

# EURÓPSKA ZELENÁ DOHODA: ÚSPECH ALEBO ZLYHANIE?

## EUROPEAN GREEN DEAL: SUCCESS OR FAILURE?

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<https://doi.org/10.33542/SIC2024-2-08>

### ABSTRAKT

*Európska únia si stanovila ambiciózny cieľ zredukovať emisie minimálne na úrovni 55% do roku 2030 v porovnaní s úrovňou z roku 1990 a dosiahnuť klimatickú neutralitu do roku 2050. Tento cieľ sa javí ako príliš ambiciózny a je nepravdepodobné, že sa skutočne naplní. Na úrovni Európskej únie sa prijímajú viaceré právne záväzné akty v oblasti ovzdušia, vody alebo pôdy a poľnohospodárstva s cieľom zabezpečiť harmonizáciu pravidiel vo všetkých členských štátoch. Zároveň, prebieha revízia viacerých už existujúcich právnych aktov. Napriek tomu to predstavuje len jednu časť cieľa. Druhá, omnoho dôležitejšia, záleží od vôle a odhodlania štátov správne transponovať a aplikovať európske pravidlá na národnej úrovni. V posledných 8 rokoch, Európska komisia začala viac ako 2 800 konaní pre nedostatočnú alebo nesprávnu transpozíciu, alebo zlú aplikačnú prax členských štátov pri preberaní limitov a pravidiel týkajúcich sa životného prostredia nastavených európskymi smernicami. Členské štáty majú problém plniť si svoje povinnosti a domnievam sa, že tento problém bude aj naďalej pokračovať napriek úsiliu Európskej únie dosiahnuť ciele stanovené Európskou zelenou dohodou. Touto prácou chcem poukázať na nedostatky a komplikácie, ktoré vyvstávajú v súvislosti s napĺňaním cieľov v oblasti životného prostredia na úrovni Európskej únie.<sup>2</sup>*

### ABSTRACT

*The European Union has set an ambitious goal to reduce emissions by at least 55% by 2030 compared to 1990 levels and to achieve a climate-neutral continent by 2050. This goal seems too ambitious and it is unlikely that it will be realistically fulfilled. At the level of the European Union, several legally binding acts are being adopted in the area of air, water or soil and agriculture, with the aim of setting harmonized rules in all member states. At the same time, there is a revision of several existing legal acts. However, such a procedure represents only one part of the goal. The second, more important one, lies in the willingness of states to properly transpose and apply European rules at the national levels. In the last 8 years, the European Commission has started more than 2,800 infringements in relation to member states due to incomplete or incorrect transposition or bad application practices related to the limits and rules set by European directives in the environment. Member States have a problem to fulfill their obligations and I think that this problem will continue in the future, despite all the efforts of the European Union to achieve the goals set through the European Green Deal. With the work presented, I want to point out the shortcomings and complications which arise in connection with the fulfillment of goals at the level of the European Union in the area of the environment.*

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<sup>2</sup> The paper presents a partial output within the research project APVV-20-0576 entitled “Green Ambitions for Sustainable Development (European Green Deal in the Context of International and National Law)”.

## I. INTRODUCTION

Climate change and the deterioration of the environment are one of the biggest challenges of the contemporary world. Several attempts to mitigate them are not successful. They do not contain concrete commitments, only statements about the current environmental status and expressions about the concerns in the future, if this situation does not change. States were not inclined to make specific commitments during concluding the Paris Agreement, and it became just a kind of declaration of the need to change. The European Green Deal is a hope in this situation. It seems to be a concrete binding step to really change the environment, at least in Europe. But is it really so? Is the European Green Deal really 'Europe's man on the moon moment'?<sup>3</sup>

European Green Deal is the result of the European Union's real efforts to fulfil the United Nations' sustainable development goals, known as the 2030 Agenda for Sustainable Development.<sup>4</sup> The European Green Deal contains several goals, the effective implementation of which has the potential to become a model for non-European countries. Among the main goals, there is the achievement of climate neutrality of the European Union no later than in 2050 and adaptation to climate change, which contains the increase of the resistance of states to climate change and reduce the degree of vulnerability of states to them in accordance with Article 7 of the Paris Agreement.<sup>5</sup> Through the European Green Deal, all 27 member states are committed to turning the European Union into the first climate-neutral continent by 2050. To get there, they have committed to reducing emissions by at least 55% by 2030 compared to 1990 levels.

European green deal provides a significant discursive break. It transforms the EU's meta-discourse from a negligence of the environmental dimension and the idea that environmental sustainability as an attribute to growth can support a 'jobs and growth'- focussed innovation agenda, to centre stage. Whereas environmental policies were to serve economic growth, the European green deal inverts this logic by calling on other policies to serve environmental, notably climate, aims, which in turn sustain human living conditions on earth.<sup>6</sup> But, there are several major obstacles for its efficient application. Namely, the program called "Green Finance Strategy", which has the objective to channel private financial flows into sustainable economic sectors. This is vital, since most of the budget for the European Green Deal will come from private investments.<sup>7</sup>

To meet the goals and reduce greenhouse gas emissions, it is necessary to make changes in several areas of life, such as increasing the range of renewable energy sources, ensuring higher energy efficiency, investing in ecological technologies, restoring buildings and nature, or building ecological transport.<sup>8</sup> Also, new European financial architecture, with improved funding structures to enable the decarbonisation of all European economies, will be needed to

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<sup>3</sup> European Commission press corner: Press remarks by President von der Leyen on the occasion of the adoption of the European Green Deal Communication. Accessed December 11, 2022 [https://ec.europa.eu/commission/presscorner/detail/fr/speech\\_19\\_6749](https://ec.europa.eu/commission/presscorner/detail/fr/speech_19_6749).

<sup>4</sup> More info: Department of Economic and Social Affairs Sustainable Development, United Nations: Transforming our World: the 2030 Agenda for Sustainable development. Accessed December 11, 2022 <https://sdgs.un.org/2030agenda>.

<sup>5</sup> More info: European Commission: A European Green Deal Striving to be the first climate-neutral continent. Accessed December 11, 2022 [https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal\\_en](https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal_en).

