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RECASTING THE AIR QUALITY DIRECTIVE: THE EUROPEAN PARLIAMENT'S AMBITION

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On 13 September 2023, the Members of the European Parliament adopted their negotiating position on the recast of the Directive on **ambient air quality and cleaner air for Europe**[1].

According to the Commission, the revision of the Air Quality Directive will contribute to improving the health of Europeans. It will also benefit the EU economy, since air pollution causes damage to buildings, ecosystems, agricultural yields, and forests to the tune of several billion euros per year. According to the Commission, the total gross gains for society will be between €42 billion and €121 billion in return for a total cost of €5.7 billion per year for mitigation measures and the associated administrative costs.

The European Parliament sided with the Commission, which has aligned itself with **the WHO's recommendations** for air quality by 2035, with less stringent intermediate standards for 2030.

As a reminder, the Commission's proposal sets the air quality standards to be met, but does not impose the measures to be taken. **Member States therefore remain free to implement** these objectives according to national and local circumstances.

The Commission's proposal provides for periodic reviews in light of the latest scientific data and social and environmental developments. The first review will take place in 2028.

The proposal also provides that in the event of a breach of European legislation, people who suffer damage to their health as a result of air pollution will have the right to compensation and also to be represented by NGOs in **collective actions for compensation**. The proposal also focuses on **access to justice**, penalties, and public information on air quality.

The following points from the European Parliament's negotiating position can be noted.

Firstly, the **number of air quality sampling points** should be increased.

Secondly, Parliament wants to **harmonise the air quality indices, which should be comparable, clear, and accessible to the public**, with hourly updates so that citizens can protect themselves during pollution peaks. Citizens whose health is affected by pollution will have a greater right to compensation if the new rules are disregarded.

Thirdly, Member States will be required to draw up **plans for when thresholds are exceeded**, as well as air quality roadmaps setting out short- and long-term measures to comply with the new limit values.

For the time being, the Council has not adopted its position. A compromise position, dated 11 September 2023, is being studied by the Member States. This position **removes the right of NGOs** to bring collective actions to obtain compensation for the victims of air pollution, and **does away with** the requirement to align with **WHO recommendations by 2035**. On the other hand, this document includes the same limit values for the concentration of air pollutants as those proposed by the Commission.

Next steps

The Council of the European Union must now adopt its position so that the dialogues can begin. The Spanish Presidency wishes to adopt a general strategy in December, just before the end of its term of office.

<https://www.europarl.europa.eu/news/en/press-room/20230911IPR04915/air-pollution-meps-want-strict-limits-to-achieve-zero-pollution-by-2050>

[1] <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52022PC0542>

