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TAKE A STANCE FOR THE HEALTH OF YOUR CITIZENS:
Adopt a meaningful compensation right in the EU Industrial Emissions Directive

To the attention of the

EU Ministers
European Commissioner Sinkevičius
Members of the European Parliament

Youth, consumer, health, legal, and environmental groups call upon you to prioritise *health over illegal pollution* by adopting a compensation right with minimum guarantees in the EU Industrial Emissions Directive (Article 79a IED). Thanks to your role in the ‘trilogues’ on the law concerning industrial pollution across Europe, you have the opportunity to protect fundamental rights of EU citizens, while levelling the playing field for industry.

THE PROBLEM: Environmental pollution can cause [cancer, heart disease and premature death](#) – and puts pressure on already strained health systems and economies. Air pollution from industry alone caused [health and environmental damages worth EUR 277 - 433 billion](#) in 2017. Workers or people living close to industrial installations, including children and other vulnerable people, are often particularly badly affected by toxic air, polluted water or contaminated soil – as demonstrated by [shocking examples](#).

And yet, even when people’s health suffers as a result of **illegal** industrial activities or inaction from public authorities, victims are essentially powerless to go to court and stand a genuine chance of obtaining compensation from those who have caused them harm by breaking the law ([Recital 33](#)). There are simply no effective, harmonised rules for seeking redress and it is innocent victims who have to pay the price. **This is unjust , but you can change it.**

THE SOLUTION: To ensure that the IED is effective, fair for industry and authorities, and protects people’s health, it will be crucial to introduce a meaningful compensation right. But it must be more than an empty shell: To make a difference, it must include the **minimum guarantees as suggested by the [European Commission](#) and supported by the [European Parliament](#)** – including the **accountability of unlawfully acting industry and authorities, collective actions, and disclosure tools for national courts** (see [briefing](#)).

You can make the EU rules protect your citizens, while ensuring a level playing field for industry:

- **A meaningful right implements people’s most fundamental rights on the ground.** It is about the [fundamental rights](#) to life, integrity of the person, health care and the right to an effective remedy of workers, local residents or vulnerable people. The [European Court of Human Rights](#) repeatedly clarified that where victims’ fundamental rights suffer from harmful industrial pollution, guarantees apply and compensation may be awarded.



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- **A meaningful right levels the playing field for industry.** Its key purpose is to incentivise compliance with EU law from the outset. The IED limits the compensation right to cases of *illegal* pollution, with a clear causal link to a demonstrated *health* damage. And it leads to further financial benefits: by simply complying with EU environmental law, the [EU economy would save EUR 55 billion per year](#).
- **A meaningful right is nothing new in national and EU laws – it will harmonise an incoherent legal framework.** Similar compensation rights already exist in several Member States (e.g. [Finland](#), [Germany](#)) and have led to *proportionate* awards of compensation for severe health damage (e.g. [France](#)). Compensation rights exist also at EU level in other fields, proving that rights with **even stronger procedural guarantees** [can be implemented at national level without leading to abusive litigation](#) – e.g. in [competition](#), [equal treatment](#), [data](#) or [consumer](#) law. Its harmonisation will finally bring coherence and legal clarity, beneficial for all parties involved: citizens, industry, and governments.

It's a matter of health. It's a matter of justice. Support the minimum guarantees of a meaningful Article 79a IED.

Signatories:

BEUC – The European Consumer Organisation

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EEB – European Environmental Bureau

EPHA – European Public Health Alliance

YEE – Youth and Environment Europe