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**Opinion of the European Committee of the Regions — Revision of the EU Ambient Air Quality
Legislation**

(C/2023/251)

Rapporteur:	Una POWER (IE/Greens), County Councillor for Dún Laoghaire Rathdown County Council
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

I. RECOMMENDATIONS FOR AMENDMENTS

Amendment 1

Recital 5

Text proposed by the European Commission	Amendment
(5) In taking the relevant measures at Union and national level to achieve the zero pollution objective for air pollution, Member States, the European Parliament, the Council and the Commission should be guided by the 'precautionary principle' and the 'polluter pays principle' established in the Treaty on the Functioning of the European Union, and the 'do no harm' principle of the European Green Deal. They should, inter alia, take into account: the contribution of improved air quality to public health, the quality of the environment, the well-being of citizens, the prosperity of society, employment and the competitiveness of the economy; the energy transition, strengthened energy security and the tackling of energy poverty; food security and affordability; the development of sustainable and smart mobility and transport solutions; the impact of behavioural changes; fairness and solidarity across and within Member States, in light of their economic capability, national circumstances, such as the specificities of islands, and the need for convergence over time; the need to make the transition just and socially fair through appropriate education and training programmes; best available and most recent scientific evidence, in particular the findings reported by the WHO; the need to integrate air pollution related risks into investment and planning decisions; cost-effectiveness and technological neutrality in achieving air pollutant emission reductions; and progression over time in environmental integrity and level of ambition.	(5) In taking the relevant measures at Union and national level to achieve the zero pollution objective for air pollution – in particular in the areas of climate, agricultural, industrial, transport and energy policies – Member States, the European Parliament, the Council and the Commission should be guided by the 'precautionary principle' and the 'polluter pays principle' established in the Treaty on the Functioning of the European Union, and the 'do no harm' principle of the European Green Deal. They should, inter alia, take into account: the contribution of improved air quality to public health, the quality of the environment, the well-being of citizens, the fight against health inequalities, the protection of vulnerable groups and sensitive populations as well as of workers exposed to high pollution levels; socio-economic aspects of measures to improve air quality; the role of civil society in fighting for air quality; the prosperity of society, employment and the competitiveness of the economy; the energy transition, strengthened energy security and the tackling of energy poverty; food security and affordability; the development of sustainable and smart mobility and transport solutions; the impact of behavioural changes; fairness and solidarity across and within Member States, in light of their economic capability, national circumstances, such as the specificities of islands, and the need for convergence over time; the need to make the transition just and socially fair through appropriate education and training programmes; best available and most

Text proposed by the European Commission	Amendment
	recent scientific evidence, in particular the findings reported by the WHO; the need to integrate air pollution related risks into investment and planning decisions; cost-effectiveness and technological neutrality in achieving air pollutant emission reductions; and progression over time in environmental integrity and level of ambition.

Reason

Air pollution exacerbates existing inequities, including health disparities.

Amendment 2

Recital 6

Text proposed by the European Commission	CoR amendment
(6) The 'Eighth General Union Environment Action Programme to 2030' adopted by Decision (EU) 2022/591 of the European Parliament and of the Council on 6 April 2022 establishes the objective to achieve a non-toxic environment protecting the health and well-being of people, animals and ecosystems from environment-related risks and negative impacts, and, for that purpose, stipulates that further improvement of monitoring methods, better information to the public and access to justice are needed. This guides the objectives set in this Directive.	(6) The 'Eighth General Union Environment Action Programme to 2030' adopted by Decision (EU) 2022/591 of the European Parliament and of the Council on 6 April 2022 establishes the objective to achieve a non-toxic environment protecting the health and well-being of people, animals and ecosystems from environment-related risks and negative impacts, and, for that purpose, stipulates that further improvement of monitoring methods, better information to the public and access to justice are needed. This guides the objectives set in this Directive. <i>The Programme requires the Commission, Member States, regional and local authorities and stakeholders, as appropriate: to ensure the full participation of regional and local authorities in urban and rural areas, including in outermost regions, across all dimensions of environmental policy-making through a collaborative and multi-level approach.</i>

Reason

Implementation of this directive will require significant costs for certain communities, especially those with structural challenges, and will require EU support.

Amendment 3

Recital 15

Text proposed by the European Commission	CoR amendment
(15) In order to protect human health and the environment as a whole, it is particularly important to combat emissions of pollutants at source and to identify and implement the most effective emission reduction measures at local, national and Union level, in particular when it comes to emissions from agriculture, industries, transport and energy generation. Therefore, emissions of harmful air pollutants should be avoided, prevented or reduced and appropriate standards set for ambient air quality taking into account relevant World Health Organization standards, guidelines and programmes.	(15) In order to protect human health and the environment as a whole, it is particularly important to combat emissions of pollutants at source and to identify and implement the most effective emission reduction measures at local, national and Union level, in particular when it comes to emissions from agriculture, industries, transport and energy generation. Therefore, emissions of harmful air pollutants should be avoided, prevented or reduced and appropriate standards set for ambient air quality taking into account relevant World Health Organization standards, guidelines and programmes. <i>Since diffuse air emissions are the most difficult to combat, close cooperation at all levels of governance is needed to tackle pollution at its source. On the European level, European institutions shall ensure enhanced synergies between EU air quality legislation and EU source-based policies such as climate, agricultural, transport, industrial and energy policies. Furthermore, member states shall agree on ambitious source legislation and ensure coherence and effective National Air Pollution Control Programmes ((National Emissions reduction Commitments Directive (2016/2284/EU), supporting the actions by local and regional authorities in reducing air pollution.</i>

Amendment 4

Recital 18

Text proposed by the European Commission	Amendment
(18) The average exposure of the population to the pollutants with the highest documented impact on human health, fine particulate matter (PM_{2.5}) and nitrogen dioxide (NO₂), should be reduced based on WHO recommendations. To this end, an average exposure reduction obligation should be introduced for these pollutants, in addition to limit values.	(18) The average exposure of the population to the pollutants with the highest documented impact on human health, fine particulate matter (PM_{2.5}) and nitrogen dioxide (NO₂), should be reduced based on WHO recommendations. To this end, an average exposure reduction obligation should be introduced for these pollutants, in addition to limit values. <i>Moreover, the Commission shall propose a review of the National Emission Reduction Commitments Directive as part of the review process foreseen by 31 December 2025.</i>

Reason

The Directive should request a review of the National Emission Reduction Commitments Directive.

