



The State's Accountability for Air Pollution: Insights from Recent French Jurisprudence



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Abstract

Air pollution represents an alarming global challenge, posing severe threats to public health and the environment. Recent French case law has introduced groundbreaking innovations, redefining the State's responsibility to ensure clean air and uphold the right to a healthy environment. However, despite these legal advancements, significant challenges persist, including delays in policy implementation and balancing environmental protection with economic constraints. This highlights the urgent need for robust, multidisciplinary efforts to address pollution effectively and protect citizens' fundamental rights.

Keywords

Air pollution ;
Public health ;
Groundbreaking case law;
State responsibility;
Environmental challenges.

الكلمات المفتاحية

تلوث الهواء ؛
صحة عامة ؛
اجتهاد مبتكر ؛
مسؤولية الدولة ؛
تحديات بيئية.

مسؤولية الدولة عن تلوث الهواء في ضوء الاجتهاد القضائي الفرنسي الحديث ملخص

يمثل تلوث الهواء مشكلة مؤرقة تهدد الصحة العامة والبيئة بشكل خطير وقد شهد الاجتهاد القضائي الفرنسي تطورات مبتكرة وغير مسبوقة حيث أعاد صياغة تعريف حديث لمسؤولية الدولة في ضمان هواء نقي وحماية الحق في بيئة صحية، ومع ذلك لا تزال التحديات الكبرى قائمة بما في ذلك البطء الإداري وصعوبة تحقيق التوازن بين حماية البيئة والقيود الاقتصادية. ويبرز هذا الواقع الحاجة الملحة إلى بذل جهود متعددة التخصصات وقوية لمعالجة التلوث بفعالية وحماية الحقوق الأساسية للمواطنين.

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I. Introduction

Air pollution is one of the most insidious and pervasive threats of the 21st century. In France, it is responsible for nearly 40,000 premature deaths each year, primarily affecting the most vulnerable populations, including children, the elderly, and those suffering from chronic conditions (France, 2021). Fine particles, nitrogen dioxide, and tropospheric ozone, among other pollutants, contribute not only to a health crisis but also to alarming ecological degradation. Major French cities, such as Paris, Lyon, and Marseille, have become symbols of a constant battle against pollution peaks, revealing the shortcomings of public policies concerning air quality.

Beyond health concerns, air pollution raises questions about state responsibility. For several decades, European legal frameworks have required member states to meet strict limits for air pollutants. These obligations have been transposed into French law through national regulations. However, recurring reports, particularly from the European Environment Agency, indicate that France fails to meet these thresholds in several regions. This situation has led to numerous condemnations in European courts, as well as domestic legal actions aimed at holding the state accountable.

The legal recognition of this responsibility marks a significant shift in how law addresses the environmental crisis. In recent years, landmark decisions, particularly those by the Paris Administrative Court of Appeal, have highlighted a direct link between state failures and the worsening of respiratory and cardiovascular conditions in citizens (Paris Administrative Court of Appeal, 2024), (Paris Administrative Court of Appeal, October 20, 2023), (Paris, 2023)¹. These rulings not only reveal flaws in the public management of air pollution but also stress the need for greater accountability of public authorities.

This state liability, brought before the administrative judge, opens new perspectives on environmental protection and fundamental rights. By reaffirming the right to a healthy environment as a core principle, these judicial decisions question the effectiveness of national and local air pollution control plans. They also raise crucial questions: what are the limits of current legal means to compel the state to act? And what reforms can be envisaged to strengthen the fight against air pollution?

In this article, we will analyze the recent jurisprudential developments concerning air pollution in France. To do so, we will explore the following areas:

- ✓ The legal framework and the state's obligations regarding air pollution: an analysis of national and European standards.
- ✓ Recent judicial decisions and their lessons: a comprehensive examination of key rulings by French courts.
- ✓ Perspectives and Limitations of Jurisprudential Advances.

II. The Legal Framework and the Obligations of the State Regarding Air Pollution: An Analysis of National and European Standards.

Air pollution (Directive 2008/50/EC of the European Parliament and of the Council, 2008)² is a major challenge of our time, requiring coordinated legal responses at both the national and European levels. This legislative framework is based on standards aimed at protecting public health and ensuring compliance with air quality thresholds, thereby establishing specific obligations for the French State. This analysis examines these obligations and the legal instruments implemented to combat this issue.

