

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2022/0347(COD) Awaiting Parliament's position in 1st reading
Ambient air quality and cleaner air for Europe. Recast Subject 3.70.02 Atmospheric pollution, motor vehicle pollution	
Legislative priorities Joint Declaration 2023-24 Joint Declaration 2022	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Environment, Public Health and Food Safety	 LÓPEZ Javi Shadow rapporteur  LINS Norbert  KARLSBRO Karin  ȘTEFĂNUĂ Nicolae  GANCIA Gianna  ZALEWSKA Anna  KOKKALIS Petros	11/01/2023
	Committee for opinion  Transport and Tourism	Rapporteur for opinion  TAX Vera	19/01/2023
	 Legal Affairs	The committee decided not to give an opinion.	
	Committee for opinion on the recast technique  Legal Affairs	Rapporteur for opinion  ADAMOWICZ Magdalena	01/01/2023

Key events

26/10/2022	Legislative proposal published	COM(2022)0542	Summary
19/01/2023	Committee referral announced in Parliament, 1st reading		
27/06/2023	Vote in committee, 1st reading		
05/07/2023	Committee report tabled for plenary, 1st reading	A9-0233/2023	Summary
12/09/2023	Debate in Parliament		
13/09/2023	Decision by Parliament, 1st reading	T9-0318/2023	Summary
13/09/2023	Matter referred back to the committee responsible		

Technical information

Procedure reference	2022/0347(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Directive
Legal basis	Rules of Procedure EP 110; Treaty on the Functioning of the EU TFEU 192
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Awaiting Parliament's position in 1st reading
Committee dossier	ENVI/9/10502

Documentation gateway

Legislative proposal	COM(2022)0542	26/10/2022	EC	Summary
Document attached to the procedure	SEC(2022)0542	27/10/2022	EC	
Document attached to the procedure	SWD(2022)0345	27/10/2022	EC	
Document attached to the procedure	SWD(2022)0542	27/10/2022	EC	
Document attached to the procedure	SWD(2022)0545	27/10/2022	EC	
Economic and Social Committee: opinion, report	CES5604/2022	22/02/2023	ESC	
Committee draft report	PE742.410	23/02/2023	EP	
Amendments tabled in committee	PE745.423	03/04/2023	EP	

Amendments tabled in committee		PE745.424	03/04/2023	EP	
Amendments tabled in committee		PE745.427	12/04/2023	EP	
Committee opinion	TRAN	PE742.298	25/05/2023	EP	
Opinion on the recast technique		PE749.886	08/06/2023	EP	
Specific opinion	JURI	PE750.118	27/06/2023	EP	
Committee report tabled for plenary, 1st reading/single reading		A9-0233/2023	05/07/2023	EP	Summary
Committee of the Regions: opinion		CDR6180/2022	05/07/2023	CofR	
Text adopted by Parliament, partial vote at 1st reading/single reading		T9-0318/2023	13/09/2023	EP	Summary

Ambient air quality and cleaner air for Europe. Recast

PURPOSE: to simplify and consolidate the directives on ambient air quality.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: clean air is essential to human health and sustaining the environment. Major improvements in air quality have been achieved in the European Union over the past three decades, thanks to joint efforts by the EU and national, regional and local authorities in the Member States to reduce the adverse impacts of air pollution. However, about 300 000 premature deaths per year and a significant number of non-communicable diseases such as asthma, cardiovascular problems and lung cancer are attributed to air pollution. Air pollution continues to be the number one environmental cause of early death in the EU with the worst pollutants being particulate matter, nitrogen dioxide and ozone. Polluted air also harms the environment causing acidification, eutrophication and damage to forests, ecosystems and crops.

The last update to the Ambient Air Quality Directives (2008/50/EC and 2004/107/EC) dates back to 2008. Since then, new scientific evidence about the health impacts of air pollution has become available. The revised WHO Air Quality Guidelines published in September 2021 recommend introducing stricter air quality standards.

PURPOSE: after more than a decade of implementing Directive 2008/50/EC and Directive 2004/107/EC in parallel, the revision of the Ambient Air Quality Directives provides an opportunity to incorporate the latest scientific knowledge and experience with implementation by merging them into a single Directive. This will consolidate air quality legislation, while simplifying rules applying to relevant authorities, enhancing overall consistency and clarity, and thus making implementation more efficient.