Amendment 5

Article 1

Text proposed by the European Commission	CoR amendment
1. This Directive sets 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 and natural ecosystems, as defined by scientific evidence, thus contributing to a toxic-free environment at the latest by 2050. 2. This Directive sets intermediate limit values, target values, average exposure reduction obligations, average exposure concentration objectives, critical levels, information thresholds, alert thresholds and long-term objectives ('air quality standards') to be met by the year 2030, and regularly reviewed thereafter in accordance with Article 3. 3. Furthermore, this directive contributes to achieving: the Union's pollution-reduction, biodiversity and ecosystem objectives in accordance with the 8th Environment Action Programme, as set out in Decision (EU) 2022/591 of the European Parliament and of the Council ⁽⁷⁵⁾.	1. This Directive sets 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 and natural ecosystems, as defined by scientific evidence, thus contributing to a toxic-free environment at the latest by 2050. 2. This Directive sets intermediate limit values, target values, average exposure reduction obligations, average exposure concentration objectives and critical levels, to be met by the year 2030, and regularly reviewed thereafter in accordance with Article 3. It also sets a binding deadline to achieve full alignment with the World Health Organization (WHO) Air Quality Guidelines by 2035. 3. This directive also sets long-term objectives, information thresholds and alert thresholds as part of air quality standards. 4. Furthermore, this directive contributes to: (a) achieving the Union's pollution-reduction, biodiversity and ecosystem objectives in accordance with the 8th Environment Action Programme, as set out in Decision (EU) 2022/591 of the European Parliament and of the Council ⁽⁷⁵⁾; (b) stimulating synergies between the Union's air quality policy and other relevant Union policies, in particular climate, transport and energy policies. 5. The Member States shall implement the necessary measures at national level to enable the achievement of the objective for air quality throughout the Union set out in paragraph 1 taking into consideration the social and economic development of local communities and local businesses and will provide support to LRAs to achieve this objective.

Text proposed by the European Commission	CoR amendment
(⁷⁵) Decision (EU) 2022/591 of the European Parliament and of the Council of 6 April 2022 on a General Union Environment Action Programme to 2030 (OJ L 114, 12.4.2022, p. 22).	(⁷⁵) Decision (EU) 2022/591 of the European Parliament and of the Council of 6 April 2022 on a General Union Environment Action Programme to 2030 (OJ L 114, 12.4.2022, p. 22).

Reason

This Directive should aim for synergies with other relevant Union laws to ensure consistency, and consider the social and economic development of local communities. Cities need to rely on a robust legal framework addressing emissions and their reduction to successfully implement the requirements of this Directive. The CoR supports the limit values set by the European Commission for 2030, but calls for full alignment with the science-based World Health Organization (WHO) Air Quality Guidelines by 2035.

Amendment 6

Article 3(2), (4)

Text proposed by the European Commission	CoR amendment
2. The review shall assess whether applicable air quality standards are still appropriate to achieve the objective of avoiding, preventing or reducing harmful effects on human health and the environment and whether additional air pollutants should be covered. In order to achieve the objectives set in Article 1, the review shall assess whether this Directive needs to be revised with a view to ensuring alignment with the World Health Organization (WHO) Air Quality Guidelines and the latest scientific information. For the purposes of the review, the Commission shall take into account, inter alia, the following: (a) latest scientific information from WHO and other relevant organisations, (b) technological developments impacting air quality and its assessment, (c) air quality situations and associated impacts on human health and the environment in Member States, (d) progress made in implementing national and Union reduction measures for pollutants and improving air quality.	2. The review shall assess whether applicable air quality standards are still sufficient to achieve the objective of avoiding, preventing or reducing harmful effects on human health and the environment and whether additional air pollutants should be covered. In order to achieve the objectives set in Article 1, the review shall assess whether this Directive needs to be revised in order to ensure continuous alignment with the World Health Organization (WHO) Air Quality Guidelines and the latest scientific information. For the purposes of the review, the Commission shall take into account, inter alia, the following: (a) latest scientific information from WHO and other relevant organisations, (b) technological developments impacting air quality and its assessment, (c) air quality situations and associated impacts on human health and the environment in Member States, (d) progress made in implementing national and Union reduction measures for pollutants and improving air quality.

Text proposed by the European Commission	CoR amendment
[...]	(e) <i>the specific conditions of certain zones with particular natural or structural disadvantages,</i> (f) <i>enhanced synergies between the Union's air quality policy and other relevant Union policies, in particular climate, transport, agriculture and energy policies, and progress made in implementing the corresponding Union laws,</i> (g) <i>the need for RDI development and financial support to implement the innovative measures identified by cities and regions together with their stakeholders, and the related socio-economic impact of the measures, including the cost of inaction.</i> [...]
4. Where the Commission considers it appropriate, as a result of the review, it shall present a proposal to revise air quality standards or to cover other air pollutants.	4. Where the Commission considers it appropriate, as a result of the review, it shall present a proposal to revise air quality standards or to cover other air pollutants <i>within one year of the publication of the review. Such proposals shall be developed in line with the non-regression principle.</i> 5. <i>The first review shall include a detailed assessment on pollutants of emerging concern such as ultrafine particles, black carbon, ammonia and particulate matter less than 1 micron in size. This assessment shall be based on studies evaluating the impact of these pollutants on human and environmental health.</i>

Reason

Ensuring full alignment with WHO recommendations is an essential objective in order to fulfil the Zero Pollution Ambition for a Toxic-free Environment. The directive should take updates into account.

