Insight

Cities' Legal Actions in the EU: Towards a Stronger Urban Power?

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Abstract: The case discussed is an example of how cities can have an independent role in EU governance. In 2016, the cities of Madrid, Brussels and Paris brought actions before the General Court (Art. 263 TFEU), asking for the annulment of Regulation 646/2016, as regards emissions from Euro 6 vehicles. *De facto*, the Commission changed the not-to-exceed emission limits during the new real driving emission tests, through the statistical factor CF pollutant. Cities submitted that the Commission adopted less demanding values than those set by the applicable Euro 6 standard and that it did not have the power to do so. The Commission challenged the admissibility of the cities' actions. Then, it reaffirmed its competence in adopting the regulation. With regard to the admissibility of the action, the Court concluded, in 2018, that the conditions of Art. 263 TFEU are met in this case. Thus, the three cities are legal persons directly affected by the Commission regulation. In the end, the Court affirmed that the Commission did not have the competence to specify new different limits for the emissions and that, in doing so, it erred in supporting the use of the selected correction factor. For these reasons, the Court concluded for a partial annulment of the Regulation. The Commission, Germany and Hungary have appealed to the Court of Justice.

Keywords: cities – collective interests – Commission – internal-market – clean-air – mobility.

I. Facts and history of the procedure: a step forward in the so-called dieselgate saga

In May 2016, the cities of Madrid, Brussels and Paris brought actions for the annulment of the Commission Regulation (EU) 2016/646 of 20 April 2016 amending Regulation (EC) No 692/2008 as regards emissions from light passenger and commercial vehicles (Euro 6).[1] With this regulation, the Commission established the CF pollutant, a numerical factor able to correct the error in the measurement of the emissions during the new real driving emission tests (RDE tests), both for approving new vehicle types (Euro 6) and for supervising their performances. In particular, the cities argued that, with the abovemen-

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[1] General Court, judgment of 13 December 2018, joined cases T-339/16, T-352/16 and T-391/16, *Ville de Paris*, *Ville de Bruxelles and Ayuntamiento de Madrid v. Commission*.

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tioned factor, the Commission was modifying the not-to-exceed (NTE) emission limits. However, the cities argued, it was not entitled to do so because this is a competence of the legislative power, according to Regulation (EC) 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information.

The Commission challenged the admissibility of the actions in the first place. Then, it reaffirmed its competence in adopting the challenged regulation. In fact, by virtue of Art. 5, para. 3, Regulation 715/2007, the Commission has established, with the act at stake, a "non-essential" element of the regulation: the above-mentioned conformity factor CF pollutant.

The General Court issued its decision in December 2018, concluding for a partial annulment of Regulation 646/2016.[2] The Commission, along with Germany and Hungary, has appealed to the Court of Justice.[3]

II. The legal framework: balancing different European policies

The necessary legal framework for this case is based on two different European policy sectors: the internal market for the free circulation of vehicles and the protection of the air for the safeguarding of the environment and health. On the one hand, of relevance is Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles. On the other hand, it is important to remember 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.

Indeed, the transport sector also plays a key role in the recently rebuilt framework, especially with regard to the Member States' powers for setting their own mobility and traffic regulation. Rule-making and administrative powers in these sectors are normally delegated to or belong directly to local authorities.[4] The two above-mentioned direc-

[2] *Ville de Paris*, *Ville de Bruxelles and Ayuntamiento de Madrid v. Commission*, cit.

[3] Germany, Hungary and the Commission have appealed to the Court of Justice, pending cases C-177/19 P, C-178/19 P, C-178/19 P, C-179/19 P.

[4] At least in the three countries involved, but, in a comparative perspective, in most European countries. Normally, municipal administrative powers are not specified by national legislations. It is an element that greatly complicates the study of local competences, especially in a comparative perspective. This happens regardless of the form of government and whether there is an explicit principle of subsidiarity that favors the direct assignment of administrative responsibilities to municipalities (see the Italian case) and whether this is lacking. This happens because, normally, a more general principle of "proximity" or a "self government" tradition is present in the legal system (think of the German or the Swedish case but also of the French or the Dutch ones). A comparative overview can be obtained on the base of the following sources: C. Panara, M. Varney (eds), *Local government in Europe. The "fourth level" in the Eu multilayered system of governance*, Routledge: London-New York, 2012, *passim*. A.M. Moreno (ed.), *Local government in*

tives have explicit indications in this regard, first of all in Art. 4, para. 3, of Directive 2007/46[5] and, secondly, in Art. 24, para. 2, of Directive 2008/50.[6] With regard to these two provisions, the reader must focus on the contrasting paragraphs: "They shall not prohibit, restrict or impede [...] circulation on the road of vehicles [...] on grounds related to aspects [...] covered by this Directive" and "[...] short-term action plans when [...] there is a significant potential exceedance [...] may include measures in relation to motor-vehicle traffic [...]".

