



2022/0347(COD)

23.2.2023

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DRAFT REPORT

on the proposal for a directive of the European Parliament and of the Council
Ambient Air quality and cleaner air for Europe (recast)
(COM(2022)0542 – C90364/2022 – 2022/0347(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Javi López

(Recast – Rule 110 of the Rules of Procedure)

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

CONTENTS

| | Page |
|---|-------------|
| DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION | 5 |
| EXPLANATORY STATEMENT | 123 |
| ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT | 128 |

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a directive of the European Parliament and of the Council Ambient Air quality and cleaner air for Europe (recast)
(COM(2022)0542 – C90364/2022 – 2022/0347(COD))**

(Ordinary legislative procedure – recast)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0542),
 - having regard to Article 294(2) and Article 192 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C90364/2022),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of ... ¹,
 - having regard to the opinion of the Committee of the Regions of ... ²,
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts³,
 - having regard to the letter of xxx sent by the Committee on Legal Affairs to the Committee on the Environment, Public Health and Food Safety in accordance with Rule 110(3) of its Rules of Procedure,
 - having regard to Rules 110 and 59 of its Rules of Procedure,
 - having regard to the opinion of the Committee on Transport and Tourism,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A90000/2023),
1. Adopts its position at first reading hereinafter set out; taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission:
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

¹ 12734¹ OJ C ... / Not yet published in the Official Journal.

² OJ C ... / Not yet published in the Official Journal.

³ OJ C 77, 28.3.2002, p. 1.
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3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) The Zero Pollution Action Plan also sets out a vision for the year 2050, where air pollution is reduced to levels no longer considered harmful to health and natural ecosystems. To this end, a staged approach towards setting current and future EU air quality standards should be pursued, establishing **intermediate** air quality standards for the year 2030 and beyond, and developing a perspective for alignment with the WHO Air Quality Guidelines by the year 2050 at the latest based on a regular review mechanism to take into account the latest scientific understanding. Given the links between pollution reduction and decarbonisation, the long-term objective to achieve the zero pollution ambition should be pursued hand in hand with reduction of greenhouse gas emissions as set by Regulation (EU) 2021/1119 of the European Parliament and of the Council⁴².

⁴² Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L

Amendment

(4) The Zero Pollution Action Plan also sets out a vision for the year 2050, where air pollution is reduced to levels no longer considered harmful to health and natural ecosystems. To this end, a staged **and ambitious** approach towards setting current and future EU air quality standards should be pursued, establishing air quality standards for the year 2030 and **at regular intervals** beyond, and developing a perspective for **continuous full** alignment with the **most up-to-date** WHO Air Quality Guidelines **in order to achieve the zero pollution objective** by the year 2050 at the latest based on a regular review mechanism to take into account the latest scientific understanding. Given the links between pollution reduction and decarbonisation, the long-term objective to achieve the zero pollution ambition should be pursued hand in hand with reduction of greenhouse gas emissions as set by Regulation (EU) 2021/1119 of the European

⁴² Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L

Or. en

Amendment 2

Proposal for a directive Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) In September 2021, the World Health Organization (WHO) released new Air Quality Guidelines, based on a comprehensive synthesis of the scientific evidence on health effects of air pollution. This Directive takes into account the latest scientific understanding on the need to fully align the Union air quality standards with the most recent WHO guidelines in order to fulfil the overall objectives of the Zero

Or. en

Amendment 3

Proposal for a directive Recital 5

Text proposed by the 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, 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 ***and the respect of the human right to a clean, healthy and sustainable environment.*** 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 inequalities, the sustainability of solidarity-based social protection systems, the achievement of the Sustainable Development Goals,*** 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

Or. en

Amendment 4

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) A common approach to the assessment of ambient air quality should be followed by applying common assessment criteria. When assessing ambient air quality, account should be taken of the size of populations and ecosystems exposed to air pollution. It is therefore appropriate to classify the territory of each Member State into zones reflecting the population density.

Amendment

(8) A common approach to the assessment of ambient air quality should be followed by applying common assessment criteria. When assessing ambient air quality, account should be taken of the size of populations and ecosystems exposed to air pollution. It is therefore appropriate to classify the territory of each Member State into zones reflecting the population density, ***while taking socio-economic and health***

Or. en

Justification

Amended for consistency with Recital 5, that introduces “the fight against social inequalities” in the text. According to the World Health Organization, socio-economic factors are a major health determinant. Therefore, they should be taken into account when assessing ambient air quality. https://www.who.int/health-topics/social-determinants-of-health#tab=tab_1

Amendment 5

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) It is important that pollutants of emerging concern, such as ultrafine particles, black carbon and elemental carbon, as well as ammonia and the oxidative potential of particulate matter, be monitored in order to support scientific understanding of their effects on health and the environment, as recommended by the WHO.

Amendment

(11) It is important that pollutants of emerging concern, such as ultrafine particles, black carbon and elemental carbon, as well as ammonia and the oxidative potential of particulate matter, be monitored in order to support scientific understanding of their effects on health and the environment, as recommended by the WHO, ***and with a view to establishing limit values for them.***

Or. en

Amendment 6

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) Detailed measurements of fine particulate matter at rural background locations should be made in order to understand better the impacts of this pollutant and to develop appropriate policies. Such measurements should be made in a manner consistent with those of the cooperative programme for monitoring and evaluation of the long range transmission of air pollutants in Europe (EMEP) set up under the 1979 United Nations Economic Commission for Europe (UNECE) Convention on Long-range Transboundary Air Pollution approved by Council Decision 81/462/EEC of 11 June 1981⁴⁴ and its Protocols, including the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone of 1999, which was revised in

⁴⁴ Council Decision 81/462/EEC of 11 June 1981 on the conclusion of the Convention on long-range transboundary air pollution (OJ L 171, 27.6.1981, p. 11).

Amendment

(12) Detailed measurements of fine particulate matter at rural background locations should be made in order to understand better the ***transboundary contribution and the*** impacts of this pollutant, and to develop appropriate policies. Such measurements should be made in a manner consistent with those of the cooperative programme for monitoring and evaluation of the long range transmission of air pollutants in Europe (EMEP) set up under the 1979 United Nations Economic Commission for Europe (UNECE) Convention on Long-range Transboundary Air Pollution approved by Council Decision 81/462/EEC of 11 June 1981⁴⁴ and its Protocols, including the Protocol to Abate Acidification, Eutrophication and Ground-

⁴⁴ Council Decision 81/462/EEC of 11 June 1981 on the conclusion of the Convention on long-range transboundary air pollution (OJ L 171, 27.6.1981, p. 11).

Or. en

Justification

Particulate matter is a type of air pollution that can travel long distances in the atmosphere. Long-range transport of particulate matter contributes significantly to exposure and to health effects. This aspect should be highlighted in the text. https://www.euro.who.int/__data/assets/pdf_file/0006/78657/E88189.pdf

Amendment 7

Proposal for a directive

Recital 15

Text proposed by the Commission

(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.***

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, ***heating*** and energy generation. Therefore, emissions of harmful air pollutants should be avoided, prevented or reduced and appropriate standards set for ambient air quality ***on the basis of the latest scientific evidence as published in the most up-to-date WHO Air***

Or. en

Justification

New drafting for consistency with the changes made to ANNEX I and the wording used when mentioning the WHO Air Quality Guidelines and the latest scientific evidence.

Amendment 8

Proposal for a directive

Recital 16

Text proposed by the Commission

Amendment

(16) Scientific evidence shows that sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter, lead, benzene, carbon monoxide, arsenic, cadmium, nickel, some polycyclic aromatic hydrocarbons and ozone are responsible for significant negative impacts on human health . Impact on human health and the environment occurs via concentrations in ambient air .

(16) Scientific evidence shows that sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter, lead, benzene, carbon monoxide, arsenic, cadmium, nickel some polycyclic aromatic hydrocarbons and ozone are responsible for significant negative impacts on human health ***that can result in premature death, and that there is no identifiable threshold below which those substances do not pose a risk to human health. Those substances damage most organ systems and are linked to many debilitating diseases, such as childhood and adult-onset asthma, cardiovascular diseases, chronic obstructive pulmonary disease, pneumonia, stroke, diabetes, lung cancer, impaired cognitive development and dementia. Although everyone is affected by those substances, certain groups are especially sensitive and vulnerable and more likely to experience adverse health effects, such as for example those with specific pre-existing health conditions (e.g. respiratory or cardiovascular diseases), pregnant women, newborns, children, the elderly, people living in poverty, people living with disabilities or people with inadequate access to medical care.*** Impact

Or. en

Amendment 9

Proposal for a directive Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) Air pollution affects the human body in the short and long term, in ways that are detrimental to health. Even though air pollution is a universal health problem that affects everyone on this planet, the risks are not evenly distributed amongst the population, with some groups of people at greater risk of harm. Vulnerable people appear to be most at risk, as highlighted by studies linking air pollution to decreased cognitive performance among the elderly as well as suggesting that poor air quality is especially dangerous to children. This Directive recognises the increased risks and specific needs of sensitive population and vulnerable groups as regards air pollution and aims at addressing and ending health

Or. en

Amendment 10

Proposal for a directive

Recital 18

Text proposed by the Commission

(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.

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 ***the most up-to-date*** WHO recommendations. To this end, an average exposure reduction obligation should be introduced for these pollutants, in addition to limit values, ***and should by no means serve as a substitute for those limit values, which have been demonstrated to be the most effectively***

Or. en

Amendment 11

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) The Fitness Check of the Ambient Air Quality Directives (Directives 2004/107/EC and 2008/50/EC)⁴⁵ has shown that limit values are more effective in bringing down pollutant concentrations than target values. With the aim of minimising harmful effects on human health, paying particular attention to vulnerable groups and sensitive populations, and the environment limit values should be set for the concentration of sulphur dioxide, nitrogen dioxide, particulate matter, lead, benzene, carbon monoxide, arsenic, cadmium, nickel and polycyclic aromatic hydrocarbons in ambient air. Benzo(a)pyrene should be used as a marker for the carcinogenic risk of polycyclic aromatic hydrocarbons in ambient air.

⁴⁵ Fitness check of the Ambient Air Quality Directives of 28 November 2019 (SWD(2019) 427 final).

Amendment

(19) The Fitness Check of the Ambient Air Quality Directives (Directives 2004/107/EC and 2008/50/EC)⁴⁵ has shown that limit values are more effective in bringing down pollutant concentrations than ***other types of air quality standards, such as*** target values. With the aim of minimising harmful effects on human health, paying particular attention to vulnerable groups and sensitive populations, and the environment limit values should be set for the concentration of sulphur dioxide, nitrogen dioxide, particulate matter, ***ozone***, lead, benzene, carbon monoxide, arsenic, cadmium, nickel and polycyclic aromatic hydrocarbons in ambient air. ***To ensure effective protection against harmful effects on ecosystems, those limit values should be regularly updated in light of the most recent recommendations by the WHO.*** Benzo(a)pyrene should be used as a marker for the carcinogenic risk of

⁴⁵ Fitness check of the Ambient Air Quality Directives of 28 November 2019 (SWD(2019) 427 final).

Or. en

Amendment 12

Proposal for a directive

Recital 21

Text proposed by the Commission

Amendment

(21) Ozone is a transboundary pollutant formed in the atmosphere from the emission of primary pollutants addressed by Directive 2016/2284/EU of the European Parliament and of the Council⁴⁶. Progress towards the air quality **targets** and long-term objectives for ozone set in this Directive should be determined by the targets and emission reduction commitments provided for in Directive 2016/2284/EU and, by implementing cost-effective measures and air quality plans.

⁴⁶ Directive (EU) 2016/2284/EU of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (OJ L 344, 17.12.2016, p.1).

(21) Ozone is a transboundary pollutant formed in the atmosphere from the emission of primary pollutants, **some of which are** addressed by Directive 2016/2284/EU of the European Parliament and of the Council⁴⁶. **Ground-level ozone adversely affects not only human health but also vegetation and ecosystems, leading to decreased crop yields and forest growth, and loss of biodiversity.** Progress towards the air quality **limit value** and long-term objectives for ozone set in this Directive should be determined by the targets and emission reduction commitments provided for in Directive 2016/2284/EU and, by implementing cost-effective measures and

⁴⁶ Directive (EU) 2016/2284/EU of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (OJ L 344, 17.12.2016, p.1).

Or. en

Justification

Ozone is an important air pollutant, with well-established health effects of short-term and long-term exposure and therefore commonly used in air pollution burden assessments. For that reason, the ozone target value for the protection of human health has been transformed into a limit value in the Rapporteur proposal (Annex I). Amendment to clarify the impacts of ozone pollution, in relation to the changes on the proposal.

Amendment 13

Proposal for a directive Recital 22

Text proposed by the Commission

Amendment

(22) The ozone target values **and long-term objectives** of ensuring effective protection against harmful effects on human health **and vegetation and ecosystems from exposure to ozone** should be updated in light of the most recent recommendations of the World Health Organization .

(22) The **existing** ozone target values of ensuring effective protection against harmful effects on human health should be updated **and transformed**, in light of the most recent recommendations of the World Health Organization, **into a legally binding limit value in order to ensure that adequate measures to decrease ozone concentrations across the Union are taken and that the health of Union citizens is better protected.**

Or. en

Justification

Amendment to reflect the change in the proposal of the ozone target value for protection of human into a limit value.

Amendment 14

Proposal for a directive

Recital 23

Text proposed by the Commission

(23) An alert threshold for sulphur dioxide, nitrogen dioxide, particulate matter (PM₁₀ and PM_{2.5}) and ozone, **and an information threshold for ozone**, should be set for the protection of the general population , vulnerable and sensitive sections, **respectively**, from brief exposures to elevated **ozone** concentrations. Those thresholds should trigger the dissemination of information to the public on the risks of exposure and the implementation, **if appropriate**, of short-term measures to

Amendment

(23) An alert **threshold and an information** threshold for sulphur dioxide, nitrogen dioxide, particulate matter (PM₁₀ and PM_{2.5}) and ozone, should be set for the protection of the general population, **and especially** vulnerable **groups** and sensitive sections, from brief exposures to elevated concentrations **of pollutants**. Those thresholds should trigger the dissemination of information to the public on the **associated health** risks of exposure and the implementation, of short-term measures to

Or. en

Justification

Information thresholds are designed to protect the vulnerable population from air pollution. Given that sensitive groups bear a disproportionate burden, it is unfounded that information thresholds are only applicable for ozone only. Amendment consistent with recommended

changes to Article 15 and Annex I.

Amendment 15

Proposal for a directive

Recital 25

Text proposed by the Commission

(25) Air quality status should be maintained where it is already good, or improved. Where the standards for ambient air quality laid down in this Directive are at risk of not being met, or have not been met, Member States should take immediate action in order to comply with the limit values , average exposure reduction obligations **and** critical levels, **and where possible, to attain** the ozone **target values and** long-term

Amendment

(25) Air quality status should be maintained where it is already good, or improved. Where the standards for ambient air quality laid down in this Directive are at risk of not being met, or have not been met, Member States should take immediate action in order to comply with the limit values, average exposure reduction obligations, critical levels **and** the ozone long-term objectives.

Or. en

Justification

Amendment to reflect the change in the proposal of the ozone target value for protection of human health into a limit value.

Amendment 16

Proposal for a directive

Recital 29

Text proposed by the Commission

Amendment

(29) Contributions from natural sources can be assessed but ***cannot be controlled***. Therefore, where natural contributions to pollutants in ambient air can be determined with sufficient certainty, and where exceedances are due in whole or in part to these natural contributions, these may, under the conditions laid down in this Directive, be subtracted when assessing compliance with air quality limit values ***and average exposure reduction obligations***. Contributions to exceedances of particulate matter limit values attributable to winter-sanding or ***winter -salting*** of roads may also be subtracted when assessing compliance with air quality limit values provided that reasonable measures have been taken to lower concentrations.

(29) Contributions from natural sources can be assessed but ***can in some instances be difficult to control. However, the overall health impact of such contributions can be reduced***. Therefore, where natural contributions to pollutants in ambient air can be determined with sufficient certainty, and where exceedances are due in whole or in part to these natural contributions, ***which are beyond the Member States' control and could not have been anticipated or prevented***, these may, under the conditions laid down in this Directive, be subtracted when assessing compliance with air quality limit values. ***The subtraction should be allowed provided that reasonable measures have been taken to reduce local emissions from anthropogenic sources during the episodes and to inform the population about individual actions to reduce the exposure. Moreover, Member States should be able to demonstrate the unpreventable nature of the episode***. Contributions to exceedances of particulate matter limit values attributable to winter-sanding or ***winter-salting*** of roads may also be subtracted when assessing compliance with air quality limit values ***for particulate matter*** provided that ***all*** reasonable measures have been taken to lower concentrations ***and that the source contribution from winter-sanding and winter-salting in relation to other sources has been assessed by analyses of chemical constituents of particulate matter and the***

Or. en

Justification

Scientific evidence demonstrates that air pollution from “natural” sources is also harmful to human health, for that reason it is necessary to reinforce this flexibility. Changes in the recital are necessary to ensure the consistency with changes to paragraph 2 of Article 16.

Amendment 17

Proposal for a directive Recital 30

Text proposed by the Commission

(30) For zones where conditions are particularly difficult, it should be possible to postpone the deadline for compliance with the air quality limit values in cases where, notwithstanding the implementation of appropriate pollution abatement measures, acute compliance problems exist in specific zones **and agglomerations**. Any postponement for a given zone **or agglomeration** should be accompanied by a comprehensive plan to be assessed by the Commission to ensure compliance by the

Amendment

(30) For zones where conditions are particularly difficult, it should be possible to postpone the deadline for compliance with the air quality limit values in cases where, notwithstanding the implementation of appropriate pollution abatement measures, acute compliance problems exist in specific zones. Any postponement for a given zone should be accompanied by a comprehensive plan to be assessed by the Commission to ensure compliance by the revised deadline.

Or. en

Justification

The term "agglomeration" deleted for consistency, since it has been deleted at the beginning of the Recital and in the text of the COM proposal as well.

Amendment 18

Proposal for a directive Recital 31

Text proposed by the Commission

Amendment

(31) Air quality plans should be developed and updated for zones within which concentrations of pollutants in ambient air exceed the relevant air quality limit **values**, **ozone target** values or average exposure reduction obligations. Air pollutants are emitted from many different sources and activities. To ensure coherence between different policies, such air quality plans should where feasible be consistent with plans and programmes prepared pursuant to Directive 2010/75/EU **2001/80/EC** of the European Parliament and of the Council⁴⁸, Directive (EU) 2016/2284, and Directive 2002/49/EC of the European Parliament and

(31) Air quality plans should be developed and updated for zones within which concentrations of pollutants in ambient air exceed the relevant air quality limit values or average exposure reduction obligations. Air pollutants are emitted from many different sources and activities. To ensure coherence between different policies, such air quality plans should where feasible be consistent with plans and programmes prepared pursuant to Directive 2010/75/EU of the European Parliament and of the Council⁴⁸, Directive (EU) 2016/2284, and Directive 2002/49/EC of the European Parliament and of the Council⁴⁹.