Specific conditions of regions with particular challenges, such as morphological characteristics, should be considered in order to determine necessary financial and technical support.

Costly transition actions operated by local communities cannot result in subsequent back-peddalling on targets. Such a perspective would disincentivise action from the start, diminishing trust in common efforts, and would not ensure a level playing field for those who made the most efforts in good faith. The review should be focused on adapting targets to scientific progress, while objective difficulties to achieve targets should be addressed with other instruments.

The proposal includes additional sampling points for pollutants of emerging concern. Their use should allow a more extensive assessment of the need to include binding measures to address them.

Amendment 7

Article 4, point 39

Text proposed by the European Commission	Amendment
(39) 'sensitive population and vulnerable groups' means those population groups that are more vulnerable to air pollution exposure than the average population, because they have a higher sensitivity or a lower threshold for health effects or have a reduced ability to protect themselves.	(39) 'sensitive population and vulnerable groups' means those population groups that are permanently or temporarily more sensitive or more vulnerable to the effects of air pollution exposure than the average population, because of specific characteristics that make the health consequences of exposure more significant or because they have a higher sensitivity or a lower threshold for health effects or have a reduced ability to protect themselves, such as those with specific pre-existing health conditions, pregnant women, newborns, children, elderly people, people living in poverty or people with disabilities.

Reason

Air pollution exacerbates existing inequities, including health disparities.

Amendment 8

Article 12(1)

Text proposed by the European Commission	Amendment
1. In zones where the levels of sulphur dioxide, nitrogen dioxide, particulate matter (PM ₁₀ and PM _{2.5}), lead, benzene, carbon monoxide, arsenic, cadmium, nickel and benzo(a) pyrene in ambient air are below the respective limit values specified in Section 1 of Annex I, Member States shall maintain the levels of those pollutants below the limit values.	1. In zones where the levels of sulphur dioxide, nitrogen dioxide, particulate matter (PM ₁₀ and PM _{2.5}), lead, benzene, carbon monoxide, arsenic, cadmium, nickel and benzo(a) pyrene in ambient air are below the respective limit values specified in Section 1 of Annex I, Member States shall maintain the levels of those pollutants below the limit values. The limit values shall apply following the timeline specified in Annex I, unless additional time to comply has been granted under Article 18.

Amendment 9

Article 16(2), (3)

Text proposed by the European Commission	CoR amendment
2. Member States shall provide the Commission with lists of any such zones and NUTS 1 territorial units, as referred to in paragraph 1, together with information on concentrations and sources and the evidence demonstrating that the exceedances are attributable to natural sources. 3. Where the Commission has been informed of an exceedance attributable to natural sources in accordance with paragraph 2, that exceedance shall not be considered as an exceedance for the purposes of this Directive.	2. Member States shall provide the Commission with lists of any such zones and NUTS 1 territorial units, as referred to in paragraph 1, together with information on concentrations and sources and the evidence demonstrating that the exceedances are attributable to natural sources. 3. Where the Commission has been informed of an exceedance attributable to natural sources in accordance with paragraph 2, that exceedance shall not be considered as an exceedance for the purposes of this Directive <i>provided the Member State provides verifiable evidence that the exceedances could not have been prevented or mitigated by the Member State concerned.</i> <i>4. In order to help the competent authorities to assess the contribution from natural sources to air pollution in their territory, the European Commission shall review and update the existing guidance document no later than 31 December 2026, in particular regarding the methods to quantify any natural contribution to the average exposure reduction obligation.</i>

Reason

Member States should provide evidence of need for this exemption, similarly to the condition in Art. 17. Natural sources could impact certain areas even if they do not exceed thresholds. Guidance would also be necessary for these areas.

Amendment 10

Article 18

Text proposed by the European Commission	CoR amendment
1. Where, in a given zone, conformity with the limit values for particulate matter (PM₁₀ and PM_{2,5}) or nitrogen dioxide cannot be achieved by the <i>deadline</i> specified in <i>Table</i> 1 of Section 1 of Annex I, because of site-specific dispersion characteristics, orographic boundary conditions, adverse climatic conditions <i>or</i> transboundary contributions, a Member State may postpone that deadline once by a maximum of 5 years for that particular zone, if the following conditions are met:	1. Where, in a given zone, conformity with the limit values for particulate matter (PM₁₀ and PM_{2,5}) or nitrogen dioxide cannot be achieved by the <i>deadlines</i> specified in <i>Tables 1 and 1a</i> of Section 1 of Annex I, because of site-specific dispersion characteristics, orographic boundary conditions, adverse climatic conditions, transboundary contributions <i>or because of disproportionate cost of implementation which exceeds the cost of inaction,</i> a Member State may postpone that deadline once by a maximum of 5 years for that particular zone if the following conditions are met:

Text proposed by the European Commission	CoR amendment
(a) an air quality plan is established in accordance with Article 19(4) and meeting the requirements listed in Article 19(5) to (7) for the zone to which the postponement would apply; (b) the air quality plan referred in point (a) is supplemented by the information listed in Point B of Annex VIII related to the pollutants concerned and demonstrates how exceedance periods above the limit values will be kept as short as possible; (c) the air quality plan referred to in point (a) outlines how the public and, in particular, sensitive population and vulnerable groups will be informed about the consequences of the postponement for human health and the environment; (d) the air quality plan referred to in point (a) outlines how additional funding, including via relevant national and Union funding programmes, will be mobilised to accelerate the improvement of air quality in the zone to which the postponement would apply. 2. Member States shall notify the Commission where, in their view, paragraph 1 is applicable, and shall communicate the air quality plan referred to in paragraph 1 and all relevant information necessary for the Commission to assess whether the invoked reason for postponement and the conditions set out in that paragraph are satisfied. In its assessment, the Commission shall take into account estimated effects on ambient air quality in Member States, at present and in the future, of measures that have been taken by Member States as well as estimated effects on ambient air quality of Union measures.	(a) an air quality plan is established in accordance with Article 19(4) and meeting the requirements listed in Article 19(5) to (7) for the zone to which the postponement would apply; (b) the air quality plan referred in point (a) is supplemented by the information listed in Point B of Annex VIII related to the pollutants concerned and demonstrates how exceedance periods above the limit values will be kept as short as possible; (c) the air quality plan referred to in point (a) outlines how the public and, in particular, sensitive population and vulnerable groups will be informed about the consequences of the postponement for human health and the environment; (d) the air quality plan referred to in point (a) outlines how additional funding, including via relevant national and Union funding programmes, will be earmarked and mobilised to accelerate the improvement of air quality in the zone to which the postponement would apply. 2. Member States shall notify the Commission where, in their view, paragraph 1 is applicable, and shall communicate the air quality plan referred to in paragraph 1 and all relevant information necessary for the Commission to assess whether the invoked reason for postponement and the conditions set out in that paragraph are satisfied. In its assessment, the Commission shall take into account estimated effects on ambient air quality in Member States, at present and in the future, of measures that have been taken by Member States as well as estimated effects on ambient air quality of Union measures. The Commission shall assist competent authorities in the identification of possible forms of EU support for the administrative and financial efforts that the above-mentioned measures imply.

Amendment 11

Article 19(1), (5), (6), (7)

Text proposed by the European Commission	CoR amendment
1. Where, in given zones the levels of pollutants in ambient air exceed any limit value, laid down in Section 1 of Annex I, Member States shall establish air quality plans for those zones as soon as possible and no later than 2 years after the calendar year during which that exceedance of any limit value was recorded. Those air quality plans shall set out appropriate measures to achieve the concerned limit value and to keep the exceedance period as short as possible, and in any case no longer than 3 years from the end of the calendar year in which the first exceedance was reported. [...] 5. Air quality plans shall contain at least the following information: (a) the information listed in Point A, points 1 to 6 of Annex VIII; (b) where applicable, the information listed in Point A, points 7 and 8, of Annex VIII; (c) where appropriate, information on abatement measures listed in Point B, Point 2 of Annex VIII. 6. [...] When preparing air quality plans, Member States shall ensure that stakeholders whose activities contribute to the exceedance situation are encouraged to propose measures they are able to take to help end the exceedances and that non-governmental organisations, such as environmental organisations, consumer organisations, organisations representing the interests of sensitive population and vulnerable groups, other relevant health-care bodies and the relevant industrial federations are allowed to take part in those consultations.	1. Where, in given zones the levels of pollutants in ambient air exceed any limit value, laid down in Section 1 of Annex I, Member States shall establish air quality plans for those zones as soon as possible and no later than 2 years after the calendar year during which that exceedance of any limit value was recorded. Those air quality plans shall set out appropriate measures to achieve the concerned limit value and to keep the exceedance period as short as possible, and in any case no longer than 3 years from the end of the calendar year in which the first exceedance was reported. [...] 5. Air quality plans shall contain at least the following information: (a) the information listed in Point A, points 1 to 6 of Annex VIII; (b) where applicable, the information listed in Point A, points 7 and 8, of Annex VIII; (c) information on abatement measures listed in Point B, Point 2 of Annex VIII. 6. [...] When preparing air quality plans, Member States shall ensure that stakeholders whose activities contribute to the exceedance situation are encouraged to propose measures they are able to take to help end the exceedances and that non-governmental organisations, such as environmental organisations, consumer organisations, organisations representing the interests of sensitive population and vulnerable groups, other relevant health-care bodies and the relevant industrial federations are allowed to take part in those consultations.

Text proposed by the European Commission	CoR amendment
7. Air quality plans shall be communicated to the Commission within 2 months after their adoption.	<i>Member States shall ensure that local and regional authorities representing those areas likely to be significantly affected by the air pollution exceedances that determined the need to draft air quality plans are allowed to take part in those consultations.</i> 7. Air quality plans shall be communicated to the Commission within 2 months after their adoption. <i>8. The Commission shall facilitate the elaboration and implementation of the air quality plans, where appropriate, through an exchange of best practices. The Commission shall establish guidance on the elaboration, implementation and revision of air quality plans, specifically tailored for local and regional authorities.</i> <i>9. Air quality plans shall be drafted in coordination with relevant national air pollution control programme prepared according to Directive (EU) 2016/2284.</i>

Reason

Information on abatement measures should be included where applicable in air quality plans, ensuring all relevant local authorities can manage and contribute to their implementation.

Local and regional authorities that might be affected by pollution must be consulted, not just those with direct competencies to implement the plans.

Amendment 12

Article 20(1), (2), (5)

Text proposed by the European Commission	CoR amendment
1. Where, in a given zone, there is a risk that the levels of pollutants will exceed one or more of the alert thresholds specified in Section 4 of Annex I, Member States shall draw up short-term action plans indicating the emergency measures to be taken in the short term in order to reduce the risk or duration of such an exceedance.	1. Where, in a given zone, there is a risk that the levels of pollutants will exceed one or more of the alert thresholds specified in Section 4 of Annex I, Member States shall draw up short-term action plans indicating the emergency measures to be taken in the short term and measures to reduce the risk or duration of such an exceedance.