Amendments made through this proposal to merge the current Ambient Air Quality Directives (2008/50/EC and 2004/107/EC) aim to consolidate and simplify the legislation.

In particular, the recast Directive:

- introduces the 2050 zero pollution objective for air quality to ensure that, by 2050, air quality is so improved that pollution is no longer considered harmful to human health and the environment;
- provides for a regular review of scientific evidence to check whether the air quality standards in force are still sufficient to protect human health and the environment, and whether additional air pollutants should be regulated. The first review will take place by the end of 2028, with the objective in particular to ensuring full alignment with WHO recommendations;
- supports local authorities by strengthening the provisions on air quality monitoring, modelling, and improved air quality plans;
- replaces the current lower and upper assessment threshold with a single assessment threshold per pollutant;
- updates and clarifies rules for the number and location of sampling points, including stricter rules for relocating sampling points;
- introduces a new provision requiring a reduction, by more than half, in public's average exposure to fine particulate matter (PM2.5) and nitrogen dioxide (NO2) at regional level (NUTS 1 territorial units), towards the levels recommended by the WHO;
- introduces alert thresholds for short-term measures on peak pollution from particulate matter (PM10 and PM2.5), in addition to the existing alert thresholds for nitrogen dioxide (NO2) and sulphur dioxide (SO2), given the significant health impacts of particulate matter pollution;
- establishes an effective right for people to be compensated where damage to their health has occurred wholly or partially as a result of a violation of rules prescribed on limit values, air quality plans, short-term action plans or in relation to transboundary pollution;
- brings more clarity on access to justice, effective penalties, and better public information on air quality.

Ambient air quality and cleaner air for Europe. Recast

The Committee on the Environment, Public Health and Food Safety adopted the report by Javi LÓPEZ (S&D, ES) on the proposal for a

directive of the European Parliament and of the Council on ambient air quality and cleaner air for Europe (recast).

The committee responsible recommended that the European Parliaments position adopted at first reading in the ordinary legislative procedure should amend the proposal as follows:

Objectives

The report calls for full alignment of EU limit values with the World Health Organization (WHO) 2021 air quality guidelines by 2030.

The Directive will set limit values, target values, average exposure reduction obligations, average exposure concentration targets and critical levels, which must be achieved as soon as possible and by 2030 at the latest, then reviewed regularly thereafter. It will also set long-term objectives, information thresholds and alert thresholds, which are part of air quality standards.

The Directive should define: (i) ambient air quality monitoring measures, long-term trends and the effects of Union and national measures, as well as measures established in cooperation with third countries, on ambient air quality; (ii) measures to ensure that information on ambient air quality is harmonised throughout the Union and made available to the public; (iii) measures to promote greater cooperation between Member States, regional and local authorities, at national and cross-border level, and with third countries bordering the Union.

Definitions

Members introduced the definition of air quality standards as well as the definition of air pollution hotspots including ports or airports.

'Limit value' is defined as a level which is established on the basis of scientific knowledge, with the aim of avoiding, preventing or reducing harmful effects on human health and/or the environment, and which is to be attained within a given period and not to be exceeded once attained.

Members consider it necessary to clearly distinguish between plans that must be adopted before the deadline for compliance and those that must be adopted after, and this is why a definition of the air quality roadmap is proposed.

Assessment of Ambient Air Quality

With regard to the assessment of ambient air quality for pollutants, it is specified that Member States should monitor the levels of ultrafine particulate matter, black carbon, ammonia and mercury.

Sampling points

The location of sampling points should be representative of the exposure of at-risk populations and the exposure of one or more sensitive populations and vulnerable groups.

Monitoring supersites

Each Member State should establish at least one monitoring supersite per 2 million inhabitants (instead of 10 million) at an urban background location. Member States that have fewer than 2 million inhabitants shall establish at least one monitoring supersite at an urban background location.

Measurements at all monitoring supersites at urban background locations and rural background locations should include fixed measurements of particulate matter (PM10 and PM2.5), nitrogen dioxide (NO2), sulphur dioxide (SO2), carbon monoxide (CO), ozone (O3), black carbon (BC), ammonia (NH3) and ultrafine particles (UFP).