⁴⁸ Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).

⁴⁹ Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise (OJ L 189, 18.7.2002, p. 12.)

⁴⁸ Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).

⁴⁹ Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise (OJ L 189, 18.7.2002, p. 12.)

Or. en

Justification

"2001/80/EC" is deleted as this number is wrong. Directive 2001/80/EC has been repealed by Directive 2010/75/EU, which is mentioned just before.

Amendment 19

Proposal for a directive Recital 32

Text proposed by the Commission

Amendment

(32) Air quality plans should *also* be prepared ahead of 2030 *where there is a risk that* Member States *will not* attain the limit values *or ozone target value* by that date in order to ensure that levels of pollutants are reduced accordingly.

(32) *Preparatory* air quality plans should be prepared ahead of 2030 *setting out measures and policies to comply with this Directive and for the* Member States *to* attain the *new* limit values *set out in this Directive* by that date in order to ensure that levels of pollutants are reduced accordingly.

Or. en

Amendment 20

Proposal for a directive Recital 33

Text proposed by the Commission

(33) Action plans should be drawn up indicating the measures to be taken in the short term where there is a risk of an exceedance of one or more alert thresholds in order to reduce that risk and to limit its duration. When the risk applies to one or more limit values *or target values*, Member States may, where appropriate, draw up such

Amendment

(33) Action plans should be drawn up indicating the measures to be taken in the short term where there is a risk of an exceedance of one or more alert thresholds in order to reduce that risk and to limit its duration. When the risk applies to one or more limit values Member States may, where appropriate, draw up such short-term action

Or. en

Justification

Amendment to reflect the change in the proposal of the ozone target value for protection of humans into a limit value.

Amendment 21

Proposal for a directive Recital 34

Text proposed by the Commission

Amendment

(34) Member States should cooperate with one another if, following significant pollution originating in another Member State, the level of a pollutant exceeds, or is likely to exceed, any limit *value, ozone target* value, average exposure reduction obligation or alert threshold. The transboundary nature of specific pollutants, such as ozone and particulate matter, may require coordination between neighbouring Member States in drawing up and implementing air quality plans and short-term action plans and in informing the public. Where appropriate, Member States should pursue cooperation with third countries, with particular emphasis on the early involvement of candidate countries.

(34) Member States should cooperate with one another if, following significant pollution originating in another Member State, the level of a pollutant exceeds, or is likely to exceed, any limit value, average exposure reduction obligation or alert threshold. The transboundary nature of specific pollutants, such as ozone and particulate matter, may require coordination between neighbouring Member States in drawing up and implementing air quality plans and short-term action plans and in informing the public. Where appropriate, Member States should pursue cooperation with third countries, with particular emphasis on the early involvement of candidate countries. The Commission should be timely

Or. en

Amendment 22

Proposal for a directive

Recital 40

Text proposed by the Commission

Amendment

(40) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. Where damage to human health has occurred as a result of a violation of Articles 19, 20, 21 of this Directive, Member States should ensure that the individuals affected by such violations are able to claim and obtain compensation for that damage from the relevant competent authority. ***The rules on compensation, access to justice and penalties set in this Directive have*** the objective to avoid, prevent and reduce harmful effects on human health and the environment from air pollution, in line with Article 191(1) TFEU. ***They*** thus seeks to integrate into the policies of the Union a high level of environmental protection and the improvement of the quality of the environment in accordance with the principle of sustainable development as laid down in Article 37 of the Charter, and puts into concrete terms the obligation to protect the right to life and to the integrity of the person laid down in Articles 2 ***and 3*** of the Charter. It also contributes to the right to an effective remedy before a tribunal as laid down in Article 47 of the Charter, in relation to the protection of human health.

(40) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. Where damage to human health ***and well-being*** has occurred as a result of a violation of Articles ***13***, 19, 20, 21 of this Directive, Member States should ensure that the individuals affected by such violations are able to claim and obtain compensation for that damage from the relevant competent authority. This Directive ***has*** the objective to avoid, prevent and reduce harmful effects on human health and the environment from air pollution, in line with Article 191(1) TFEU. ***It*** thus seeks to integrate into the policies of the Union a high level of environmental protection and the improvement of the quality of the environment in accordance with the principle of sustainable development as laid down in Article 37 of the Charter, and puts into concrete terms the obligation to protect the right to life and to the integrity of the person, ***the right to private life and the right to healthcare*** laid down in Articles 2, ***3, 7 and 35*** of the Charter. It also contributes to the right to an effective remedy before a tribunal as laid down in Article 47 of the Charter, in relation to the protection of human health. ***In addition, it recognises and protects the human right to a clean, healthy and***

Or. en

Amendment 23

Proposal for a directive Article 1 – paragraph 1

Text proposed by the Commission

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

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 ***the most up-to-date*** scientific evidence, thus contributing to

Or. en

Amendment 24

Proposal for a directive Article 1 – paragraph 2

Text proposed by the Commission

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

Amendment

2. This Directive sets limit 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 ***at the latest***, and regularly reviewed thereafter in accordance with Article 3.

Or. en

Amendment 25

Proposal for a directive Article 1 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In addition, this Directive protects the individual right to breathe clean and healthy air, which follows from Articles 2, 3, 7, 35 and 37 of the Charter of Fundamental Rights of the European

Or. en

Amendment 26

Proposal for a directive

Article 2 – paragraph 1 – point 4

Text proposed by the Commission

4. measures ensuring that the information on ambient air quality is made available to the public;

Amendment

4. measures ensuring that the information on ambient air quality is ***harmonised across the Union and*** made

Or. en

Justification

Amendment for consistency with the changes on Article 22, requiring harmonised air quality indices across the EU.

Amendment 27

Proposal for a directive

Article 3 – paragraph 2 – subparagraph 2

Text proposed by the Commission

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

Amendment

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 ***continuous*** alignment with the ***most-up-to date*** WHO Air Quality Guidelines and the latest scientific

Or. en

Amendment 28

Proposal for a directive

Article 3 – paragraph 2 – subparagraph 3 – point a

Text proposed by the Commission

Amendment

(a) latest scientific information from WHO and other relevant organisations,

(a) latest scientific information from WHO and other relevant *scientific*

Or. en

Amendment 29

Proposal for a directive

Article 3 – paragraph 2 – subparagraph 3 – point b

Text proposed by the Commission

(b) technological developments impacting air quality and its assessment,

Amendment

(b) ***behavioural, fiscal and*** technological developments impacting air quality and its assessment,

Or. en

Amendment 30

Proposal for a directive

Article 3 – paragraph 2 – subparagraph 3 – point c

Text proposed by the Commission

(c) air ***quality situations*** and associated impacts on human health and the environment in Member States,

Amendment

(c) air ***pollution levels*** and associated impacts on human health and the environment in Member States,

Or. en

Amendment 31

Proposal for a directive

Article 3 – paragraph 4

Text proposed by the Commission

Amendment

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 cover other air pollutants. ***Such a proposal shall be developed in line with the non-regression principle.***

Or. en

Amendment 32

Proposal for a directive

Article 4 – paragraph 1 – point 1 a (new)

Text proposed by the Commission

Amendment

(1a) ‘air quality standards’ means limit values, average exposure reduction obligations, average exposure concentration objectives, critical levels, information thresholds and alert

Or. en

Justification

Definition provided in Article 1(2). Included also here, so that all definitions are in the same article for greater clarity.

Amendment 33

Proposal for a directive

Article 4 – paragraph 1 – point 21

Text proposed by the Commission

Amendment

(21) ‘objective estimation’ means an assessment method to obtain quantitative or qualitative information on the concentration or deposition level of a pollutant through expert judgement, which may include use of statistical tools, remote ***deleted***

Amendment 34

Proposal for a directive

Article 4 – paragraph 1 – point 23

Text proposed by the Commission

(23) ‘urban background locations’ means places in urban areas where levels are representative of the exposure of the general urban population;

Amendment

(23) ‘urban background locations’ means places in urban areas where levels are representative of the exposure of the general urban population, ***taking socio-economic health inequalities into account***;

Or. en

Justification

Amended for consistency with Recital 5, Recital 16a and Article 12(4), that introduce “the fight against social inequalities” in the text.

Amendment 35

Proposal for a directive

Article 4 – paragraph 1 – point 24 a (new)

Text proposed by the Commission

Amendment

(24a) ‘traffic location’ means a place whose pollution level is determined predominantly by the emissions from nearby traffic on roads, motorways or other

Or. en

Justification

Amendment for consistency with the changes made to the assessment of “Average Exposure Indicator” (AEI) in Definition 28 of Article 4, Point A in Section 5 of Annex I, and the deletion of Point B in Annex III.

Amendment 36

Proposal for a directive

Article 4 – paragraph 1 – point 24 b (new)

Text proposed by the Commission

Amendment

(24b) ‘industrial location’ means a place whose pollution level is influenced predominantly by emissions from a nearby single industrial source or an industrial area with many sources, such as, but not limited to, sources of power generation, incinerators, waste treatment plants and

Or. en

Justification

Amendment for consistency with the changes made to the assessment of “Average Exposure Indicator” (AEI) in Definition 28 of Article 4, Point A in Section 5 of Annex I, and the deletion of Point B in Annex III.

Amendment 37

Proposal for a directive

Article 4 – paragraph 1 – point 24 c (new)

Text proposed by the Commission

Amendment

(24c) ‘residential location’ means a place whose predominant use is residential, and whose concentration levels are higher than urban background locations as a result of the high use of residential heating sources in the area;

Or. en

Justification

Amendment for consistency with the changes made to the assessment of “Average Exposure Indicator” (AEI) in Definition 28 of Article 4, Point A in Section 5 of Annex I, and the deletion of Point B in Annex III.

Amendment 38

Proposal for a directive

Article 4 – paragraph 1 – point 26

Text proposed by the Commission

(26) ‘limit value’ means a level ***which is not to be exceeded and*** which is fixed on the basis of scientific knowledge, with the aim of avoiding, preventing or reducing harmful effects on human health or the environment ;

Amendment

(26) ‘limit value’ means a level which is fixed on the basis of scientific knowledge, with the aim of avoiding, preventing or reducing harmful effects on human health or the environment, ***and which is to be attained within a given period and not to be***

Or. en

Amendment 39

Proposal for a directive

Article 4 – paragraph 1 – point 27

Text proposed by the Commission

(27) ‘***ozone target value***’ means a level ***fixed on the basis of scientific knowledge, with the aim of avoiding, preventing or reducing harmful effects from ozone on human health or the environment , to be complied with where possible over a given***

Amendment

deleted

Or. en

Justification

Amendment to reflect the change in the proposal of the ozone target value for the protection of human health into a limit value, and for the protection of the environment into a critical level. This change is in accordance with the changes made to Table 1, Section 1 of Annex I and Section 2 of Annex I.

Amendment 40

Proposal for a directive

Article 4 – paragraph 1 – point 28

Text proposed by the Commission

(28) ‘average exposure indicator’ means an average level determined on the basis of measurements at urban background locations throughout the territorial unit at NUTS **1** level as described in Regulation (EC) No 1059/2003, or, if there is no urban area located in that territorial unit, at rural background locations, and which reflects population exposure, used to check whether the average exposure reduction obligation and the average exposure concentration objective for that territorial unit have been

Amendment

(28) ‘average exposure indicator’ means an average level determined on the basis of measurements at urban background, **traffic, industrial and residential** locations throughout the territorial unit at NUTS **2** level as described in Regulation (EC) No 1059/2003, or, if there is no urban area located in that territorial unit, at rural background locations, and which reflects population exposure, used to check whether the average exposure reduction obligation and the average exposure concentration

Or. en

Justification

Amendment for consistency with the addition of definitions 24a, 24b and 24c, and changes made in Point A, Section A of Annex I.

Amendment 41

Proposal for a directive

Article 4 – paragraph 1 – point 29

Text proposed by the Commission

(29) ‘average exposure reduction obligation’ means a percentage reduction of the average exposure of the population, expressed as average exposure indicator, of a territorial unit at NUTS **1** level as described in Regulation (EC) No 1059/2003 of the European Parliament and of the Council⁵⁷ set for the reference year with the aim of reducing harmful effects on human health, to be attained over a given period;

Amendment

(29) ‘average exposure reduction obligation’ means a percentage reduction of the average exposure of the population, expressed as average exposure indicator, of a territorial unit at NUTS **2** level as described in Regulation (EC) No 1059/2003 of the European Parliament and of the Council⁵⁷ set for the reference year with the aim of reducing harmful effects on human health, to be attained over a given period **and not to be**

⁵⁷ Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p.

⁵⁷ Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p.

Or. en

Justification

Amendment for consistency with the wording on definition (26).

Amendment 42

Proposal for a directive

Article 4 – paragraph 1 – point 30

Text proposed by the Commission

(30) ‘average exposure concentration objective’ means a level of the average exposure indicator to be attained, with the aim of reducing harmful effects on human health ;

Amendment

(30) ‘average exposure concentration objective’ means a level of the average exposure indicator to be attained ***within a given period***, with the aim of reducing harmful effects on human health;

Or. en

Justification

Amendment for consistency with the changes made in Annex I.

Amendment 43

Proposal for a directive

Article 4 – paragraph 1 – point 33

Text proposed by the Commission

(33) ‘alert threshold’ means a level beyond which there is a ***risk*** to human health from brief exposure for the population as a whole and at which immediate steps are to be taken by Member States;

Amendment

(33) ‘alert threshold’ means a level beyond which there is a ***severe threat*** to human health from brief exposure for the population as a whole and at which immediate steps are to be taken by Member

Justification

Amendment to further differentiate between information and alert thresholds and their impacts on human health. This amendment is linked to the changes made to Section 4 of Annex I.

Amendment 44**Proposal for a directive****Article 4 – paragraph 1 – point 35 a (new)**

Text proposed by the Commission

Amendment

(35a) ‘preparatory air quality plans’ means plans, adopted ahead of the attainment deadline of new limit values laid down in Section 1, Table 1, of Annex I, that set out short and long-term policies and measures in order to comply with those limit values or average exposure reduction

Or. en

Justification

Amendment for consistency with the changes made to Article 19, in order to differentiate the air quality plans that have to be adopted to guarantee the attainment of new limit values (new Paragraph 1, Article 19), from the ones to be adopted when there’s an exceedance of the limit values (new Paragraph 2 Article 19).

Amendment 45**Proposal for a directive****Article 4 – paragraph 1 – point 36**

Text proposed by the Commission

Amendment

(36) ‘air quality plans’ means plans that set out measures in order to comply with limit values, ***ozone target values*** or average exposure reduction obligations ;

(36) ‘air quality plans’ means plans that set out measures in order to comply with limit values ***once these have been exceeded***, or average exposure reduction obligations ;

Justification

Amendment to reflect the change in the proposal of the ozone target value into a limit value. Amendment for consistency with the vocabulary on the air quality plans on paragraph 2 of Art. 19 as proposed by the Rapporteur. The changes to ozone target values are linked to the amendments to Table I, Section 1 of Annex I and Section 2 of Annex I.

Amendment 46

Proposal for a directive

Article 4 – paragraph 1 – point 39

Text proposed by the Commission

(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.

Amendment

(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 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, the elderly, people living in poverty or people***

Or. en

Amendment 47

Proposal for a directive

Article 5 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) approval of measurement systems (methods, equipment, networks and laboratories);

(b) approval of measurement systems (methods, equipment, networks and laboratories) ***and ensuring an adequate maintenance of the monitoring network;***

Or. en

Justification

Amendment for consistency with the changes made in Point II, Point D, Annex IV.

Amendment 48

Proposal for a directive

Article 5 – paragraph 1 – point i a (new)

Text proposed by the Commission

Amendment

(ia) provision of public information.

Or. en

Amendment 49

Proposal for a directive

Article 8 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

In all zones where the level of pollutants exceeds a limit value established for those pollutants in Table 1 of Section 1 of Annex I ***or an ozone target value established in Section 2 of Annex I***, modelling applications shall be used in addition to fixed measurements to assess the ambient air

In all zones where the level of pollutants exceeds a limit value established for those pollutants in Table 1 of Section 1 of Annex I, modelling applications shall be used in addition to fixed measurements to assess the ambient air quality.

Or. en

Amendment 50

Proposal for a directive Article 8 – paragraph 4

Text proposed by the Commission

4. In all zones where the level of pollutants is below the assessment threshold established for those pollutants, modelling applications, indicative measurements, ***objective-estimation techniques, or a combination thereof*** shall be sufficient for the assessment of the ambient air quality.

Amendment

4. In all zones where the level of pollutants is below the assessment threshold established for those pollutants, ***a combination of*** modelling applications ***and*** indicative measurements, shall be sufficient for the assessment of the ambient air quality.

Or. en

Justification

Objective estimation has been eliminated from the Rapporteur proposal. Amendment for consistency with changes on paragraph 5. The Rapporteur suggests to always have a combination of model and indicative data, to increase data quality.

Amendment 51

Proposal for a directive Article 8 – paragraph 5

Text proposed by the Commission

5. If modelling ***shows*** an exceedance of any limit ***value or ozone target*** value in an area of the zone not covered by fixed measurements, additional fixed ***or indicative*** measurements shall be ***used during at least*** 1 calendar year after the exceedance was recorded, ***to assess the concentration level***

Amendment

5. ***Without prejudice to Article 9(6) and Article 19,*** if modelling ***or indicative measurements show*** an exceedance of any limit value in an area of the zone not covered by fixed measurements, additional fixed measurements shall be ***installed within*** 1 calendar year after the exceedance was

Or. en

Amendment 52

Proposal for a directive Article 8 – paragraph 7 PR\1273468EN.docx

Text proposed by the Commission

Amendment

7. In addition to monitoring required under Article 10, Member States shall, **where applicable**, monitor ultrafine particles levels in accordance with Point D of Annex III and Section 3 of Annex VII.

7. In addition to monitoring required under Article 10, Member States shall monitor ultrafine particles levels in accordance with Point D of Annex III and Section 3 of Annex VII.

Or. en

Amendment 53

Proposal for a directive

Article 9 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

The location of sampling points for the measurement of sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter (PM₁₀ and PM_{2.5}), lead, benzene, carbon monoxide, arsenic, cadmium, nickel, benzo(a)pyrene in ambient air shall be determined in accordance with Annex IV.

The location of sampling points for the measurement of sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter (PM₁₀ and PM_{2.5}), **ozone**, lead, benzene, carbon monoxide, arsenic, cadmium, nickel, benzo(a)pyrene in ambient air shall be determined in accordance with

Or. en

Justification

Amendment for consistency with the changes made in Annex I. Ozone has been set as a limit value.