Text proposed by the European Commission	CoR amendment
However, where there is a risk that the alert threshold for ozone Member States may refrain from drawing up such short-term action plans when there is no significant potential, taking into account national geographical, meteorological and economic conditions, to reduce the risk, duration or severity of such an exceedance. 2. When drawing up the short-term action plans referred to in paragraph 1 Member States may, depending on the individual case, provide for effective measures to control and, where necessary, temporarily suspend activities which contribute to the risk of the respective limit values or target values or alert threshold being exceeded. Depending on the share of the main pollution sources to the exceedances to be addressed, those short-term action plans shall consider including measures in relation to transport, construction works, industrial installations and the use of products and domestic heating. Specific actions aiming at the protection of sensitive population and vulnerable groups, including children, shall also be considered in the framework of those plans. [...] 5. Member States shall submit short-term action plans to the Commission within 2 months after their adoption.	However, where there is a risk that the alert threshold for ozone will be exceeded Member States may refrain from drawing up such short-term action plans when there is no significant potential, taking into account national geographical, meteorological and economic conditions, to reduce the risk, duration or severity of such an exceedance. 2. When drawing up the short-term action plans referred to in paragraph 1 Member States may, depending on the individual case, provide for effective measures to control and, where necessary, temporarily suspend activities which contribute to the risk of the respective limit values or target values or alert threshold being exceeded. Depending on the share of the main pollution sources to the exceedances to be addressed, those short-term action plans shall consider including measures in relation to transport, construction works, industrial installations and the use of products and domestic heating. Specific actions aiming at the protection of sensitive population and vulnerable groups, including children, shall also be considered in the framework of those plans. [...] 5. Member States shall submit short-term action plans to the Commission within 2 months after their adoption. 6. The Commission shall publish and periodically update examples of best practices for the drawing-up of short-term action plans.

Amendment 13

Article 21(1), (3), (4)

Text proposed by the European Commission	CoR amendment
1. Where transboundary transport of air pollution from one or more Member State contributes significantly to the exceedance of any limit value, ozone target value, average exposure reduction obligation or alert threshold in another Member State, the latter shall notify the Member States from which the air pollution originated and the Commission thereof.	1. Where transboundary transport of air pollution from one or more Member State contributes significantly to the exceedance of any limit value, ozone target value, average exposure reduction obligation or alert threshold in another Member State, the latter shall notify the Member States from which the air pollution originated and the Commission thereof.

Text proposed by the European Commission	CoR amendment
The Member States concerned shall cooperate to identify the sources of air pollution and the measures to be taken to address those sources, and draw up joint activities, such as the preparation of joint or coordinated air quality plans pursuant to Article 19, in order to remove such exceedances. Member States shall respond to each other in a timely manner, and no later than 3 months after being notified by another Member State in accordance with the first subparagraph. [...] 3. Member States shall, if appropriate pursuant to Article 20, prepare and implement joint short-term action plans covering neighbouring zones in other Member States. Member States shall ensure that neighbouring zones in other Member States receive all appropriate information regarding these short-term action plans without undue delay. 4. Where the information threshold or alert thresholds are exceeded in zones close to national borders, information on these exceedances shall be provided as soon as possible to the competent authorities in the neighbouring Member States concerned. That information shall also be made available to the public.	The Member States concerned shall cooperate to identify the sources of air pollution and the measures to be taken to address those sources, and draw up joint activities, such as the preparation of joint or coordinated air quality plans pursuant to Article 19, in order to remove such exceedances. <i>Member States shall ensure that local and regional authorities of areas significantly affected will be informed of any cooperation and, where appropriate, will be involved.</i> Member States shall respond to each other in a timely manner, and no later than 3 months after being notified by another Member State in accordance with the first subparagraph. [...] 3. Member States shall, if appropriate pursuant to Article 20, prepare and implement joint short-term action plans covering neighbouring zones in other Member States. Member States shall ensure that neighbouring zones in other Member States, <i>including relevant local and regional authorities</i>, receive all appropriate information regarding these short-term action plans without undue delay. 4. Where the information threshold or alert thresholds are exceeded in zones close to national borders, information on these exceedances shall be provided as soon as possible to the competent authorities in the neighbouring Member States concerned, <i>including relevant local and regional authorities</i>. That information shall also be made available to the public.

Reason

Local and regional authorities in border regions should be informed of problems and of cooperation efforts and, where appropriate, they should be involved in cooperation efforts.

Amendment 14

Article 22(1), (2)

Text proposed by the European Commission	CoR amendment
1. Member States shall ensure that the public as well as appropriate organisations such as environmental organisations, consumer organisations, organisations representing the interests of sensitive populations and vulnerable groups, other relevant health-care bodies and the relevant industrial federations are informed, adequately and in good time, of the following: [...] 2. Member States shall establish an air quality index covering sulphur dioxide, nitrogen dioxide, particulate matter (PM₁₀ and PM_{2,5}) and ozone, and make it available through a public source providing an hourly update. The air quality index shall consider the recommendations by the WHO and build on the air quality indices at European scale provided by the European Environmental Agency.	1. Member States shall ensure that the public and local and regional authorities as well as appropriate organisations such as environmental organisations, consumer organisations, organisations representing the interests of sensitive populations and vulnerable groups, other relevant health-care bodies and the relevant industrial federations are informed, adequately and in good time, of the following: [...] (f) contribution to health and environmental damage caused by pollutants of emerging concern and ozone precursors, 2. Member States shall establish an air quality index covering sulphur dioxide, nitrogen dioxide, particulate matter (PM₁₀ and PM_{2,5}) and ozone, and make it available through a public source providing an hourly update. The air quality index shall build on the air quality indices at European scale provided by the European Environmental Agency, and from 2035 onwards align with the World Health Organization (WHO) Air Quality Guidelines. The air quality index shall include user-friendly information that is comparable among Member States and accessible to the general public, providing guidance for informed personal behaviour, especially in relation to health risks, in particular for vulnerable groups.