Requirements when levels are below limit values, ozone target and average exposure concentration objectives

Members suggested defining a smaller geographical area for the calculation of the average exposure indicator (AEI) and the obligation to reduce the average exposure. They propose this calculation at NUTS 2 rather than NUTS 1.

Member States should endeavour to achieve and maintain the best ambient air quality and a high level of protection of the environment and human health, in accordance with the most recent WHO air quality guidelines and reviews published by the WHO Regional Office for Europe and below the assessment thresholds set out in Annex II, paying particular attention to the protection of sensitive populations and vulnerable groups.

Exceeding alert or information thresholds

Where any alert threshold laid down in Section 4, Point A, of Annex I is exceeded, Member States should implement without undue delay the emergency measures indicated in the short-term action plans.

Where any alert threshold is exceeded, Member States should take the necessary steps to inform the public within a few hours at the latest, in a coherent and easily understandable manner, providing detailed information about the severity of the exceedance and the associated health impacts, as well as suggestions for the protection of the population, with a special focus on sensitive population and vulnerable groups.

Air quality roadmap

Where from three months after the date of entry into force of this Directive, in a zone or NUTS 2 territorial unit, the levels of any pollutant recorded for the preceding calendar year are above any limit or target value to be attained by 1 January 2030, Member State concerned should establish an air quality roadmap for that pollutant as soon as possible and no later than 2 years after the calendar year during which the exceedance of the pollutant was recorded in order to attain the respective limit values or ozone target value by the expiration of the attainment deadline.

Air quality plans

Member States should ensure that before the time period for receiving comments from the public starts, the draft air quality plan or draft air quality roadmap containing the minimum information required under Points A and B of Annex VIII is made available to the public on the internet, free of charge and without restricting access to registered users, and, where appropriate, through other non-digital communication channels.

To inform citizens about poor air quality and its effects, the competent authorities should require the permanent display of easily understandable information on the symptoms associated with air pollution peaks and on behaviour to reduce exposure to air pollution in the

vicinity of sensitive population communities and vulnerable groups.

Public information

Member States should establish an air quality index covering sulphur dioxide, nitrogen dioxide, particulate matter (PM10 and PM2.5) and ozone, based on an EU-wide framework containing data that will ensure harmonised information across the EU and make it available in a coherent and easily understandable manner through a public source providing an hourly update. The air quality index must be comparable in all Member States, follow the latest WHO recommendations and be based on the European-wide air quality indices provided by the European Environment Agency. The air quality index should be accompanied by information on the health risks associated with each pollutant, including information tailored to sensitive populations and vulnerable groups.

Ambient air quality and cleaner air for Europe. Recast

The European Parliament adopted by 363 votes to 226, with 43 abstentions, amendments to the proposal for a directive of the European Parliament and of the Council on ambient air quality and cleaner air for Europe (recast).

The matter was referred back to the committee responsible for inter-institutional negotiations.

Subject matter

This Directive seeks to set out a zero-pollution objective for air quality, so that within the Union air quality is progressively improved to levels no longer considered harmful to human health, natural ecosystems and biodiversity, as well as aligning with the most recent air quality recommendations from the World Health Organisation (WHO).

This Directive sets:

- intermediate limit values, target values, average exposure reduction obligations, average exposure concentration objectives and critical levels to be met as soon as possible and by the year 2030 at the latest;
- limit values to be met by 2035, which are to be regularly reviewed;
- long-term objectives, information thresholds and alert thresholds as part of air quality standards.

This Directive defines: (i) measures for monitoring ambient air quality long-term trends and impacts of Union and national measures, as well as measures established in cooperation with third countries, on ambient air quality; (ii) measures ensuring that the information on ambient air quality is harmonised across the Union and made available to the public; (iii) measures promoting increased cooperation between Member States, regional and local authorities, within and between Member States, as well as with third countries that have a common border with the Union, in reducing air pollution.

Sampling points

The amended text stressed the need to increase the number of sampling points for air quality. It is stipulated that the location of sampling points should be representative of the exposure of at-risk communities and of the exposure of one or more sensitive population and vulnerable groups.

