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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on ambient air quality and cleaner air for Europe (recast) (first reading) - Adoption of the legislative act = Statements

Statement by Latvia

Latvia supports the final compromise text of the proposal for a Directive on ambient air quality and cleaner air for Europe.

Nonetheless outstanding issues of concern remain. Therefore, we would like to highlight our concerns regarding the set deadlines for implementing the new monitoring requirements, as well as introduction of compensation mechanism for damage to human health and rules on penalties.

Member States will need sufficient time and additional investments to fulfil the new requirements regarding the establishment of monitoring supersites and measurements of new pollutants. Setting up appropriate procurement procedures, training employees, obtaining new equipment, and adapting existing legislation is both costly and time consuming.

Furthermore, we still see substantial challenges in transposing provisions regarding compensation for damage to human health and rules on penalties applicable to infringements into our national legal system. Given Latvia's legal system, provisions regarding compensations and penalties will be immensely complicated to transpose into our national legal system.

Overall, we regret that the transitional periods are too short for a successful implementation of the new provisions.

Finally, Latvia emphasises that the overall implementation of this proposal will require substantial investments over the next years and a rapid revision of already planned investments, which in turn will create significant additional administrative burden.

Statement by Malta

As highlighted in previous instances, Malta recognises the importance of the Revision of the Ambient Air Quality Directive and its contribution to the health and well-being of European citizens and the environment. During the negotiation process, Malta was very vocal on the difficulty of attaining the new stricter limit values, particularly in the case for particulate matter (PM₁₀) and Nitrogen Dioxide (NO₂). This is further confirmed by the Commission's impact assessment itself, which shows that Malta will not be able to attain the limit value for nitrogen dioxide, even with the implementation of the 'maximum technically feasible reduction' scenario.

Furthermore, Malta has carried out a national high-level economic impact assessment of the impacts of the recast of the Ambient Air Quality Directive, focusing on vulnerable communities, and therefore quantifying the excessive additional burden on low-income and low-to-medium income families.

The assessment of the costs of a number of measures and the resulting economic benefits from achieving the revised air pollution targets, translate to a benefit-to-cost ratio of 0.07. This outcome clearly demonstrates that attaining the proposed limit values will involve the incurrence of disproportionate socio-economic costs, thereby resulting in negative direct and indirect impact on

low-income families. This is further exacerbated by the fact that such households are generally more dependent on vehicles of a relatively older age.

It is therefore evident that this outcome indeed goes against the spirit of the Ambient Air Quality Directive, which calls for '*necessary measures not entailing disproportionate costs*'.

It is for such reasons that throughout the negotiations, Malta advocated for a more inclusive and equitable approach that takes into consideration a wider array of socio-economic factors by means of the inclusion of realistically achievable limit values.

Statement by Slovenia

Slovenija podpira prenovno Direktivo o kakovosti zunanjega zraka in čistejšem zraku za Evropo, katere namen je postopno izboljšanje kakovosti zraka v EU do ravni, ki ne veljajo več za škodljive za zdravje ljudi in naravne ekosisteme. Strinja se tudi, da mora imeti zainteresirana javnost možnost dostopa do ustreznega revizijskega postopka pred ustreznim organom v primeru neustreznih odločitev držav članic povezanih z izvajanjem določenih členov direktive.

Vendar pa meni, da je vključitev posebne določbe o dostopu do pravnega varstva na ravni EU v Direktivi, v okviru te direktive, ki se nanaša le na eno področje okoljske zakonodaje, odveč. Tako EU kot države članice, vključno s Slovenijo, so pogodbenice Aarhuške konvencije, ki zanje velja neposredno.

Ureditev področja dostopa do pravnega varstva v posameznih področnih aktih okoljske zakonodaje na ravni EU, bi lahko privedlo do neenakomerne pokritosti pravice do dostopa do pravnega varstva v okoljskih zadevah.

Treba je upoštevati tudi morebitno nevarnost različne interpretacije izvajanja take določbe s strani nadzornega mehanizma Aarhuške konvencije oziroma s strani Sodišča EU, kar bi lahko prispevalo k dodatni nejasnosti pri izvajanju predmetnega člena Aarhuške konvencije.

Poleg tega Slovenija meni, da urejanje te vsebine s takim sektorskim pristopom v EU ne prispeva k spoštovanju načel boljše zakonodaje EU in ni v skladu z načelom sorazmernosti.

Zato Slovenija z vidika izvajanja Aarhuške konvencije ne vidi razloga za posebno ureditev tega področja na ravni EU v Direktivi o kakovosti zunanjega zraka in čistejšem zraku za Evropo.