<sup>6</sup> SCHUNZ.S.: The 'European Green Deal' – a paradigm shift? Transformations in the European Union's sustainability meta-discourse. In: Political Research Exchange, Volume 4, 2022 - Issue 1, Accessed January 11, 2024, DOI: <https://doi.org/10.1080/2474736X.2022.2085121>.

<sup>7</sup> DE SOUSA, B.: Europe's Green Deal: A Dream or a Goal? Accessed December 21, 2023, <https://www.eyes-on-europe.eu/europes-green-deal-a-dream-or-a-goal/>.

<sup>8</sup> European Commission: Delivering the European Green Deal. Accessed December 1, 2022 [https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal/delivering-european-green-deal\\_en](https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal/delivering-european-green-deal_en).

ensure European Union cohesion while accelerating the net-zero transition.<sup>9</sup> This is a really large number of areas that will require a change in the approach of the individual member states. It is essential for member states to change their approach in all relevant areas in order to be able to achieve the changes in the planned scope. Taking into account the vastness of the areas that will be affected by the European Green Deal, it is clear that achieving changes will not be easy and will require a huge number of changes, either at the political or legislative/legal level. The challenge remains to connect long-term goals with consistent policies and measures in the short term with regard to the inclusion of climate and environmental issues.<sup>10</sup> That increases the pressure on member states in terms of timely implementation or transposition of the European measures.

The research problem of this paper is focusing on the evaluation of efficiency of European Green Deal through its effect on environmental protection in European Union. This question can be answered by evaluating the issues of member states to fulfil the obligations under European Green Deal. Firstly, it is necessary to focus on the specific character of the European Green Deal, its targets and fulfilments so far. The main part of the paper is focusing on the issues of member states to fulfil obligation in relevant area of clean air, urban waste water and drinking water protection and treatment. Especially, I am focusing on relevant cases brought by the European Commission before the Court of Justice of the European Union in last four years due to impossibility to ensure timely, correct and complete transposition of directives in the field of environmental law. That causes a lot of problems of sufficient environmental protection and problems of well-being and safeguarding the natural environment. In the last part, I am focusing my attention on the necessity of modification of current rules and access of member states in the fulfilment of their legal obligations. Only with those analyses of cases and approaches of member states it is possible to evaluate the real influence of the European Green Deal.

## II. SPECIFIC OBLIGATIONS BROUGHT BY THE EUROPEAN GREEN DEAL

Since 2019, i.e. in approximately four years of the vision and implementation of the European Green Deal, more or less only strategic plans and proposals<sup>11</sup> have been presented on how to transform the economy and energy of the member states, so that goal in 2030 can be achieved. So far, only a few agreements which would mean an advancement of fulfilling the goals of the European Green Deal, have been reached. The outlined strategies and plans will still have to be changed into concrete commitments within legally binding acts of the European Union.

So far, the European Union Action Plan: Towards zero air, water and land pollution has been achieved, which sets several targets by 2030, namely improving air quality to reduce the number of premature deaths caused by air pollution by 55%; improving water quality by reducing waste, plastic litter at sea (by 50%) and microplastics released into the environment (by 30%); improving soil quality by reducing nutrient losses and chemical pesticide use by 50%; a 25% reduction in European Union ecosystems where air pollution threatens biodiversity; reducing

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<sup>9</sup> MAKAROFF, N. – L. KALCHER: “Turning the European Green Deal into Reality” report by Strategic Perspectives, 2022, p. 33, Accessed December 21, 2023 [https://strategicperspectives.eu/wp-content/uploads/2023/05/StrategicPerspectives\\_TurningtheEuropeanGreenDealintoReality\\_May2023-2.pdf](https://strategicperspectives.eu/wp-content/uploads/2023/05/StrategicPerspectives_TurningtheEuropeanGreenDealintoReality_May2023-2.pdf).

<sup>10</sup> BONGARDT, A. - F. TORRES: The European Green Deal: More than an Exit Strategy to the Pandemic Crisis, a Building Block of a Sustainable European Economic Model. In: *Journal of Common Market Studies* 60, no. 1, 2011, P. 171, Accessed December 13, 2023, DOI: <https://doi.org/10.1111/jcms.13264>.

<sup>11</sup> For Example: European Industrial Strategy, EU strategies for energy system integration and hydrogen, New EU strategy on adaptation to climate change, European Climate Pact, Organic action plan.

the proportion of people chronically disturbed by traffic noise by 30%, and significantly reducing the waste generation and residual municipal waste by 50%.<sup>12</sup>

Another agreement that was reached concerns key goods placed on the European Union market, which will no longer contribute to deforestation and forest degradation in the European Union and elsewhere in the world. Under this agreement, the European Parliament and Council will adopt a new regulation setting up the rules for included persons.<sup>13</sup>

Another agreement reached, which will result in the application of new rules at the European Union level, is to strengthen the European Union Emissions Trading System (ETS), apply emissions trading to new sectors for effective economy-wide climate action, and establish a Social Climate Fund.<sup>14</sup> Also, the European Union launched agreement about stricter CO<sub>2</sub> emission standards for new cars and vans as well as an agreement regarding emissions trading in aviation.<sup>15</sup> In 2023, the European Union achieved a few agreements containing stronger rules to boost energy efficiency,<sup>16</sup> cutting maritime transport emissions by promoting sustainable fuels for shipping,<sup>17</sup> agreement about new law to deploy sufficient alternative fuels infrastructure,<sup>18</sup> and also agreement to cut aviation emissions by promoting sustainable aviation fuels.<sup>19</sup>

The European Union is pushing the member states in order to fulfil the obligations of the European Green Deal, especially in the area of clean air and clean water. The complete transposition of obligations regarding air quality standards is the first prerequisite for well-being and safeguarding the natural environment. Air pollution is the biggest environmental problem of the European Union. Bad air quality is related to industry, energy production, household heating, or transport. In order to fight against air pollution and achieve the EU's vision of zero pollution by 2050, the European Union creates a clean air policy based on three pillars: ambient air quality standards, reducing air pollution emissions and setting emission standards for key sources of pollution.

