

## Cleaner air for Europe

Impact assessment (SWD(2022) 545 final, SWD(2022) 345 final (summary)) accompanying a Commission proposal for a Directive of the European Parliament and of the Council on ambient air quality and cleaner air for Europe (recast), COM(2022) 542

This briefing provides an initial analysis of the strengths and weaknesses of the European Commission's [impact assessment](#) (IA) accompanying the above-mentioned [proposal](#), submitted on 26 October 2022 and referred to the European Parliament's Committee on Environment, Public Health and Food Safety (ENVI). The Commission announced that it would strengthen air quality monitoring, modelling and planning in light of the EU's increased climate ambition set out in the [European Green Deal](#). Accordingly, in May 2021 it adopted the [zero pollution](#) action plan for reducing air, water and soil pollution to **levels no longer considered harmful to health and natural ecosystems by 2050**. Among other things, the action plan introduced a 2030 target of improving air quality to reduce the number of premature deaths caused by air pollution by 55 %. A forthcoming revision of the EU Ambient Air Quality Directives (AAQDs) was mentioned both in a [joint declaration](#) of the Commission, Parliament and Council and in the [Commission work programme](#) for 2022. In its [resolution](#) of 25 March 2021 on the implementation of the AAQDs, Parliament noted that they are based on 15 to 20-year-old air quality standards that need updating.

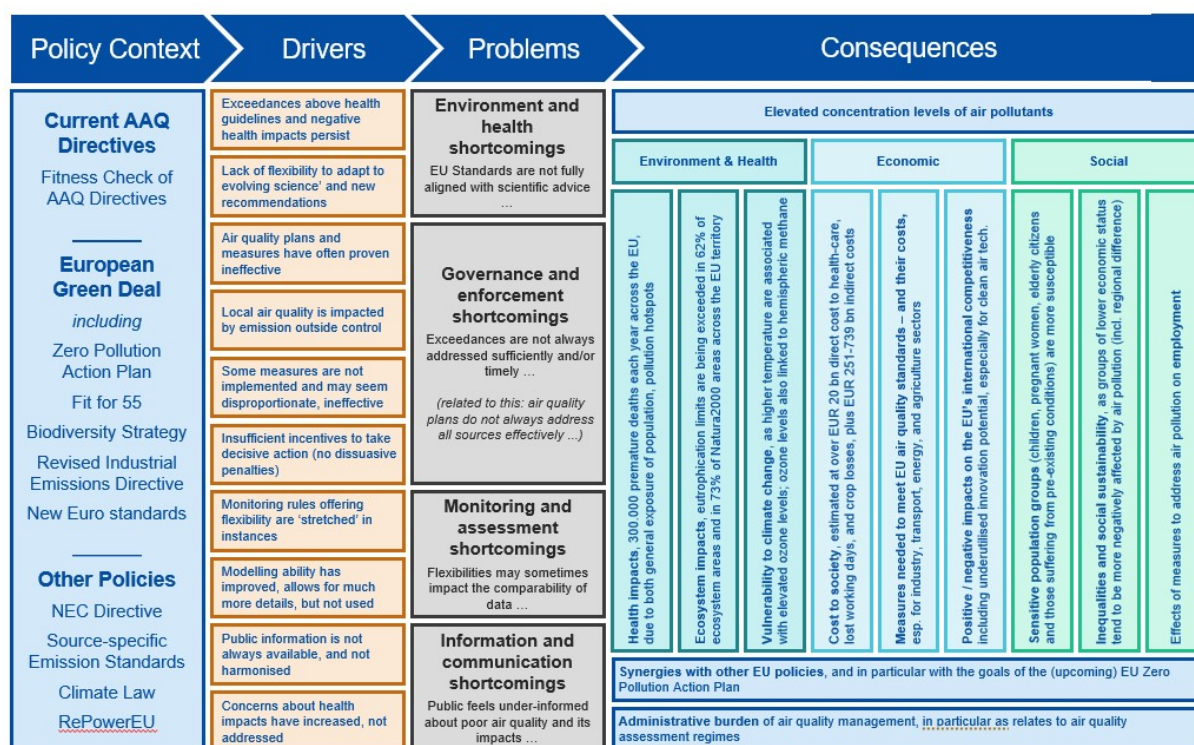
### Problem definition

According to the IA, the [fitness check](#)<sup>1</sup> of the current AAQDs ([2004/107/EC](#) and [2008/50/EC](#)) published in November 2019 concluded that they have 'been *partially* effective in improving air quality and achieving air quality standards, but that not all their objectives have been met to date' (IA p. 5). The IA therefore identifies four '**significant shortcomings** in the air quality policy' (p. 8-13):

