

5th Expert Panel on Clean Air in Cities (EPCAC)

Opportunities and Obligations for Cities in the revised Ambient Air Quality Directive 2024

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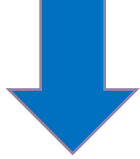
26 September 2024

ClientEarth 

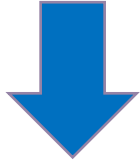
The need for a revision



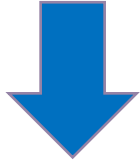
Directive 2008/50 on ambient air quality and cleaner air for Europe
May 2008



EU Commission Fitness Check
November 2019



Inception Impact Assessment
December 2020



EU Commission Proposal
October 2022

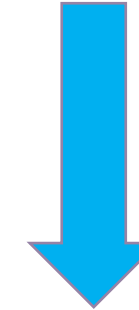


New Ambient Air Quality Directive Recast?
May 2024

WHO Air Quality Guidelines
2005



WHO Europe – HRAPIE and REVIHAAP Projects
2013



WHO Air Quality Guidelines
2021

Different time-frames

Lawful but not safe

Figure 5. PM_{2.5} concentrations in 2022 by country in relation to the EU annual limit value and the WHO annual guideline level

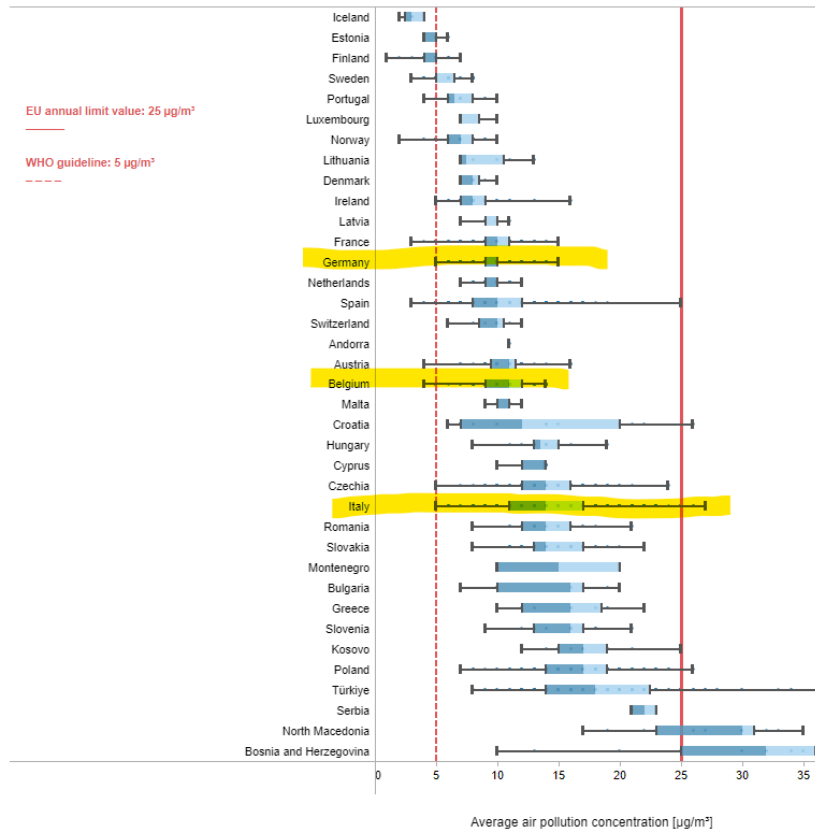
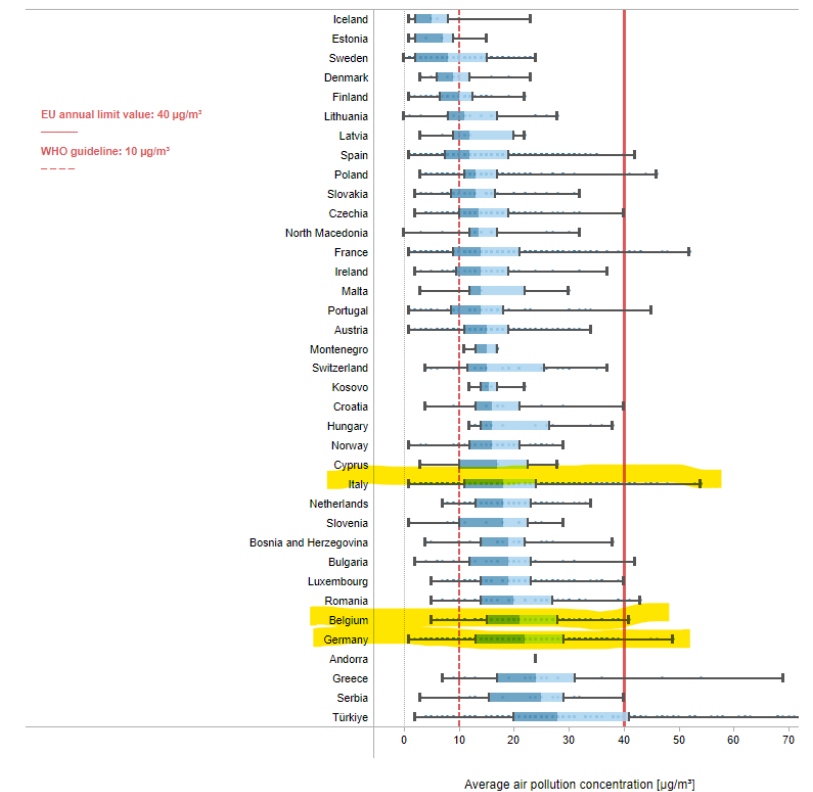