The European Union also points to insufficiencies in the area of drinking water safety, which is not ensured in all member states, and also to the problem of urban waste water management, which is visible in many cities within the European Union. The Urban Waste Water Treatment Directive requires from member states to ensure that their cities and regions will properly collect and treat waste water. The urban waste water treatment directive aims to ensure the protection of human health and the protection of the environment by requiring that domestic waste water and waste water from certain industrial sector are collected and treated before discharge.<sup>20</sup>

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<sup>12</sup> European Commission: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Pathway to a Healthy Planet for All, EU Action Plan: Towards Zero Pollution for Air, Water and Soil. Accessed December 12, 2022 [https://ec.europa.eu/environment/pdf/zero-pollution-action-plan/communication\\_en.pdf](https://ec.europa.eu/environment/pdf/zero-pollution-action-plan/communication_en.pdf).

<sup>13</sup> More info: European Commission: Green Deal: EU agrees law to fight global deforestation and forest degradation driven by EU production and consumption. Accessed December 13, 2022 [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_22\\_7444](https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7444).

<sup>14</sup> European Commission: European Green Deal: EU agrees to strengthen and expand emissions trading, and creates a Social Climate Fund to help people in the transition. Accessed December 18, 2022 [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_22\\_7796](https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7796).

<sup>15</sup> European Commission: Timeline. Accessed December 18, 2022 [https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal\\_en](https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal_en).

<sup>16</sup> More info: European Green Deal: EU agrees stronger rules to boost energy efficiency. Accessed December 1, 2023 [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_23\\_1581](https://ec.europa.eu/commission/presscorner/detail/en/ip_23_1581).

<sup>17</sup> More info: European Green Deal: Agreement reached on cutting maritime transport emissions by promoting sustainable fuels for shipping. Accessed December 1, 2023 [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_23\\_1813](https://ec.europa.eu/commission/presscorner/detail/en/ip_23_1813).

<sup>18</sup> More info: European Green Deal: ambitious new law agreed to deploy sufficient alternative fuels infrastructure. December 1, 2023 [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_23\\_1867](https://ec.europa.eu/commission/presscorner/detail/en/ip_23_1867).

<sup>19</sup> More info: European Green Deal: new law agreed to cut aviation emissions by promoting sustainable aviation fuels. Accessed December 1, 2023 [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_23\\_2389](https://ec.europa.eu/commission/presscorner/detail/en/ip_23_2389).

<sup>20</sup> Council Directive 91/271/EEC of 21 May 1991 Concerning Urban Waste-Water Treatment, OJ L 135, 30.05.1991.

Inadequate treatment and collection of waste water result in its contamination with bacteria and viruses and thus poses a risk to human health. In addition, it also contains substances such as nitrogen or phosphorus, which have a bad effect on biodiversity and can cause the destruction of certain types of ecosystems, and thus eutrophication. At the same time, that cause the pollution of rivers and lakes as well as soil and groundwater.

The protection of biodiversity is another key area that requires a more precise approach by member states. It is necessary for the member states to proceed in accordance with the European Biodiversity Strategy and strive to protect ecosystems. Preserving ecosystems and preventing their destruction is the one of the necessary prerequisites for the pursuance of the European Green Deal. There are a large number of endangered species and habitats in the countries of the European Union, therefore a network of protected areas NATURA 2000 was built for the purpose of their protection. The basic framework of European nature protection policy consists of two directives aimed at protecting the most endangered and valuable species and habitats.<sup>21</sup> It is precisely in this area that the European Commission observes a significant number of infringements due to insufficient or incorrect transposition of these directives.

In this context, the European Union also points to the importance of the development, change or limitation of agriculture and fishing. The Commission continued to ensure a thorough application of the common agricultural policy's rules (e.g. on organic farming, sustainable use of farmland, forestry, support for research and innovation).<sup>22</sup> The change of the state's policy in the field of agriculture should come into force in January 2023, and it is already known that the conditions for supporting small local farmers are not created. At the European Union's level, several regulations have been adopted in the field of agriculture, which are directly effective and applicable in the member states, but also contain implementing provisions, and the implementation of them has not yet been achieved in all member states. Since 2023, new regulations began established, which also respond to the need for change in the context of the European Green Deal.<sup>23</sup> Regarding the question of fishing, the European Union's common fisheries policy is to ensure environmental, social and economic sustainability for our fishermen and coastal communities, which contributes to the objectives of the European Green Deal to promote and increase the protection of natural ecosystems and the sustainable use of resources. There is also European regulation, which contains landing obligations.<sup>24</sup>

Only after the preservation of ecosystems and the provision of clean air and safe drinking water we can talk about a kind of "superstructure", which is the promotion of clean and renewable energy. Without well-built and maintained environmental protection systems, it is

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<sup>21</sup> The Birds Directive contains 500 species of wild birds that occur naturally in the European Union and are protected in different ways depending on risk and threat. The Habitats Directive ensures the protection of rare, endangered or endemic animal and plant species. More info: Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version), Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

<sup>22</sup> European Commission: Report from the Commission: Monitoring the application of European Union law 2021 Annual Report. Accessed July 15, 2022 [https://commission.europa.eu/system/files/2022-07/com\\_2022\\_344\\_2\\_en.pdf](https://commission.europa.eu/system/files/2022-07/com_2022_344_2_en.pdf).

<sup>23</sup> Regulation (EU) 2021/2117 of the European Parliament and of the Council of 2 December 2021 amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union, OJ L 435, 6.12.2021.

Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013, OJ L 435, 6.12.2021.

Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) 1307/2013, OJ L 435, 6.12.2021.

<sup>24</sup> Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning, OJ L 257, 28.8.2014.

not possible to safely promote clean renewable energy. While there is the risk that the EU energy action will be fragmented across sectors, the EGD offers the opportunity to overcome silo approaches, exploit synergies and address energy issues from a holistic perspective.<sup>25</sup> Member states are failing to properly transpose the Waste Framework Directive and the Landfill Directive, which has a negative impact on ensuring the functions of this area. Even more important, than renewable forms of energy, are clean, decarbonized energies that need to be secured and used. Without the transition into such decarbonized energy, it will not be possible to achieve a reduction in greenhouse gas emissions by 2030. In this context, the European Union has released a whole package of measures for the use of clean energy by the member states.<sup>26</sup> The deadline for the transposition of the Renewable Energy Directive was June 2021, and for now its extent into national legislations is questionable.