Reason

Local authorities are important in fighting air pollution and in promoting awareness in their areas, and must receive adequate information.

An air quality index should not be limited to technical data but should include information that could be of practical use for the general public, especially for vulnerable groups.

The public should be informed of pollutants of emerging concern.

Reflecting the most up-to-date recommendations of the WHO allows for comparability of data.

Amendment 15

Article 27(1)

Text proposed by the European Commission	CoR amendment
1. Member States shall ensure that, in accordance with their national legal system, members of the public concerned have access to a review procedure before a court of law, [...]	1. Member States shall ensure that, in accordance with their national legal system, members of the public concerned have access to a review procedure before a court of law, [...]

Text proposed by the European Commission	CoR amendment
(b) where the applicable law of the Member State requires this as a precondition, the members of the public maintain the impairment of a right. [...] The interest of any non-governmental organisation which is a member of the public concerned shall be deemed sufficient for the purposes of the first paragraph, point (a). Such organisations shall also be deemed to have rights capable of being impaired for the purposes of the first paragraph, point (b).	(b) where the applicable law of the Member State requires this as a precondition, the members of the public maintain the impairment of a right. [...] The interest of any non-governmental organisation which is a member of the public concerned or a sub-national public authority representing all or part of the public concerned shall be deemed sufficient for the purposes of the first paragraph, point (a). Such organisations shall also be deemed to have rights capable of being impaired for the purposes of the first paragraph, point (b).

Reason

Local and regional authorities might not be adequately involved in the processes concerning air quality plans and short-term action plans and should have right of access to justice.

Amendment 16

Article 27(3)

Text proposed by the European Commission	Amendment
3. The review procedure shall be fair, equitable, timely and not prohibitively expensive, and shall provide adequate and effective redress mechanisms, including injunctive relief as appropriate.	3. The review procedure shall be fair, equitable, timely and not prohibitively expensive, and shall provide adequate and effective redress mechanisms, including injunctive relief as appropriate. Member States shall ensure that the courts or other independent and impartial review bodies are able to apply effective coercive measures.

Amendment 17

Article 28(2), (3), (4), (5)

Text proposed by the European Commission	Amendment
2. Member States shall ensure that non-governmental organisations promoting the protection of human health or the environment and meeting any requirements under national law are allowed to represent natural persons referred to in paragraph 1 and bring collective actions for compensation. The requirements set out in Article 10 and Article 12(1) of Directive (EU) 2020/1828 shall mutatis mutandis apply to such collective actions.	2. Member States shall ensure that non-governmental organisations promoting the protection of human health or the environment are allowed to represent natural persons referred to in paragraph 1 and bring actions for compensation. The requirements set out in Article 10 and Article 12(1) of Directive (EU) 2020/1828 shall mutatis mutandis apply to such collective actions.

Text proposed by the European Commission	Amendment
3. Member States shall ensure that a claim for compensation for a violation can be pursued only once by a natural person referred to in paragraph 1 and by the non-governmental organisations representing the person referred to in paragraph 2. Member States shall lay down rules to ensure that the individuals affected do not receive compensation more than once for the same cause of action against the same competent authority. 4. Where a claim for compensation is supported by evidence showing that the violation referred to in paragraph 1 is the most plausible explanation for the occurrence of the damage of that person, the causal link between the violation and the occurrence of the damage shall be presumed. The respondent public authority shall be able to rebut this presumption. In particular, the respondent shall have the right to challenge the relevance of the evidence relied on by the natural person and the plausibility of the explanation put forward. 5. Member States shall ensure that national rules and procedures relating to claims for compensation, including as concerns the burden of proof, are designed and applied in such a way that they do not render impossible or excessively difficult the exercise of the right to compensation for damage pursuant to paragraph 1.	3. Member States shall ensure that a claim for compensation for a violation can be pursued only once by a natural person referred to in paragraph 1 and by the non-governmental organisations representing the person referred to in paragraph 2. Member States shall lay down rules to ensure that the individuals affected do not receive compensation more than once for the same cause of action against the same competent authority. 4. Where a claim for compensation is supported by evidence, including relevant scientific data, from which it may be presumed that the violation referred to in paragraph 1 has caused or contributed to the occurrence of the damage of that person, the causal link between the violation and the occurrence of the damage shall be presumed. The respondent public authority shall be able to rebut this presumption. In particular, the respondent shall have the right to challenge the relevance of the evidence relied on by the natural person and the plausibility of the explanation put forward. 4a. For the purpose of this Article, ‘relevant scientific data’ means statistical, epidemiological and other data demonstrating a statistically robust causal relationship between certain types of pollution and certain health conditions. 5. Member States shall ensure that national rules and procedures relating to claims for compensation, including as concerns the burden of proof, are designed and applied in such a way that they do not render impossible or excessively difficult the exercise of the right to compensation for damage pursuant to paragraph 1.

Amendment 18

Annex I — Section 1

Text proposed by the European Commission

Table 1 — Limit values for the protection of human health to be attained by 1 January 2030

Averaging period	Limit value	
PM _{2,5}		
1 day	25 µg/m ³	not to be exceeded more than 18 times per calendar year
Calendar year	10 µg/m ³	
PM ₁₀		
1 day	45 µg/m ³	not to be exceeded more than 18 times per calendar year

Averaging period	Limit value	
Calendar year	20 µg/m ³	
Nitrogen dioxide (NO ₂)		
1 hour	200 µg/m ³	not to be exceeded more than once per calendar year
1 day	50 µg/m ³	not to be exceeded more than 18 times per calendar year
Calendar year	20 µg/m ³	
Sulphur dioxide (SO ₂)		
1 hour	350 µg/m ³	not to be exceeded more than once per calendar year
1 day	50 µg/m ³	not to be exceeded more than 18 times per calendar year
Calendar year	20 µg/m ³	
Benzene		
Calendar year	3,4 µg/m ³	
Carbon monoxide (CO)		
maximum daily 8-hour mean ⁽¹⁾	10 mg/m ³	
1 day	4 mg/m ³	not to be exceeded more than 18 times per calendar year
Lead (Pb)		
Calendar year	0,5 µg/m ³	
Arsenic (As)		
Calendar year	6,0 ng/m ³	
Cadmium (Cd)		
Calendar year	5,0 ng/m ³	
Nickel (Ni)		
Calendar year	20 ng/m ³	
Benzo(a)pyrene		
Calendar year	1,0 ng/m ³	

⁽¹⁾ The maximum daily 8-hour mean concentration will be selected by examining 8-hour running averages, calculated from hourly data and updated each hour. [...]