Amendment 54

Proposal for a directive

Article 9 – paragraph 2

Text proposed by the Commission

Amendment

2. In each zone where the level of pollutants exceeds the assessment threshold specified in Annex II, the number of sampling points for each pollutant shall not be less than the minimum number of sampling points specified in **Tables 3 and 4 of Points A and Point C**, of Annex III .

2. In each zone where the level of pollutants exceeds the assessment threshold specified in Annex II, the number of sampling points for each pollutant shall not be less than the minimum number of sampling points specified in Points A and C of Annex III .

Or. en

Justification

Amendment to fix a typo error in the Commission's proposal. Tables 3 and 4 apply to instances when numbers of monitoring sites can be reduced by 50%, dealt with in the following paragraph.

Amendment 55

Proposal for a directive

Article 9 – paragraph 3 – introductory part

Text proposed by the Commission

3. For zones where the level of pollutants exceeds the relevant assessment threshold specified in Annex II, but not the respective limit values specified in Table 1 of Section 1 of Annex I, **ozone target values specified in Section 2 of Annex I** or critical levels specified in Section 3 of Annex I , the minimum number of sampling points may be reduced by up to 50 %, in accordance with Points A and C of Annex III provided that the following conditions are met:

Amendment

3. For zones where the level of pollutants exceeds the relevant assessment threshold specified in Annex II, but not the respective limit values specified in Table 1 of Section 1 of Annex I or critical levels specified in Section 3 of Annex I **and where information from fixed measurement sampling points is supplemented by information from modelling or indicative measurement**, the minimum number of sampling points may be reduced by up to 50 %, in accordance with Points A and C of

Or. en

Amendment 56

Proposal for a directive

Article 9 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) indicative measurements and modelling provide sufficient information for the assessment of air quality with regard to limit **values** , **ozone target** values, critical levels, information thresholds and alert thresholds, as well as adequate information for the public , in addition to the one provided by the fixed sampling points ;

(a) indicative measurements and modelling provide sufficient information for the assessment of air quality with regard to limit values, critical levels, information thresholds and alert thresholds, as well as adequate information for the public , in addition to the one provided by the fixed sampling points ;

Or. en

Amendment 57

Proposal for a directive

Article 9 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) the number of indicative measurements is the same as the number of fixed measurements that are being replaced and the indicative measurements **have a minimum duration of 2 months per** calendar

(c) the number of indicative measurements is the same as the number of fixed measurements that are being replaced and the indicative measurements **cover the full** calendar year;

Or. en

Amendment 58

Proposal for a directive

Article 9 – paragraph 6

Text proposed by the Commission

Amendment

6. The results of modelling applications and indicative measurements shall be taken into account for the assessment of air quality with respect to the limit values **and ozone target values** .

6. The results of modelling applications and indicative measurements shall be taken into account for the assessment of air quality with respect to the limit values.

Or. en

Amendment 59

Proposal for a directive

Article 9 – paragraph 7

Text proposed by the Commission

7. Sampling points at which exceedances of any limit value specified in Section 1 of Annex I were recorded within the previous 3 years shall not be relocated, unless a relocation is necessary due to special circumstances, including spatial development. Relocation of sampling points shall be done within their area of spatial representativeness and be based on

Amendment

7. Sampling points at which exceedances of any limit value specified in Section 1 of Annex I were recorded within the previous 3 years shall not be relocated, unless a relocation is necessary due to special circumstances, including spatial development. Relocation of sampling points shall be done within their area of spatial representativeness, ***ensure continuity of***

Or. en

Amendment 60

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Each Member State shall establish at least one monitoring supersite per ***10 million inhabitants at an urban background location. Member States that have fewer than 10 million inhabitants shall establish at least one monitoring supersite*** at an urban background location.

Amendment

Each Member State shall establish at least one monitoring supersite per ***territorial unit at NUTS 2 level as described in Regulation (EC) No 1059/2003*** at an urban background location.

Or. en

Amendment 61

Proposal for a directive

Article 10 – paragraph 5

Text proposed by the Commission

5. Measurements at all monitoring supersites at urban background locations shall include fixed ***or indicative*** measurements of size distribution of ultrafine particles and particulate matter oxidative

Amendment

5. Measurements at all monitoring supersites at urban background locations shall include fixed measurements of size distribution of ultrafine particles and particulate matter oxidative potential.

Or. en

Amendment 62

Proposal for a directive

Article 10 – paragraph 6 – point a

Text proposed by the Commission

(a) fixed measurements of particulate matter (PM₁₀ and PM_{2.5}), nitrogen dioxide (NO₂), ozone (O₃), black carbon (BC), ammonia (NH₃) and ultrafine particles (UFP).

Amendment

(a) fixed measurements of particulate matter (PM₁₀ and PM_{2.5}), nitrogen dioxide (NO₂), ***sulphur dioxide (SO₂)***, ***carbon monoxide (CO)***, ozone (O₃), black carbon (BC), ammonia (NH₃) and ultrafine particles

Or. en

Amendment 63

Proposal for a directive

Article 10 – paragraph 6 – point b

Text proposed by the Commission

(b) fixed ***or indicative*** measurements of fine particulate matter (PM_{2.5}) for the purposes of providing, as a minimum, information on their total mass concentration and their chemical speciation concentrations on an annual average basis in accordance

Amendment

(b) fixed measurements of fine particulate matter (PM_{2.5}) for the purposes of providing, as a minimum, information on their total mass concentration and their chemical speciation concentrations on an annual average basis in accordance with

Or. en

Amendment 64

Proposal for a directive

Article 10 – paragraph 6 – point c

Text proposed by the Commission

(c) fixed ***or indicative*** measurements of arsenic, cadmium, nickel, total gaseous mercury, benzo(a)pyrene and the other polycyclic aromatic hydrocarbons referred to in Article 8(6), and of the total deposition of arsenic, cadmium, mercury, nickel, benzo(a)pyrene and the other polycyclic aromatic hydrocarbons referred to in Article 8(6), irrespective of concentration levels.

Amendment

(c) fixed measurements of arsenic, cadmium, nickel, total gaseous mercury, benzo(a)pyrene and the other polycyclic aromatic hydrocarbons referred to in Article 8(6), and of the total deposition of arsenic, cadmium, mercury, nickel, benzo(a)pyrene and the other polycyclic aromatic hydrocarbons referred to in Article 8(6), irrespective of concentration levels.

Or. en

Amendment 65

Proposal for a directive

Article 12 – title

Text proposed by the Commission

Requirements where levels are lower than the limit values , ***ozone target value*** and average exposure concentration objectives, ***but above the assessment thresholds***

Amendment

Requirements where levels are lower than the limit values and average exposure concentration objectives

Or. en

Justification

Amendment for consistency with the changes made on ozone as proposed by the Rapporteur proposal. Deletion of the reference to assessment thresholds because it was incoherent with paragraph 4 of this article. If Member States shall endeavour to achieve the best ambient air quality, there is no reason to limit the obligation only to the areas where concentrations are above the assessment thresholds.

Amendment 66

Proposal for a directive

Article 12 – paragraph 1

Text proposed by the Commission

1. In zones where the levels of sulphur dioxide, nitrogen dioxide, particulate matter (PM₁₀ 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

Amendment

1. In zones where the levels of sulphur dioxide, nitrogen dioxide, particulate matter (PM₁₀ and PM_{2.5}), **ozone**, 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

Or. en

Justification

Amendment for consistency with ozone changes as proposed by the Rapporteur: Ozone should be treated as the other pollutants, for which limit values are being proposed.

Amendment 67

Proposal for a directive

Article 12 – paragraph 2

Text proposed by the Commission

2. In zones in which ozone levels are below the ozone **target** value Member States shall take necessary measures to maintain those levels below the ozone **target** value and endeavour to attain the long-term objectives specified in Section 2 of Annex I, in so far as factors including the transboundary nature of ozone pollution and meteorological conditions so permit, and **provided that any necessary measures do**

Amendment

2. In zones in which ozone levels are below the ozone **limit** value Member States shall take necessary measures to maintain those levels below the ozone **limit** value and endeavour to attain the long-term objectives specified in Section 2 of Annex I, in so far as factors including the transboundary nature of ozone pollution and meteorological conditions so permit, and **maintain those levels below the long-term objectives.**

Or. en

Amendment 68

Proposal for a directive Article 12 – paragraph 3

Text proposed by the Commission

3. In territorial units at NUTS **1** level as described in Regulation (EC) No 1059/2003 where the average exposure indicators for PM_{2.5} and NO₂ are below the respective value of the average exposure concentration objectives for those pollutants as laid down in Section 5 of Annex I, Member States shall maintain the levels of those pollutants below the average exposure concentration

Amendment

3. In territorial units at NUTS **2** level as described in Regulation (EC) No 1059/2003 where the average exposure indicators for PM_{2.5} and NO₂ are below the respective value of the average exposure concentration objectives for those pollutants as laid down in Section 5 of Annex I, Member States shall maintain the levels of those pollutants below the average exposure concentration

Or. en

Amendment 69

Proposal for a directive Article 12 – paragraph 4

Text proposed by the Commission

4. Member States shall **endeavour to** achieve and preserve the best ambient air quality and a high level of environmental and human health protection , in line with the air quality guidelines published by the WHO and below the assessment thresholds laid down in Annex II .

Amendment

4. Member States shall achieve and preserve the best ambient air quality and a high level of environmental and human health protection, in line with the **most recent** air quality guidelines published by the WHO and below the assessment thresholds laid down in Annex II, ***paying particular attention to the protection of sensitive population and vulnerable groups, as well as socio-economic and health inequalities.***

Or. en

Amendment 70

Proposal for a directive Article 13 – title

Text proposed by the Commission

Amendment

Limit **values, ozone target** values and average exposure reduction obligation for the protection of human health

Limit values and average exposure reduction obligation for the protection of human health

Or. en

Justification

Amendment for consistency with the changes made in Annex I. Ozone has been set as a limit value.

Amendment 71

**Proposal for a directive
Article 13 – paragraph 1**

Text proposed by the Commission

Amendment

1. Member States shall ensure that, throughout their zones, levels of sulphur dioxide, nitrogen dioxide, particulate matter (PM₁₀ and PM_{2.5}), lead, benzene, carbon monoxide, arsenic, cadmium, nickel and benzo(a)pyrene in ambient air, do not exceed the limit values laid down in Section 1 of

1. Member States shall ensure that, throughout their zones, levels of sulphur dioxide, nitrogen dioxide, particulate matter (PM₁₀ and PM_{2.5}), **ozone**, lead, benzene, carbon monoxide, arsenic, cadmium, nickel and benzo(a)pyrene in ambient air, do not exceed the limit values laid down in Section

Or. en

Amendment 72

**Proposal for a directive
Article 13 – paragraph 2**

Text proposed by the Commission

Amendment

2.. For ozone, Member States shall ensure, by taking all necessary measures not entailing disproportionate costs, that throughout the zone **levels do not exceed the ozone target values**, as laid down in Section

2. For ozone, Member States shall ensure, by taking all necessary measures not entailing disproportionate costs, that throughout the zone **long-term objectives are attained**, as laid down in Section 2, Point C,

Justification

Amendment for consistency with the changes made in Annex I. Ozone has been set as a limit value.

Amendment 73

Proposal for a directive
Article 13 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that the average exposure reduction obligations for PM_{2.5} and NO₂ laid down in Section 5, Point B, of Annex I, are met throughout their territorial units at NUTS **1** level, where they exceed the average exposure concentration objectives set out in Section 5, Point C, of

Amendment

3. Member States shall ensure that the average exposure reduction obligations for PM_{2.5} and NO₂ laid down in Section 5, Point B, of Annex I, are met throughout their territorial units at NUTS **2** level, where they exceed the average exposure concentration objectives set out in Section 5, Point C, of

Or. en

Amendment 74

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

1. The alert thresholds for concentrations of sulphur dioxide, nitrogen dioxide, **and** particulate matter (PM₁₀ and PM_{2.5}) in ambient air shall be those laid down in Section 4, Point A of Annex I.

Amendment

1. The alert thresholds for concentrations of sulphur dioxide, nitrogen dioxide, particulate matter (PM₁₀ and PM_{2.5}) **and ozone** in ambient air shall be those laid down in Section 4, Point A of Annex I.

Or. en

Amendment 75

Proposal for a directive Article 15 – paragraph 2

Text proposed by the Commission

2. The ***alert threshold and*** information ***threshold for*** ozone shall be that laid down in Section 4, Point B, of Annex I.

Amendment

2. The information ***thresholds for concentrations of sulphur dioxide, nitrogen dioxide, particulate matter (PM₁₀ and PM_{2.5}) and*** ozone shall be that laid down in Section 4, Point B, of Annex I.

Or. en

Amendment 76

Proposal for a directive Article 15 – paragraph 3

Text proposed by the Commission

3. Where any alert threshold or any information threshold laid down in Section 4 of Annex I is exceeded, Member States shall take the necessary steps to inform the public within a few hours at the latest, making use of different media and communication channels and ensuring broad public access .

Amendment

3. Where any alert threshold or any information threshold laid down in Section 4 of Annex I is exceeded, Member States shall take the necessary steps to inform the public within a few hours at the latest, ***providing detailed information about the severity of the exceedance and the associated health impacts, and on sensitive population and vulnerable groups in particular, and*** making use of different media and communication channels and ensuring broad public access.

Or. en

Amendment 77

Proposal for a directive Article 15 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where any alert threshold laid down in Section 4, Point A, of Annex I is exceeded, Member States shall implement the emergency measures outlined in short-term action plans drawn up under Article

Or. en

Amendment 78

Proposal for a directive

Article 16 – paragraph 1 – point b

Text proposed by the Commission

(b) NUTS **1** territorial units where exceedances of the level determined by the average exposure reduction obligations are attributable to natural sources.

Amendment

(b) NUTS **2** territorial units where exceedances of the level determined by the average exposure reduction obligations are attributable to natural sources.

Or. en

Amendment 79

Proposal for a directive

Article 16 – paragraph 2

Text proposed by the Commission

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.

Amendment

2. Member States shall provide the Commission with lists of any such zones and NUTS **2** territorial units, as referred to in paragraph 1, together with:

(a) a progress report on the implementation of the national strategy for adaptation to climate change adopted pursuant to Article 5(4) of Regulation (EU)

(b) where appropriate, the evidence demonstrating the impact of ecosystem perturbations driven by climate change resulting in excess emissions in a way which is beyond the Member States' control and could not have been anticipated or prevented, in particular by implementing sufficient adaptation measures to ensure the resilience of the affected area to climate

(c) information on concentrations and sources; and

(d) the evidence demonstrating that the exceedances are attributable to natural

Or. en

Amendment 80

Proposal for a directive Article 16 – paragraph 3

Text proposed by the Commission

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.

Amendment

3. Where the Commission has been informed of an exceedance attributable to natural sources in accordance with paragraph 2, **it shall review the evidence and inform the Member State whether** that exceedance **may** not be considered as an exceedance for the purposes of this Directive.

Or. en

Justification

To ensure the integrity of the Article and given the amount of new evidence that a Member State needs to provide in order to discount the exceedance for the compliance purposes, it should be made clear that the Commission will review the evidence and inform the Member State accordingly.

Amendment 81

Proposal for a directive

Article 18 – paragraph 1 – introductory part

Text proposed by the Commission

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 deadline specified in Table 1 of Section 1 of Annex I, because of site-specific dispersion characteristics, orographic boundary conditions, adverse climatic conditions or transboundary contributions, a Member State may postpone - that deadline once by a maximum of **5** years for that particular zone, if the

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 deadline specified in Table 1 of Section 1 of Annex I, because of **exceptional** site-specific dispersion characteristics, orographic boundary conditions, adverse climatic conditions or transboundary contributions, a Member State may postpone - that deadline once by a maximum of **3** years for that particular zone,

Or. en

Justification

"Exceptional" added to circumscribe the scope of the Regulation. The shortening of the time extension from 5 to 3 years aims to align the timing with the 3 years cycle of the Air Quality Plans in Article 19.

Amendment 82

Proposal for a directive

Article 18 – paragraph 1 – point a

Text proposed by the Commission

(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

Amendment

(a) an air quality plan is established in accordance with Article **19(1)** and meeting the requirements listed in Article 19(5) to (7) for the zone to which the postponement

Or. en

Justification

Paragraph 4 of Article 19 has been moved to Paragraph 1.

Amendment 83

Proposal for a directive

Article 18 – paragraph 1 – point b

Text proposed by the Commission

(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 ;

Amendment

(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 ***and how the limit values will be attained by the end of the new postponed deadline for compliance;***

Or. en

Amendment 84

Proposal for a directive

Article 18 – paragraph 1 – point c

Text proposed by the Commission

(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;

Amendment

(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 ***and includes specific measures designed for the protection of the sensitive population and***

Or. en

Amendment 85

Proposal for a directive

Article 18 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) the levels of pollutants in ambient air in the relevant zone are below the limit values specified in Section 1, Table 2, of

Or. en

Amendment 86

Proposal for a directive

Article 18 – paragraph 1 – point d b (new)

Text proposed by the Commission

Amendment

(db) in addition to the information and reporting under Articles 22 and 23, annual projections are published on the evolution of emissions and concentrations in the zone concerned, taking into consideration the measures included in the air quality plan, covering all years until the attainment date; where any such projection reveals that the measures included in the air quality plan are insufficient to achieve likely compliance with the related limit value by the postponed attainment deadline, Member States shall update the air quality plan and the measures therein, and take additional and more effective measures, in the subsequent calendar year to keep the exceedance period as short as possible and in any case attain compliance by the postponed deadline.

Or. en

Amendment 87

Proposal for a directive

Article 19 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. Where on ... [three months after the date of entry into force of this Directive], in a zone or NUTS 2 territorial unit, the levels of pollutants recorded for the preceding calendar year, are above any limit value to be attained by 1 January 2030 as laid down in Section 1, Table 1, of Annex I, Member States shall establish a preparatory air quality plan for the concerned pollutant as soon as possible and no later than 2 years after the date where the exceedance of the limit value was reported in line with Article 23(2) in order to attain the respective limit values by the expiration of the attainment

Where, for the same pollutant, Member States are required to establish a preparatory air quality plan in accordance with this paragraph as well as an air quality plan in accordance with Article 19(2), they may establish a combined air quality plan in accordance with Article 19(5), (6) and (7) and provide information on the expected impact of measures to reach compliance for each limit value it addresses, as required by Annex VIII, Point A, points 5 and 6. Any such combined air quality plan shall set out appropriate measures to achieve all related limit values and to keep all exceedance

Or. en

Amendment 88

Proposal for a directive

Article 19 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

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**.