Figure 9. NO₂ concentrations in 2022 by country and in relation to the EU annual limit value and the WHO annual guideline level



Source: EEA, "Europe's Air Quality Status," 2024, <https://www.eea.europa.eu/publications/europes-air-quality-status-2024>

Legislative Process



Updated Air Quality Standards

Pollutant	Averaging period	Directive 2008/50 (AAQD)	WHO Air Quality Guidelines 2021	Provisional Agreed Text for the recast AAQD
Particulate Matter (PM _{2.5})	1 day	N/A	15 µg/m ³ ^a	25 µg/m ³ ^c
	Calendar year	25 µg/m ³	5 µg/m ³	10 µg/m ³
Particulate Matter (PM ₁₀)	1 day	50 µg/m ³ ^b	45 µg/m ³ ^a	45 µg/m ³ ^c
	Calendar year	40 µg/m ³	15 µg/m ³	20 µg/m ³
Nitrogen Dioxide (NO ₂)	1 hour	200 µg/m ³ ^c	200 µg/m ³	200 µg/m ³ ^e
	1 day	N/A	25 µg/m ³ ^a	50 µg/m ³ ^c
	Calendar year	40 µg/m ³	10 µg/m ³	20 µg/m ³

^a Daily limit not to be exceeded more than 3-4 times per calendar year.

^b Daily limit not to be exceeded more than 35 times per calendar year.

^c Not to be exceeded more than 18 times per calendar year.

^d Not to be exceeded more than 24 times per calendar year.

^e Not to be exceeded more than 3 times per calendar year.

Air Quality Roadmaps

4. Where from 1 January 2026 until 31 December 2029 in a zone or territorial unit, the levels of pollutants are above any limit value or target value to be attained by 1 January 2030 as laid down in Section 1, Table 1, of Annex I and in Section 2, Point B, of Annex I, and without prejudice to paragraph 2, third subparagraph, of this Article, Member States shall establish an air quality roadmap for the pollutant concerned to attain the respective limit values or target values by the expiration of the attainment deadline. Those air quality roadmaps shall be established as soon as possible and no later than 2 years after the calendar year during which the exceedance was recorded .