III. Clarifying the sector framed by Directive 2007/46: uncertainty hidden behind technicalities

Special attention must be paid to the policy sector framed by Directive 2007/46. It involves, in fact, many technical aspects that can affect transparency.

Regulation 715/2007 complements the framework directive. However, it does not establish the specific procedure through which it is possible to verify that emission limits be respected (Art. 5, para. 3). It delegates to the Commission, which is charged with keeping the under review , tests and requirements referred to in Art. 5, para. 3, as well as the test cycles used to measure emissions (Art. 14, para. 3) in accordance with the regulatory procedure with scrutiny (Art. 15, para. 3).[7] If the review finds that these procedures are no longer adequate or no longer reflect real world emissions, they shall be adapted so as to adequately reflect the emissions generated by real driving on the road. The necessary measures, which are designed to amend non-essential elements of Regulation 715/2007 by supplementing it, shall be adopted. The limits of the emissions are considered "essential" elements.

the Member States of the European Union: a comparative legal perspective, Madrid: INAP, 2012, *passim*. B. Denters, L.E. Rose (eds), *Comparative Local governance: trends and development*s, Houndmills: Palgrave Macmillan, 2015, *passim*.

[5] Art. 4, para. 3, of Directive 2007/46 states that: "Member States shall register or permit the sale or entry into service only of such vehicles, components and separate technical units as satisfy the requirements of this Directive. They shall not prohibit, restrict or impede the registration, sale, entry into service or circulation on the road of vehicles, components or separate technical units, on grounds related to aspects of their construction and functioning covered by this Directive, if they satisfy the requirements of the latter".

[6] Art. 24, para. 2, of Directive 2008/50 affirms: "Where there is a risk that the alert threshold for ozone specified will be exceeded, Member States shall only draw up such short-term action plans when in their opinion there is a significant potential, taking into account national geographical, meteorological and economic conditions, to reduce the risk, duration or severity of such an exceedance. Those action plans may include measures in relation to motor-vehicle traffic, construction works, ships at berth, and the use of industrial plants or products and domestic heating".

[7] For the regulatory procedure with scrutiny see Art. 12, of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers, and, before, Art. 5, from para. 1 to para. 4, and Art. 7 of 1999/468/EC: Council Decision of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission.

There are two kinds of emission tests: laboratory tests[8] and RDE tests.[9] Since the adoption of Regulation 715/2007, the Commission has considered the two kinds of test as complementary tools. In particular, RDE tests allow a better identification of deactivation measures. However, to start with, the laboratory tests were considered sufficiently adequate and the Commission undertook the commitment to embrace the RDE tests progressively in the system.[10] In 2012, the Commission proposed to introduce RDE test procedures in two phases.[11] During a first transitional period, the test procedures should only be applied for monitoring purposes, while afterwards they should be applied together with binding quantitative RDE requirements to all new type-approvals and new vehicles. In the first step, a conformity factor of 2.1 should apply (the transitional value). For the second step, the conformity factor should be equal to 1.5 (the definitive value). RDE tests should require full compliance with the emission limit value set out in Regulation 715/2007.

The RDE tests procedures were introduced by Commission Regulation (EU) 2016/427 of 10 March 2016 amending Regulation (EC) No 692/2008 as regards emissions from light passenger and commercial vehicles (Euro 6), with a revision of the Annex III A.[12] Regulation 692/2008 is one of the most relevant delegated acts adopted according to Art. 5, para. 3, of Regulation 715/2007. However, RDE tests suffer from statistical uncertainty, which needs a correction in the calculation of emission limits. Regulation 427/2016 just introduces the adjustments to the formula, without any specification of the intensity of the correction. It is Regulation 646/2016, the regulation at stake, that establishes the correction through the parameter defined CF pollutant.

