

## Summary of the Advisory Report on Air Quality Standards

The Acting Minister of Health, Environment, and Nature has submitted a request for advice on the draft national ordinance on Air Quality Standards. The necessity for establishing air quality standards arises from growing concerns about air quality, particularly in the area downwind of the Schottegat industrial zone. These concerns have been amplified by court rulings on August 26, 2019, and July 19, 2022, in which the Court of First Instance of Curaçao emphasized the urgent need for a proper legal framework for air quality standards and effective measures to protect private life and the living environment, as well as adequate information on air quality, in line with Article 8 of the European Convention on Human Rights (ECHR).

The draft national ordinance aims to establish generally applicable air quality standards to protect the health of the community of Curaçao. The draft contains general standards for the entire island that the country will be legally bound to, thereby setting an overall acceptable level of air quality. The government will legally establish maximum permissible air pollution levels, known as limit values, for substances that have a negative impact on the environment and health. For certain substances, the government has also set guideline values. These guideline values reflect the level of ambition that policies will aim to achieve.

The Social and Economic Council (SER) emphasizes the need for a balanced and careful consideration of interests in setting air quality standards, requiring a joint effort from the government, private sector, and society. A holistic approach is needed to balance health, economic interests, and social acceptance, with a crucial role for transparency in the accountability of this consideration. The ECHR imposes positive obligations on the government, such as issuing regulations, conducting research, monitoring, enforcement, and providing information, all aimed at ensuring a "fair balance" between various interests.

The SER is generally supportive of the proposed draft national ordinance, provided that the recommendations outlined in this advice are adequately considered. Additionally, the SER is in principle open to the restart of the refinery but stresses the critical importance of adhering to the considerations included in this advice. It is essential to adopt a balanced approach that serves not only economic interests but also ensures the health and well-being of the community. This requires careful consideration of all relevant factors to ensure harmonious and sustainable progress for both the economy and society of Curaçao.