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 **all** appropriate measures to achieve ***the limit value concerned, to address the dangers to human health caused by the exceedance of*** 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

Or. en

Amendment 89

Proposal for a directive

Article 19 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where exceedances of any limit values persist during the third calendar year after the **establishment** of the **air quality plan**, Member States shall update the air quality plan and the measures therein, and take additional and more effective measures, in the subsequent calendar year to keep the exceedance period as short as possible.

Amendment

Where exceedances of any limit values persist during the third calendar year after the **end** of the **calendar year in which the first exceedance was recorded**, Member States shall update the air quality plan and the measures therein, **provide detailed information concerning the status of implementation of the Directives referred to in Point B, point 1, of Annex VIII** and take additional and more effective measures, in the subsequent calendar year to keep the exceedance period as short as possible **and in any case no longer than 1 year after the**

Or. en

Amendment 90

Proposal for a directive

Article 19 – paragraph 2

Text proposed by the Commission

Amendment

2. Where in a given NUTS 1 territorial unit, the levels of pollutants in ambient air exceed the ozone target value, laid down in Section 2 of Annex I, Member States shall establish air quality plans for those NUTS 1 territorial units as soon as possible and no later than 2 years after the calendar year during which the exceedance of the ozone target value was recorded. Those air quality plans shall set out appropriate measures in order to achieve the ozone target value and to keep the exceedance period as short as

Where exceedances of the ozone target value persist during the fifth calendar year after the establishment of the air quality plan in the relevant NUTS 1 territorial unit, Member States shall update air quality plan and the measures therein, and take additional and more effective measures, in the subsequent calendar year to keep the exceedance period as short as possible.

For NUTS 1 territorial units where the ozone target value is exceeded, Member States shall ensure that the relevant national air pollution control programme prepared pursuant to Article 6 of Directive (EU) 2016/2284 includes measures

Or. en

Amendment 91

Proposal for a directive

Article 19 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

Where in a given NUTS **1** territorial unit, the average exposure reduction obligation laid down in Section 5 of Annex I is exceeded, Member States shall establish air quality plans for those NUTS **1** territorial units as soon as possible and no later than 2 years after the calendar year during which the exceedance of the average exposure reduction obligation was recorded. Those air quality plans shall set out appropriate measures to achieve the average exposure reduction obligation and to keep the exceedance period as short as possible.

Where in a given NUTS **2** territorial unit, the average exposure reduction obligation laid down in Section 5 of Annex I is exceeded, Member States shall establish air quality plans for those NUTS **2** territorial units as soon as possible and no later than 2 years after the calendar year during which the exceedance of the average exposure reduction obligation was recorded. Those air quality plans shall set out appropriate measures to achieve the average exposure reduction obligation 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**

Or. en

Amendment 92

Proposal for a directive

Article 19 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Where exceedances of the average exposure reduction obligation persist during the **fifth** calendar year after the **establishment** of the **air quality plan**, Member States shall update the air quality plan and the measures therein, and take additional and more effective measures, in the subsequent calendar year to keep the exceedance period as short as possible.

Amendment

Where exceedances of the average exposure reduction obligation persist during the **third** calendar year after the **end** of the **calendar year in which the first exceedance was recorded**, Member States shall update the air quality plan and the measures therein, **provide detailed information concerning the status of implementation of the Directives referred to in Point B, point 1, of Annex VIII**, and take additional and more effective measures, in the subsequent calendar year to keep the exceedance period as short as

Or. en

Amendment 93

Proposal for a directive

Article 19 – paragraph 4

Text proposed by the Commission

Amendment

4. *Where from [insert year 2 years after entry into force of this Directive], until 31 December 2029 in a zone or NUTS 1 territorial unit, the levels of pollutants are above any limit value to be attained by 1 January 2030 as laid down in Table 1 of Section 1 of Annex I, Member States shall establish an air quality plan for the concerned pollutant as soon as possible and no later than 2 years after the calendar year during which the exceedance of the was recorded to attain the respective limit values or ozone target value by the expiration of*
Where, for the same pollutant, Member States are required to establish an air quality plan in accordance with this paragraph as well as an air quality plan in accordance with Article 19(1), they may establish a combined air quality plan in accordance with Article 19(5), (6) and (7) and provide information on the expected impact of measures to reach compliance for each limit value it addresses, as required by in Annex VIII, points 5 and 6. Any such combined air quality plan shall set out appropriate measures to achieve all related limit values and to keep all exceedance

Or. en

Amendment 94

Proposal for a directive

Article 19 – paragraph 5 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) *where appropriate*, information on abatement measures listed in Point B, Point 2 of Annex VIII.

(c) information on abatement measures listed in Point B, Point 2 of Annex VIII;

Or. en

Amendment 95

Proposal for a directive

Article 19 – paragraph 5 – subparagraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) where applicable, the information referred to in Point B, point 1, of Annex

Or. en

Amendment 96

Proposal for a directive

Article 19 – paragraph 6 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that before the time period for receiving comments from the public starts, the following is made available to the public on the internet, free of charge and without restricting access to

(a) the draft air quality plan containing the minimum information required under Points A and B of Annex VIII;

(b) information on the estimated impact of the air quality plan assessed pursuant to Point C of Annex VIII, and the background documents and information used for the development of the draft;

(c) a non-technical summary of the information referred to under points (a) and (b).

Amendment 97

Proposal for a directive

Article 19 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. The Commission shall facilitate the elaboration and implementation of the air quality plans, where appropriate, through an exchange of good practices. The Commission may establish guidance on the elaboration, implementation and revision of air quality plans.

Or. en

Amendment 98

Proposal for a directive

Article 19 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

7b. The Commission shall specify by means of implementing acts, the format and structure of the air quality plans. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 26(2).

Or. en

Amendment 99

Proposal for a directive

Article 20 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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.

Amendment

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.

Or. en

Justification

Technical correction, words missing in the COM proposal.

Amendment 100

**Proposal for a directive
Article 20 – paragraph 2**

Text proposed by the Commission

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

Amendment

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 alert threshold being exceeded. **Member States shall also take into consideration the list of measures outlined in Annex VIIIa for their short-term action plans, and** depending on the share of the main pollution sources to the exceedances to be addressed, 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

Or. en

Justification

Amendment for consistency with the changes made in Annex I. Ozone has been set as a limit value.

Amendment 101

Proposal for a directive

Article 20 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Commission shall publish, at regular intervals, examples of best practices for drawing up short-term action plans, including examples of best practices for the protection of sensitive population groups, including children.

Or. en

Amendment 102

Proposal for a directive

Article 21 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

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

Where transboundary transport of air pollution from one or more Member State contributes significantly to the exceedance of any limit 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.

Or. en

Justification

Amendment for consistency with the changes made in Annex I. Ozone has been set as a limit value.

Amendment 103

Proposal for a directive

Article 22 – paragraph 1 – point a

Text proposed by the Commission

(a) air quality in accordance with Annex ***points 1 and 3 of IX***;

Amendment

(a) air quality in accordance with Annex IX;

Or. en

Justification

Technical correction, air quality information should be in accordance to the whole Annex IX.

Amendment 104

Proposal for a directive

Article 22 – paragraph 1 – point e

Text proposed by the Commission

(e) the effects of exceedances of limit ***values, ozone target*** values, average exposure reduction obligations, information thresholds and alert thresholds in a summary assessment ; the summary assessment shall include, where appropriate, further information and assessments on forest protection as well as information on

Amendment

(e) the effects of exceedances of limit values, average exposure reduction obligations, information thresholds and alert thresholds in a summary assessment ; the summary assessment shall include, where appropriate, further information and assessments on forest protection as well as information on pollutants covered by Article

Or. en

Amendment 105

Proposal for a directive

Article 22 – paragraph 2

Text proposed by the Commission

Amendment

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.

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, ***ensuring that sufficient real-time data is available in all stations.*** The air quality index shall ***be comparable across all Member States, follow the most up-to-date*** recommendations by the WHO, ***be based*** on the air quality indices at European scale provided by the European Environmental Agency ***and shall be accompanied by detailed information about the associated health risks for each pollutant, including information tailored to sensitive population***

Or. en

Amendment 106

Proposal for a directive

Article 22 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall adopt guidelines specifying the format and structure of the information provided to the public via an air quality index.

Or. en

Amendment 107

Proposal for a directive

Article 23 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the changes made in that year to the list and delimitation of zones established under Article 6 or any NUTS **1** territorial

(a) the changes made in that year to the list and delimitation of zones established under Article 6 or any NUTS **2** territorial

Or. en

Amendment 108

Proposal for a directive

Article 23 – paragraph 2 – point b – introductory part

Text proposed by the Commission

(b) the list of zones and NUTS **1** territorial units and the levels of pollutants assessed. For zones in which the levels of one or more pollutants are higher than the limit values or critical levels , as well as for NUTS **1** territorial units where the levels of one or more pollutants are higher than the target values or average exposure reduction

Amendment

(b) the list of zones and NUTS **2** territorial units and the levels of pollutants assessed. For zones in which the levels of one or more pollutants are higher than the limit values or critical levels , as well as for NUTS **2** territorial units where the levels of one or more pollutants are higher than the target values or average exposure reduction

Or. en

Amendment 109

Proposal for a directive

Article 24 – paragraph 2 – point a

Text proposed by the Commission

(a) the limit **values, ozone target** values and long-term objectives , critical levels, alert and information thresholds , average exposure reduction obligations and average exposure concentration objectives specified

Amendment

(a) the limit values and long-term objectives, critical levels, alert and information thresholds , average exposure reduction obligations and average exposure concentration objectives specified in Annex

Or. en

Amendment 110

Proposal for a directive

Article 27 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

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, or another independent and impartial body established by law, to challenge the substantive or procedural legality of all decisions, acts or omissions concerning air quality plans referred to in Article 19, and short term action plans referred to in Article 20, **of the Member State**, provided that any of the following conditions is met:

Amendment

1. Member States shall ensure that, in accordance with their national legal system, members of the public have access to a review procedure before a court of law, or another independent and impartial body established by law, to challenge the substantive or procedural legality of all decisions **or acts *taken by***, or omissions **of, *the Member State to achieve compliance with this Directive, including, but not limited to, those concerning the classification of zones under Article 7, the network design, location and relocation of sampling points under Article 9,*** air quality plans referred to in Article 19 and short term action plans referred to in Article 20,

Or. en

Amendment 111

Proposal for a directive

Article 27 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States shall determine what constitutes a sufficient interest and impairment of a right consistently with the objective of giving the public **concerned**

Amendment

Member States shall determine what constitutes a sufficient interest and impairment of a right consistently with the objective of giving the public wide access to

Or. en

Amendment 112

Proposal for a directive

Article 27 – paragraph 1 – subparagraph 3

Text proposed by the Commission

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).

Amendment

The interest of **any natural person affected or likely to be affected by exceedances of air quality standards, or having an interest in, the decision-making procedures related to the implementation of the obligations under this Directive, and** any non-governmental organisation which is a member of the public shall be deemed sufficient for the purposes of the first paragraph, point (a). Such **natural persons and** organisations shall also be deemed to have rights capable of being impaired for the purposes of the first

Or. en

Amendment 113

Proposal for a directive

Article 27 – paragraph 2

Text proposed by the Commission

2. To have standing to participate in the review procedure shall not be conditional on the role that the member of the public concerned played during a participatory phase of the decision-making procedures **related to Article 19 or 20.**

Amendment

2. To have standing to participate in the review procedure shall not be conditional on the role that the member of the public concerned played during a participatory phase of the decision-making procedures **under this Directive.**

Or. en

Amendment 114

Proposal for a directive

Article 27 – paragraph 3

Text proposed by the Commission

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.

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. ***Member States shall ensure that the courts or other independent and impartial review bodies are able to apply effective coercive***

Or. en

Amendment 115

**Proposal for a directive
Article 28 – paragraph 1**

Text proposed by the Commission

1. Member States shall ensure that natural persons who suffer damage to human health caused by a violation of Articles 19(1) to 19(4), 20(1) and 20(2), 21(1) second sub-paragraph and 21(3) of this Directive by the competent authorities are entitled to compensation in accordance with this article.

Amendment

1. Member States shall ensure that natural persons who suffer damage to human health ***and well-being*** caused by a violation of ***the provisions of this Directive, including, but not limited to***, Articles ***13***, 19(1) to 19(4), 20(1) and 20(2), 21(1) second sub-paragraph and 21(3) of this Directive by the competent authorities are entitled to compensation in accordance with this article.

Or. en

Amendment 116

**Proposal for a directive
Article 28 – paragraph 4 – subparagraph 1**

Text proposed by the Commission

Amendment

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*.

Where a claim for compensation is supported by evidence *from which it may be presumed* that the violation referred to in paragraph 1 *caused or contributed to* the occurrence of the damage of that person, *it shall be for the respondent public authority to prove that* the violation *did not cause or contribute to* the occurrence of the damage.

Or. en

Amendment 117

Proposal for a directive

Article 28 – paragraph 4 – subparagraph 2

Text proposed by the Commission

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*.

Amendment

The respondent public authority shall be able to rebut this presumption. In particular, the respondent shall *be required to prove that the violation did not cause or contribute to the occurrence of the damage or that the violation did not reasonably lead to the associated damage suffered by the claimant*.

Or. en

Amendment 118

Proposal for a directive

Article 28 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. For the purpose of this Article, it shall be presumed that where limit values specified in Article 13 and Table 1 of Annex I are exceeded, air pollution becomes harmful to human health and well-being of those exposed to it, in particular sensitive population groups, and it causes or contributes to the associated health effects.

The association between the exceedance of the limit values and health effects shall be based on reliable relevant data, including, but not limited to, epidemiological studies.

Member States shall create the opportunity to systematise and publish available information on epidemiological studies and other scientific data on health effects of air pollution and causality associations, taking into account both domestic and international research, impact factor considerations, peer-reviewed publications, university and research institutions rankings, degree of acceptance by the scientific community and its admissibility in

Or. en

Amendment 119

Proposal for a directive Article 28 – paragraph 6

Text proposed by the Commission

6. Member States shall ensure that the limitation periods for bringing actions for compensation as referred to in paragraph 1 are not less than **5** years. Such periods shall not begin to run before the violation has ceased and the person claiming the compensation knows, or can reasonably be expected to know, that he or she suffered damage from a violation as referred to in

Amendment

6. Member States shall ensure that the limitation periods for bringing actions for compensation as referred to in paragraph 1 are not less than **10** years. Such periods shall not begin to run before the violation has ceased and the person claiming the compensation knows, or can reasonably be expected to know, that he or she suffered damage from a violation as referred to in

Where new relevant data, for example scientific studies, epidemiological studies, or other such studies, demonstrates for the first time a causality link between a violation as referred to in paragraph 1 and adverse health effects, the limitation period shall begin to run from the date of release of those relevant data. Where the limitation period has already begun to run, that period shall be reset as from the date of release of

Or. en

Amendment 120

Proposal for a directive

Article 29 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The types of infringements subject to penalties shall be at least the following:

(a) exceeding any limit value laid down in Section 1 of Annex I, in breach of Article 13(1);

(b) exceeding the average exposure reduction obligation laid down in Section 5 of Annex I, in breach of Article 13(3);

(c) failing to promptly adopt or implement adequate air quality plans pursuant to Article 19;

(d) failing to promptly adopt or implement adequate short-term action plans pursuant to Article 20;

(e) non-compliance with measures to reduce air pollution set out in air quality plans pursuant to Article 19 and short-term action plans pursuant to Article 20;

(f) failing to take the necessary steps to inform the public in the event of information or alert thresholds being exceeded pursuant to Article 15(3);

(g) failing to design the monitoring network and locate sampling points in accordance with the requirements in Article 9 and Annexes III, IV and V.

Or. en

Amendment 121

Proposal for a directive

Article 31 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles 1, 2 and 3, Article 4, points (2), (13), (14), (16), (18), (19), (21), (22), points (24) to (30), points (36), (37), (38) and (39), Articles 5 to 12, Article 13(1), (2), (3), (6) and (7), Article 15, Article 16(1) and (2), Articles 17 **to** 21, Article 22(1), (2) and (4), Articles 23 to 29 and Annexes I to IX by [insert date : **two years** after entry into force] at the latest .

Amendment

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles 1, 2 and 3, Article 4, points (2), (13), (14), (16), (18), (19), (21), (22), points (24) to (30), points (36), (37), (38) and (39), Articles 5 to 12, Article 13(1), (2), (3), (6) and (7), Article 15, Article 16(1) and (2), Articles 17, **18, 20 and** 21, Article 22(1), (2) and (4), Articles 23 to 29 and Annexes I to IX by [insert date : **18 months** after entry into

Or. en

Amendment 122

Proposal for a directive

Article 31 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 19 by ... [three months after the date of entry into force of this Directive] at the

Or. en

Amendment 123

Proposal for a directive Annex I – Section 1 – table 1

Text proposed by the Commission

| 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 |
| 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/m³ | |
| 1 day | 4 mg/m³ | not to be exceeded more than 18 times per calendar year |
| Lead (Pb) | | |
| Calendar year | 0,5 µg/m³ | |
| Arsenic (As) | | |
| Calendar year | 6,0 ng/m³ | |
| Cadmium (Cd) | | |
| Calendar year | 5,0 ng/m³ | |
| Nickel (Ni) | | |
| Calendar year | 20 ng/m³ | |
| Benzo(a)pyrene | | |
| Calendar year | 1,0 ng/m³ | |
| (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. Each 8-hour average so calculated will be assigned to the day on which it ends i.e. the first calculation period for any 1 day will be the period from 17.00 on the previous day to 1.00 on that day; the last calculation period for any 1 day will be the period from 16.00 to 24.00 on that day. | | |

Amendment

| Averaging period | Limit value | |
|-------------------------------------|------------------------------|---|
| PM _{2.5} | | |
| 1 day | 15 µg/m ³ | not to be exceeded more than 18 times per calendar year |
| Calendar year | 5 µg/m ³ | |
| PM ₁₀ | | |
| 1 day | 45 µg/m ³ | not to be exceeded more than 18 times per calendar year |
| Calendar year | 15 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 | 25 µg/m ³ | not to be exceeded more than 18 times per calendar year |
| Calendar year | 10 µg/m ³ | |
| Sulphur dioxide (SO ₂) | | |
| 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 18 times per calendar year |
| Calendar year | 20 µg/m ³ | |
| Ozone (O₃) | | |
| maximum daily 8 – hour mean (1) | 120 µg/m³ | not to be exceeded more than three times per calendar year |
| Benzene | | |
| Calendar year | 0,17 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 | 0,15 µg/m ³ | |
| Arsenic (As) | | |
| Calendar year | 0,66 ng/m ³ | |
| Cadmium (Cd) | | |
| Calendar year | 5,0 ng/m ³ | |
| Nickel (Ni) | | |
| Calendar year | 2,5 ng/m ³ | |
| Benzo(a)pyrene | | |
| Calendar year | 0,25 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. Each 8-hour average so calculated will be assigned to the day on which it ends i.e. the first calculation period for any 1 day will be the period from 17.00 on the previous day to 1.00 on that day; the last calculation period for any 1 day will be the period from 16.00 to 24.00 on that day. | | |

Or. en

Justification

To be in line with the objectives of the Zero Pollution ambition, the EU air quality standards need to be fully aligned with the most up to date WHO Air Quality Guidelines. Given that the suggested limit values for some pollutants have not been updated in the 2021 WHO guidelines, these have been aligned with earlier WHO guidelines or other national limit values. The hourly limit value for SO₂ has been aligned with the values agreed under the Gothenburg Protocol and in line with the US NAAQS.