II.1. European Standards: An Essential Foundation

At the European level, directives form the backbone of the fight against air pollution. Among these, Directive 2008/50/EC on ambient air quality and cleaner air for Europe plays a central role. This directive establishes strict thresholds for key pollutants such as fine particles (PM₁₀, PM_{2.5}), nitrogen dioxide (NO₂), and tropospheric ozone (Artiv)cl (Articl 13 1. 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 was published in the Official Journal of the European Union (OJ))³, while requiring the implementation of specific action plans in areas where these thresholds are exceeded.

Compliance with European requirements is ensured through regular reports submitted by Member States and monitoring by the European Environment Agency (EEA) (The European Environment Agency (EEA) is an EU agency responsible for providing objective and reliable information on the environment)⁴. In cases of non-compliance, the European Commission may initiate infringement proceedings, potentially leading to sanctions by the Court of Justice of the European Union (CJEU, 2019)⁵. France has been called out several times for failing to meet its air quality obligations.

II.2. Integration of European Standards into French Law

In France, European provisions are incorporated into the Environmental Code, particularly in Articles L.221-1 to L.222-7, which define the roles of the State and local authorities in managing air quality. These provisions require the State to monitor air quality (Article L.221-1 of the Law No. 2004-804, 2004)⁶, inform the public, and implement targeted action plans to reduce pollution in critical areas.

Among these measures, "Atmosphere Protection Plans" (Plans de Protection de l'Atmosphère – PPA)⁷, governed by Article R.222-13 of the Environmental Code, stand out as a key tool. Developed at the local level, these plans aim to tailor pollution control measures to the specificities of each territory, focusing on the transportation, industrial, and agricultural sectors.

II.3. The Obligation to Achieve Results: Reinforced by Jurisprudence

The State's obligation is not limited to drafting texts and plans. Recent administrative jurisprudence emphasizes the necessity of concrete and effective implementation of these standards. The French Council of State has repeatedly highlighted the State's responsibility in cases of exceeding pollution thresholds.

In a landmark decision dated July 10, 2020 (Association Les Amis de la Terre France) (CE A. L., 2020)⁸, the highest administrative court condemned the State's inaction, asserting that more ambitious measures were necessary in certain regions. This ruling represents a major turning point, increasing pressure on public authorities to act against the health and environmental consequences of air pollution.

II.4. The Recognition of a Right to a Healthy Environment

The right to a healthy environment, enshrined in the 2004 Environmental Charter (Article 1 of the Charter for the Environment)⁹, gives constitutional significance to air protection. These right places an increased obligation on the State to prevent and remedy damage caused by air pollution.

Thus, the legal framework for air pollution highlights an expanded State responsibility, based on binding standards and strengthened positive obligations. However, the limitations in implementing these obligations raise questions about the actual effectiveness of the system, paving the way for further in-depth reflections in subsequent analyses.

III. Recent Judicial Decisions and Their Lessons: A Detailed Examination of Landmark Rulings by French Courts

Recent judicial decisions in the field of environmental protection and air quality illustrate the commitment of French courts to apply constitutional, legislative, and European standards related to environmental protection. These landmark rulings highlight the increased responsibility of the State, but also the limitations of its actions, and offer valuable lessons on the interpretation and implementation of environmental standards.

III.1. Jurisprudence on the Right to a Healthy Environment

French courts have played a central role in applying the right to a healthy environment, recognized by the 2004 Environmental Charter. This right imposes an obligation on the State to prevent pollution risks, particularly air pollution, and to protect the health of citizens. Several recent decisions have emphasized this responsibility. Such as the ruling of the Council of State in the case (Association Les Amis de la Terre France).

This ruling is a clear example of the application of the right to a healthy environment, where the Council of State condemned the French State for its failure to comply with air quality limits, particularly concerning nitrogen dioxide (NO₂) levels and fine particles (PM₁₀) in several areas, including Paris. The Council of State thus reinforced the need for the State to implement immediate and effective measures to ensure compliance with air quality standards.

III.2. Integration of European Standards: Rulings on Air Pollution

Rulings by the Court of Justice of the European Union (CJEU) are also crucial for understanding the application of European directives on air pollution. In particular, Directive 2008/50/EC (Europe., 2008)¹⁰ sets air quality limits for several pollutants, and recent decisions have strengthened the responsibility of Member States, including France, to comply with these standards.