- **environment and health:** Significant mortality and morbidity continue to be associated with air pollution. According to the European Environment Agency (EEA), air pollution is the largest environmental health risk in the EU: in 2020, at least 238 000 people died prematurely due to exposure to fine particulate matter (PM<sub>2.5</sub>) pollution above the WHO guideline level of 5 µg/m<sup>3</sup>. Furthermore, nitrogen dioxide (NO<sub>2</sub>) pollution led to 49 000 and exposure to ground-level ozone (O<sub>3</sub>) to 24 000 early deaths that year. For several air pollutants, the EU standards cannot be flexibly adjusted to evolving scientific knowledge without a full revision of the AAQDs.
- **governance and enforcement:** '[S]ignificant (and persistent) exceedances above current EU limit values remain' (in May 2022, the 28 ongoing infringement cases for exceedances in 18 Member States signalled a significant implementation gap).
- **monitoring and assessment:** There are some 'instances when and where, in specific air quality zones or agglomerations, air quality monitoring does not respect the criteria' set by the AAQDs.
- **information and communication:** The 'growing body' of information on air quality, associated health impacts and measures to address exceedances is not always available to the public – 'more than half of the Europeans say they are not informed about air quality problems'.

The IA links the identified shortcomings with 10 underlying problem **drivers** in Figure 1 (IA p. 14).





Source: Commission [impact assessment](#), 26 October 2022.

In line with the [Better Regulation Guidelines](#) (BRG), the problems identified are well substantiated, their scale is well defined and the findings of the fitness check and the supporting data are referenced. Stakeholders' views are presented in Box 3 (IA p. 16) and are grouped in categories. Without further action, all the problems are likely or very likely to remain (IA Table 1, p. 17), although some air quality improvements are expected as air-polluting emissions decrease and some aspects of monitoring and information shortcomings could be solved by non-legislative measures.

## Subsidiarity / proportionality

The IA points out that the legal basis for the EU to act on air quality are Articles [191](#) and [192](#) of the TFEU. It argues that the **transboundary** nature of air pollution and the scale of the problem require addressing it at the EU level, and that the objectives of the initiative cannot be sufficiently achieved at Member State level alone. The IA discusses the **added-value** of EU action, pointing out that 'the EU's policy framework delivers ambient air quality objectives ... more efficiently compared to a situation where national, regional and local authorities implement their own individual approaches' (IA p. 18). The **proportionality** is considered throughout the impact assessment and is addressed in particular in Sections 7 and 8 when comparing the different policy options and presenting the preferred package of options. The IA is accompanied by a [subsidiarity grid](#), which further clarifies the subsidiarity and proportionality aspects of the proposal. No reasoned opinions were issued parliamentary chambers [scrutinising](#) the proposal by the deadline of 16 March 2023.

## Objectives of the initiative

The IA sets a **general objective** 'to further improve air quality in the EU and reduce the negative consequence of air pollution for human health and the environment'. It then translates the general objective into five **specific objectives (SOs)** (IA pp. 18-19), as described below.

### Specific objectives introduced by the impact assessment

**Specific objective 1:** Revise EU air quality standards *to align them more closely* with WHO recommendations, *to the extent possible* take into account the latest scientific advice, feasibility, costs, and benefits – and ensure legislation can respond in an appropriate and effective manner to future changes in underlying evidence base.

**Specific objective 2:** Assure air quality plans are an effective means of identifying, planning *and mitigating an exceedance situation* (by taking relevant, effective and proportionate measures) – and include clearer provisions on stakeholder participation, access to justice, penalties and compensation linked to clean air in EU legislation.