[8] These kinds of tests have seen many improvements over time. The Commission, for example, adopted the *New European driving cycle* (NEDC) with Regulation 692/2008. Lastly, it embraced the *worldwide harmonized light vehicles test procedures* (WLTP) in the Commission Regulation (EU) 2017/1151 of 1 June 2017 supplementing Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information, amending Directive 2007/46/EC of the European Parliament and of the Council, Commission Regulation (EC) No 692/2008 and Commission Regulation (EU) No 1230/2012 and repealing Commission Regulation (EC) No 692/2008.

[9] The RDE tests have become the object of new debates in the European arena, especially after the Volkwagen scandal in 2014. It must be observed as, notwithstanding recent events, Annex III A to Regulation 692/2008 was already titled "Verifying real driving emissions".

[10] For this reason, in January 2011 the Commission established a working group involving all the interested stakeholders, with the aim to develop an RDE test procedure, better reflecting emissions measured on the road. After technical discussions, the option suggested by Regulation 715/2007, i.e. the use of *portable emission measurement systems* (PEMS) and NTE limits, was agreed with stakeholders.

[11] As it can be read in the Communication COM(2012) 636 final of 2 May 2012 from the Commission, *CARS 2020: Action Plan for a competitive and sustainable automotive industry in Europe*.

[12] According to the revision, the new point 2.1 of the Annex affirms that the legitimate formula to calculate NTE emissions and thus to respect Regulation 715/2007 is: NTE pollutant=CF pollutant x EURO-6 (where Euro 6 is the limit of the emission, as fixed by Regulation 715/2007).

De facto, the CF pollutant brings the NTE emission limits in the RDE test to a much higher level (even double) than the level adopted in the 2007 regulation.[13]

IV. The General Court's reasoning in the 2018 judgment

There are two relevant legal issues. The first one has a procedural nature: is the action brought by the three cities admissible? Are the cities entitled to challenge Regulation 646/2016? The second one has a substantive nature: was the Commission entitled to adopt new limits, even if only *de facto*, for oxides of nitrogen emission, through the CF pollutant amendment?

IV.1. The admissibility of the actions

With regards to the admissibility of the actions, the Court found that the conditions of Art. 263, TFEU were met in this case. The cities, in fact, are legal persons directly affected by a non-legislative regulation. In addition to this, Regulation 646/2016 does not entail implementing measures. In order to arrive at this conclusion, the Court needs a specific interpretation of Art. 4, para. 3, of Directive 2007/46. The court needed to understand whether the intent of the 2007 legislator was to effectively reduce the powers of the competent authorities to limit the circulation of vehicles, not in general terms, however, but on the basis of technical aspects, as framed by the same Directive 2007/46.

The Commission argued that the Directive has limited effects (on Euro 6 vehicle circulation and on the functioning of the internal market) and does not have the intent to limit national competences in other policy fields (such as transport and mobility planning or other measures to protect air quality). Consequently, Member states still have their full competences and they can delegate these powers in favour of other subnational entities as they wish.

On the contrary, because of the Directive, cities find themselves restricted by the regulation at stake, especially in their capacity to exercise powers for functions of public order, for example with regards to the protection of "air quality" through limitations on vehicle mobility and circulation. It is useful, at this point, to recall the above-mentioned Directive 2008/50 and the powers of the competent authorities to adopt plans that can limit traffic (Art. 1, para. 5).[14]

[13] Ivi IV.2. For example, for a limit defined in the Euro 6 standard at 80 mg/km, the limit is set for RDE tests at 168 mg/km for a transitional period, and subsequently at 120 mg/km.

[14] In particular, it provides that Member States shall ensure that, throughout their zones and agglomerations, levels of sulphur dioxide, PM10, lead, and carbon monoxide in ambient air do not exceed the limit values laid down in its Annex XI (*ex* Art. 13, para. 1). Then, when the level of pollutants in ambient air exceeds limit values, Member States shall ensure that air quality plans are established in order to achieve those targets (Art. 23, para.1). Then, where there is a risk that the alert threshold for ozone specified will be exceeded, Member States shall only draw up such short-term action plans when in their opin-

The Court overturned the analysis of the Commission. The strongest counter argument in favour of the "direct effect" of Regulation 646/2016 is based on a test of effectiveness of Art. 4, para. 3, of Directive 2007/46. The Court affirms that:

