



**European Committee  
of the Regions**

**ENVE-VII/035**

**16th ENVE commission meeting, 14 February 2023**

## **WORKING DOCUMENT**

**Commission for the Environment, Climate Change and Energy**

**Revision of the EU Ambient Air Quality Legislation**

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Member of Dún Laoghaire Rathdown County Council

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<p>This document will be discussed at the meeting of the <b>Commission for the Environment, Climate Change and Energy</b> to be held from <b>11 a.m. to 5.30 p.m. on 14 February 2023</b></p>
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Reference document

Proposal for a Directive of the European Parliament and of the Council on ambient air quality and cleaner air for Europe (recast)  
COM(2022) 542 final

## **Working document of the Commission for the Environment, Climate Change and Energy – Revision of the EU Ambient Air Quality Legislation**

### **I. What are the Ambient Air Quality Directives**

Two directives fall under the Ambient Air Quality Directives:

- [Directive 2004/107/EC](#)
  - This directive sets out target values for concentration levels of ambient air pollutants in order to protect human health and the environment.
- [Directive 2008/50/EC](#)
  - This directive defines objectives for ambient air quality designed to avoid, prevent or reduce harmful effects on human health and the environment as a whole. To this end, it sets out measures for the provision of information on and assessment of ambient air quality in Member States as well as aiming for joint work between Member States to reduce pollution.

The issue of ambient air quality is a complex one, as air pollution is resultant from a wide range of human activities and policy decisions across an array of sectors, such as transport, industry, energy, and agriculture. Air quality is an integral part of the Zero Pollution Ambition for a Toxic-free Environment and of the European Green Deal. It is necessary to ensure a complementary approach in other policy areas that can impact air quality, be impacted by air quality or both.

### **Revision of the Ambient Air Directives**

In November 2019, the European Commission's [Fitness Check](#) of the Ambient Air Quality Directives found that, while the directives had contributed to a decrease in air pollution across the Member States, they had not been fully effective and their aims had not been met.

Following on from this, the European Commission committed in December 2019, under the European Green Deal, to more closely aligning air quality standards with the recommendations of the World Health Organization (WHO) and reaffirmed this ambition in the Zero Pollution Action Plan. These recommendations were revised by the WHO in September 2021, and are now subject to periodic scientific review.

In October 2022, following the learnings of the Fitness Check, the European Commission put forward its proposal for a revision of the Ambient Air Quality legislation. The revision seeks to merge the two existing directives into one.

Within its proposal, the European Commission has called for:

- Closer alignment with the recommendations of the WHO.
- Improvements in the legislative framework, such as penalties for failure to achieve reductions, and distribution of public information on air quality.
- Provision of greater supports to local authorities in achieving clean air.

## **Dangers of poor air quality**

Poor air quality has clear negative impacts on human health and on the environment we live in, and as such the need for clean air is integral to the liveability of our planet.

Air pollution is considered one of the greatest environmental threats to health, with an [estimated 238 000 premature deaths](#) resulting from fine particulate matter (PM2.5) and tens of thousands more from other pollutants in the EU in 2020. Air pollution disproportionately affects vulnerable groups such as older people, children, and those with underlying health concerns. [According to the WHO](#), air pollution is also attributed to increased risk from many noncommunicable diseases such as stroke, heart disease, chronic obstructive pulmonary disease and cancer, as well as being linked to adverse pregnancy outcomes, respiratory infections, and aggravated asthma.

Air pollution is also a significant threat to our environment. [Acidification](#) resulting from air pollution has damaged forestry and water bodies in Europe. [Eutrophication](#) resulting from the deposition of nitrogen exceeds critical loads in two thirds of ecosystem areas across the EU, damaging biodiversity and ecosystems.

However, there have been major improvements in air quality in the European Union (EU) over the past three decades, thanks to joint efforts by the EU and national, regional and local authorities to reduce the adverse impacts of air pollution, showing that intervention policies, when implemented, do work. [According to the European Environment Agency \(EEA\)](#), between 2005 and 2020, premature deaths from exposure to PM2.5 fell by 45% in the EU. The EU bloc has also recorded a decrease across five recorded air pollution types under the National Emission reduction Commitments Directive for the same period.

## **Points for discussion**

### ***Alignment with WHO recommendations***

The WHO's recommendations on air quality standards were revised in September 2021. In 2019, prior to the revision, the European Commission stated in the European Green Deal that it would seek to align EU standards more closely to those of the WHO. In the European Commission's proposal for the revision of the Ambient Air Quality Directives, it continues to call for closer but not full alignment with the WHO's standards.

The European Commission proposal proposes interim 2030 air quality standards aligned more closely with the WHO recommendations, while putting the EU on a trajectory to achieve zero pollution for air at the latest by 2050, in synergy with climate-neutrality efforts. The proposal foresees a review that will inform the development of plans for alignment with the WHO Air Quality Guidelines by 2050 based on a regular review mechanism to take into account the latest scientific understanding. The first review is expected by the end of 2028 and subsequent ones will be done every five years. It is reasonable to wonder if this deadline and the subsequent frequency are adequate.

The gravity of the situation regarding health and environment, as outlined earlier in this document, shows the need for immense ambition in tackling our air quality challenges.

- **Is there a possibility of supporting full alignment with the WHO recommendations by 2030 rather than closer alignment?**
- **Is the 2028 first review and the frequency of subsequent reviews adequate in achieving full or closer alignment with the WHO standards?**

### *Unregulated air pollutants*

The European Commission proposal includes measures for monitoring unregulated air pollutants of emerging concern, such as ultrafine particles (UFP), black carbon (BC), ammonia (NH<sub>3</sub>) and the oxidative potential of particulate matter.