CoR amendment

Table 1 — Limit values for the protection of human health to be attained by 1 January 2030

Averaging period	Limit value	
PM_{2.5}		
1 day	25 µg/m ³	not to be exceeded more than 18 times per calendar year
Calendar year	10 µg/m ³	
PM₁₀		
1 day	45 µg/m ³	not to be exceeded more than 18 times per calendar year
Calendar year	20 µg/m ³	
Nitrogen dioxide (NO₂)		
1 hour	200 µg/m ³	not to be exceeded more than once per calendar year
1 day	50 µg/m ³	not to be exceeded more than 18 times per calendar year
Calendar year	20 µg/m ³	
Sulphur dioxide (SO₂)		
1 hour	350 µg/m ³	not to be exceeded more than once per calendar year
1 day	50 µg/m ³	not to be exceeded more than 18 times per calendar year
Calendar year	20 µg/m ³	
Benzene		
Calendar year	3,4 µg/m ³	
Carbon monoxide (CO)		
maximum daily 8-hour mean ⁽¹⁾	10 mg/m ³	
1 day	4 mg/m ³	not to be exceeded more than 18 times per calendar year
Lead (Pb)		
Calendar year	0,5 µg/m ³	
Arsenic (As)		
Calendar year	6,0 ng/m ³	

Averaging period	Limit value	
Cadmium (Cd)		
Calendar year	5,0 ng/m ³	
Nickel (Ni)		
Calendar year	20 ng/m ³	
Benzo(a)pyrene		
Calendar year	1,0 ng/m ³	

(¹) The maximum daily 8-hour mean concentration will be selected by examining 8-hour running averages, calculated from hourly data and updated each hour. [...]

Table 1a — Limit values for the protection of human health to be attained by 1 January 2035

Averaging period	Limit value	
PM_{2,5}		
1 day	15 µg/m³	not to be exceeded more than 3 times per calendar year
Calendar year	5 µg/m³	
PM₁₀		
1 day	45 µg/m³	not to be exceeded more than 3 times per calendar year
Calendar year	15 µg/m³	
Nitrogen dioxide (NO₂)		
1 hour	200 µg/m³	not to be exceeded more than once per calendar year
1 day	25 µg/m³	not to be exceeded more than 3 times per calendar year
Calendar year	10 µg/m³	

Averaging period	Limit value	
Sulphur dioxide (SO₂)		
1 hour	200 µg/m ³	not to be exceeded more than once per calendar year
1 day	40 µg/m ³	not to be exceeded more than 3 times per calendar year
Calendar year	20 µg/m ³	
Ozone (O₃)		
Peak season ⁽¹⁾	60 µg/m ³	
maximum daily 8-hour mean ⁽²⁾	100 µg/m ³	not to be exceeded more than 3 times per calendar year
Benzene		
Calendar year	0,17 µg/m ³	
Carbon monoxide (CO)		
maximum daily 8-hour mean ⁽²⁾	10 mg/m ³	
1 day	4 mg/m ³	not to be exceeded more than 3 times per calendar year
Lead (Pb)		
Calendar year	0,5 µg/m ³	
Arsenic (As)		
Calendar year	6,0 ng/m ³	
Cadmium (Cd)		
Calendar year	5,0 ng/m ³	
Nickel (Ni)		
Calendar year	20 ng/m ³	
Benzo(a)pyrene		
Calendar year	0,12 ng/m ³	

⁽¹⁾ Average of daily maximum 8-hour mean O₃ concentration in the six consecutive months with the highest six-month running average O₃ concentration.

⁽²⁾ The maximum daily 8-hour mean concentration will be selected by examining 8-hour running averages, calculated from hourly data and updated each hour. [...]

Reason

The impact of air pollution in terms of premature deaths, illnesses, economic impacts and contribution to climate change is unacceptable. Decisive action is necessary in order to ensure that all EU communities have a right to clean air. The CoR supports the limit values set by the European Commission for 2030, but calls for full alignment with the science-based World Health Organization (WHO) Air Quality Guidelines by 2035.

Amendment 19

Annex IX(1), point (f)

Text proposed by the European Commission	CoR amendment
f) information on measuring campaigns or similar activities and their results where performed.	f) information on measuring campaigns or similar activities including citizen science initiatives , and their results where performed.

Reason

Involving citizens in monitoring air pollution can help both to improve data and to increase participation.