The case C-636/18, European Commission v. French Republic, judged by the Court of Justice of the European Union (CJEU) on October 24, 2019 (The case C-636/18, 2019)¹¹, highlights a central issue in European environmental legislation: the compliance of member states with air quality limit values. This ruling marks an important step in monitoring the implementation of European standards regarding air pollution, particularly concerning nitrogen dioxide (NO₂) concentrations in the air.

The European Commission initiated an infringement action against France due to its persistent failure to meet the limit values set by Directive 2008/50/EC on ambient air quality. This directive imposes strict limit values on the concentration of various pollutants in the air, including nitrogen dioxide (NO₂), a major pollutant emitted by vehicles and industrial facilities.

Non-compliance with these limit values has been particularly evident in several urban areas and French cities, including Paris, Lyon, Toulouse, and Marseille, which have consistently exceeded the authorized NO₂ levels. This exceedance, observed since 2010, has raised public health concerns, particularly due to the harmful effects of NO₂ on the respiratory system and the quality of life of urban populations.

In its judgment of October 24, 2019, the CJEU concluded that France had failed to fulfill its obligations under Directive 2008/50/EC, notably by not taking the necessary measures to comply with the air quality limit values within the prescribed deadlines. The Court found that the exceedance of these limit values had persisted in several geographic areas, despite the existence of European and national regulations intended to prevent such situations.

One of the central points of the decision is the obligation of the state to take appropriate and effective measures to reduce air pollution. The CJEU stated that France had not implemented sufficiently rigorous action plans to improve air quality, particularly in the areas most affected by NO₂ pollution. According to the ruling, the French state should have taken more prompt and effective measures to ensure immediate reductions in air pollution.

This CJEU decision has several major implications for France and, more broadly, for the enforcement of European environmental legislation. First, it emphasizes the importance of rigorously implementing European air quality standards and reminds member states of their obligation to meet the environmental goals set at the EU level. The CJEU also stressed that exceedances of air pollution limit values could not be justified by extended timelines or insufficient management of the situation by national authorities.

The ruling also has consequences for France, which now must adopt additional measures to comply with European requirements. This decision may lead to financial sanctions if significant progress is not made in reducing air pollution in the affected areas.

Air pollution is a crucial public health and environmental issue, raising the question of the responsibility of public authorities. Three recent rulings — French State (Council of State, July 10, 2020), *Mme C. and others* (Administrative Court of Paris, July 11, 2022), and *M. A.* (Administrative Court of Appeal of Versailles, January 29, 2021) (Council of State, 10/07/2020), (Administrative Court of Appeal of Versailles, 2021), (Administrative Court of Paris., 2022)¹² — highlight various aspects of this responsibility, shedding light on the challenges related to implementing European and national air quality obligations. Below is a comparative analysis of these decisions, viewed through the lens of state responsibility.

The three recent rulings regarding the state's responsibility in the face of air pollution emphasize the tensions between European law and national law, as well as the legal developments concerning public responsibility. The decisions of the Council of State (July 10, 2020), the Administrative Court of Paris (July 11, 2022), and the Administrative Court of Appeal of Versailles (January 29, 2021) illustrate different facets of this responsibility, addressing the issues of state inaction, compensation for harm, and the interpretation of European obligations. (France, 2021) In the ruling of the Council of State on July 10, 2020, the state was held responsible for its failure to implement measures to comply with the air quality thresholds set by the European Directive 2008/50/EC. The Council of State found that there was state fault for not taking the necessary measures to address pollution and imposed a six-month deadline for corrective measures, under threat of sanctions. This decision marks a strengthening of state responsibility, emphasizing the obligation of public authorities to ensure clean air.

In its judgment on July 11, 2022, the Administrative Court of Paris recognized, for the first time, the right of victims of air pollution to obtain compensation. This ruling is based on the idea that the state committed a fault by failing to meet air quality standards and by not implementing sufficiently effective action plans to combat pollution. The court established a causal link between this fault and the health issues suffered by the claimants, thereby opening the door to compensation for victims. This development marks an important step, shifting from mere recognition of state fault to concrete reparations for the harm suffered.

In the case before the Administrative Court of Appeal of Versailles on January 29, 2021, the question of the state's responsibility remained unresolved, as the Court decided to refer a preliminary question to the Court of Justice of the European Union (CJEU). The question concerned the interpretation of Directive 2008/50/EC, specifically regarding the possibility of compensation for individuals in case of violations of obligations imposed on member states. The CJEU's response is awaited to clarify whether citizens can be compensated for health damage caused by non-compliance with European air quality obligations.