Amendment 124

Proposal for a directive Annex I – Section 2 – title

Text proposed by the Commission

Amendment

2 ***Ozone target values and*** ozone long-term objectives 2 Ozone long-term objectives

Or. en

Amendment 125

Proposal for a directive Annex I – Section 2 – point B

Text proposed by the Commission

Amendment

B Ozone target values ***deleted***
[...]

Or. en

Amendment

Proposal for a directiveAnnex I – Section 2 – point B – table

Text proposed by the Commission

| <i>Objective</i> | <i>Averaging period</i> | <i>Target value</i> | |
|---|--|---|--|
| <i>Protection of human health</i> | <i>Maximum daily 8-hour mean ⁽¹⁾</i> | <i>120 µg/m³</i> | <i>not to be exceeded on more than 18 days per calendar year averaged over 3 years ⁽²⁾</i> |
| <i>Protection of the environment</i> | <i>May to July</i> | <i>AOT40 (calculated from 1-hour values)</i> | <i>18 000 µg/m³ × h averaged over 5 years ⁽²⁾</i> |
| <i>(1) The maximum daily 8-hour mean concentration shall be selected by examining 8-hour running averages, calculated from hourly data and updated each hour. Each 8-hour average so calculated shall be assigned to the day on which it ends. i.e. the first calculation period for any 1 day will be the period from 17.00 on the previous day to 1.00 on that day; the last calculation period for any 1 day will be the period from 16.00 to 24.00 on the day.</i> | | | |

- (2) *If the 3- or 5-year averages cannot be determined on the basis of a full and consecutive set of annual data, the minimum annual data required for checking compliance with the target values will be as follows:*
- *for the target value for the protection of human health: valid data for 1 year,*
 - *for the target value for the protection of vegetation: valid data for 3 years.*

Amendment

deleted

Or. en

Justification

Given the extensive impacts of ozone on human health and the need to reduce the level of this pollutant in the ambient air, it is necessary to transform the currently applicable target value for this pollutant into a legally binding limit value. At the same time, for the sake of consistency, the ozone target value for the protection of the environment should be transformed into an ozone critical level.

Amendment

Proposal for a directive

Annex I – Section 2 – point C – table

Text proposed by the Commission

| Objective | Averaging period | Long-term objective | |
|--|--|------------------------------------|-----------------------------|
| Protection of human health | Maximum daily 8-hour mean within a calendar year | 100 µg/m ³ (1) | |
| Protection of vegetation | May to July | AOT40 (calculated from 1 h values) | 6 000 µg/m ³ × h |
| (1) 99 th percentile (i.e. 3 exceedance days per year). | | | |

Amendment

| Objective | Averaging period | Long-term objective | |
|--|--|------------------------------------|-----------------------------|
| Protection of human health | Maximum daily 8-hour mean within a calendar year | 100 µg/m ³ (1) | |
| | Peak season | 60 µg/m³ (2) | |
| Protection of vegetation | May to July | AOT40 (calculated from 1 h values) | 6 000 µg/m ³ × h |
| (1) 99 th percentile (i.e. 3 exceedance days per year). (2) Average of daily maximum 8-hour mean O₃ concentration in the six consecutive months with the highest six-month running- average O₃ concentration. | | | |

Or. en

Justification

Ozone concentrations peak in certain parts of the year, especially in regions with high emissions from traffic and industry. In regions away from the equator, in the northern hemisphere, this period will typically be in the warm season (summer) within a single calendar year. Consequently, possible exceedances are likely to be recorded during that period. The long-term objective for this pollutant should therefore be also linked to the peak season exposure in line with the 2021 WHO Guidelines.

Amendment 128

Proposal for a directive

Annex I – Section 3 – table

Text proposed by the Commission

| Averaging period | Critical level |
|--|--------------------------------------|
| Sulphur dioxide (SO ₂) | |
| Calendar year and winter (1 October to 31 March) | 20 µg/m ³ |
| Oxides of nitrogen (NO _x) | |
| Calendar year | 30 µg/m ³ NO _x |

Amendment

| Averaging period | Critical level |
|------------------------------------|----------------|
| Sulphur dioxide (SO ₂) | |

| | |
|--|---|
| Calendar year and winter (1 October to 31 March) | 20 µg/m ³ |
| Oxides of nitrogen (NO _x) | |
| Calendar year | 30 µg/m ³ NO _x |
| <i>Ammonia (NH₃)</i> | |
| <i>Calendar year</i> | <i>3 µg/m³</i> |
| <i>Ozone (O₃)</i> | |
| <i>May to July</i> | <i>AOT40 (calculated from 1 h values) 18 000 µg/m³ × h averaged over 5 years</i> |
| <i>(1) If the 5-year averages cannot be determined on the basis of a full and consecutive set of annual data, the minimum annual data required for checking compliance with the critical level will be valid data for 3 years.</i> | |

Or. en

Justification

For the sake of consistency with the other pollutants having adverse effect on the ecosystem, the ozone target value for the protection of the environment should be transformed into an ozone critical level. Moreover, critical level for ammonia should be also introduced, in line with the provisions of the Convention on Long Range Transboundary Air Pollution (LRTAP) and the values recommended by the group of experts under the Convention.

Amendment 129

Proposal for a directive

Annex I – Section 4 – point A – title

Text proposed by the Commission

A Alert thresholds *for pollutants other than ozone*

Amendment

A Alert thresholds

Or. en

Amendment 130

Proposal for a directive

Annex I – Section 4 – point A – paragraph 1

Text proposed by the Commission

Amendment

To be measured over 3 consecutive hours in the case of sulphur dioxide **and** nitrogen dioxide, and over **three** consecutive days for PM₁₀ and PM_{2.5}, at locations representative of air quality over at least 100 km² or an entire zone, whichever is the smaller.

The alert thresholds are triggered when the values in the following table are exceeded for 3 consecutive hours in the case of sulphur dioxide, nitrogen dioxide **and ozone**, and over 2 consecutive days for PM₁₀ and PM_{2.5}.

Or. en

Amendment

Proposal for a directive

Annex I – Section 4 – point A – table*Text proposed by the Commission*

| Pollutant | Alert threshold |
|-------------------------------------|------------------------------|
| Sulphur dioxide (SO ₂) | 500 µg/m ³ |
| Nitrogen dioxide (NO ₂) | 400 µg/m ³ |
| PM _{2.5} | 50 µg/m ³ |
| PM ₁₀ | 90 µg/m ³ |

Amendment

| Pollutant | Alert threshold |
|-------------------------------------|------------------------------|
| Sulphur dioxide (SO ₂) | 200 µg/m ³ |
| Nitrogen dioxide (NO ₂) | 100 µg/m ³ |
| PM _{2.5} | 50 µg/m ³ |
| PM ₁₀ | 90 µg/m ³ |
| Ozone (O₃) | 240 µg/m³ |

Or. en

Justification

For the sake of overall consistency of the Directive, alert threshold for ozone should be included together with the alert thresholds for other pollutants. Moreover, alert thresholds for SO₂ and NO₂ should be lowered following the alignment of the limit values listed in Table 1 Section 1 of Annex I (the new values proposed have as a basis the Canadian air quality legislation).

Amendment 132

Proposal for a directive

Annex I – Section 4 – point B – title

Text proposed by the Commission

Amendment

B Information ***and alert*** thresholds ***for***
ozone

B Information thresholds

Or. en

Amendment 133

Proposal for a directive

Annex I – Section 4 – point B – paragraph -1 (new)

Text proposed by the Commission

Amendment

The information thresholds are triggered when the values in the following table are exceeded for a 24-hour period in the case of sulphur dioxide, nitrogen dioxide, PM₁₀ and PM_{2.5}, and for 3 consecutive hours in the

Or. en

Amendment

Proposal for a directive

Annex I – Section 4 – point B – table

Text proposed by the Commission

| <i>Purpose</i> | <i>Averaging period</i> | <i>Threshold</i> |
|---|--------------------------------|------------------------------------|
| <i>Information</i> | <i>1 hour</i> | 180 µg/m ³ |
| <i>Alert</i> | <i>1 hour (1)</i> | <i>240 µg/m³</i> |
| <i>(1) For the implementation of Article 20, the exceedance of the threshold is to be measured or predicted for 3 consecutive hours.</i> | | |

Amendment

| <i>Pollutant</i> | <i>Information threshold</i> |
|--|------------------------------|
| <i>Sulphur dioxide (SO₂)</i> | <i>40 µg/m³</i> |
| <i>Nitrogen dioxide (NO₂)</i> | <i>25 µg/m³</i> |
| <i>PM_{2.5}</i> | <i>15 µg/m³</i> |
| <i>PM₁₀</i> | <i>45 µg/m³</i> |
| <i>Ozone (O₃)</i> | <i>180 µg/m³</i> |

Or. en

Justification

There are certain risks to human health from brief exposure for particularly sensitive population and vulnerable groups to pollutants other than ozone, such as SO₂, NO₂, PM_{2.5} and PM₁₀. It is therefore prudent to include in the Directive information thresholds also for those pollutants. The numerical values for newly introduced information thresholds are based on those of the Canadian air quality legislation.

Amendment 135

Proposal for a directive

Annex I – Section 5 – point A – paragraph 1

Text proposed by the Commission

The Average Exposure Indicator expressed in µg/m³ (AEI) shall be based upon measurements in urban background locations in territorial units at NUTS **1** level throughout the territory of a Member State. It shall be assessed as a 3-calendar-year running annual mean concentration averaged over all sampling points of the relevant pollutant ***established pursuant to Point B of Annex III*** in each NUTS **1** territorial unit. The AEI for a particular year shall be the mean concentration of that same year and the

Amendment

The Average Exposure Indicator expressed in µg/m³ (AEI) shall be based upon measurements ***at all sampling points*** in urban background, ***traffic, industrial and residential*** locations in territorial units at NUTS **2** level throughout the territory of a Member State. It shall be assessed as a 3-calendar-year running annual mean concentration averaged over all sampling points of the relevant pollutant in each NUTS **2** territorial unit. The AEI for a particular year shall be the mean

Or. en

Amendment 136

Proposal for a directive

Annex I – Section 5 – point B – paragraph 1 – indent 1

Text proposed by the Commission

– for PM_{2.5}, 25% lower than the AEI was **10** years before, unless it is already no higher than the average exposure concentration objective for PM_{2.5} defined in

Amendment

– for PM_{2.5}, 25% lower than the AEI was **5** years before, unless it is already no higher than the average exposure concentration objective for PM_{2.5} defined in

Or. en

Amendment 137

Proposal for a directive

Annex I – Section 5 – point B – paragraph 1 – indent 2

Text proposed by the Commission

– for NO₂, 25% lower than the AEI was **10** years before, unless it is already no higher than the average exposure concentration objective for NO₂ defined in Section C.

Amendment

– for NO₂, 25% lower than the AEI was **5** years before, unless it is already no higher than the average exposure concentration objective for NO₂ defined in Section C.

Or. en

Amendment

Proposal for a directive

Annex II – Section 1 – table *Text proposed by the Commission*

| Pollutant | Assessment threshold (annual mean, unless specified) |
|-------------------------------------|---|
| PM _{2.5} | 5 µg/m ³ |
| PM ₁₀ | 15 µg/m ³ |
| Nitrogen dioxide (NO ₂) | 10 µg/m ³ |
| Sulphur dioxide (SO ₂) | 40 µg/m ³ (24-hour mean) ⁽¹⁾ |
| Benzene | 1,7 µg/m ³ |
| Carbon monoxide (CO) | 4 mg/m ³ (24-hour mean) ⁽¹⁾ |

| | |
|--|---|
| Lead (Pb) | 0,25 µg/m ³ |
| Arsenic (As) | 3,0 ng/m ³ |
| Cadmium (Cd) | 2,5 ng/m ³ |
| Nickel (Ni) | 10 ng/m ³ |
| Benzo(a)pyrene | 0,12 ng/m ³ |
| Ozone (O ₃) | 100 µg/m ³ (maximum 8-hour mean) ⁽¹⁾ |
| (1) 99 th percentile (i.e. 3 exceedance days per year). | |

Amendment

| Pollutant | Assessment threshold (annual mean, unless specified) |
|--|--|
| PM _{2.5} | 3,5 µg/m ³ |
| PM ₁₀ | 10,5 µg/m ³ |
| Nitrogen dioxide (NO ₂) | 8 µg/m ³ |
| Sulphur dioxide (SO ₂) | 24 µg/m ³ (24-hour mean) ⁽¹⁾ |
| Benzene | 0,119 µg/m ³ |
| Carbon monoxide (CO) | 4 mg/m ³ (24-hour mean) ⁽¹⁾ |
| Lead (Pb) | 0,1 µg/m ³ |
| Arsenic (As) | 0,462 ng/m ³ |
| Cadmium (Cd) | 2,5 ng/m ³ |
| Nickel (Ni) | 1,75 ng/m ³ |
| Benzo(a)pyrene | 0,12 ng/m ³ |
| Ozone (O ₃) | 80 µg/m ³ (maximum 8-hour mean) ⁽¹⁾ |
| (1) 99 th percentile (i.e. 3 exceedance days per year). | |

Or. en

Justification

The assessment thresholds for health protection have been adjusted in light of the full alignment with the WHO guidelines of the limit values listed in Table 1 of Section 1 of Annex I by using the percentage of the upper assessment threshold for each pollutant listed in the current Directive. For ozone the assessment threshold has been derived from EEA Assessment of ground-level ozone in EEA member countries.

Amendment 139

Proposal for a directive

Annex II – Section 2 - tableText proposed by the Commission

| Pollutant | Assessment threshold (annual mean, unless specified) |
|---------------------------------------|--|
| Sulphur dioxide (SO ₂) | 8 µg/m ³ (average between 1 October and 31 March) |
| Oxides of nitrogen (NO _x) | 19,5 µg/m ³ |

Amendment

| Pollutant | Assessment threshold (annual mean, unless specified) |
|---------------------------------------|--|
| Sulphur dioxide (SO ₂) | 8 µg/m ³ (average between 1 October and 31 March) |
| Oxides of nitrogen (NO _x) | 19,5 µg/m ³ |
| Ammonia (NH₃) | 1,0 µg/m³ |
| Ozone (O₃) | 80 µg/m³ |

Or. en

Justification

Following the addition of ozone and ammonia to the list of critical levels for the protection of vegetation and natural ecosystems, it is necessary to establish assessment thresholds for both pollutants. Assessment threshold for ammonia stems from the work of the expert group under the Convention on Long Range Transboundary Air Pollution (LRTAP). For ozone the assessment threshold has been derived from EEA Assessment of ground-level ozone in EEA member countries,

Amendment 140

Proposal for a directive

Annex III – Part A – title

Text proposed by the Commission

A Minimum number of sampling points for fixed measurement to assess compliance with limit values for the protection of human health, ozone **target values**, long-term objectives, information thresholds and alert

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Amendment

A Minimum number of sampling points for fixed measurement to assess compliance with limit values for the protection of human health, ozone long-term objectives, information thresholds and alert thresholds

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Amendment 141**Proposal for a directive****Annex III – Part A – point 1 – paragraph 1***Text proposed by the Commission*

Table 1 - Minimum number of sampling points for fixed measurement to assess compliance with limit values for the protection of human health and alert thresholds in zones where fixed measurement is the sole source of information (for all pollutants except ozone)

Amendment

Table 1 - Minimum number of sampling points for fixed measurement to assess compliance with limit values for the protection of human health and **information** **and** alert thresholds in zones where fixed measurement is the sole source of information (for all pollutants except ozone)

Or. en

Amendment 142**Proposal for a directive****Annex III – Part A – point 1 – table 1***Text proposed by the Commission*

| Population of zone (thousands) | Minimum number of sampling points if concentrations exceed the assessment threshold | | | | | |
|--------------------------------|---|------------|--------------------------|---------------------------|------------------------------------|------------------------------------|
| | NO ₂ , SO ₂ , CO, benzene | Sum PM (I) | Minimum PM ₁₀ | Minimum PM _{2.5} | Pb, Cd, As, Ni in PM ₁₀ | Benzo(a)pyrene in PM ₁₀ |
| 0 - 249 | 2 | 4 | 2 | 2 | 1 | 1 |
| 250 - 499 | 2 | 4 | 2 | 2 | 1 | 1 |
| 500 - 749 | 2 | 4 | 2 | 2 | 1 | 1 |
| 750 - 999 | 3 | 4 | 2 | 2 | 2 | 2 |
| 1 000 - 1 499 | 4 | 6 | 2 | 2 | 2 | 2 |
| 1 500 - 1 999 | 5 | 7 | 3 | 3 | 2 | 2 |
| 2 000 - 2 749 | 6 | 8 | 3 | 3 | 2 | 3 |

| | | | | | | |
|--|----|----|---|---|---|---|
| 2 750 - 3 749 | 7 | 10 | 4 | 4 | 2 | 3 |
| 3 750 - 4 749 | 8 | 11 | 4 | 4 | 3 | 4 |
| 4 750 - 5 999 | 9 | 13 | 5 | 5 | 4 | 5 |
| 6 000+ | 10 | 15 | 5 | 5 | 5 | 5 |
| <i>(1) The number of PM_{2.5} and NO₂ sampling points in the urban background locations of urban areas shall meet the requirements set out in Point B.</i> | | | | | | |

Amendment

| Population of zone (thousands) | Minimum number of sampling points if concentrations exceed the assessment threshold | | | | | |
|--------------------------------|---|--------|--------------------------|---------------------------|------------------------------------|------------------------------------|
| | NO ₂ , SO ₂ , CO, benzene | Sum PM | Minimum PM ₁₀ | Minimum PM _{2.5} | Pb, Cd, As, Ni in PM ₁₀ | Benzo(a)pyrene in PM ₁₀ |
| 0 - 249 | 2 | 4 | 2 | 2 | 1 | 1 |
| 250 - 499 | 2 | 4 | 2 | 2 | 1 | 1 |
| 500 - 749 | 2 | 4 | 2 | 2 | 1 | 1 |
| 750 - 999 | 3 | 4 | 2 | 2 | 2 | 2 |
| 1 000 - 1 499 | 4 | 6 | 2 | 2 | 2 | 2 |
| 1 500 - 1 999 | 5 | 7 | 3 | 3 | 2 | 2 |
| 2 000 - 2 749 | 6 | 8 | 3 | 3 | 2 | 3 |
| 2 750 - 3 749 | 7 | 10 | 4 | 4 | 2 | 3 |
| 3 750 - 4 749 | 8 | 11 | 4 | 4 | 3 | 4 |
| 4 750 - 5 999 | 9 | 13 | 5 | 5 | 4 | 5 |
| 6 000+ | 10 | 15 | 5 | 5 | 5 | 5 |

Or. en

Justification

Technical AM following the introduction of information thresholds for a number of other pollutants and deletion of Point B of Annex III

Amendment 143

Proposal for a directive

Annex III – Part A – point 1 – paragraph 2

Text proposed by the Commission

Table 2 - Minimum number of sampling points for fixed measurement to assess compliance with ozone **target values**, long-term objectives and information and alert thresholds where such measurements are the sole source of information (for ozone only)

Amendment

Table 2 - Minimum number of sampling points for fixed measurement to assess compliance with **the ozone limit value, critical level**, long-term objectives and information and alert thresholds where such measurements are the sole source of

Or. en

Amendment 144

Proposal for a directive

Annex III – Part A – point 1 – table 2

Text proposed by the Commission

| Population (thousands) | Minimum number of sampling points if the number of sampling points is reduced by up to 50% ⁽¹⁾ |
|---|--|
| < 250 | 1 |
| < 500 | 2 |
| < 1 000 | 2 |
| < 1 500 | 3 |
| < 2 000 | 4 |
| < 2 750 | 5 |
| < 3 750 | 6 |
| ≥ 3 750 | 1 additional sampling point per 2 million inhabitants |
| (1) At least 1 sampling point in areas where exposure of the population to the highest concentrations of ozone is likely to occur. In agglomerations, at least 50 % of the sampling points shall be located in suburban areas | |

Amendment

| Population (thousands) | Minimum number of sampling points if concentrations exceed the assessment threshold ⁽¹⁾ |
|------------------------|---|
|------------------------|---|

| | |
|---|---|
| < 250 | 1 |
| < 500 | 2 |
| < 1 000 | 2 |
| < 1 500 | 3 |
| < 2 000 | 4 |
| < 2 750 | 5 |
| < 3 750 | 6 |
| ≥ 3 750 | 1 additional sampling point per 2 million inhabitants |
| (1) At least 1 sampling point in areas where exposure of the population to the highest concentrations of ozone is likely to occur. In agglomerations, at least 50 % of the sampling points shall be located in suburban areas | |

Or. en

Justification

Technical AM following the transformation of ozone target value for the protection of human health into a limit value and the ozone target value for the protection of environment into ozone critical level. Additionally an editing mistake in the table has been corrected.