II. POLICY RECOMMENDATIONS

THE EUROPEAN COMMITTEE OF THE REGIONS (CoR)

1. highlights that air pollution does not stop at EU, national, regional or local borders. To properly fight pollution, local areas and regions cannot be left alone and should be involved in horizontal and vertical cooperation in the framework of a multi-level, cross-boundary governance approach.
2. supports revising the two Ambient Air Quality directives, the merging of the two into one to clarify and simplify the rules, and the European Commission's proposed limit values to be achieved by 2030; calls for full and binding alignment with the 2021 WHO guidelines by 2035, so as to protect citizens' health and to contribute to achieving the zero pollution objective set to be achieved by the year 2050; supports the introduction of a regular review mechanism of the air quality standards in line with the latest scientific evidence. Achieving these targets will be possible only if the EU and Member States agree and implement ambitious policies to tackle the sources of pollution at all levels.
3. stresses the importance of implementation and enforcement, highlighting the significant number of infringements of air quality, recalling that communities should be adequately supported to fully implement the directive on the ground; calls for full application of the polluter pays principle.
4. highlights the fact that the costs of an ambitious policy to fight air pollution are far outweighed by the benefits for the economy, nature, climate and particularly health, especially considering the cost of inaction, in particular for people living in vulnerable conditions, as pollution is the leading environmental cause of disease and premature death around the world; highlights the 'One Health' approach, which acknowledges the interconnectedness between human, environmental and animal health.
5. stresses that there are particular zones at local level where conformity with the limit values for certain pollutants cannot be achieved by the deadlines specified in Tables 1 and 1a of Section 1 of Annex I, because of site-specific dispersion characteristics, orographic boundary conditions, adverse climatic conditions, transboundary contributions or because of disproportionate cost of implementation which exceeds the cost of inaction; welcomes therefore Art. 18 of the European Commission's proposal providing for additional time to comply with air quality standards in those areas where specific difficulties are encountered; calls for support to help such zones achieve air quality objectives.

6. highlights that it may be challenging to strengthen existing and planned measures before 2030, in several of the relevant policy files, such as mobility, industry, climate, energy and agriculture. It is important for local and regional authorities to gain an understanding of the social impact for residents, entrepreneurs, visitors, and matters such as enforcement, transitional arrangements and financial consequences so as to take decisions. Public consultation process and timely and clear communication are very important for public acceptance.

7. calls Member States to ensure that local and regional authorities representing areas likely to be significantly affected by air pollution exceedances are allowed to take part in consultations when preparing air quality plans.

8. calls for the Commission to facilitate the elaboration and implementation of air quality plans and their subsequent revisions, where appropriate, through an exchange of best practices and guidance, specifically tailored for local and regional authorities.

9. promotes coherence between projects funded by the EU and policies of national, regional and local authorities in order to maximise their impacts.

10. points out that air pollution is a phenomenon that crosses borders. It is not entirely within the power of a municipality or province to achieve compliance with air quality limit values through a local programme. It would be fundamental for the EU and Member States to agree on coherent source policies and legislation helping them, and local authorities, in delivering on air quality objectives.

11. highlights the general lack of specifically targeted EU funding for air quality and calls for the EU to support air quality transition by:

- providing new better targeted or dedicated EU funding opportunities while simplifying and increasing access to existing funding opportunities, in particular under ERDF, LIFE and EAFRD;
- extending or adapting funding opportunities for climate transition, such as the Just Transition Fund or the Social Climate Fund, to use for air quality transition;
- providing technical assistance and multilingual tailored guidance on funding specifically addressed to local and regional authorities;
- shifting traffic — particularly heavy goods traffic — from the road to the railway.

12. calls for/promotes EU funding for air quality research, especially for areas with structural challenges. The CoR also promotes EU funding for monitoring, which in some Member States could be the responsibility of the local and regional authorities (LRAs).

13. expresses concern about the lack of incentives that could help LRAs with structural challenges to enhance their operational and financial capacity to facilitate compliance with these stricter regulations and make their implementation effective; invites LRAs with already suitable levels of air quality to improve even more, instead of remaining just below the required thresholds with the risk of regression along the line.

14. highlights that public consultation processes and timely and clear communication are very important for public acceptance and for giving stakeholders sufficient time to prepare.

15. acknowledges the need to develop a system of penalties aimed in particular at securing coherent and timely action by central government to support LRAs in their implementation efforts; furthermore, calls for financial support for LRAs that do not have the powers or the resources to adequately improve air quality standards on their own. Multi-level governance, horizontal coordination and adequate funding are essential to ensure the implementation of this directive.

16. supports the provision for air quality indices based on the EEA Air Quality Index, taking into account WHO recommendations.
17. highlights that this initiative by the European Commission is linked to the follow up of the Conference on the Future of Europe (COFE). In this respect, welcomes the proposals of the COFE to counteract pollution and considers that the recommendations put forward in this opinion could contribute to their overall objectives.
18. stresses the importance of public information on air quality, especially for vulnerable groups, and the potential role of LRAs which should be properly informed and given the means to raise awareness in all EU communities.
19. supports the involvement of local communities and citizen science in monitoring pollution as complementary to standard monitoring. The CoR promotes best practices and supports further research to improve low-cost sensors used for citizen science.
20. highlights that air pollution is among the most important causes of cancer, in particular lung cancer. Stricter air quality standards would also contribute to the objectives of Europe's Beating Cancer Plan ⁽¹⁾, published in December 2021.
21. concurs with the legal basis upon which the European Commission is basing the EU's competence for this proposal. Indeed, in accordance with Article 192 TFEU, the EU is competent to take measures to improve the quality of ambient air; acknowledges that the legislative proposal does not appear to raise any general issue regarding its compliance with the principle of subsidiarity, considering the transboundary nature of air pollution and the possibility to adopt specific territorial approaches to comply with the proposed standards; nor does the proposal appear to raise any general issue regarding its compliance with the principle of proportionality, considering the urgent need to counteract the extremely negative impacts of air pollution.
22. in order to fully exercise its prerogatives, the European Committee of the Regions requests access to all the documents (with a special focus on the '4-column' document) shared between the co-legislators in the trilogue meetings for the above-mentioned legislative proposal.

Brussels, 5 July 2023.

*The President
of the European Committee of the Regions*
Vasco ALVES CORDEIRO

⁽¹⁾ Europe's Beating Cancer Plan, European Commission, 2021.