### **III. ISSUES OF THE FULFILMENT THE OBLIGATIONS IN THE AREA OF THE EUROPEAN GREEN DEAL BY THE MEMBER STATES**

The member states of the European Union face several problems in terms of achieving the state of climate neutrality as well as the state of clean air, water and soil. The European Union releases several legally binding acts that regulate the environmental issues. Even before the European Green Deal project was announced, there were several legally binding acts that reflected the need to change national legislation in order to improve the environment. However, it is clear from the available information that even the existing European legally binding acts bring problems of transposition in several member states. Directives are only binding as to the result to be achieved, which leaves room for the Member States as to how they will implement the directives. This in consequence leaves room for mistakes to be made in the implementation of the legislation, thereby leading to a higher probability of infringements.<sup>27</sup> The inability to transpose European environmental directives, their incomplete transposition or incorrect application raise doubts about the ability of member states to achieve the goals of the European Green Deal within the set deadlines.

The European Commission is putting pressure on the states to change legislation and to transpose European directives in correct and complete way, so the stable basis for the functioning of Europe as a climate-neutral continent can be created and the European Green Deal can become a reality. However, the number of cases of incorrect or incomplete transposition of obligations arising from the European environmental law is enormous. Since 2015, more than 2,800 infringements have been initiated by the European Commission against member states because of the insufficiency in the transposition of environment and climate measures.<sup>28</sup> It is obvious that a minimum of these cases will eventually reach the proceedings before the Court of Justice of the European Union and also most of them are already closed, but only initiation of formal notifications by the European Commission in relation to member states in so many cases indicates that member states have a problem ensuring timely, correct and complete transposition of directives in the field of environmental law and environmental protection. Also it is necessary to mention, that European Commission is empowered to suggest the Court of Justice of European Union to impose the financial sanction in a case of bringing a case before the Court pursuant to Article 258 due to failure to notify measures transposing a

<sup>25</sup> C. PAPA AND Col.: Implementing the European Green Deal through Transformational Change, A Review of EU Climate Action Through the Lens of the “Six Transformations”, 2021, p. 13, Accessed January 17, 2024 <https://www.enelfoundation.org/content/dam/enel-foundation/news/2021/11/sdsn/211019-EGD-report.pdf>.

<sup>26</sup> Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast), OJ L 328, 21.12.2018.

<sup>27</sup> KOOPS, C. E.: Contemplating compliance: European compliance mechanisms in international perspective, 2014, p. 94, Accessed January 17, 2024, [https://pure.uva.nl/ws/files/2005956/135951\\_11.pdf](https://pure.uva.nl/ws/files/2005956/135951_11.pdf).

<sup>28</sup> European Commission: European Commission at work. Accessed December 12, 2022 [https://ec.europa.eu/atwork/applying-eu-law/infringements-proceedings/infringement\\_decisions/](https://ec.europa.eu/atwork/applying-eu-law/infringements-proceedings/infringement_decisions/).

directive adopted under a legislative procedure.<sup>29</sup> The threat of sanctions serves a suitable preventive mechanism for the fulfilment of the environmental obligations arising from EU law.<sup>30</sup>

Taking into account the scope and complexity of the topic of environmental protection at the level of the European Union, I will focus the following analysis only on the area of clean air, drinking water and waste water management.<sup>31</sup> I consider these areas to be crucial, because without achieving a certain standards of their quality and protection, it is impossible to talk about renewable energy and other more recent steps of the European Union. These are precisely the areas in which the European Union has been providing a certain level of protection for a long time. Through the existing legislation, which has been valid and effective at the European Union level for several years, it is possible to analyse the state of fulfilment the obligations in these areas in individual member states, their determination to fulfil individual obligations, or to point out the insufficiency of existing legally binding acts.

### 3.1 Clean air protection

Ensuring a high level of air protection is the first fundamental goal of the European Green Deal. At the European Union level, several directives for improving air quality were adopted long time before the European Green Deal project was even discussed. The Directive on ambient air quality and cleaner air for Europe, the Directive on arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air, and the Directive on the reduction of national emissions of certain atmospheric pollutants represent the basic pillars of air protection in the European Union. The directive on ambient air quality mainly focuses on the notification and exchange of information related to air quality as well as the mutual cooperation of member states in order to reduce air pollution.<sup>32</sup> The directive aimed at reducing emissions sets threshold values for the concentrations of pollutants that must not be exceeded over a certain period of time, such as sulphur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), non-methane volatile organic compounds (NMVOC) and ammonia (NH<sub>3</sub>) and fine particulate matter (PM<sub>2.5</sub>).<sup>33</sup> Authorities must develop and implement air quality management plans in case of exceedances, which should reduce the concentrations of air pollutants to levels below the limit and target values.<sup>34</sup>

In particular, the values of sulphur dioxide, nitrogen oxides and solid particles PM<sub>10</sub> are the subject of control in individual member states. They are considered as most risky in relation to human health. PM<sub>10</sub> and SO<sub>2</sub> values were set already in 2005 and NO<sub>2</sub> values were set in 2010. They mostly come from industry, transport or household heating, and the continuous exceeding of the limit values of these pollutants in the air causes a serious environmental problem, and approximately 400,000 premature deaths in Europe each year.

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<sup>29</sup> Article 260-3 of the Treaty on the Functioning of the European Union.

<sup>30</sup> DÍAZ, J.D.R.C.: Sharpening the Teeth of the Infringement Procedure, In: European Institute of Public Administration, 2020, Accessed January 12, 2024 <https://www.eipa.eu/publications/briefing/sharpening-the-teeth-of-the-infringement-procedure/>.

<sup>31</sup> In addition, the EU also implements the necessary changes in the field of agriculture, fisheries, protection of species and habitats or the implementation of renewable energy, as other very important components of achieving the status of a climate-neutral continent, as mentioned in the first chapter.

<sup>32</sup> Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe, OJ L 152 11.6.2008.