> "[It] cannot [...] be interpreted as being limited, in essence, to meaning that the new owner of a new motor vehicle which complies with the requirements of that directive is indeed entitled to purchase, register and put it into service and to get behind the wheel, without prejudice to what follows. The practical effect of that directive would be undermined as a result because the placement on the market of the vehicles potentially concerned would be impeded by the fear that it may not be possible to use them normally".[15]

For example, if a driver that is used to moving by car from Paris to Brussels or Madrid foresees that the cities in question are going to prohibit, within their metropolitan borders, the circulation of vehicles that fail the RDE test even if they respect the NTE values, he will decide not to buy that vehicle. The consequences are more severe if different local authorities decide upon different solutions in terms of air quality, thus jeopardizing the system.[16]

This means that, in order to be effective, Art. 4, para. 3, must be interpreted as to restrict the powers of cities and that, as a consequence thereof, the regulation at stake has direct effects on the appellants.

What is peculiar of this simulation, of the driver that is used to moving by car from Paris to Brussels or Madrid, is the point of view of the Court. The three political sectors involved in the case (circulation of vehicles, air quality and transportation) seem to belong to a system of communicating vessels. The consistency of the system is guaranteed by the uniqueness of the objective: the progressive reduction of emissions into the air. This challenge is clearly stated also in the recitals of Directive 2007/46. If Regulation 646/2016 adopted by the Commission does not guarantee the decrease of emissions (rather, it allows more of them), then the environmental policy, with respect to clean air, and the internal market policy, with respect to the circulation of vehicles, will no longer be coordinated. As long as the *ratio* behind the provisions were the same, there would be no reason why the cities should limit the circulation of vehicles on the basis of technical elements concerning the homologation and matriculation of new vehicles. The worse levels of pollution depended, probably, on different factors (meteorological reasons, for example; or the presence of many old vehicles in the city). However, since the limits established by Directive 2008/50 are currently unchanged but, at the same time,

ion there is a significant potential, taking into account national geographical, meteorological and economic conditions, to reduce the risk, duration or severity of such an exceedance. Those action plans may include measures in relation to motor-vehicle traffic, construction works, ships at berth, and the use of industrial plants or products and domestic heating (Art. 24, para. 2).

[15] *Ville de Paris, Ville de Bruxelles and Ayuntamiento de Madrid v. European Commission*, cit., para. 67.

[16] *Ibid*., para. 67.

the emissions allowed by Directive 2007/46 and its delegated acts increase *de facto* also for new vehicles (Euro 6), cities cannot do anything more in order to reduce emissions in the air.[17] In fact, they cannot limit the circulation of vehicles on the basis of the technical parameters, thus jeopardizing the internal market. The only thing they can do is fight for the annulment of an illegitimate regulation hoping that, in this way, the establishment of the CF pollutant is discussed in a more suitable setting.

IV.2. The amendment of the not-to-exceed emission limits and the statistical factor CF pollutant: the competence of the Commission

With regard to whether the Commission has the power to adopt the measures relating to the oxides of nitrogen emission limits in the context of the RDE tests, the appellants and the Commission focused on two interrelated aspects: on the one hand, whether the NTE limits are an essential element of Regulation 715/2007 and, on the other hand, if, because of the CF pollutant factor, the NTE limits established by the Euro-6 legal framework have been changed.

On the first aspect, the Court finds that: "The limits on emissions of oxides of nitrogen [...] are therefore an essential element [...]".[18]

On the second aspect, the Court has distinguished between formal and concrete consequences. Under the Commission's point of view: "[...] with the CF pollutant conformity factors, it [the Commission] did not amend the limits on emissions of oxides of nitrogen laid down for the Euro 6 standard [...]" since "the CF pollutant conformity factors are merely statistical and technical corrective elements".[19] Under the cities' point of view, "This [the introduction of the conformity factor] results in the *de facto* amendment of the limits on emissions of oxides of nitrogen laid down for the Euro 6 standard [*omissis*]".[20]

The conclusion of the Court is to give prevalence to the second point of view. The regulation 646/2016 establishes different limits for the emissions from the Euro 6 regulation, with a binding effect on the possibility to pass or fail the RDE test. In this sense, the Commission does not have the competence to adopt this kind of provision and, for this reason, the changes to point 2.1 of Annex III A, Regulation 692/2008 operated by Regulation 646/2016 are invalid (new points 2.1.1. and 2.1.2.).