Monitoring supersites

Each Member State should establish at least one monitoring supersite per 2 million inhabitants (instead of 10 million inhabitants) at an urban background location. Member States that have fewer than 2 million inhabitants should establish at least one monitoring supersite at an urban background location.

In zones where high concentrations of ultrafine particles, black carbon, mercury and ammonia (NH₃) are likely to occur, there should be one sampling point per one million inhabitants (instead of one sampling point per 5 million inhabitants).

Measurements at all monitoring supersites at locations characteristic of urban background pollution and locations characteristic of rural background pollution should include fixed measurements of particulate matter (PM10 and PM2.5), nitrogen dioxide (NO₂), sulphur dioxide (SO₂), carbon monoxide (CO), ozone (O₃), black carbon, ammonia (NH₃) and ultrafine particles.

With regard to ambient air quality assessment of pollutants, it is specified that Member States will have to monitor levels of black carbon, ammonia and mercury.

Requirements where levels are below limit values, the target value for ozone and average exposure indicators

Members suggest defining a smaller geographical area for calculating the average exposure indicator (AEI) and the obligation to reduce average exposure. They propose that this calculation be carried out at NUTS 2 level rather than NUTS 1.

Air quality plans and roadmaps

Members propose that, in addition to air quality plans, all Member States should also draw up air quality roadmaps for zones within which concentrations of pollutants in ambient air exceed the relevant air quality limit values set for 2030. The air quality roadmap should set out short- and long-term policies and measures in order to comply with those limit values by 2030 at the latest.

Member States should ensure that before the time period for receiving comments from the public starts, the draft air quality plan or draft air quality roadmap containing the minimum information required is made available to the public on the internet, free of charge and without restricting access to registered users, and, where appropriate, through other non-digital communication channels.

Relevant stakeholders and citizens should be duly informed about the specific sources and air pollutants affecting air quality and the relevant air pollution mitigation measures that exist and are available on the market.

Greater protection for citizens

In order to inform citizens about poor air quality and its effects, competent authorities shall require the permanent display of easily

understandable information on symptoms associated with air pollution peaks and on behaviour to reduce exposure to air pollution in the vicinity of communities of sensitive population and vulnerable groups.

Member States should establish an air quality index covering sulphur dioxide, nitrogen dioxide, particulate matter (PM10 and PM2.5) and ozone and make it available in a coherent and easily understandable manner through a public source providing an hourly update, ensuring that sufficient real-time data is available in all stations.

Transparency				
LINS Norbert	Shadow rapporteur	ENVI	08/06/2023	DEUS POLLUTRACK Smart City GmbH i.G.
KOKKALIS Petros	Shadow rapporteur	ENVI	06/06/2023	UNICEF Regional Office for Europe and Central Asia
LINS Norbert	Shadow rapporteur	ENVI	30/05/2023	DEUS POLLUTRACK Smart City GmbH i.G.
TAX Vera	Rapporteur for opinion	TRAN	25/05/2023	FEPOR
TAX Vera	Rapporteur for opinion	TRAN	25/04/2023	Provinces of Zuid-Holland and Utrecht, IPO and VNG
LINS Norbert	Shadow rapporteur	ENVI	19/04/2023	Allgemeiner Deutscher Automobil-Club e.V.
TAX Vera	Rapporteur for opinion	TRAN	29/03/2023	CLIA
LÓPEZ Javi	Rapporteur	ENVI	28/03/2023	Stop Quemadas Murcia
LINS Norbert	Shadow rapporteur	ENVI	14/03/2023	Palas GmbH
LINS Norbert	Shadow rapporteur	ENVI	09/03/2023	Deutsche Umwelthilfe e.V.
DANTI Nicola	Member	12/09/2023	European Environmental Bureau Cittadini per l'Aria ONLUS	
BENIFEI Brando	Member	11/09/2023	CITTADINI PER L'ARIA	
WÖLKEN Tiemo	Member	25/05/2023	Deutsche Umwelthilfe e.V.	
LIMMER Sylvia	Member	24/01/2023	Deutsches Umweltbundesamt	
CERDAS Sara	Member	20/01/2023	All Policies for a Healthy Europe Johnson & Johnson Vodafone Belgium SA ECHAlliance Europe Cancer Patient Coalition	
CUFFE Ciarán	Member	06/12/2022	European Society of Cardiology	