



Council of the
European Union

Brussels, 2 June 2023
(OR. en)

9935/23

**Interinstitutional File:
2022/0347(COD)**

ENV 621
ENER 325
IND 281
TRANS 223
ENT 118
SAN 345
AGRI 297
CODEC 1019

NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	14217/23 + ADD 1
Subject:	Proposal for a Directive of the European Parliament and of the Council on ambient air quality and cleaner air for Europe (recast) - Policy debate

With a view to the policy debate at the meeting of the Council (Environment) on 20 June 2023, delegations will find attached a background note and questions prepared by the Presidency to help structure the discussion.

The Permanent Representatives Committee is invited to take note of the background note and questions, as set out in the Annex, and to forward them to the Council with a view to the policy debate.

Proposal for a Directive of the European Parliament and of the Council on ambient air quality and cleaner air for Europe (recast)**- Policy debate -**

Clean air is essential to human health and to sustaining the environment. Major improvements in air quality have been achieved in the EU over the past decades but around 300 000 premature deaths a year and many diseases are still attributed to air pollution, which continues to be the number one environmental cause of early death in the EU.

The current ambient air quality directives¹ are part of a clean air policy framework that also comprises other legislation setting emission standards from key sources and regulating the reduction of national emissions. Air pollution is also affected by other policies that influence transport, industry, energy, agriculture, and other sectors.

A fitness check published by the European Commission in 2019 concluded that the air quality directives have been partially effective in improving air quality and achieving air quality standards, but that not all their objectives have been met to date.

Following the commitment made by the Commission in its Communication on the European Green Deal², which it confirmed in its Communication on an EU Action Plan: ‘Towards Zero Pollution for Air, Water and Soil’³, the proposed revision of the existing air quality directives merges the two directives into one and seeks to align EU air quality standards more closely with WHO recommendations, improve the legislative framework and strengthen air quality monitoring, modelling and plans.

¹ Directive No 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air and Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe.

² 15051/19 + ADD 1.

³ 8753/21 + ADD 1-3.

Status of work in the Council

On 26 October 2022, the Commission adopted its proposal for a Directive on ambient air quality and cleaner air for Europe (recast)⁴. The Commission presented its proposal and the accompanying impact assessment to the Working Party on the Environment (WPE) on 18 November 2022. The proposal was subsequently presented to the Council (Environment) at its meeting on 20 December 2022.

Starting in January, the WPE examined the proposal during five meetings under the Swedish Presidency. The WPE also discussed Articles 1 to 11 in greater detail and the Presidency presented a first compromise text covering those articles.

The discussions held so far in the WPE have been positive and constructive and have allowed many points of the proposal to be clarified. Overall, many delegations are positive towards the proposal, but some also have concerns regarding the costs related to more ambitious air quality standards and governance, as well as regarding other aspects of the proposal, including its links with other pieces of legislation that influence air quality and the provisions on access to justice, compensation and penalties.

Topics to discuss

To provide guidance for further work at technical level, the Presidency invites the Council (Environment) to further elaborate on the following topics at its meeting on 20 June 2023.

⁴ 14217/22 + ADD 1-8.

General level of ambition to address air pollution

Updated and strengthened air quality standards constitute a core part of the proposal. Based on research and new knowledge regarding the health effects of air pollution, the WHO updated its air quality guidelines in 2021. After evaluating different policy packages, the Commission has proposed a set of air quality standards, including limit values for 11 substances and a target value for ozone, to be attained by 2030. The proposed limit values are set at levels that constitute a ‘closer alignment’ with WHO guidelines. The 2030 date is set to ensure sufficient lead time and time for coordination with related policies such as the ‘Fit for 55’ package. A review is proposed every five years to assess whether the standards laid down by the proposed directive are still appropriate or whether it needs to be revised to ensure alignment with WHO guidelines and continued progress towards a toxic-free environment in 2050.

In addition to the limit values ultimately proposed, two other options were considered by the Commission: less restrictive limit values leading to ‘partial alignment’ or stricter values resulting in ‘full alignment’ with WHO guidelines. The Commission’s impact assessment shows that all three options would have significant health and environment benefits that outweigh the costs, albeit to varying degrees. Notwithstanding this, the discussions in the WPE indicate that some delegations consider the administrative and other costs connected with attaining the proposed limit values as too burdensome due to economic constraints.

Important factors for achieving the proposed air quality standards

In addition to setting new air quality standards, the proposal updates and further develops several other parts of the air quality policy framework, to increase the effectiveness of efforts to improve ambient air quality and to achieve the air quality standards. This includes for example provisions on: air quality plans; preventing breaches of air quality standards or keeping them as short as possible; how and where air quality is assessed and monitored; cooperation between Member States regarding transboundary pollution; the use of air quality modelling; and public information about air quality.

The WPE has discussed these provisions in detail while also touching on aspects such as the need for harmonisation between Member States in the interest of comparability, the administrative costs related to more ambitious monitoring and assessment, cross-border aspects of air pollution, the new provisions on access to justice and compensation and enhanced provisions on penalties.

As mentioned above, the status of air pollution is also affected by other policies that influence key activities and sectors. Of particular interest are a number of proposals that are currently being negotiated, including for example on Euro 7 emission standards for road vehicles, CO₂ standards for heavy duty vehicles and the revision of the Industrial Emissions Directive. Delegations have indicated that it is important that these and other pieces of legislation that affect air quality are set at ambition levels that are coherent with the air quality standards that will be established through the current revision of the Air Quality Directives.

Questions to ministers

To guide the further work on this file, ministers are invited to exchange views based on the following questions:

1. Do you consider that the proposed air quality standards and their entry into force as of 2030 constitute an appropriate level of ambition for addressing ambient air pollution?
2. What do you see as the most important factors for achieving the air quality standards and long-term zero pollution objective? Are these adequately addressed in the proposed directive?