

AIR QUALITY

Proposal COM(2022) 542 of 26 October 2022 for a **Directive on ambient air quality and cleaner air for Europe (recast)**

cepPolicyBrief No. 2023-11

SHORT VERSION [\[Go to Long Version\]](#)

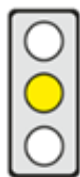
Context | Objective | Interested Parties

Context: Air quality in the EU has improved considerably in recent decades. The EU now wants to reduce the number of “premature deaths” attributed to air pollution by another 55% by 2030 compared to 2005. To this end, EU air quality standards are to be aligned “more closely” with the non-binding 2021 World Health Organisation (WHO) air quality guidelines (“WHO air quality guidelines”), in which the recommended guideline levels and interim targets for local pollutant concentrations (“ambient air pollution”) have been tightened considerably.

Aim: Air quality in the EU is to be “progressively” improved to a level that is “no longer considered harmful to human health and natural ecosystems on the basis of scientific evidence” and contributes to a “toxic-free environment” by 2050 at the latest. To this end, the limits on ambient air pollution are to be tightened.

Affected parties: Residents, vulnerable groups, agriculture, industry and businesses in exceedance areas.

Brief Assessment



Pro

The EU limit values will be set – as before – at the level of the strictest WHO interim targets. Full alignment with the even stricter, purely health-related WHO guideline levels would not meet the need for a comprehensive consideration of all aspects, including the cost-benefit ratio.

Contra

- ▶ Establishing the new EU limit values from 2030 is too early, as this will require more additional air pollution control measures to be taken, even though many of the limit values will be almost entirely achieved by the mid-2030s with the planned decarbonisation measures. This is disproportionate.
- ▶ Tightening the ozone target value results in hardly any health improvements on the status quo.
- ▶ The obligation to establish an air quality plan within two calendar years after the limit values applicable from 2030 have been exceeded, possibly from 2026, would de facto bring forward the obligation to take additional measures and lead to an unnecessary administrative burden.

Setting targets and review of air quality standards [Long Version A.2-3, C.1.2]

Commission proposal: A “zero pollution objective” is intended to improve air quality so that it is no longer harmful to health and the environment and contributes to a “toxic-free environment” by 2050 at the latest. The Commission has until the end of 2028 to consider whether a revision is needed to “align” the Directive with new WHO air quality guidelines and scientific evidence – and thereafter must do so every five years, or “more frequently” if “substantial” new scientific evidence “requires” it.



cep-Assessment: “Zero-pollution objective” and “toxic-free” suggest that it is possible to reduce ambient air pollution to zero and that the level that is harmless to health necessarily involves being free from pollutants. This ignores natural sources of emissions. The review requirements put the Commission under pressure to justify itself if, after a comprehensive balancing of interests, it decides against proposing “full alignment” with future WHO air quality guidelines and new scientific evidence.

Level of EU limit values and target values [Long Version A.4.1, C.1.3]

Commission proposal: The new EU limit values will be set – as before – at the level of the strictest WHO interim targets, with the stricter WHO guideline levels serving as long-term guidance. In contrast, the stricter WHO guideline levels will be used to determine the EU target values for ozone.



cep-Assessment: The proposed EU limit values are a balanced compromise between health protection and comprehensive cost-benefit aspects. The full alignment of EU limit values with WHO guideline levels, called for by the EU Parliament, cannot for the most part be achieved through cost-effective measures, if at all, and not even with purely technical measures. The result would be disproportionate costs and restrictions on public life (e.g. driving bans).

Compliance deadline for EU limit and target values [Long Version A.4.1, C.1.1.4]

Commission proposal: The new EU limit and target values must be met from 2030. In addition, from 2030 onwards, the average exposure indicator (AEI) for PM_{2.5} and NO₂ must not exceed a value that is 25% lower than the AEI ten years earlier, unless it is already below 5 or 10 µg/m³ respectively.



cep-Assessment: Decarbonisation of industry and buildings as well as the EURO 6/VI standards for motor vehicles will not take full effect until the mid-2030s. Application of the new limit values should be postponed to 2035 in order to minimise social and economic turbulence. Limit values would then already be almost entirely achieved with the baseline scenario, or at least be achieved more easily with less draconian additional measures, which would avoid costly additional reduction measures in the case of widespread exceedance of limit values.

Public information [Long Version A.8, C.1.4]

Commission proposal: Member States must establish and make publicly available an air quality index, with hourly updates, for SO₂, NO₂, PM₁₀, PM_{2.5} and ozone, which takes into account the WHO recommendations and builds on the air quality indices provided by the European Environment Agency.



cep-Assessment: The national air quality indices should not have to be categorised by reference to the respective current WHO recommendations, but should only be based on the applicable limit values and target values because only these – if determined after careful consideration of the benefits and socio-economic costs – represent proportionate levels of air pollution. This also prevents misguided alarmism.

Air Quality Management [Long Version A.5, C.1.5]

Commission proposal: Member States must “endeavour to achieve and preserve” the “best ambient air quality” and a “high level of protection” for health “in accordance with the air quality guidelines published by the WHO”. They can postpone the compliance period of the limit values for particulate matter or NO₂ until 2035 at the latest in an area where compliance is not possible within the deadline due to “site-specific dispersion characteristics”, terrain-related boundary conditions, adverse climatic conditions or transboundary emissions.



cep-Assessment: The requirements to strive for the “best ambient air quality” and a “high level of protection” in line with WHO guidelines are vague and create legal uncertainty. They contradict the democratically established limit values and give rise to public pressure to exceed them without regard to cost. Extending the deadline by 5 years, in areas with adverse conditions, is appropriate.

Air quality plans and short-term action plans [Long Version A.6-7, C.1.6]

Commission proposal: If the levels of pollutants in an area are above a new limit value from the third year after entry into force until the end of 2029, Member States must prepare an air quality plan as soon as possible, but no later than two years after the calendar year in which the exceedance was recorded. In action plans, Member States may provide for “effective measures” to control and temporarily suspend activities.



cep-Assessment: The obligation to establish an air quality plan within two calendar years after the limit values applicable from 2030 have been exceeded, possibly from 2026, would de facto bring forward the obligation to take additional measures and lead to an unnecessary administrative burden almost everywhere in the EU. If activities can be temporarily suspended, proportionality must be respected.