Amendment 145

Proposal for a directive

Annex III – Part A – point 1 – paragraph 3

Text proposed by the Commission

Table 3 - Minimum number of sampling points for fixed measurement to assess compliance with limit values for the protection of human health and alert thresholds in zones where a 50% reduction of such measurements applies (for all pollutants except ozone)

Amendment

Table 3 - Minimum number of sampling points for fixed measurement to assess compliance with limit values for the protection of human health and ***information and*** alert thresholds in zones where a 50% reduction of such measurements applies (for all pollutants except ozone)

Or. en

Amendment 146

Proposal for a directive

Annex III – Part A – point 1 – table 3 *Text proposed by the Commission*

| Population of zone (thousands) | Minimum number of sampling points if the number of sampling points is reduced by up to 50% | | | | | |
|---|--|-------------------|--------------------------|---------------------------|------------------------------------|------------------------------------|
| | NO ₂ , SO ₂ , CO, benzene | Sum PM <i>(1)</i> | Minimum PM ₁₀ | Minimum PM _{2.5} | Pb, Cd, As, Ni in PM ₁₀ | Benzo(a)pyrene in PM ₁₀ |
| 0 - 249 | 1 | 2 | 1 | 1 | 1 | 1 |
| 250 - 499 | 1 | 2 | 1 | 1 | 1 | 1 |
| 500 - 749 | 1 | 2 | 1 | 1 | 1 | 1 |
| 750 - 999 | 2 | 2 | 1 | 1 | 1 | 1 |
| 1 000 - 1 499 | 2 | 3 | 1 | 1 | 1 | 1 |
| 1 500 - 1 999 | 3 | 4 | 2 | 2 | 1 | 1 |
| 2 000 - 2 749 | 3 | 4 | 2 | 2 | 1 | 2 |
| 2 750 - 3 749 | 4 | 5 | 2 | 2 | 1 | 2 |
| 3 750 - 4 749 | 4 | 6 | 2 | 2 | 2 | 2 |
| 4 750 - 5 999 | 5 | 7 | 3 | 3 | 2 | 3 |
| 6 000+ | 5 | 8 | 3 | 3 | 3 | 3 |
| <i>(1) The number of PM_{2.5} and NO₂ sampling points in the urban background locations of urban areas shall meet the requirements set out in point B.</i> | | | | | | |

Amendment

| Population of zone (thousands) | Minimum number of sampling points if the number of sampling points is reduced by up to 50% | | | | | |
|--------------------------------|--|-------------------|--------------------------|---------------------------|------------------------------------|------------------------------------|
| | NO ₂ , SO ₂ , CO, benzene | Sum PM <i>(1)</i> | Minimum PM ₁₀ | Minimum PM _{2.5} | Pb, Cd, As, Ni in PM ₁₀ | Benzo(a)pyrene in PM ₁₀ |
| 0 - 249 | 1 | 2 | 1 | 1 | 1 | 1 |
| 250 - 499 | 1 | 2 | 1 | 1 | 1 | 1 |
| 500 - 749 | 1 | 2 | 1 | 1 | 1 | 1 |
| 750 - 999 | 2 | 2 | 1 | 1 | 1 | 1 |
| 1 000 - 1 499 | 2 | 3 | 1 | 1 | 1 | 1 |
| 1 500 - 1 999 | 3 | 4 | 2 | 2 | 1 | 1 |
| 2 000 - 2 749 | 3 | 4 | 2 | 2 | 1 | 2 |
| 2 750 - 3 749 | 4 | 5 | 2 | 2 | 1 | 2 |

| | | | | | | |
|---------------|---|---|---|---|---|---|
| 3 750 - 4 749 | 4 | 6 | 2 | 2 | 2 | 2 |
| 4 750 - 5 999 | 5 | 7 | 3 | 3 | 2 | 3 |
| 6 000+ | 5 | 8 | 3 | 3 | 3 | 3 |

Or. en

Justification

Technical AM following the introduction of information thresholds for a number of other pollutants and deletion of point B of Annex III.

Amendment 147

Proposal for a directive

Annex III – Part A – point 1 – paragraph 4

Text proposed by the Commission

Table 4 - Minimum number of sampling points for fixed measurements to assess compliance with ozone **target values**, long-term objectives and information and alert thresholds in zones where a 50% reduction of such measurements applies (for ozone

Amendment

Table 4 - Minimum number of sampling points for fixed measurements to assess compliance with **the ozone limit value, critical level**, long-term objectives and information and alert thresholds in zones where a 50% reduction of such

Or. en

Justification

Technical AM following the transformation of ozone target value for the protection of human health into a limit value and the ozone target value for the protection of environment into ozone critical level.

Amendment 148

Proposal for a directive

Annex III – Part B

Text proposed by the Commission

Amendment

B *Minimum number of sampling points for fixed measurement to assess compliance with the PM₂₅ and NO₂ average exposure reduction obligations for the protection of human health* **deleted**

For PM_{2.5} and NO₂ each, one sampling point per NUTS 1 region as described in Regulation (EC) No 1059/2003, and at least 1 sampling point per million inhabitants calculated over urban areas in excess of 100 000 inhabitants shall be operated for this purpose. Those sampling points may coincide with sampling points under Point

Or. en

Amendment 149

Proposal for a directive Annex III – Part D – title

Text proposed by the Commission

D Minimum number of sampling points for fixed measurements of ultrafine particles where high concentrations

Amendment

D Minimum number of sampling points for fixed measurements of ultrafine particles where high concentrations ***are likely to***

Or. en

Amendment 150

Proposal for a directive Annex III – Part D – paragraph 1

Text proposed by the Commission

Amendment

Ultrafine *particles* shall be monitored at selected locations in addition to other air pollutants. ***Sampling points to monitor ultrafine particles shall coincide, where appropriate, with*** sampling points for particulate matter or nitrogen dioxide referred to in Point A, and be sited in accordance with Section 3 of Annex VII. For this purpose, at least 1 sampling point per **5** million inhabitants shall be established at a location where high UFP concentrations are likely to occur. Member States that have fewer than **5** million inhabitants shall establish at least 1 fixed sampling point at a

Ultrafine ***particle number concentrations*** shall be monitored at selected locations in addition to other air pollutants ***at the same locations as*** sampling points for particulate matter or nitrogen dioxide referred to in Point A, and be sited in accordance with Section 3 of Annex VII. For this purpose, at least 1 sampling point per **1** million inhabitants shall be established at a location where high UFP concentrations are likely to occur. Member States that have fewer than **1** million inhabitants shall establish at least 1 fixed sampling point at a location where high UFP concentrations are likely to occur.

Or. en

Amendment 151

Proposal for a directive

Annex IV – Part B – point 2 – point a – point ii

Text proposed by the Commission

(ii) concentration levels in other areas within the zones which are representative of the exposure of the general population, **and**

Amendment

(ii) concentration levels in other areas within the zones which are representative of the exposure of the general population,

Or. en

Amendment 152

Proposal for a directive

Annex IV – Part B – point 2 – point a – point ii a (new)

Text proposed by the Commission

Amendment

(iia) concentration levels in other areas within the zones which are close to locations frequented by sensitive population and vulnerable groups, such as schools, playgrounds, hospitals and homes for the elderly,

Or. en

Amendment 153

Proposal for a directive

Annex IV – Part B – point 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) Urban traffic locations shall be located in such a way as to provide data on the streets where the highest concentrations occur, taking into consideration traffic volume (at least 10 000 vehicles per day or representing the largest traffic density in the zone), local dispersion conditions and spatial land use (e.g. in street canyons);

Or. en

Amendment 154

Proposal for a directive

Annex IV – Part B – point 2 – point d

Text proposed by the Commission

Amendment

(d) where the objective is to measure the contribution of **domestic** heating, at least one sampling point shall be installed within the main wind direction of these sources;

(d) where the objective is to measure the contribution of **residential** heating, at least one sampling point shall be installed within the main wind direction of these sources; **sampling points shall be sited in such a way that the air sampled is representative of air quality for a residential area of at least 250**

Or. en

Amendment 155

Proposal for a directive

Annex IV – Part B – point 2 – point f

Text proposed by the Commission

(f) where contributions from industrial sources, ports or airports are to be assessed, at least 1 sampling point shall be installed downwind of the source in the nearest residential area. Where the background concentration is not known, an additional sampling point shall be situated within the main wind direction. The sampling points shall be sited such that the application of BAT can be monitored;

Amendment

(f) where contributions from industrial sources, ports or airports are to be assessed, at least 1 sampling point shall be installed downwind **(from the main wind direction)** of the source in the nearest residential area. Where the background concentration is not known, an additional sampling point shall be situated within the main wind direction. The sampling points shall be sited such that the application of BAT can be monitored;

Or. en

Amendment 156

Proposal for a directive

Annex IV – Part B – point 4 – table

Text proposed by the Commission

| Type of sampling point | Objectives of measurement | Representativeness (1) | Macro-scale siting criteria |
|------------------------|---------------------------|------------------------|-----------------------------|
|------------------------|---------------------------|------------------------|-----------------------------|

| | | | |
|--|---|---------------------------|---|
| Urban background locations for ozone assessments | Protection of human health: to assess the exposure of the urban population to ozone, i.e. where population density and ozone concentration are relatively high and representative of the exposure of the general population | 1 to 10 km ² | Away from the influence of local emissions such as traffic, petrol stations, etc.; vented locations where well mixed levels can be measured; locations such as residential and commercial areas of cities, parks (away from trees), wide streets or squares with very little or no traffic, open areas characteristic of educational, sports or |
| Suburban locations for ozone assessments | Protection of human health and vegetation: to assess the exposure of the population and vegetation located in the outskirts of the urban area, with the highest ozone levels to which the population and vegetation are likely to be directly or indirectly exposed. | 10 to 100 km ² | At a certain distance from the area of maximum emissions, downwind following the main wind direction/directions during conditions favourable to ozone formation; where population, sensitive crops or natural ecosystems located in the outer fringe of an urban area are exposed to high ozone levels; where appropriate, some suburban sampling points also upwind of the area of maximum emissions, in order to determine the regional background levels of ozone. |

| | | | |
|---|---|---|--|
| Rural locations for ozone assessments | Protection of human health and vegetation: to assess the exposure of population, crops and natural ecosystems to sub-regional scale ozone concentrations. | Sub-regional levels (100 to 1 000 km ²) | Sampling points may be located in small settlements and/or areas with natural ecosystems, forests or crops; representative for ozone away from the influence of immediate local emissions such as industrial sites and roads; at open area sites, but not on summits of mountains. |
| Rural background locations for ozone assessments | Protection of human health and vegetation: to assess the exposure of crops and natural ecosystems to regional-scale ozone concentrations as well as exposure of the population. | Regional/national/continental levels (1 000 to 10 000 km ²) | Sampling points located in areas with lower population density, e.g. with natural ecosystems, forests, at a distance of at least 20 km from urban and industrial areas and away from local emissions; avoid locations which are subject to locally enhanced formation of ground-near inversion conditions, also summits of higher mountains; coastal sites with pronounced diurnal wind cycles of local character are not recommended. |
| (1) Sampling points shall, where possible, be representative of similar locations not in the immediate vicinity of the sampling points. | | | |

Amendment

| Type of sampling point | Objectives of measurement | Representativeness (1) | Macro-scale siting criteria |
|------------------------|---------------------------|------------------------|-----------------------------|
|------------------------|---------------------------|------------------------|-----------------------------|

| | | | |
|--|--|-------------------------|--|
| Urban background locations for ozone assessments | Protection of human health: to assess the exposure of the urban population to ozone, i.e. where population density and ozone concentration are relatively high and representative of the exposure of the general population | 1 to 10 km ² | Away from the influence of local emissions such as traffic, petrol stations, etc.; ventilated locations where well mixed levels can be measured; <i>locations frequented by sensitive population and vulnerable groups, such as schools, playgrounds, hospitals and homes for elderly;</i> locations such as residential and commercial areas of cities, parks (away from trees), wide streets or squares with very little or no traffic, open areas characteristic of |
|--|--|-------------------------|--|

| | | | |
|--|--|---|---|
| Suburban locations for ozone assessments | Protection of human health and vegetation: to assess the exposure of the population and vegetation located in the outskirts of the urban area, with the highest ozone levels to which the population and vegetation are likely to be directly or indirectly exposed. | 10 to 100 km ² | At a certain distance from the area of maximum emissions, downwind following the main wind direction/directions during conditions favourable to ozone formation; <i>locations frequented by sensitive population and vulnerable groups, such as schools, playgrounds, hospitals and homes for elderly;</i> where population, sensitive crops or natural ecosystems located in the outer fringe of an urban area are exposed to high ozone levels; where appropriate, some suburban sampling points also upwind of the area of maximum emissions, in order to determine the regional background levels of |
| Rural locations for ozone assessments | Protection of human health and vegetation: to assess the exposure of population, crops and natural ecosystems to sub-regional scale ozone concentrations. | Sub-regional levels (100 to 1 000 km ²) | Sampling points may be located in small settlements and/or areas with natural ecosystems, forests or crops; <i>locations frequented by sensitive population and vulnerable groups, such as schools, playgrounds, hospitals and homes for elderly;</i> representative for ozone away from the influence of immediate local emissions such as industrial sites and roads; at open area sites, but |

| | | | |
|---|---|---|--|
| Rural background locations for ozone assessments | Protection of human health and vegetation: to assess the exposure of crops and natural ecosystems to regional-scale ozone concentrations as well as exposure of the population. | Regional/national/continental levels (1 000 to 10 000 km ²) | Sampling points located in areas with lower population density, e.g. with natural ecosystems, forests, at a distance of at least 20 km from urban and industrial areas and away from local emissions; avoid locations which are subject to locally enhanced formation of ground-near inversion conditions, also summits of higher mountains; coastal sites with pronounced diurnal wind cycles of local character are not recommended. |
| (1) Sampling points shall, where possible, be representative of similar locations not in the immediate vicinity of the sampling points. | | | |

Or. en

Justification

Given that sensitive population and vulnerable groups are particularly susceptible to the adverse effects of elevated ozone concentrations even after brief exposures, the sampling points for ozone shall be positioned in locations frequented by sensitive population and vulnerable groups, such as schools, playgrounds, hospitals and homes for elderly.

Amendment 157

Proposal for a directive

Annex IV – Part C – paragraph 1 – point b

Text proposed by the Commission

(b) in general, the sampling point inlet shall be between 0,5 m (the breathing zone) and **4** m above the ground. Higher siting (up to **8m**) may be appropriate if the sampling point is representative of a large area (a background location) or in other specific circumstances and any derogations shall be

Amendment

(b) in general, the sampling point inlet shall be between 0,5 m (the breathing zone) and **2** m above the ground. Higher siting (up to **4 m**) may be appropriate if the sampling point is representative of a large area (a background location) or in other specific circumstances and any derogations shall be

Amendment 158**Proposal for a directive****Annex IV – Part C – paragraph 1 – point e***Text proposed by the Commission*

(e) for all pollutants, sampling probes shall be ***at least*** 25 m from the edge of major junctions ***and no more than 10 m from the kerbside***; for the purposes of this point, a ‘kerbside’ means the line that separates motorised traffic from other areas; a ‘major junction’ means a junction which interrupts the traffic flow and causes different emissions (stop&go) from the rest of the road;

Amendment

(e) for all pollutants, sampling probes shall be ***no more than 10 m from the kerbside; consideration shall be given to whether locating the sampling point at less than 25 m from the edge of major junctions would result in over- or under-estimating concentrations and lead to measuring a very small micro-environment that is not representative of levels along that road segment***; for the purposes of this point, a ‘kerbside’ means the line that separates motorised traffic from other areas; a ‘major junction’ means a junction which interrupts the traffic flow and causes different

Or. en

Amendment 159**Proposal for a directive****Annex IV – Part D – point 3***Text proposed by the Commission*

3. The documentations shall include any deviation from the micro-scale siting criteria, their underlying reasons and the likely impact on measured levels.