These decisions show a significant shift in jurisprudence, with a gradual transition from merely recognizing the state's fault to compensating individual harm. This process of strengthening state responsibility aims to ensure more effective protection for citizens against the impacts of air pollution. However, the question of the uniform application of European standards, particularly concerning compensation, remains to be clarified, and the interpretation of these rules by the CJEU will be decisive in establishing clear principles on state responsibility in this area.

IV. Perspectives and Limitations of Jurisprudential Advances

Recent jurisprudential decisions concerning environmental protection, particularly air quality, mark a significant turning point in how both the state and European institutions address compliance with environmental standards. These

jurisprudential advances have profound implications for public policies and citizens' rights, but they also raise several questions regarding their effectiveness and the practical limits of their implementation.

IV.1. The Impact of Decisions on Public Policies

Rulings issued by national and European courts have a direct impact on the development and adaptation of public policies related to air quality management. Jurisprudence forces public authorities to rethink their strategies for combating air pollution, which has led to the adoption of more ambitious plans to comply with air quality standards. These decisions encourage governments to reinforce their commitment to environmental protection and take concrete measures to prevent risks related to pollution. For example, the obligation to rapidly reduce air pollution, even in densely populated urban areas such as Paris or Lyon, might prompt the state to invest more in public transportation infrastructure, improving fuel quality, or promoting renewable energy sources.

However, this impetus does not always guarantee radical changes. Although the court decisions are important, they bring to light a crucial issue: the effectiveness of implementing environmental policies at the local and national levels. While certain areas are indeed covered by action plans like the Air Quality Protection Plans (PPA), their implementation can be slow, and the results can be difficult to measure in the short term. This raises a recurring criticism regarding the actual capacity of public authorities to meet the objectives set by the jurisprudence, particularly in contexts where economic and social challenges may hinder rapid and coordinated action.

IV.2. The Limitations of Jurisprudential Advances

Although the decisions by the Court of Justice of the European Union (CJEU) and the French Council of State have strengthened the state's responsibility and the obligation to comply with air quality standards, several limitations remain regarding the application of these principles. The jurisprudence has certainly highlighted the state's obligation to respect air quality limits, but these decisions do not directly impose immediate or concrete sanctions against responsible actors, such as industries or automobile manufacturers. This raises a major challenge: air pollution responsibility is shared among various actors, and the state alone cannot always resolve the issue effectively without greater cooperation from private entities.

Moreover, while the state's obligations have been reinforced, the reality on the ground shows difficulties in implementing sustainable measures within short timeframes. Court decisions push for rapid action, but the solutions proposed by the state may sometimes be perceived as insufficient given the magnitude of the problem. For example, restrictions on traffic or incentives to purchase less polluting vehicles, while useful, may not be sufficient to significantly reduce pollution levels in the most affected areas. This situation highlights the tension between environmental imperatives and the economic and political constraints of member states.

The slow implementation of public policies, although mentioned, warrants a deeper reflection on its underlying causes. Several factors explain this persistent inefficiency. One of the main reasons is the lack of financial resources allocated to the implementation of air pollution control measures. Governments, especially at the local level, are often faced with severe budgetary constraints that limit their ability to invest in ecological infrastructure, such as public transportation, clean technologies, or air quality monitoring systems. Alongside these financial challenges, powerful economic interests hinder the necessary reforms. The industry, particularly the automotive industry and polluting sectors, plays a significant role in this blockage. These industries exert political pressure to avoid overly strict regulations, leading to a slow adoption of environmental policies. Additionally, the mechanisms for financing public policies are often insufficient to support large-scale environmental initiatives. As a result, the decisions that are made may seem like compromises, aimed at appeasing economic stakeholders rather than being fully ambitious in addressing environmental challenges.

The recent evolution of case law regarding air pollution marks a significant turning point, particularly with regard to the possibility of compensation for victims of damage caused by pollution. This development responds to a growing awareness of the harmful effects of air pollution on public health, particularly in relation to respiratory diseases, cardiovascular issues, and neurological disorders, with certain populations being especially vulnerable. However, while the recognition of the right to compensation is a major step forward, its effective implementation raises several legal and practical challenges.

One of the main obstacles to compensating victims is the difficulty in establishing a direct and scientific causal link between air pollution and the health damage suffered by individuals. Indeed, proving that exposure to specific levels of pollution directly caused particular diseases requires in-depth scientific studies and complex medical expertise. This process can be lengthy, costly, and difficult to carry out, as many external factors may interfere with the onset of diseases (such as lifestyle habits, genetics, or other environmental factors).