<sup>33</sup> 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, OJ L 344, 17.12.2016.

<sup>34</sup> European Environment Agency: Air Quality Standards: The European Union (EU) has developed an extensive body of legislation which establishes standards and objectives for a number of pollutants in air. Accessed December 3, 2021, <https://www.eea.europa.eu/themes/air/air-quality-concentrations/air-quality-standards>.

The biggest air polluters in the European Union are Poland, Bulgaria and Romania, which have the highest levels of PM<sub>2.5</sub>. 36 of the 50 most polluted cities in the European Union are in Poland, and high concentration of PM<sub>2.5</sub> causes a high number of premature deaths in Bulgaria.<sup>35</sup>

Since 2019, we are talking about climate neutrality Europe, and still more than 260 proceedings were initiated by the European Commission for the insufficient transposition of directives aimed at improving the air quality.<sup>36</sup> Several member states have difficulties of environmental directives transposition into their national legal systems and ensuring the level of air quality that would correspond to these European standards. In some cases, the initiative of the European Commission in form of EU PILOT as pre-infringement stage, or sending the formal notice is sufficient for changes and accurate transposition. Those activities of the European Commission often result into change of transposition of the relevant directive, or into explanation of states' practice, which is in accordance with the European Union law. Nevertheless, there are some cases in which insufficient transposition of directives continues and the European Commission initiates reasoned opinion or refer the matter to the Court of Justice of the European Union.

In 2019, the European Commission initiated proceedings against 3 member states for non-compliance with the limits of nitrogen dioxide (NO<sub>2</sub>) or sulphur dioxide (SO<sub>2</sub>) in the air. European Commission initiated proceedings against Italy, for air pollution, as well as insufficient activity to protect the population against NO<sub>2</sub>.<sup>37</sup> In other cases, proceedings were initiated against Spain and Bulgaria due to poor air quality. Bulgaria failed to respect limits of SO<sub>2</sub>.<sup>38</sup> Spain permanently breached limits of NO<sub>2</sub> in regions of Barcelona, Madrid and Vallés-Baix Llobregat. Neither Bulgaria nor Spain could adopt air quality plans and ensure adequate measures for the shortest excess period. Due to high level of NO<sub>2</sub> in Spain, 9000 premature deaths occur in Spain per year.<sup>39</sup>

In 2020, European Commission referred the matter to the Court of Justice of the European Union in relation to France and Greece. France has had poor air quality due to high PM<sub>10</sub> values in Paris and Martinique for 12 or 14 years respectively. In the case of Greece, there was also high values of PM<sub>10</sub> in terms of exceeding the daily permissible limits in the area of Thessaloniki. Also, this pollution has been going on for 14 years, which is an extremely long time.<sup>40</sup>

For now, the last proceedings in relation to clean air protection were initiated in 2021 against four member states. Once again, Greece found itself in action for high NO<sub>2</sub> values, which are regularly exceeded in the Athens area, and Portugal is also being in proceeding for high NO<sub>2</sub> concentration in the Lisboa Norte, Porto Litoral, Entre Douro e Minho zone. Also, case referred to Slovakia, due to the high value of PM<sub>10</sub> particles. The values of PM<sub>10</sub> particles have been systematically exceeded since 2015 in the Banská Bystrica and Košice regions. In this context, Slovakia has adopted several measures aimed to improve air quality, but these are neither timely

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<sup>35</sup> More Info: Clear Air Fund: Air pollution in the European Union. Accessed July 31, 2022 <https://www.cleanairfund.org/geography/europe/>.

<sup>36</sup> European Commission: European Commission at work. Accessed July 15, 2022 [https://ec.europa.eu/atwork/applying-eu-law/infringementsproceedings/infringement\\_decisions/index.cfm?lang\\_code=EN&typeOfSearch=false&active\\_only=0&noncom=0&r\\_dossier=&decision\\_date\\_from=01%2F01%2F2015&decision\\_date\\_to=&DG=CLIMA&DG=ENV&title=&submit=Search](https://ec.europa.eu/atwork/applying-eu-law/infringementsproceedings/infringement_decisions/index.cfm?lang_code=EN&typeOfSearch=false&active_only=0&noncom=0&r_dossier=&decision_date_from=01%2F01%2F2015&decision_date_to=&DG=CLIMA&DG=ENV&title=&submit=Search).

<sup>37</sup> European Commission: Commission takes Italy to Court over air pollution and failure to properly treat urban waste water. Accessed July 31, 2022 [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_19\\_1475](https://ec.europa.eu/commission/presscorner/detail/en/IP_19_1475).

<sup>38</sup> European Commission: Air quality: Commission refers Bulgaria and Spain to the Court for failing to protect citizens from poor air quality. Accessed July 31, 2022 [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_19\\_4256](https://ec.europa.eu/commission/presscorner/detail/en/IP_19_4256).

<sup>39</sup> European Commission: Air quality: Commission refers Bulgaria and Spain to the Court for failing to protect citizens from poor air quality. Accessed July 31, 2022 [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_19\\_4256](https://ec.europa.eu/commission/presscorner/detail/en/IP_19_4256).

<sup>40</sup> European Commission: Air quality: Commission decides to refer Greece to the Court of Justice over poor air quality. Accessed August 1, 2022 [https://ec.europa.eu/commission/presscorner/detail/EN/IP\\_20\\_2151](https://ec.europa.eu/commission/presscorner/detail/EN/IP_20_2151).



nor sufficiently effective.<sup>41</sup> In addition, proceedings were also initiated against Romania, for non-compliance with the rules aimed at combating industrial pollution and for not adopting an air pollution control program in accordance with the directive on the reduction of national emissions of certain air pollutants.<sup>42</sup>

### 3.2 Drinking water and urban waste water treatment

Directive concerning urban waste water treatment has been active for 30 years. Since its adoption in 1991, the quality of Europe's rivers, lakes and seas has been dramatically improved. Member states had to set up urban waste water collection systems and treatment plants with the support of the European Union funds.<sup>43</sup> The existence of this European urban wastewater treatment standard is very beneficial and effective in environmental protection. But only if it is fully transposed and implemented.