Amendment

3. The documentations shall include ***evidence explaining the reasons for the network design, in particular:***

(a) the reasons for the selection of locations representative of the highest levels of pollution in the zone or agglomeration for each pollutant;

(b) the reasons for the selection of locations representative of the general exposure of population; and

(c) any deviation from the micro-scale siting criteria, their underlying reasons and the likely impact on measured levels.

Or. en

Amendment 160

Proposal for a directive Annex IV – Part D – point 4

Text proposed by the Commission

4. Where indicative measurements, modelling ***or objective estimation***, or a combination thereof are used within a zone, the documentation shall include details of these methods and information on how the criteria listed in Article 9(3) are met.

Amendment

4. Where indicative measurements ***or*** modelling, or a combination thereof are used within a zone, the documentation shall include details of these methods and information on how the criteria listed in Article 9(3) are met.

Or. en

Amendment 161

Proposal for a directive Annex IV – Part D – point 5

Text proposed by the Commission

5. Where indicative measurements, modelling ***or objective estimation*** are used, competent authorities shall use gridded data reported under Directive (EU) 2016/2284 and emission information reported under Directive 2010/75/EU.

Amendment

5. Where indicative measurements ***or*** modelling are used, competent authorities shall use gridded data reported under Directive (EU) 2016/2284 and emission information reported under Directive 2010/75/EU.

Or. en

Amendment 162

Proposal for a directive Annex IV – Part D – point 9

Text proposed by the Commission

9. At least every 5 years the selection criteria, network design and monitoring site locations, defined by the competent authorities in view of the requirements of this Annex, shall be reviewed to ensure they remain valid and optimal overtime. The review shall be supported at least by either modelling or indicative measurements.

Amendment

9. At least every 5 years the selection criteria, network design and monitoring site locations, defined by the competent authorities in view of the requirements of this Annex, shall be reviewed to ensure they remain valid and optimal overtime. The review shall be supported at least by either modelling or indicative measurements.

Where such a review reveals that the network design and monitoring site locations are not valid anymore (for instance, there is no fixed monitoring station in the area of modelled maximum levels), then the competent authority shall correct and update the network design

Or. en

Amendment 163

Proposal for a directive Annex IV – Part D – point 10 a (new)

Text proposed by the Commission

Amendment

10a. The competent authorities responsible for air quality assessment shall perform regular checks and maintenance of the ambient air quality monitoring stations to ensure that they continue to operate and to ensure the accuracy of measurements and reliability of instrumentation.

Or. en

Amendment 164

Proposal for a directive

Annex V – Part A – point 1 – table

Text proposed by the Commission

| Air pollutant | Maximum uncertainty of fixed measurements | | Maximum uncertainty of indicative measurements (1) | | Maximum ratio of uncertainty of modelling and objective estimation over uncertainty of fixed measurements |
|---|---|----------------|--|----------------|--|
| | Absolute value | Relative value | Absolute value | Relative value | Maximum ratio |
| PM _{2.5} | 3,0 µg/ m ³ | 30 % | 4,0 µg/m ³ | 40 % | 1,7 |
| PM ₁₀ | 4,0 µg/ m ³ | 20 % | 6,0 µg/m ³ | 30 % | 1,3 |
| NO ₂ / NO _x | 6,0 µg/ m ³ | 30 % | 8,0 µg/m ³ | 40 % | 1,4 |
| Benzene | 0,75 µg/ m ³ | 25 % | 1,2 µg/m ³ | 35 % | 1,7 |
| Lead | 0,125 µg/ m ³ | 25 % | 0,175 µg/m ³ | 35 % | 1,7 |
| Arsenic | 2,4 ng/ m ³ | 40 % | 3,0 ng/m ³ | 50 % | 1,1 |
| Cadmium | 2,0 ng/ m ³ | 40 % | 2,5 ng/m ³ | 50 % | 1,1 |
| Nickel | 8,0 ng/ m ³ | 40 % | 10,0 ng/m ³ | 50 % | 1,1 |
| Benzo(a)pyrene | 0,5 ng m ³ | 50 % | 0,6 ng/m ³ | 60 % | 1,1 |
| (1) When using indicative measurements for other purposes other than compliance assessment, such as, but not only: design or review of the monitoring network, model calibration and validation, the uncertainty may be that established for modelling applications | | | | | |

Amendment

| Air pollutant | Maximum uncertainty of fixed measurements | | Maximum uncertainty of indicative measurements (1) | | Maximum ratio of uncertainty of modelling over uncertainty of fixed measurements |
|-------------------|---|----------------|--|----------------|--|
| | Absolute value | Relative value | Absolute value | Relative value | Maximum ratio |
| PM _{2.5} | 1,25 µg m ³ | 25 % | 2,0 µg/ m ³ | 40 % | 1,7 |

| | | | | | |
|--|----------------------------------|-------------|---------------------------------|-------------|-----|
| PM ₁₀ | 3,0 µg/ m ³ | 20 % | 4,5 µg/ m ³ | 30 % | 1,3 |
| NO ₂ / NO _x | 1,5 µg/ m ³ | 15 % | 2,5 µg/ m ³ | 25 % | 1,4 |
| Benzene | 0,0425 µg m ³ | 25 % | 0,05 µg/ m ³ | 30 % | 1,7 |
| Lead | 0,0375 µg/ m ³ | 25 % | 0,045 µg/ m ³ | 30 % | 1,7 |
| Arsenic | 0,26 ng/ m ³ | 40 % | 0,33 ng/ m ³ | 50 % | 1,1 |
| Cadmium | 2,0 ng/ m ³ | 40 % | 2,5 ng/ m ³ | 50 % | 1,1 |
| Nickel | 1,0 ng/ m ³ | 40 % | 1,25 ng/ m ³ | 50 % | 1,1 |
| Benzo(a)pyrene | 0,125 ng m ³ | 50 % | 0,15 ng/ m ³ | 60 % | 1,1 |
| (1) When using indicative measurements for other purposes other than compliance assessment, such as, but not only: design or review of the monitoring network, model calibration and validation, the uncertainty may be that established for modelling applications. | | | | | |

Or. en

Justification

While technologies for air quality monitoring are improving, the Commission proposal introduced wider margin of uncertainties compared to the current AAQD. The introduced changes are to bring the numbers in line with the current AAQD and with the amended limit values in Table 1 Section 1 of Annex I.

Amendment 165

Proposal for a directive

Annex V – Part A – point 2 – table*Text proposed by the Commission*

| Air pollutant | Maximum uncertainty of fixed measurements | | Maximum uncertainty of indicative measurements ⁽¹⁾ | | Maximum ratio of uncertainty of modelling and objective estimation over uncertainty of fixed measurements |
|-----------------------------|---|----------------|---|----------------|--|
| | Absolute value | Relative value | Absolute value | Relative value | |
| PM _{2.5} (24-hour) | 6,3 µg/m ³ | 25 % | 8,8 µg/m ³ | 35 % | 2,5 |
| PM ₁₀ (24-hour) | 11,3 µg/m ³ | 25 % | 22,5 µg/m ³ | 50 % | 2,2 |
| NO ₂ (daily) | 7,5 µg/m ³ | 15 % | 12,5 µg/m ³ | 25 % | 3,2 |
| NO ₂ (hourly) | 30 µg/m ³ | 15 % | 50 µg/m ³ | 25 % | 3,2 |

| | | | | | |
|--|-------------------------------|------|-------------------------------|------|-----|
| SO ₂ (daily) | 7,5 µg/m ³ | 15 % | 12,5 µg/m ³ | 25 % | 3,2 |
| SO ₂ (hourly) | 52,5 µg/m ³ | 15 % | 87,5 µg/m ³ | 25 % | 3,2 |
| CO (24-hour) | 0,6 mg/m ³ | 15 % | 1,0 mg/m ³ | 25 % | 3,2 |
| CO (8-hour) | 1,0 mg/m ³ | 10 % | 2,0 mg/m ³ | 20 % | 4,9 |
| Ozone (peak season): uncertainty of the 8h values | 10,5 µg/m ³ | 15 % | 17,5 µg/m ³ | 25 % | 1,7 |
| Ozone (8h mean) | 18 µg/m ³ | 15 % | 30 µg/m ³ | 25 % | 2,2 |
| (1) When using indicative measurements for other purposes other than compliance assessment, such as, but not only: design or review of the monitoring network, model calibration and validation, the uncertainty may be that established for modelling applications. | | | | | |

Amendment

| Air pollutant | Maximum uncertainty of fixed measurements | | Maximum uncertainty of indicative measurements (1) | | Maximum uncertainty of modelling over uncertainty of fixed measurements |
|--|---|----------------|--|----------------|---|
| | Absolute value | Relative value | Absolute value | Relative value | Maximum ratio |
| PM _{2.5} (24-hour) | 3,75 µg/m ³ | 25 % | 5,25 µg/m ³ | 35 % | 2,5 |
| PM ₁₀ (24-hour) | 11,25 µg/m ³ | 25 % | 22,5 µg/m ³ | 50 % | 2,2 |
| NO ₂ (daily) | 3,75 µg/m ³ | 15 % | 6,25 µg/m ³ | 25 % | 3,2 |
| NO ₂ (hourly) | 30 µg/m ³ | 15 % | 50 µg/m ³ | 25 % | 3,2 |
| SO ₂ (daily) | 6,0 µg/m ³ | 15 % | 10,0 µg/m ³ | 25 % | 3,2 |
| SO ₂ (hourly) | 30,0 µg/m ³ | 15 % | 50,0 µg/m ³ | 25 % | 3,2 |
| CO (24-hour) | 0,6 mg/m ³ | 15 % | 1,0 mg/m ³ | 25 % | 3,2 |
| CO (8-hour) | 1,0 mg/m ³ | 10 % | 2,0 mg/m ³ | 20 % | 4,9 |
| Ozone (peak season): uncertainty of the 8h values | 9,0 µg/m ³ | 15 % | 15,0 µg/m ³ | 25 % | 1,7 |
| Ozone (8h mean) | 18 µg/m ³ | 15 % | 30 µg/m ³ | 25 % | 2,2 |
| (1) When using indicative measurements for other purposes other than compliance assessment, such as, but not only: design or review of the monitoring network, model calibration and validation, the uncertainty may be that established for modelling applications. | | | | | |

Justification

The introduced changes are to bring the numbers in line with the amended limit values in Table 1 Section 1 of Annex I.

Amendment 166

Proposal for a directive

Annex V – Part A – point 2 – paragraph 3

Text proposed by the Commission

The percentages for uncertainty in the tables in this Section apply for all limit values (and the ozone target value) that are calculated by simple averaging of individual measurements such as hourly mean, daily mean or yearly mean values without considering the additional uncertainty for the calculation of the number of exceedances. The uncertainty shall be interpreted as being applicable in the region of the appropriate limit values (or ozone target value). The uncertainty calculation does not apply to AOT40 and values that include more than 1 year, more than 1 station (e.g. AEI) or more than 1 component. They are also not applicable for information thresholds, alert thresholds and critical levels for the protection of vegetation and natural ecosystems.

Amendment

The percentages for uncertainty in the tables in this Section apply for all limit values (and the ozone target value) that are calculated by simple averaging of individual measurements such as hourly mean, daily mean or yearly mean values without considering the additional uncertainty for the calculation of the number of exceedances. ***Levels below 5 for PM_{2.5} and 10 for NO₂, respectively, shall be allowed to have percentages for uncertainty of 30 %.*** The uncertainty shall be interpreted as being applicable in the region of the appropriate limit values (or ozone target value). The uncertainty calculation does not apply to AOT40 and values that include more than 1 year, more than 1 station (e.g. AEI) or more than 1 component. They are also not applicable for information thresholds, alert thresholds and critical levels for the

Amendment 167

Proposal for a directive

Annex V – Part A – point 2 – paragraph 9

Text proposed by the Commission

Amendment

Where an air quality model is used for assessment, references to descriptions of the model and information on the calculation of the modelling quality objective shall be compiled.

Where an air quality model is used for assessment, references to descriptions of the model, ***including the spatial resolution of the model itself and source-specific input data*** and information on the calculation of the modelling quality objective shall be

Or. en

Amendment 168

Proposal for a directive

Annex V – Part A – point 2 – paragraph 10

Text proposed by the Commission

Amendment

The uncertainty of objective estimation shall not exceed the uncertainty for indicative measurements by more than the applicable maximum ratio and shall not exceed 85%. The uncertainty for objective estimation is defined as the maximum deviation of the measured and calculated concentration levels, over the period considered, by the limit value (or ozone target value), without taking into account ***deleted***

Or. en

Amendment 169

Proposal for a directive

Annex V – Part C – paragraph 1

Text proposed by the Commission

Amendment

An assessment of compliance with the relevant limit **and ozone target** value shall be carried out regardless of whether the data quality objectives are achieved, provided the available data allows for a conclusive assessment. In cases relating to the short-term limit **and ozone target** values, measurements that only cover a fraction of the calendar year, and that have not delivered sufficient valid data as required by Point B, may still constitute non-compliance. Where this is the case, and there are no clear grounds to doubt the quality of the valid data acquired, this shall be considered an

An assessment of compliance with the relevant limit value shall be carried out regardless of whether the data quality objectives are achieved, provided the available data allows for a conclusive assessment. In cases relating to the short-term limit values, measurements that only cover a fraction of the calendar year, and that have not delivered sufficient valid data as required by Point B, may still constitute non-compliance. Where this is the case, and there are no clear grounds to doubt the quality of the valid data acquired, this shall be considered an exceedance of the limit and be

Or. en

Amendment 170

Proposal for a directive

Annex V – Part D – paragraph 1 – introductory part

Text proposed by the Commission

The following information shall be compiled for zones where air quality modelling **or objective estimation** is used:

Amendment

The following information shall be compiled for zones where air quality modelling is used:

Or. en

Amendment 171

Proposal for a directive

Annex V – Part D – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) a description of results, including uncertainties and, in particular, the extent of any area or, if relevant, the length of road within the zone over which concentrations exceed any limit value, ***ozone target value*** or long-term objective, and of any area within which concentrations exceed the assessment

(d) a description of results, including uncertainties and, in particular, the extent of any area or, if relevant, the length of road within the zone over which concentrations exceed any limit value or long-term objective, and of any area within which concentrations exceed the assessment

Or. en

Amendment 172

Proposal for a directive

Annex V – Part F – point 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall provide clear guidance and requirements for the use of air quality models, working towards harmonisation.

Or. en

Amendment 173

Proposal for a directive

Annex VIII – Part A – point 3 a (new)

Text proposed by the Commission

Amendment

3a. Nature and assessment of pollution and health effects

(a) the concentrations observed or recorded in previous years, before implementation of the air quality plan to be adopted or updated started;

(b) in the event of an updated air quality plan, concentrations measured since the beginning of the implementation of the measures set out in the air quality plan being updated;

(c) assessment of health effects related to the exposure of the population to measured concentrations, including assessment of mortality and morbidity from both acute and chronic health effects on both the general population and sensitive population and vulnerable groups;

(d) techniques used for the assessment of air pollution, exposure and health

Or. en

Amendment 174

Proposal for a directive

Annex VIII – Part A – point 4 a (new)

Text proposed by the Commission

Amendment

4a. Identification of effective pollution abatement measures

(a) information on all possible air pollution abatement measures that could be adopted at appropriate local, regional or national level to contribute to the attainment of air quality objectives, including at least the pollution abatement

(b) assessment of the emission reduction potential and projected impact on reducing concentrations resulting from the implementation of each of the possible pollution abatement measures identified, both individual and combined impacts, including the method of analysis and the associated uncertainties in line with the methodology described under Point C.

Amendment 175**Proposal for a directive****Annex VIII – Part A – point 4 b (new)***Text proposed by the Commission**Amendment***4b. Baseline scenario**

- (a) a description of existing air pollution abatement measures at local, regional, national and international level, including up-to-date information on the status and timetable of implementation;**
- (b) information concerning the status of implementation of the Directives referred to in Point B, point 1;**
- (c) observed effects of these measures in addressing the factors responsible for the exceedance (emission reductions achieved and related concentration reductions);**
- (d) a projected further evolution of air quality, both emissions and concentrations, assuming no change to already adopted measures (baseline scenario), covering all years until the attainment date;**
- (e) an estimate of health effects related to the exposure of the population to air pollution in the baseline scenario;**
- (f) a description of the method of analysis for the projections and the associated uncertainties in line with the methodology described under Point C.**

Or. en

Amendment 176

Proposal for a directive

Annex VIII – Part A – point 5 – introductory part

Text proposed by the Commission

5. Expected impact of measures to reach compliance within 3 years after ***adoption*** of the ***air quality plan***

Amendment

5. Expected impact of measures to reach compliance ***in the shortest time possible and, at the latest,*** within 3 years after ***the end of the year in which the first exceedance was recorded.***

Or. en

Amendment 177

Proposal for a directive

Annex VIII – Part A – point 5 – point b a (new)

Text proposed by the Commission

Amendment

(ba) for air quality plans under Article 19(2), detailed reasons to explain how the plan sets out all appropriate measures, so that the exceedance period can be kept as short as possible, including the following:

(i) where the start date for implementation of a measure is later than 6 months from the date of adoption of the air quality plan, an explanation of the reasons why an earlier start date is not possible;

(ii) where the analysis pursuant to point 4a has identified measures that would have greater impacts in improving air quality, but they have not been selected for adoption, an explanation of the reasons why adoption of such measures is impossible and evidence that the selected measures will achieve at least an equivalent reduction in emissions and concentrations.