31 December
2028

However, Member States may refrain from establishing such roadmaps when the baseline scenario following the information required by Point A, point 5, of Annex VIII, shows that the limit value or target value will be achieved with the measures that are already in force, including when the exceedance is caused by temporary activities influencing the levels of pollutants in a single year. Where a roadmap is not established pursuant to this subparagraph, Member States shall provide to the public and the Commission a detailed justification.

Air Quality Plans

CHAPTER IV

PLANS

Article 19

Air quality plans and air quality roadmaps

1. Where, in given zones, the levels of pollutants in ambient air exceed any limit value or target value laid down in Section 1 of Annex I, Member States shall establish air quality plans for those zones that set out appropriate measures to achieve the limit value or target value concerned and to keep the exceedance period as short as possible, and in any case no longer than 4 years from the end of the calendar year in which the first exceedance was recorded. Those air quality plans shall be established as soon as possible and no later than 2 years after the calendar year during which that exceedance of any limit value or target value was recorded. |

Where in a given zone an exceedance of a limit value is already covered by an air quality roadmap, Member States shall ensure that the measures set out in that roadmap are appropriate to keep the exceedance period as short as possible and, where relevant, take additional and more effective measures and follow the procedure for updating the roadmap as set out in paragraph 5.

3. Where in a given average exposure territorial unit, the average exposure reduction obligation laid down in Section 5 of Annex I is not achieved, Member States shall establish air quality plans for those average exposure territorial units that set out appropriate measures to achieve the average exposure reduction obligation and to keep the exceedance period as short as possible. Those air quality plans shall be established 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.
5. Where exceedances of any limit value, average exposure reduction obligation or target value persist during the third calendar year after the deadline for establishment of an air quality plan or air quality roadmap, and without prejudice to paragraph 2, third subparagraph, Member States shall update the air quality plan or air quality roadmap and the measures therein, including their impact on projected emissions and concentrations, no later than 5 years following the deadline for establishment of the previous air quality plan or air quality roadmap and take additional and more effective measures to keep the exceedance period as short as possible.

Contents of Plans and Roadmaps

6. Air quality plans *and air quality roadmaps* shall contain at least the following information:
 - (a) the information listed in Point A, points 1 to 7, of Annex VIII;
 - (b) where applicable, the information listed in Point A, points 8, 9 and 10, of Annex VIII;
 - (c) information on *relevant* abatement measures listed in Point B, point 2, of Annex VIII.

Member States shall *include, where appropriate, the* measures referred to in Article 20(2) and specific measures aiming at the *protection of sensitive population and vulnerable groups*, including children, in their air quality plans *and air quality roadmaps*.

Member States shall assess, when preparing air quality plans *or air quality roadmaps*, the risk of exceeding the respective alert thresholds *for the pollutants concerned*. That analysis shall be used for establishing short-term action plans where applicable.

Where air quality plans *or air quality roadmaps are to be* established in respect of *several pollutants* or air quality standards, Member States shall, where appropriate, establish *integrated air quality plans or air quality roadmaps* covering all pollutants and air quality standards concerned.

Member States shall, to the extent feasible, ensure *consistency* of their air quality plans *and air quality roadmaps* with other plans that have a significant impact on air quality, including those required under Directives 2002/49/EC, 2010/75/EU and (EU) 2016/2284 and under climate, *biodiversity*, energy, transport and agriculture legislation.

