

ADOPT AN EFFECTIVE COMPENSATION RIGHT FOR HEALTH AND JUSTICE FOR EU CITIZENS

Dear Members of the European Parliament,

We, the undersigned organisations representing the voices of consumers and those protecting people's health and the environment, call upon the Members of the European Parliament to adopt a standardised and meaningful protection for victims of unlawful pollution.

It's a matter of health. It's a matter of justice.

It is well known that environmental pollution can cause [cancer, heart disease and premature death](#). When people's health suffers as a result of **illegal** industrial activities or inaction from public authorities, victims should be empowered to go to court and stand a genuine chance of obtaining compensation from those who have violated the law and caused them harm. Today, this is next to impossible. Even in cases of illegal pollution, people suffering from health issues are essentially abandoned because there are no effective, harmonised rules to ask for remedy before the courts, as [confirmed by the European Commission](#).

This is unjust – but it can change. Members of the European Parliament have now a major opportunity to **vote for a breakthrough, Europe-wide compensation right for victims of illegal pollution** on the 11th July.

For the first time, the European Parliament is given the opportunity to adopt a compensation right in EU environmental law as part of the [Industrial Emissions Directive \(IED\)](#) – a law which governs 50,000+ installations such as steelworks, coal plants, chemicals and plastics factories, all over Europe. Where the industry does not stick to the emission limits for pollutants set by law, or public authorities fail to take action, individuals affected by toxic air, polluted water, or soil contaminated by chemicals should at least be compensated.

To achieve this, the **compensation right must be effective in practice**: If sufficient evidence has been provided by the victim, a causal link between the IED violation and the health damage must be presumed. Moreover, where evidence is solely held by the company, the latter must disclose it to enable the court to adopt a fair decision. Even stronger presumptions and procedural rules already exist in EU law, e.g. in legislation to protect [competition](#), [equal treatment](#), [data](#) and [consumers](#) more generally. [None of these rights have led to excessive litigation](#). People's health deserves the same protection.

- 1. An effective compensation right would protect people's most fundamental rights.** Living next to industrial plants can still cause severe illnesses and kill in the 21st Century in Europe. Damage to health and the environment caused by air pollution from Europe's industrial plants is estimated to have (at least) cost between [EUR 277 billion and EUR 433 billion in 2017](#). By voting for this provision, you would implement citizens' fundamental rights to life, integrity of the person and health care, and to an effective remedy – at least where there is illegal pollution.
- 2. An effective compensation right would ensure compliance with the law.** It would set the right incentives for the industry and public authorities to stick to EU rules and protect people from avoidable health damages. This would also ensure a level playing field for the industry. Law-abiding businesses have nothing to worry about.

However, the adoption of this right is threatened. The Commission's proposal has already been watered down to the **bare minimum**. Anything less would reduce the right to an empty shell.

Therefore, we urge you to protect your citizens and vote for the ENVI compromise on the compensation right at the next plenary on the 11th July (Article 79a IED).

Vote for ENVI amendments [31, 33, 218-222](#).

OPEN LETTER TO THE MEMBERS OF THE EUROPEAN PARLIAMENT – 06 July 2023

Signatories:



The European Consumer Organisation



BirdLife International



Bond Beter Leefmilieu



Climate Action Network Europe



Carbon Market Watch



CEE Bankwatch Network



International Chemical Secretariat



ClientEarth

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The Climate
Reality Project
EUROPE

The Climate Reality Project Europe



DNR
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NATURSCHUTZRING

Deutscher Naturschutzbund

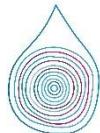


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Justice and Environment



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Sunce



Torino Respira



Water Europe



Zero Waste Europe