In September 2020, the European Commission published the tenth report on the transposition of the Urban Waste Water Treatment Directive, which showed an overall improvement in the collection and treatment of urban waste water in European cities and towns, but also pointed to different levels of success between member states.<sup>44</sup> While some member states achieve European standards without problems, some have difficulties ensuring compliance with the directive in several legal areas. Since 2019, we can talk about several proceedings initiated by the European Commission which had reached the Court of Justice of the European Union.

In 2019, the European Commission referred Italy, Cyprus and Sweden to the Court of Justice of the European Union for failing to meet their obligations on urban waste water treatment. Italy failed in ensuring collecting systems for urban waste water and adequately treating within agglomerations with population of more than 2000 people. In the same way, Cyprus also failed in applying these standards in 31 agglomerations, and Sweden failed in particular in fulfilling obligations aimed at discharge into sensitive areas, in relation to which stricter conditions for waste water management are established.<sup>45</sup>

In 2021, the European Commission initiated proceedings against five other member states. In relation to Ireland, an action was brought for non-compliance with the conditions laid down by the Drinking Water Directive: the water intended for human consumption is healthy and clean, free from microorganisms, parasites and substances that could pose a potential danger to human health. In Ireland, it is specifically a matter of long-term exceeding of THM<sup>46</sup> values in 30 areas with a population of more than 200,000 inhabitants.<sup>47</sup> Another proceeding began against Italy for non-compliance with the directive for exceeding the values of arsenic and fluoride in drinking water in the Lazio region of Viterbo, Bagnoregio and Fabrica di Roma and also for exceeding the values of arsenic in another four regions. High levels of arsenic and

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<sup>41</sup> European Commission: Air Quality: Commission decides to refer Slovakia to the European Court of Justice over poor air quality. Accessed August 1, 2022 [https://ec.europa.eu/commission/presscorner/detail/EN/ip\\_21\\_411](https://ec.europa.eu/commission/presscorner/detail/EN/ip_21_411).

<sup>42</sup> European Commission: Air quality: Commission decides to refer Romania to the Court of Justice of the European Union for failure to comply with EU clean air and industrial emissions legislation. Accessed August 1, 2022 [https://ec.europa.eu/commission/presscorner/detail/EN/ip\\_21\\_6264](https://ec.europa.eu/commission/presscorner/detail/EN/ip_21_6264).

<sup>43</sup> More info: European Commission: Urban wastewater. Accessed August 2, 2022 [https://environment.ec.europa.eu/topics/water/urban-wastewater\\_en](https://environment.ec.europa.eu/topics/water/urban-wastewater_en).

<sup>44</sup> Publication Office of the European Union: European Commission, 11th Technical assessment of information on the implementation of Council Directive 91/271/EEC. Accessed August 15, 2022, <https://op.europa.eu/en/publication-detail/-/publication/f9acae5a-ed21-11ec-a534-01aa75ed71a1>.

<sup>45</sup> European Commission: Report from the Commission: Monitoring the application of European Union law 2019 Annual Report. Accessed December 13, 2022 [https://commission.europa.eu/system/files/2020-07/report-2019-annual-report-monitoring-application-eu-law\\_en.pdf](https://commission.europa.eu/system/files/2020-07/report-2019-annual-report-monitoring-application-eu-law_en.pdf).

<sup>46</sup> THM is a chemical that is formed in drinking water as a result of the disinfection process.

<sup>47</sup> European Commission: Drinking water: Commission refers Ireland to the Court of Justice of the European Union over unsafe drinking water. Accessed December 12, 2022 [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_21\\_5356](https://ec.europa.eu/commission/presscorner/detail/en/ip_21_5356).

fluoride can endanger children's health.<sup>48</sup> In relation to Spain, the European Commission referred to the Court of Justice of the European Union for failure to comply with the obligation to monitor drinking water under Directive 91/676 and to identify areas that could be polluted by nitrates from agricultural sources, including the location of the soil into which such water seeps through.<sup>49</sup> In addition, the European Commission referred to the Court of Justice of the European Union also France on the ground that more than one hundred agglomerations with a population of more than 2,000 inhabitants do not meet the requirements set by the directive. The problem is that there is no adequate cleaning of municipal wastewater in these areas, and even with proper cleaning, the treated wastewater does not meet the standards set by the directive.<sup>50</sup> Another proceeding were initiated against Hungary for violating the standards set by the directive to established municipal waste water sewerage or an alternative with the same level of environmental protection.<sup>51</sup>

In 2022, there were three cases initiated before the Court of Justice of the European Union against Malta, Poland, and Spain. All of these proceeding started due to failure to place the necessary infrastructure in order to properly collect and treat waste waters, thus eliminating or reducing all their undesirable effects, which can cause contamination of water with bacteria and viruses. That situation causes the risk to human health.<sup>52</sup>

In 2023, the European Commission initiated proceeding against Ireland due to inadequate transposition of Water Framework Directive in area of water abstraction, impoundment and activities causing hydro-morphological changes such as dams, weirs and other interferences in natural water flow.<sup>53</sup> For now, the last proceeding is initiated against Italy due to failure to properly collect and treat waste waters. That cause significant risks to human health, inland waters and the marine environment in the environmentally sensitive areas in which the untreated waste water is discharged.<sup>54</sup>

#### IV. NECESSITY OF MODIFICATION

Air pollution is considered as a number 1 environmental problem in the European Union. That's why it started with the project A Europe that protect: Clean air for all in 2018. Air pollution directly influence people's health and causes chronic or serious diseases as asthma, cardiovascular illness or plum cancer. In this context, the European Commission control the

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<sup>48</sup> European Commission: Drinking water: Commission decides to refer Italy to the Court of Justice over unsafe drinking water. Accessed December 13, 2022 [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_21\\_1545](https://ec.europa.eu/commission/presscorner/detail/en/ip_21_1545).

<sup>49</sup> European Commission: Water: Commission decides to refer Spain to the Court of Justice of the European Union for poor implementation of the Nitrates Directive. Accessed December 12, 2022 [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_21\\_6265](https://ec.europa.eu/commission/presscorner/detail/en/ip_21_6265).