Moreover, victims often face the slow pace and complexity of judicial procedures. In some cases, companies responsible for pollution, whether heavy industries or actors in the automotive sector, may contest the validity of the evidence or the causality of the damage, making the compensation process even more difficult for victims (Council of State, 2020)¹³. Furthermore, the issue of financing compensation is crucial. Existing mechanisms do not always ensure quick and adequate compensation for victims, leaving them in a precarious situation while legal proceedings continue.

Another challenge lies in the potential widespread application of this compensation. Implementing large-scale compensation programs would require a complex administrative and financial organization, as well as coordination between local authorities, judicial bodies, and environmental protection agencies. This could lead to debates about how

to define the criteria for compensation, which could vary depending on the severity of the damage, the affected geographic areas, or the specific characteristics of the populations impacted.

Thus, while the recognition of the right to compensation for pollution victims is a major breakthrough, its practical implementation raises essential questions about the capacity of the legal system to address the challenges posed by air pollution. These issues require a multidisciplinary approach, combining legal, scientific, and political expertise, to ensure effective and fair compensation for victims while encouraging concrete measures to prevent future environmental harm.

IV.3. The Impact on Citizens' Rights

Recent legal decisions mark a turning point in the protection of citizens' rights, particularly concerning their right to a healthy environment, which is now recognized as a fundamental right under both French and European law. This recognition strengthens citizens' protection by providing them with legal recourse against the state's inaction in the face of air pollution. Associations such as "Les Amis de la Terre" now have the opportunity to take legal action to compel the state to adopt more decisive and effective measures to combat the deterioration of air quality.

However, a paradox remains. Although citizens now have legal recourse in the event of the state's failure to meet its air quality obligations, the effective implementation of these rights is still marked by considerable delays and sometimes limited results. Indeed, even when legal actions lead to favorable rulings, they do not always provide a quick or tangible response to citizens' environmental concerns. The judicial process can appear too lengthy and complex, and the costs associated with accessing justice represent a significant barrier, especially for the most vulnerable groups, such as low-income populations or those living in particularly polluted areas.

Thus, while citizens' rights to a healthy environment are now legally recognized, the slowness of judicial procedures, the inefficiency of certain compensation mechanisms, and financial barriers limit their true access to justice. This phenomenon raises the question of the need to strengthen legal recourse mechanisms to ensure effective, rapid, and accessible protection for all, regardless of socio-economic status. Furthermore, it is crucial to examine how the judicial system can evolve to better address current environmental challenges and allow citizens to fully assert their rights concerning air quality.

V. Conclusion

The jurisprudence surrounding air pollution and the right to a healthy environment marks a pivotal moment in the protection of public health and the environment. Recent rulings by the Council of State and the Court of Justice of the European Union have reinforced the state's responsibility to address air quality issues. As the French legal system increasingly integrates environmental protection into its foundational principles, the responsibility of the state has grown significantly, and citizens' rights to a healthy environment have been recognized and strengthened.

However, as the jurisprudence evolves, several key challenges remain. While the recognition of the right to compensation and the enforcement of air quality standards represent notable advances, the slow pace of policy implementation and the practical difficulties of compensating victims of pollution highlight the limitations of current legal frameworks. The delay in applying compensation for damages caused by air pollution and the complex, resource-heavy nature of proving causality reveal the barriers to justice that many citizens face. As we have seen, «The right to a healthy environment is not a right that accommodates administrative delays." emphasizing the urgency of effective action.

Moreover, the political, economic, and financial constraints facing public authorities continue to undermine the speed and efficiency of policy enforcement. As the CJEU has emphasized, "Member States must take appropriate and effective measures to ensure compliance with air quality standards, taking into account the specific circumstances of each zone or agglomeration, and within the prescribed deadlines."¹⁴ affirming that timely and rigorous action is essential to prevent the worsening of air pollution and protect public health. Yet, the legal and administrative challenges persist. "The right to health is inseparable from the right to the environment.", highlighting the inextricable link between air quality and the health of citizens.

Ultimately, the effectiveness of environmental jurisprudence lies not only in its recognition but also in its implementation. As citizens continue to demand more rigorous action from both national and European institutions, the law must evolve to meet these expectations. The path ahead requires a comprehensive approach, one that blends legal, scientific, and political efforts, to create a future where the right to a healthy environment is not just a legal principle but a tangible reality for all. The ongoing judicial developments must inspire not only reflection but also immediate and sustained action to ensure that environmental justice is both achievable and equitable.