Postponement

Article 18

Postponement of attainment deadline and exemption from the obligation to apply certain limit values

1. Where, in a given zone, conformity with the limit values for particulate matter (PM₁₀ and PM_{2,5}), nitrogen dioxide, benzene or benzo(a)pyrene cannot be achieved by the deadline specified in Section 1, Table 1, of Annex I, Member States may postpone that deadline for that particular zone by a period justified by an air quality roadmap and provided that the conditions set out in paragraph 2 of this Article are met:
 - (a) up to 1 January 2040, if justified by site-specific dispersion characteristics, orographic boundary conditions, adverse climatic conditions, transboundary contributions, or where the necessary reductions can only be achieved by replacing a considerable fraction of the existing domestic heating systems that are the source of pollution causing exceedances; or
 - (b) up to 1 January 2035, if justified by projections that demonstrate that even taking into account the expected impact of effective air pollution measures identified in the air quality roadmap, the limit values cannot be attained by the attainment deadline.

Where an attainment deadline has been postponed in accordance with the first subparagraph, point (b), of this paragraph, but attainment cannot be achieved by that postponed deadline, Member States may postpone the deadline for that particular zone for a second and last time by a period which is no longer than 2 years from the end of the first postponement period and which is justified by an updated air quality roadmap, provided that the conditions set out in paragraph 2 are met.

Conditions for Obtaining a Postponement

Content requirement,
public consultation,
informing the
Commission

2. Member States may postpone an attainment deadline in accordance with paragraph 1 if the following conditions are met:

- (a) an air quality roadmap is established by 31 December 2028 that meets the requirements listed in Article 19(6), (7) and (8) for the zone to which the postponement would apply;
- (b) the air quality roadmap referred to in point (a) of this paragraph is supplemented by information on air pollution abatement measures listed in Point B of Annex VIII and demonstrates how exceedance periods above the limit values will be kept as short as possible;
- (c) the air quality roadmap referred to in point (a) of this paragraph is underpinned by air quality projections, including those performed for the purposes of Annex VIII, Point A, point 5 and point 7(e), which show how the limit values will be attained as soon as possible and no later than by the end of the postponed attainment deadline, taking into account reasonable and proportionate measures;
- (d) the air quality roadmap referred to in point (a) outlines how the public and, in particular, sensitive population and vulnerable groups will be informed in a coherent and easily understandable manner about the consequences of the postponement for human health and the environment;

- (e) the air quality roadmap referred to in point (a) outlines how additional funding, including via relevant national programmes, and Union funding programmes where applicable, will be mobilised to accelerate the improvement of air quality in the zone to which the postponement would apply;
- (f) the conditions laid down in paragraph 3 are fulfilled throughout the period of postponement of the attainment deadline;
- (g) where an attainment deadline is postponed in accordance with paragraph 1, second subparagraph, the updated air quality roadmap referred to in that subparagraph demonstrates that the first air quality roadmap has been implemented or that steps have been taken in view of its implementation and is supplemented by an analysis showing that the original projections of compliance made in accordance with point (c) of this paragraph did not materialise.

Conditions for Keeping a Postponement

3. *During the period of postponement of an attainment deadline in accordance with paragraph 1, the Member State shall ensure that the following conditions are met:*
 - (a) *the measures in the air quality roadmap referred to in paragraph 1 of this Article, where applicable as updated in accordance with point (b) of this paragraph, are being implemented, as demonstrated by the Member State by way of an implementation report, including updated projections of emissions and, where possible, of concentrations provided to the Commission on a two-and-a-half yearly basis and for the first time by 30 June 2031; where relevant, reference may be made to the most recent programmes and projections of emissions reported pursuant to Directive (EU) 2016/2284 and the accompanying informative inventory report and, where relevant, the implementation report may be integrated in the updated roadmap;*
 - (b) *the air quality roadmap referred to in paragraph 1 of this Article is updated in accordance with Article 19(5);*
 - (c) *from 1 January 2035, the concentration levels for the relevant pollutant show a general decreasing trend in line with an indicative trajectory towards compliance estimated in an updated air quality roadmap established pursuant to Point A, point 7(e), of Annex VIII;*
 - (d) *the implementation reports and the updated air quality roadmaps are communicated to the Commission within 2 months of their adoption.*

Thank you

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26 September 2024

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