<sup>50</sup> European Commission: Urban Waste Water: Commission decides to refer France to the Court of Justice over waste water treatment. Accessed December 18, 2022 [https://ec.europa.eu/commission/presscorner/detail/EN/ip\\_21\\_1546](https://ec.europa.eu/commission/presscorner/detail/EN/ip_21_1546).

<sup>51</sup> European Commission: Urban Waste Water: Commission decides to refer Hungary to the Court of Justice over waste water treatment. Accessed December 18, 2022, [https://ec.europa.eu/commission/presscorner/detail/EN/ip\\_21\\_1547](https://ec.europa.eu/commission/presscorner/detail/EN/ip_21_1547).

<sup>52</sup> European Commission: Urban Waste Water: Commission decides to refer Malta to the Court of Justice of the European Union over waste water treatment. Accessed December 12, 2023 [https://ec.europa.eu/commission/presscorner/detail/sk/ip\\_22\\_581](https://ec.europa.eu/commission/presscorner/detail/sk/ip_22_581).

European Commission: Urban Waste Water: Commission decides to refer Poland to the Court of Justice of the European Union for lack of treatment of its waste waters. Accessed December 12, 2023 [https://ec.europa.eu/commission/presscorner/detail/sk/ip\\_22\\_582](https://ec.europa.eu/commission/presscorner/detail/sk/ip_22_582).

European Commission: Urban Waste Water: Commission decides to refer Spain to the Court of Justice of the European Union over its failure to comply with the Urban Waste Water Directive. Accessed December 11, 2023 [https://ec.europa.eu/commission/presscorner/detail/SK/IP\\_22\\_1923](https://ec.europa.eu/commission/presscorner/detail/SK/IP_22_1923).

<sup>53</sup> European Commission: Water: Commission decides to refer Ireland to the Court of Justice for failing to correctly transpose Water Framework Directive protecting waters from pollution. Accessed December 9, 2023 [https://ec.europa.eu/commission/presscorner/detail/sk/ip\\_23\\_166](https://ec.europa.eu/commission/presscorner/detail/sk/ip_23_166).

<sup>54</sup> European Commission: Urban waste water: Commission decides to refer Italy back to the Court of Justice for failing to properly treat urban waste water. Accessed December 9, 2023 [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_23\\_2626](https://ec.europa.eu/commission/presscorner/detail/en/IP_23_2626).

compliance with the limit values of substances in the air, under the already mentioned directives aimed at air protection.

At the end of the last year, the Court of Justice of the European Union provided an important interpretation of the Ambient Air Quality Directive in the context of the protection of human health. The case was based on a lawsuit by a French citizen who sued France for the deterioration of his health as a result of deteriorating air quality. Case had been referred to the Court of Justice of the European Union by the Versailles Administrative Court of Appeal. Adviser to the Court of Justice of the European Union had sided with the plaintiff, arguing in early 2022 that "an infringement of the limit values for the protection of air quality under European law may give rise to an entitlement to compensation from the state".<sup>55</sup> However, member states can avoid such compensation and liability for exceeding the limit values of PM<sub>10</sub> or nitrogen dioxide in the ambient air if they create an air quality improvement plan that meets the requirements set out in the Air Quality Improvement Directive.

The Court of Justice of European Union stated in his decision that the directives aimed at air quality are not intended to grant individual rights to persons, which could entitle them to the right to compensation for damages against a member state according to the principle of state responsibility for damage caused to an individual by a European Union law violation.<sup>56</sup> Deduction of responsibility would probably be possible only if there is a causal connection between the exceeding of limit values in the air and deterioration of the health condition, and at the same time, the states did not create the necessary plans to improve air quality.<sup>57</sup>

The European Union, also under the influence of these facts and the development of the case, came to the conclusion that the directives do not represent a sufficiently effective air protection system and require revision. As early as 2021, the European Union, within the European Green Deal, began revising the ambient air quality directive with the aim of better harmonisation of air quality standards with the recommendations of the World Health Organization. The European Green Deal emphasizes the importance of reducing air pollution as a key factor affecting people's health.

The standards established by the currently valid and effective directives aimed at air protection are still relevant, and it is necessary to fulfil the goals set in them. However, the air quality protection regime established by these directives represents a lower standard than the recommendations of the World Health Organization. The intention of the revised directive is to include substances such as ultrafine particles, black carbon, mercury and ammonia, due to their oxidative potential and impact on people's life among the limit values that will be set and observed. At the same time, wants to tighten the limit values, for example, for PM<sub>10</sub>, PM<sub>2.5</sub> or oxides of nitrogen. Directive draft sets intermediate limit values, target values, average exposure reduction obligations, average exposure concentration objectives, critical levels, information thresholds, alert thresholds and long-term objectives ('air quality standards') to be met by the year 2030, and regularly reviewed thereafter.<sup>58</sup> Huge benefit of new directive will be setting the right to Compensation for damage to human health caused by member states authorities, in case that health damage has occurred wholly or partially as a result of a violation of European Union air quality rules under the direction.

Likewise, the waste water treatment directive required its revision. Some changes, harmonized executive measures and fine-tuning are certainly needed, but one must not

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<sup>55</sup> Euronews: EU countries failing to respect air pollution law do not have to compensate citizens, ECJ rules. Accessed December 28, 2022 <https://www.euronews.com/my-europe/2022/12/22/eu-countries-failing-to-respect-air-pollution-law-do-not-have-to-compensate-citizens-ecj-r>.

<sup>56</sup> Judgment of 22 December 2022, *JP v Ministre de la Transition écologique and Premier ministre*, C-61/21: 67.

<sup>57</sup> Judgment of 22 December 2022, *JP v Ministre de la Transition écologique and Premier ministre*, C-61/21: 44.