The CoR opinion on [\*The Future of EU Clean Air policy in the framework of the zero-pollution ambition\*](#) recommended that, during the revision of the AAQ Directives, the possible inclusion of UFP and BC, both with elevated adverse health effects, should be taken into consideration, based on recommendations by the WHO. The [WHO guidelines](#) include UFP and BC under their section on "good practice statement".

- **How do we address unregulated air pollutants?**

### *Implementation and enforcement*

Implementation and enforcement of AAQ standards has been highlighted as an area of concern in the [\*Environmental Implementation Review 2022\*](#). From a local and regional authority (LRA) perspective, enforcement can be difficult when transboundary pollution occurs and the affected LRA may not have the means to prevent the pollution, e.g. a peri-urban town near a large city could be affected by the pollution produced in the city.

The European Commission proposal includes in Chapter VII new provisions on access to justice, compensation and penalties. The European Commission proposal at Article 21 aims to further clarify and strengthen provisions on cooperation to fight pollution across national borders but similar issues could be present also for sub-national borders.

- **How can LRAs contribute to improving the implementation of AAQ standards?**
- **Is it appropriate to have LRAs requesting access to justice and compensation? What responsibility should lie with LRAs in paying penalties?**
- **How do we ensure multilevel governance and interregional cooperation in fighting air pollution?**

### *Territorial provisions*

The European Commission proposal introduces a new additional territorial provision: *To put the EU on a trajectory that will enable it to realise the zero pollution vision for air in 2050, a new provision is introduced requiring a reduction in public's average exposure to fine particulate matter (PM<sub>2.5</sub>) and nitrogen dioxide (NO<sub>2</sub>) at regional level ([NUTS 1 territorial units](#)), towards the levels*

*recommended by the WHO. This adds to the obligation to meet limit and target values, applicable in air quality zones.*

The article on definitions also includes definitions of territorial aspects, such as "urban areas" and the current AAQ provisions on assessment and action are based usually on "zones" and "agglomerations". The revision proposal significantly changes the directive, in particular in relation to "agglomerations" since the new Article 6 appears to include agglomerations as a specific kind of "zone".

- **Is NUTS1 level the right territorial level at which to reduce fine particulate matter and nitrogen dioxide?**

### *Costs/benefits and their local/regional dimension*

While actions to reduce the emissions of the different sources of air pollution will incur costs, the Commission does highlight that the benefits, while difficult to monetise, from positive action far outweigh the costs. Clean air will help to reduce health costs, and improve our soil and water resources, and the protection of our natural services is hugely beneficial to our society, economy, and agriculture.

Article 29 of the European Commission's proposal concerns penalties for violations of the provisions of the directive by natural and legal persons.

- **How do we as representatives of LRAs balance costs and benefits?**

### *Information and public awareness*

Article 22 of the European Commission's proposal is concerned with ensuring that the public, as well as the organisations concerned, have access to timely information on air quality, any postponement of meeting deadlines and on plans to reduce air pollution.

LRAs need to consider their role in promoting science-based information and raise awareness of the impacts of air pollution and of the results of actions to counteract it. The CoR opinion on [\*The Future of EU Clean Air policy in the framework of the zero-pollution ambition\*](#) has a section on public awareness raising this issue, in particular point 27 which proposes (...) *making the "invisible killer" visible* (...). Tools such as the [\*Air Quality Index\*](#) of the EEA are important for helping provide information to the public.

- **Do you have an effective information service on air quality in your region that you would like to highlight?**
- **What do you feel are the challenges to effective information and public awareness?**

### *Monitoring and modelling*

The AAQ Directives include multiple provisions on assessing air quality. This is an aspect of interest for LRAs that need the data provided to prepare their plans and policy decisions but are also usually involved in the collection of those data. The European Commission proposal in the explanatory

memorandum indicates that in the Fitness Check (...) *concerns were noted that the criteria on monitoring offer too much leeway and present some ambiguity for relevant authorities.* (...)

The European Commission proposal includes in particular provisions for monitoring pollution levels in excess of the WHO recommendations. This is an important element because, unless the full alignment is realised in the very short term, it could help ensure a realistic trajectory towards compliance, by having warnings of non-compliance.

- **What supports do you think LRAs need to be able to meet the provisions on monitoring and modelling as set out in the proposal?**

## I. PROCEDURE

<b>Title</b>	Revision of the EU Ambient Air Quality Legislation
<b>Reference document</b>	COM(2022) 542 final
<b>Legal basis</b>	Mandatory, Art. 307(1), Art.192: Environment
<b>Procedural basis</b>	Rule 41(a) RoP
<b>Date of Council/EP referral/ Commission letter/Bureau decision</b>	
<b>Date of President's decision</b>	
<b>Commission responsible</b>	Commission for the Environment, Climate Change and Energy (ENVE)
<b>Rapporteur</b>	Una Power (IE/Greens), Member of Dún Laoghaire Rathdown County Council
<b>Analysis</b>	Preliminary analysis 22/12/2022. Policy analysis TBC.
<b>Discussed in commission</b>	Scheduled for 14/02/2023
<b>Date adopted by commission</b>	Scheduled for 03/05/2023
<b>Result of the vote in commission (majority, unanimity)</b>	
<b>Date adopted in plenary</b>	Scheduled for 05-06/07/2023
<b>Previous Committee opinions</b>	<a href="#">CDR 45/2006</a> ; <a href="#">CDR 329/2011</a> ; <a href="#">CDR 1217/2014</a> ; <a href="#">CDR 540/2020</a> ; <a href="#">CDR 3178/2021</a>
<b>Date of subsidiarity monitoring consultation</b>	N/A