Or. en

Amendment 178

Proposal for a directive

Annex VIII – Part A – point 7 a (new)

Text proposed by the Commission

Amendment

7a. Annex 2a: A summary of the public information and consultation measures undertaken pursuant to Article 19(6), their results and an explanation of how these results were taken into account in the final

Or. en

Amendment 179

Proposal for a directive

Annex VIII – Part B – point 2 – introductory part

Text proposed by the Commission

Amendment

2. Information on all air pollution abatement measures ***that have been considered*** at local, regional or national level for implementation in connection with the attainment of air quality objectives, ***including:***

2. When preparing air quality plans, Member States shall consider at least the following air pollution abatement measures at local, regional or national level for implementation in connection with the attainment of air quality objectives:

Or. en

Amendment 180

Proposal for a directive

Annex VIII – Part B – point 2 – point a

Text proposed by the Commission

Amendment

(a) reduction of emissions from stationary sources by ensuring that polluting small and medium-sized stationary combustion sources (including *for* biomass) are fitted with emission control equipment *or* replaced, and that the energy efficiency of buildings is improved;

(a) reduction of emissions from stationary sources by ensuring that polluting small and medium-sized stationary combustion sources (including *coal*, biomass *and gas stoves and boilers*) are fitted with emission control equipment, *and progressively phased-out and replaced by zero-emission alternatives*, and that the

Or. en

Amendment 181

Proposal for a directive

Annex VIII – Part B – point 2 – point c

Text proposed by the Commission

(c) procurement by public authorities, in line with the handbook on environmental public procurement, of zero *emissions road vehicles, fuels and combustion equipment to reduce emissions*;

Amendment

(c) procurement by public authorities, in line with the handbook on environmental public procurement, of zero-*emission* vehicles;

Or. en

Amendment 182

Proposal for a directive

Annex VIII – Part B – point 2 – point d

Text proposed by the Commission

(d) measures to limit transport emissions through traffic planning and management (including congestion pricing, *differentiated* parking fees or other economic incentives; establishing urban vehicles access restrictions schemes, including low emission

Amendment

(d) measures to limit transport emissions through traffic planning and management, including *at least*:

(i) congestion pricing;

- (ii) parking fees *on all public land* or other economic incentives *to reduce unnecessary mobility by car and with differentiated fees for polluting and zero-*
- (iii) establishing urban vehicles access restrictions schemes, including low emission zones *in line with the most recent Euro standard, and zero-emission zones*;
- (iv) *establishing low-traffic neighbourhoods*;
- (v) *introducing speed limits of 30 km per hour*;
- (vi) *'last mile' zero (exhaust) emission delivery arrangements*;
- (vii) *promoting car sharing and*

Or. en

Amendment 183

Proposal for a directive Annex VIII – Part B – point 2 – point e

Text proposed by the Commission

- (e) measures to encourage a shift towards less polluting forms of transport;

Amendment

- (e) measures to encourage a *modal* shift *from private vehicles* towards *active mobility and* less polluting forms of transport (*e.g. walking, cycling, public transport*), *including at least*:
 - (i) *strengthening the public transport network*;
 - (ii) *reducing the cost of public transport or eliminating it altogether for certain sectors of the population*;
 - (iii) *improving the infrastructure to create more space for people to walk and*
 - (iv) *economic incentives for the purchase of active and shared mobility solutions (e.g. bikes, e-bikes, e-scooters)*;

(v) *scrappage schemes for the most polluting vehicles;*

Or. en

Amendment 184

Proposal for a directive

Annex VIII – Part B – point 2 – point g

Text proposed by the Commission

(g) *measure to ensure that low emission fuels are given preference in* small-, medium- and large-scale stationary sources and in mobile sources;

Amendment

(g) *requiring the use of best available technologies to eliminate or, where it is not possible to eliminate, to reduce as much as possible emissions from* small-, medium- and large-scale stationary sources and in mobile sources;

Or. en

Amendment 185

Proposal for a directive

Annex VIII – Part B – point 2 – point h a (new)

Text proposed by the Commission

Amendment

(ha) *measures to reduce air pollution in hotspots, including in ports, establishing specific requirements for moored ships, boats and port traffic, while speeding-up on-shore power and electrification of ships and port working machinery;*

Or. en

Amendment 186

Proposal for a directive

Annex VIII – Part B – point 2 – point h b (new)

Text proposed by the Commission

Amendment

(hb) measures to reduce emissions from agriculture, including nitrogen management systems, taking into account the whole nitrogen cycle, livestock feeding strategies, low-emission manure spreading techniques, low-emission manure storage systems, low-emission animal housing systems, the reduction of animal number; while taking into account the upcoming revised UNECE Framework Code for Good Agricultural Practice for Reducing

Or. en

Amendment 187

Proposal for a directive

Annex VIII – Part B – point 2 – point i

Text proposed by the Commission

(i) measures to protect the health of children **or** other sensitive population groups.

Amendment

(i) measures to protect the health of children, **such as school streets with limited or no access for cars, and measures to protect the health of** other sensitive population **and vulnerable** groups, **including pregnant women and people living with asthma or other respiratory or cardio-**

Or. en

Amendment 188

Proposal for a directive

Annex VIII – Part B a (new)

Text proposed by the Commission

Amendment

Ba Guidance and minimum requirements for analysing the projected impact of air quality plans and pollution

1. Member States shall rely on objective and rigorous methods to assess the projected impact of air quality plans and pollution abatement measures. When relying on projected impacts of pollution abatement measures for the delivery of compliance with air quality objectives, those projected impacts must not be only possible, but likely with a high degree of certainty.

2. Air quality plans shall contain enough information in sufficient detail in order to justify the impact assessment,

(a) a description of the method used for forecasting the evolution of air quality;

(b) an explanation of whether the projections are based on objective data or on assumptions; when relying on assumptions, a sensitivity analysis to explain best case, most likely and worst case

(c) background documents and information used for the assessment;

(d) a detailed assessment of the individual impact of each air pollution abatement measure on emission reductions and related concentration reductions and the relevant assumptions;

(e) a detailed assessment of the combined impact of the air pollution abatement measures included in the plan on emission reductions and related concentration reductions and the relevant

3. The impact assessment shall only include pollution abatement measures that are certain to be adopted and implemented. Measures which fall under the responsibility of other levels of governance shall only be included where the relevant authority has formally committed to implement such measures.

4. The impact assessment shall include the margin of uncertainty of the projections, and the margin of confidence on factors, such as the real world emissions of vehicles or stoves, or the uncertainty about the impact of voluntary measures aiming at pushing behaviour changes.

5. In line with the obligation to achieve compliance in the shortest time possible, when modelling future scenarios, whenever the projections extend beyond three years, the results shall be shown for each year of the projected period.

6. Sensitivity scenarios shall be included, describing the upper and lower confidence intervals in light of possible variations in the different assumptions and description of the best-case, most likely and

Or. en

Amendment 189

Proposal for a directive Annex VIII a (new)

Text proposed by the Commission

Amendment

ANNEX VIIIa

EMERGENCY MEASURES TO BE CONSIDERED FOR INCLUSION IN THE SHORT-TERM ACTION PLANS REQUIRED UNDER ARTICLE 20

1. Measures aimed at addressing the sources which contribute to the risk of the respective limit values or target values or alert threshold being exceeded:

(a) restricting the circulation of private vehicles;

(b) temporary free public

(c) implementing stricter emission limits or suspending the operation of industrial facilities, or both;

(d) suspending operations at construction works;

(e) restricting the use of solid fuels for domestic heating.

2. Measures aimed at protecting sensitive population and vulnerable groups, including children:

(a) permitting or mandating remote working;

(b) closing nurseries and elementary schools;

(c) introducing driving restrictions around nurseries and elementary schools.

3. Proactive steps to provide specific air pollution, health and health protection information both to the general public and to sensitive population and vulnerable groups, as soon as exceedances of information and alert thresholds and of limit values and target values are projected:

(a) including air quality forecasts in weather forecasts on television and radio;

(b) informing environmental organisations, consumer organisations, organisations representing the interests of sensitive population and vulnerable groups and other relevant health-care bodies;

(c) disseminating information on impacts of air pollution levels forecasted or registered on human health to the general population and sensitive population and

(d) disseminating information on steps that people can personally take to diminish their exposure and protect themselves;

(e) using mobile phone applications and social media to disseminate live information and forecasts on air quality.

Amendment 190

Proposal for a directive Annex IX – point 1 – point e

Text proposed by the Commission

(e) information on preventive actions to reduce pollution and exposure to it: indication of main source sectors; recommendations for actions to reduce emissions;

Amendment

(e) information on preventive actions to reduce pollution and exposure to it: indication of main source sectors; recommendations for actions to reduce emissions ***both for individuals and***

Or. en

Amendment 191

Proposal for a directive Annex IX – point 3

Text proposed by the Commission

3. When an exceedance occur or when there is a risk of exceedance of any limit ***value, ozone target*** value, average exposure reduction obligation, alert thresholds or information thresholds, Member States shall ensure that the information referred to in this Annex is additionally promoted to the public.

Amendment

3. When an exceedance occur or when there is a risk of exceedance of any limit value, average exposure reduction obligation, alert thresholds or information thresholds, Member States shall ensure that the information referred to in this Annex is additionally promoted to the public.

Or. en

EXPLANATORY STATEMENT

1. INTRODUCTION

According to the World Health Organization (WHO), air pollution is the biggest environmental threat to human health⁴, causing an estimated 300 000 premature deaths per year in the EU alone. The European Environment Agency (EEA) has identified the most harmful pollutants to human health in Europe to be particulate matter (PM), nitrogen dioxide (NO₂) and ground-level ozone (O₃). Fine particulate matter (PM_{2.5}) alone was responsible of 238 000 premature deaths in the EU-27 in 2020.

Scientific evidence shows that there is no safe threshold for the exposure to pollutants. These substances can have significant impact on our health, leading to debilitating diseases and causing conditions such as asthma, cardiovascular diseases, chronic obstructive pulmonary disease, pneumonia, stroke, diabetes, lung cancer and dementia. Although everyone is affected by air pollution, certain groups are especially sensitive and vulnerable and more likely to experience adverse health effects, including those with specific pre-existing health conditions, pregnant women, newborns, children, the elderly, people living with disabilities or people living in poverty.

Air pollution also has a significant impact on terrestrial and aquatic ecosystems. Acid deposition, resulting from the emissions of SO₂ and NO_x, can cause acidification of soil and water, which can negatively affect plant growth and aquatic life. Elevated levels of O₃ can damage agricultural crops, forest and plants by reducing growth rates, lowering yields, and by affecting biodiversity and ecosystem services. Pollution can also lead to eutrophication, where excess nutrients, such as nitrogen and phosphorus, in the air or water lead to excessive growth of algae and reduce oxygen availability.

Air pollutants come from a wide range of sources, from anthropogenic, natural or mixed origin. Emissions from human activities are the primary sources of air pollution in Europe, and are generated by a variety of sectors across the economy: PM is emitted mainly by heating, industry and transport; oxides of nitrogen (NO_x) and NO₂ are emitted by transport and energy production; most of sulphur oxide (SO_x) emissions come from energy production and non-road transport; almost all ammonia (NH₃) emissions come from agriculture. The transport sector is one of the major contributors to air pollution, particularly in urban areas.

Although there is a downward trend in the emissions of all key pollutants in the EU-27, with the exception of NH₃, air pollution is still a significant burden and most of the European cities exceed the WHO's recommended limits for human health. According to the EEA, in 2020, 96% of the EU urban population exposed to PM_{2.5} concentrations above the WHO guidelines, 95% for O₃ and 89% for NO₂⁵.

⁴ WHO global air quality guidelines, World Health Organization, 2021

⁵ Europe's air quality status 2022, EEA, 2022
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2. AIR QUALITY AND EU POLICIES

The EU has a long history of implementing air quality legislation. Starting with the first air quality directive in 1980, the EU has continued to introduce new and more stringent legislation over the years.

The current EU policy framework on air quality is based on three main pillars. The first one is composed by the Ambient Air Quality Directives (AAQ Directives)⁶, setting air quality standards and defining common methods for its monitoring and assessment. The second comprises the Directive on the reduction on national emissions of certain atmospheric pollutants (NEC Directive)⁷, which sets binding emission reduction targets for Member States (MS) on key pollutants and their precursors. The third pillar groups several EU legislative acts regulating air pollution from specific sources in sectors such as road transport, industry or domestic heating⁸.

As part of the European Green Deal, the Zero Pollution Action Plan was presented in 2021, which comprises a series of measures to reduce pollution across the EU, including in air, water, and soil. The plan aims to set stricter pollution limits, promote cleaner technologies, and create a framework for addressing pollution challenges in a more coordinated and integrated way. It also focuses on reducing exposure to pollutants and its impact on ecosystems, establishing targets for 2030, such as to reduce by more than 55% the health impacts (premature deaths) of air pollution and to reduce by 25% the EU ecosystems where air pollution threatens biodiversity.

The revision of the AAQ Directives is one of key actions of the Zero Pollution Action Plan.

3. REVISION OF THE AMBIENT AIR QUALITY DIRECTIVES

The current AAQ Directives are based on air quality standards that are 15 to 20 years old. The Rapporteur welcomes the timely proposal of the European Commission (EC) to revise the AAQ Directives, that represents a substantial improvement from the current ones, covering some of the findings from their Fitness Check of the AAQ Directives⁹ and also including some of the requests made by the European Parliament in the resolution on the

⁶ Directive 2008/50/EC of 21 May 2008 on ambient air quality and cleaner air for Europe and Directive 2004/107/EC of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air

⁷ Directive (EU) 2016/2284 of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC

⁸ Including Directives 2010/75/EU (on industrial emissions), 2015/2193/EU (on medium combustion plants), 98/70/EC (on fuel quality), 2016/802/EU (on sulphur content in liquid fuels), 2009/125/EC (on eco-design), as well as EC Regulations 443/2009 and 510/2011 (on emission standards for vehicles), Regulations (EU) 2016/427, (EU) 2016/646, and (EU) 2017/1154 (on real driving emissions), and Regulation (EU) 2016/1628 (on non-road mobile machinery)

⁹ Fitness Check of the Ambient Air Quality Directives, European Commission, 2019
PE742.410v01-00

implementation of the AAQ Directives¹⁰.

The Rapporteur considers that the EC proposal has some positive aspects, such as the merging of the two Directives into one to clarify and simplify the rules, the introduction of a regular review mechanism of the air quality standards in line with the latest scientific evidence, the creation of monitoring supersites to control “emerging” pollutants, or the introduction of new provisions on access to justice and compensation.

The current revision of the AAQ Directives constitutes a once in a generation opportunity for the public and the planetary health, therefore the Rapporteur suggests changes in some key areas in order to increase the level of ambition and re-inforce the proposal.

3.1. Level of ambition

The WHO published their new air quality guidelines in 2021¹¹, following a systematic review of the latest scientific evidence on health effects of air pollution. According to the Impact Assessment that accompanies the EC proposal, the net benefits of aligning the EU limit values to the current WHO AQ Guidelines would amount to more than EUR 38 billion and the corresponding mitigation costs estimated are EUR 7 billion in 2030. 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 Plan¹², published in December 2021.

For these reasons, the Rapporteur proposes a full alignment of EU limit values with the 2021 WHO Air Quality Guidelines by 2030. The text is also strengthened with the inclusion of explicit references to the UN General Assembly resolution on the human right to a clean, healthy and sustainable environment and the individual right to a clean and healthy air as a direct implementation of the EU Charter of Fundamental Rights.

Although the new “regular review” mechanism introduced in Art. 3 of the proposal is an improvement, the Rapporteur believes it is important to clarify that any further proposal should comply with the “non-regression principle” to avoid a step backwards in the protection of human health in the future.

Given that sensitive populations and vulnerable groups bear a disproportionate burden, the Rapporteur thinks it is important to protect them better from the impact of air pollution. For that reason, information thresholds have been added for SO₂, NO_x and PM. The public should be informed about levels of pollution in the air that may affect them, so that they can take measures to protect themselves, before the alert thresholds, which require public authorities to take urgent steps, are activated.

¹⁰ European Parliament resolution of 25 March 2021 on the implementation of the Ambient Air Quality Directives: Directive 2004/107/EC and Directive 2008/50/EC

¹¹ WHO 2021

¹² Europe's Beating Cancer Plan, European Commission, 2021
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3.2. Assessment of air pollution

Poor air quality is a contributing factor to health inequalities, thus threatening equity inside and across MS. To guarantee equal protection for all, it is important that air quality is measured in the appropriate locations and from all emission sources. The EC Proposal allows to assess the average exposure indicator (AEI) on a very small number of sampling points based on urban background locations, which would result in an estimate of exposure that does not reflect real exposure of inhabitants. For that reason, the Rapporteur suggests to improve and clarify definitions of monitoring sites, in line with scientific knowledge, including new definitions for “traffic location”, “industrial location” and “residential location” and to require the assessment of the AEI from all sampling points.

The Rapporteur also proposes to set a smaller geographical area for the assessment of AEI and the average exposure reduction obligation. The currently proposed NUTS 1 is too large to detect relevant exposure disparities. Establishing the assessment at NUTS 2 rather than NUTS 1 level would reduce the chance that significant parts of the population are still exposed to levels close to the limit value even when the exposure reduction objectives are met. NUTS 2 areas correspond to administrative areas in MS, which would facilitate the authorities the compliance to average exposure reduction obligation.

3.3. Air Quality Plans and enforcement

Air Quality Plans (AQPs) are the cornerstone of the AAQ Directive, as they are key for compliance and enforcement. AQPs are required to be developed and updated to improve air quality in those zones where exceedances occur. The current proposal also introduces the requirement for MS to prepare an AQP ahead of 2030, setting out measures and policies to comply with the new air quality standards.

The Rapporteur believes it is necessary to clarify the distinction between plans that need to be adopted before or after the attainment deadline, which is why a definition of “Preparatory Air Quality Plan” has been proposed. The Rapporteur also suggests to introduce an earlier transposition date for the provisions on adoption of Preparatory AQPs. This change would enable MS to make a more rational use of their resources and start implementing policies well in advance to achieve compliance with the new air quality standards by 2030 at the latest.

The Rapporteur believes it is necessary to introduce changes to Art. 19 and Annex VIII on AQPs, to ensure that competent authorities consider and assess the potential impact of all relevant air pollution abatement measures and not only a few policies that have already been pre-selected without scientific evidence. The suggested amendments would require competent authorities to consider all effective pollution abatement measures, while respecting the principle of subsidiarity.

3.4. Public information

As reported by the European Court of Auditors¹³, public information on air quality in the EU is scarce, unclear and hard to find. There are considerable differences in the design of air quality indices across Europe, leading to divergent assessments for the same air quality levels, and therefore reduced credibility. In this light, the Rapporteur believes it is necessary to introduce a requirement in the AAQ Directive to guarantee the harmonisation of air quality indices across all MS.

¹³ Air pollution: Our health still insufficiently protected, Special Report 23/2018, European Court of Auditors, 2018
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ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the draft report:

| Entity and/or person |
|--|
| Air Pollution & Climate Secretariat (AirClim) |
| All Policies for a Healthy Europe Coalition |
| Association Internationale de la Mutualité (AIM) |
| Belgian Federation of Independent Health Insurance Funds (MLOZ) |
| Clean Air Fund |
| ClientEarth |
| Ecologistas en Acción |
| Eurocities |
| European Cancer Patient Coalition |
| European Commission, DG Environment |
| European Environmental Agency (EEA) |
| European Environmental Bureau |
| European Federation for Transport and Environment (T&E) |
| European Federation of Allergy and Airways Diseases Patients' Associations (EFA) |
| European Public Health Alliance (EPHA) |
| European Respiratory Society (ERS) |
| Exodraft |
| Generalitat de Catalunya |
| Health and Environment Alliance (HEAL) |
| International Society for Environmental Epidemiology (ISEE) |
| ISGlobal |
| Ministry for the Ecological Transition and the Demographic Challenge of Spain (MITECO) |
| Permanent Representation of Spain to the EU |
| Regione Lombardia |

| |
|---|
| Standing Committee of European Doctors (CPME) |
| Suez |
| World Health Organization (WHO) |