<sup>58</sup> European Commission: Proposal for a Directive of the European Parliament and of the Council on ambient air quality and cleaner air for Europe (recast) COM/2022/542 final. Accessed December 28, 2022 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0542&qid=1668771169224>.

underestimate the cost of a new reform if it should weaken the jurisprudential *acquis*.<sup>59</sup> In recent years, other forms of pollution, with which the original directive from 1991 did not count, have acquired a significant degree of threat. We can talk mainly about the pollution from smaller cities, about rainwater runoff, or about micro pollutants, such as residues from pharmaceuticals and cosmetics that end up in nature. To solve this problem, the European Commission has proposed an update of the directive. It was necessary to tighten the permitted limits of pollutants in water and ensure better application and implementation of the established rules in individual member states. The revision aims of directive is to reduce pollution, energy use and greenhouse gas emissions by over 60% compared to 1990 as a first big goal. Also, it is necessary to improve water quality by addressing remaining urban wastewater pollution and improve access to sanitation especially for the most vulnerable and marginalised people. As 92% toxic micro-pollutants found in European Union wastewaters come from pharmaceuticals and cosmetics, directive will make industries pay to treat micro pollutants and removing them from water. Also, revised directive require from member states to monitor pathogens in wastewater and cut micro plastics to 9%. Under the directive it is going to update lists of water pollutants, which will be more strictly controlled in surface waters and groundwater. Last but not least obligation is to track industrial pollution at source to increase the possibilities of re-using sludge and treated wastewater, avoiding the loss of resources.<sup>60</sup>

Is the revision of the directives a sufficient element to achieve the goals of the European Green Deal? In my opinion, the revision of the documents alone is not enough, but it is also important in achieving the goals of the European Green Deal. Similar opinion is presented by Leonard that the European Green Deal is not enough, it is also necessary to think about the consequences on a global scale in terms of fossil fuel trading and the need for cooperation. The European Union could establish multilateral forums to exchange lessons learned and best practices with its international partners. Together, these actions would provide a foreign policy of support for the European Green Deal and a better ability to respond to the geopolitical challenges associated with it.<sup>61</sup>

The directive on ambient air quality, directive on the reduction of emission standards in the states or the directive on drinking water and waste water treatment were adopted 12 years ago. It is not a long time, but in last twelve years the state of the environment and state of emergency has significantly changed. It is obvious that what was sufficient to avert the negative consequences of climate change twelve years ago is not sufficient now. States have not emphasized environmental protection for a long time, and the longer time passes, the more drastic changes will need to be made. It is possible that what was not achieved at the level of the member states in the last ten years, will be achieved in the next three years. It depends on how the new rules and standards will be set at the level of the European Union. Well, it mainly depends on the member states themselves. Full implementation and transposition of the European legislation is the key to effectively protection of human health and safe guard in the natural environment.

## V. CONCLUSION

Although it seems like that the insufficiency of the transposition of European environmental directives is not so huge, it is not possible to achieve 100% transposition by 2030. It is necessary

<sup>59</sup> MISONNE, D.: The emergence of a right to clean air: Transforming European Union law through litigation and citizen science, In: *Review of European, Comparative & International Environmental Law*, Volume 30, Issue 1, 2021,p. 34, Accessed January 11, 2024, DOI: <https://doi.org/10.1111/reel.12336o>.

<sup>60</sup> More info: European Commission: Urban wastewater. Accessed December 28, 2022 [https://environment.ec.europa.eu/topics/water/urban-wastewater\\_en](https://environment.ec.europa.eu/topics/water/urban-wastewater_en); European Commission: European Green Deal: Commission proposes rules for cleaner air and water. Accessed December 28, 2022 [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_22\\_6278](https://ec.europa.eu/commission/presscorner/detail/en/ip_22_6278).

<sup>61</sup> LEONARD, M. AND COL.: The geopolitics of the European Green Deal, Policy Brief, Accessed January 11, 2024, <https://ecfr.eu/publication/the-geopolitics-of-the-european-green-deal/>.

to remember that the European Union adopts new legally binding acts every year, and is necessary to expect, that directives and regulations will be also adopted in the field of environmental law in order to fulfil the goals of the European Green Deal. It is already possible to expect that the existing legal regulations are not sufficient and must undergo revisions in order to respond to the needs of the time, the challenges of the time, as well as the ambitious goals that the European Union has set for itself. At the same time, it is true that only the complete and correct transposition of the European obligations into national legal systems is not enough. It is also necessary to take into account a certain amount of time to ensure the correct application of the new standards, and the achievement of results itself takes some time. Although, we are only in a third of the first goal of the European Green Deal, taking into account all the facts mentioned above, I allow myself to be sceptical about the ability of the European Union to really achieve the set goals in the set time. It is more than obvious that a longer time will be needed to achieve the goals, at least in the situations and willingness of the member states that we are facing today. At the same time, it is obvious that the no willing and problems of transposition will continue, so it is very doubtful whether the full 100% goals of the European Green Deal will be achieved. It can be seen that the European Union is trying. Tries to motivate states, organize conferences, adopt new legally binding acts and talk about the importance of achieving climate neutrality. The European Union also applies stronger options, such as formal proceedings by the European Commission, or initiation of proceedings before the Court of Justice of the European Union itself. However, as can be seen from the cases mentioned, this is not sufficient motivation for the member states to ensure the complete and correct transposition of obligations and thus the fulfilment of the goals of the European Green Deal. Despite several decisions of the Court of Justice of the European Union in favour of the European Commission, air quality standards are still frequently violated and the periods of violation were not as short as possible in all cases, which proves that the measures taken so far are not sufficient. Exceedances of certain pollutants (especially PM, NO<sub>2</sub>,<sup>3</sup>) are still widespread and systematic, which points to a long-standing lack of determination by member states to take more effective measures to protect their citizens' health and the environment.<sup>62</sup> Thus, the European Union may achieve the goal of adopting all the necessary legally binding acts to achieve the goals of the European Green Deal, but their implementation in practice will probably continue with problems. So it will be more about the theoretical fulfilment of the goals and not the practical ones.

## KLÚČOVÉ SLOVÁ

Európska zelená dohoda, transpozícia smerníc, právne záväzné akty, čisté ovzdušie, komunálne odpadové vody, potenciál novej environmentálnej legislatívy, Súdny dvor Európskej únie

## KEY WORDS

European Green Deal, directives transposition, legally binding acts, clean air, urban waste waters, potential of new environmental legislation, Court of Justice of the European Union

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