Honolulu, Santa Monica and West Hollywood. Analysis by C40 found that these policies could add 3 weeks to average life expectancy of every citizen of Paris and could prevent 45,000 premature deaths globally each year.
Notes:

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About C40 Cities:
C40 Cities connects 96 of the world’s greatest cities to take bold climate action, leading the way towards a healthier and more sustainable future. Representing 700+ million citizens and one quarter of the global economy, mayors of the C40 cities are committed to delivering on the most ambitious goals of the Paris Agreement at the local level, as well as to cleaning the air we breathe. The current chair of C40 is Mayor of Paris Anne Hidalgo; and three-term Mayor of New York City Michael R. Bloomberg serves as President of the Board. C40’s work is made possible by our three strategic funders: Bloomberg Philanthropies, Children’s Investment Fund Foundation (CIFF), and Realdania.

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