



PRIVATE ENFORCEMENT IN THE FRAMEWORK OF THE EU LEGISLATION ON AIR QUALITY IN THE LIGHT OF RECENT CASE LAW: STILL AN UNFINISHED PATH?

With the *Ministre de la Transition écologique and Premier ministre* judgment of 22 December 2022, the Court of Justice of the European Union denied individuals harmed by air pollution the chance to demand compensation when Member States breach EU air quality rules under Directive 2008/50/EC. Drawing inspiration from this case, the article aims to reflect on the private enforcement actions in the legal framework relating to air quality, in the light of the case law of the Court of Justice. To this end, the article firstly provides an overview of the legal scope of the Directive, in order to point out its main provisions and basic principles. Secondly, it analyses the most relevant judgments so as to explore both the scope of the obligations laid down in the directive and the role of individuals in demanding their implementation by the States. On the basis of this background, the article deals with the content of the *Ministre de la Transition écologique* judgment, in which the Court decided that the directive does not allow individuals to claim the right to compensation in case of violation by Member States, since the act is not intended to confer rights upon individuals. Finally, the article adopts a human rights-based approach, considering that this dimension did not receive any consideration by the Court, despite a growing awareness of the existing correlation between environmental degradation and health damage.