Thus, while air pollution clearly constitutes a violation of the right to a healthy environment, judicial responses—though increasing and encouraging—remain insufficient in the face of the climate and public health emergency. The action of judges, whether national or European, oscillates between encouragement, injunction, and caution, seeking a delicate balance between respect for state competences and the effective protection of fundamental rights.

This reality calls for a rethinking of the available legal tools: should we not strengthen the direct justiciability of the right to a healthy environment by reforming the evidentiary regime for causal links, or even pave the way for environmental class actions enabling collective mobilization in response to the State's structural failings?

Accordingly, air pollution litigation could become the testing ground for a more ambitious environmental justice—one that better aligns public health demands, climate imperatives, and the need for governmental accountability.

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¹ - the Administrative Court of Appeal of Paris, which establish a direct link between the State's shortcomings and the worsening of respiratory and cardiovascular conditions among citizens, Refer to:

- **Paris Administrative Court of Appeal**, October 9, 2024, Madame BC v. the State, Appeal No. 23PA03743, published in the Lebon reports, This decision highlights that pollution peaks and chronic pollution contribute to the occurrence of bronchiolitis and can worsen infant asthma.

- **Paris Administrative Court of Appeal**, October 20, 2023, Mr. X v. the State, Appeal No. 22PA05148, published in the Lebon reports.

- **Paris Administrative Court of Appeal**, December 7, 2023, Mr. X v. the State, Appeal No. 23PA00068, published in the Lebon reports.

² - Air pollution refers to the alteration of the natural composition of the atmosphere through the introduction of harmful substances, whether of natural or human (anthropogenic) origin, Refer to:

- **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 was published in the Official Journal of the European Union (OJ), L series, No. 152, on 11 June 2008.

³ - **Article 13 of the Directive** sets the air quality limit values for several key pollutants, including fine particles (PM10, PM2.5), nitrogen dioxide (NO2), and tropospheric ozone

⁴ - The European Environment Agency (EEA) is an EU agency responsible for providing objective and reliable information on the environment, supporting the implementation of environmental policies, and monitoring air, water, and biodiversity quality. It helps Member States improve their environmental management through data and analysis.

⁵ - The Court of Justice of the European Union (CJEU) condemned France, highlighting that it had not taken sufficient measures to comply with the limit values for these pollutants in several areas, notably in Paris, **CJEU**, Case C-336/16, European Commission v. France, Judgment of 7 November 2019, ECLI:EU:C:2019:929.

⁶ - "The State ensures that the ambient air quality throughout the national territory complies with the air quality limit values set by both European and national regulations. It takes the necessary measures to prevent, reduce, and, if possible, eliminate air pollution in areas where the limit values are exceeded", Article L.221-1 of the **Law No. 2004-804** of August 9, 2004, on air quality policy, JORF No. 187 of August 10, 2004.

⁷ - The Air Protection Plans (Plans de Protection de l'Atmosphère, PPA) are regulatory measures implemented in France to reduce air pollution and ensure compliance with the quality standards set by European directives and national legislation.

⁸ - **CE, July 10, 2020**, Association Les Amis de la Terre France, A No. 428409, published in the Lebon collection.

⁹ - **Article 1 of the Charter for the Environment, Law No. 2004-808** of August 13, 2004, JORF No. 187 of August 14, 2004 states that: "Everyone has the right to live in a balanced and health-respecting environment."

¹⁰ - 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.

¹¹ - The case C-636/18, European Commission v. French Republic, judged by the Court of Justice of the European Union (CJEU) on October 24, 2019, published online at: <https://curia.europa.eu/juris/document/document.jsf?docid=219452&doclang=fr>.

¹² - See in this regard:

- **Council of State**, Assembly, 10/07/2020, A no. 428409, Published in the Lebon Report.

- **Administrative Court of Appeal of Versailles**, Full Bench, 29/01/2021, 18VE01431, Unpublished in the Lebon Report.

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¹³ - **Council of State**, December 11, 2020, Association Respire v. Ministry of Ecological Transition, No. 426494, published in the Lebon Reports.

¹⁴ - « Les États membres doivent prendre les mesures appropriées et effectives pour garantir la conformité aux normes de qualité de l'air », **CJEU**, Case C-636/18, European Commission v. French Republic, 24 October 2019.

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