There is another element that strengthens the just mentioned thesis. The Commission erred in supporting the use of this statistical factor. It did not have enough evidence on the soundness and reliability of the prediction of RDE tests. The result is that

[17] Reference to many infraction procedures brought by the Commission against cities for not respecting values of emissions in the air are reported in *Ville de Paris, Ville de Bruxelles and Ayuntamiento de Madrid v. European Commission*, cit., para. 83.

[18] *Ville de Paris, Ville de Bruxelles and Ayuntamiento de Madrid v. European Commission*, cit., para. 120.

[19] *Ibid*., para. 121.

[20] *Ibid*., para. 128.

the CF pollutant corrects a consistent margin of errors with a paradoxical effect. With the CF pollutant compliance factors of 2.1 and 1.5, the levels of emissions measured in the RDE tests can be, respectively, more than twice as high and up to one and a half times higher than the limits of these emissions set by the Euro 6 norms, without the test being considered failed. Taking an example provided by the applicants, this allows a diesel vehicle, whose emissions are limited according to the Euro 6 rule to 80 mg/km, to pass the RDE test if it remains below 168 mg/km during the transitional phase and 120 mg/km after this phase. One should here note that the limit set for the Euro 5 standard was 180 mg/km with respect to the same type of vehicle.

The court concludes then:

> "[…], even assuming that […] the Commission may nevertheless determine CF pollutant conformity factors with a view to taking account of certain uncertainties, it must be stated that it could not, in any event, adopt the levels contained in the contested regulation whilst observing the scope of its implementing powers. Those levels do not enable, with a reasonable degree of reliability, compliance with the limits on emissions of oxides of nitrogen laid down for the Euro 6 standard […]".[21]

It can be easily observed that what is needed for the future is a kind of test that better reflects driving dynamics or workload and does not require such a consistent correction. It seems reasonable, in fact, that a new regulation on the kind of tests for the circulation of new vehicles, although with the intent to avoid deactivation measures, should not lead to the weakening of emissions standards.

Hence, the judgment reveals that uncertainty can be hidden behind technicalities and that the comitology procedure did not avoid regulatory capture. The case, in fact, is another episode of the so-called "Dieselgate saga" and many lobbying and national interests are involved. In the end, the level of polluting emissions in the air is sacrificed. In particular, it is strange that the Commission has adopted two very close regulations on the same topic (Regulation 427/2016 and Regulation 646/2016, with the same identical titles), thus complicating the regulatory framework even more. It could very well have regulated the matter with one act. It is also true that fragmentation makes the exercise of control powers and the access to justice even more difficult.

V. Some conclusions: towards a stronger urban power in Europe

In 1983, the Natural Resources Defense Council sued the Environmental Protection Agency for the adoption of a regulation that enforced the Clean Air Act in the United States. More than three decades after the Chevron case and the birth of the North American deference doctrine, the protection of air quality is at the center of another interesting case, this time in Europe. It concerns, again, the exercise of rule-making pow-

[21] *Ibid*., para. 133.

ers by a supranational administration and the balance between the executive-administrative and the legislative powers.

Differently from the American case, in the European one the collective interests of a healthy environment and of the safeguarding of a natural resource are not represented by a traditional association but by a special one: the city (in the Weberian sense). The city is, at the same time, a public administration body and a local government directly elected, with consequences on the degree of deference towards the choice of the Commission.

On the one hand, the result is that cities *won* against the Commission and the States (the latter, engaged in the comitology procedure known as regulation with scrutiny) in fighting for stronger environmental protections (in particular, air quality), more in balance with the reasons of the internal market and through the path of local competences in planning urban transportation. Consequently, the case reflects a deeper conflict of competences among levels of government: the supranational and the local, with the involvement of the national level.

On the other hand, the case appears to be a failure in the balance of values. The Commission and the comitology procedure were unable to guarantee the coordination between the reasons of the internal market and those of environmental and pro-health policies. This happens from the very moment they fail in ensuring the uniqueness of a specific goal: the reduction of emissions in the air. Hence, the resulting tension is not only in the vertical dimension (between the EU, the Member States and the cities) but also in the horizontal one (among European competences). When collective interests (e.g. quality of the air) are sacrificed by both of the two major levels of government, the European and the National ones, the city-association becomes relevant for access to justice.

To sum up, the case concerns the nature of the city, as revealed by the decision of Paris, Brussels and Madrid to appeal to the Court on the basis of Art. 263, para. 4, TFEU and not, for example, through Art. 263, para. 2, TFEU, hence, through the role of Member States, or through Art. 265, para. 3, TFEU, hence of *fail to act*. They clearly opted for behaving as associations and asking for an annulment. Their strategy is based on the fulfillment of concrete interests that differentiate the situation of the three cities from that of other persons. However, Paris, Brussels and Madrid here represent, *de facto*, all cities and are defending the collective interests of European citizens.[22] At the same time, due to the Commission's strategy and the resulting need for cities to further support their entitlement to challenge the regulation, their nature as territorial public administrations becomes relevant. This is the case with regard to the centrality of their

[22] As Manuela Carmena, Mayor of Madrid, has affirmed in C40 CITIES, *Paris, Brussels & Madrid Challenge European Commission in Court over "Licence to Pollute" Vehicle Emissions Regulations,* 15 May 2018, www.c40.org: "Cities have to be a stronghold of conscience. There's a lot at stake. That is why coherence and courage are so necessary. We are talking about the health and the future, not only of big cities, but of the planet. I hope that this initiative is the first of a long list of local government actions, united to achieve a more sustainable world".

competences in the regulation of transport, mobility and traffic. In the end, cities were successful in the legal system in this instance due to their nature as public authorities with their own powers. It must be said that, notwithstanding the duplicity of the city (as an association, relevant for the governance, and as a public administration, relevant for the government), the two components come as a pair and cannot be separated. This evidence gives cities, in the (European) legal system, many alternative strategies to exploit the powers and remedies provided by the treaties.

In the very end, it should be noted that it is not the first time that cities are involved in cases of European significance, as public administrations or as one of the levels of government in European multilevel governance.[23] It is also true that this case is a significant and rare example of conflict between the local and supranational levels in which it can be said that Member States are not directly involved, or at least not from the first instance (hence, not considering the pending appeal to the Court of Justice by Hungary and Germany).[24]

[23] Another example of a conflict between a city and the European Union is the case that saw the City of Milan involved against the Council's decision with regard to the European Medicines Agency (EMA)'s headquarter. General Court, order of 8 March 2018, case T-46/18, *Comune di Milano v. Council of the European Union* is quite peculiar for access to justice. What is especially curious is the content of the decision of the General Court to guarantee an independent access to justice to the City of Milan, notwithstanding an identical action (the annulment of the same Council decision (GAC) 2017/3579 of 20 November 2017, concerning the location of EMA) has been brought by the Member State (Italy). At the moment, the case C-182/18, *Comune di Milano v. Council* is pending in front of the Court of Justice.

[24] The hypothesis can be reconstructed for completeness with respect to the role that the city can play within a complex multilevel governance such as the European one, both as subjects (citizen v. city; city v. State; city v. EU) and as objects (citizen v. EU, in which the former would boast European urban rights against an act of the European administration). For example, there would be the appeals of cities against the State that arrive before a European court through a preliminary ruling. See in this regard Court of Justice: judgment of 22 December 2010, case C-524/09, *Ville de Lyon v. Caisse des dépôts et consignations on access to environmental information*; judgment of 15 January 2013, case C-416/10, *Mesto Pezinok and Others v. Slovenská inšpekcia životného prostredia*; judgment of 10 September 2015, case C-473/14, *Dimos Kropias Attikis v. Ypourgos Perivallontos, Energeias kai Klimatikis Allagissimilar*. It is also possible to recall the category of those cases that always arrive before the Court of Justice through preliminary rulings but for conflicts arising between private actors (citizens or businesses) and the City. Examples are Court of Justice: judgment of 7 June 2018, case C-671/16, *Inter-Environnement Bruxelles ASBL and Others. v. Région de Bruxelles-Capitale*; judgment of 30 January 2018, joined cases C-360/15, *College van Burgemeester en Wethouders van de gemeente Amersfoort v. X BV*; case C-31/16, *Visser Vastgoed Beleggingen BV v. Raad van de gemeente Appingedam*; judgment of 14 November 2018, case C-342/17, Memoria Srl and Antonia Dall'Antonia v. Municipality of Padua.