**Specific objective 3:** Further strengthen provisions on air quality monitoring, air quality modelling and air quality plans to help local authorities achieve *cleaner air* – and improve monitoring and modelling as an effective and reliable tool which is consistently applied to identify exceedance areas and underpin the development of plans.

**Specific objective 4:** Provide information to citizens around health impacts of air pollution issues (targeting the concerns of citizens) – and ensure that the public in all Member States receive the same high quality and timely information about their air quality.

**Specific objective 5:** Simplify existing provisions where feasible to improve the effectiveness and efficiency of air quality management – and decrease associated administrative burden if and where possible.

These SOs are directly linked to the problems and drivers identified, and their description is in line with the [S.M.A.R.T. criteria](#). Yet, SO1 does not appear to fully address some relevant drivers (e.g., 'exceedances above health guidelines', 'lack of flexibility to adapt to evolving science and new recommendations'). Moreover, the IA's Section 9 on monitoring and evaluation does not set any **operational objectives** for the preferred option, contrary to the Better Regulation Toolbox (BRT, [#Tool 15](#)) recommendations. The IA defines operational objectives in terms of deliverables of specific policy actions; their absence may reduce the measurability of the success of the initiative.

### Range of options considered

The IA deems that under the **dynamic baseline scenario**, the emissions of key air pollutants in most sectors will fall significantly between 2015 and 2050 (IA p. 21-26 and Annex 5). This reduction of emissions will translate into reduced concentrations of PM<sub>2.5</sub>, but a 'significant number of premature deaths attributed to air pollution above the 2021 WHO Air Quality Guidelines would still be observed in 2030' (IA p. 25). To tackle the problems identified, the IA considers **69 specific policy measures** that are based on WHO recommendations, stakeholder feedback and preliminary expert consultations. It groups these measures in four clusters of **19 policy options** (POs) related to each of the problems identified (IA pp. 26-40 and Annex 6). The IA notes that as PM<sub>2.5</sub> causes the greatest harm to health and environment, the policy options identified are based on the WHO recommendations on PM<sub>2.5</sub> levels and then translated to corresponding ambition levels for other pollutants of comparable stringency. Within cluster I, POs I-4 to I-6 could complement any of the mutually exclusive POs I-1 to I-3 (IA p. 28). As for the clusters II to IV, the IA underlines that 'policy options are 'complementary and somewhat independent from each other', and explains that any of these could be assessed as viable or in any combination. POs are discussed in a sufficiently balanced manner, but it is questionable how many of them are real alternatives, as most POs (except POs I-1 to 3, and PO I-4) are retained with differentiation on the level of sub-options only. The IA also explains options that were **discarded** at an early stage (e.g. all options that drastically altered the AAQDs' scope or included standards for concentrations of additional air pollutants (IA pp. 39-40).

Table – Policy options (preferred options/retained sub-options in blue, political choice I-1 to I-3 in light grey)

<p><b>I. Environment and health shortcomings</b> (see Table 2 and Table 3, IA pp. 28-29)</p> <p><b>I-1:</b> Full alignment with WHO recommendations (5 µg/m<sup>3</sup> of PM<sub>2.5</sub> by 2030) + trajectory towards zero pollution by 2050</p> <p><b>I-2:</b> Closer alignment with WHO recommendations (10 µg/m<sup>3</sup> of PM<sub>2.5</sub>), full alignment in post-2030 perspective</p> <p><b>I-3:</b> Partial alignment with WHO recommendations (15 µg/m<sup>3</sup> of PM<sub>2.5</sub>), full alignment in post-2030 perspective</p> <p>+ specific measures to revise/introduce standards for target year 2030 for 12 air pollutants and sub-options to align further with WHO recommendations in a post-2030 perspective (POs I-1 to 3)</p> <p><b>I-4:</b> Introduce standards for additional air pollutants: potential addition for air pollutants of emerging concern beyond WHO recommendation</p> <p><b>I-5:</b> Revise the definition of average exposure standards and average exposure targets for PM<sub>2.5</sub> (+sub-option <b>I-5b</b>) to introduce additional average exposure indicator for NO<sub>2</sub>)</p> <p><b>I-6:</b> Regular review of air quality standards: explicit obligation for the Commission to periodically review latest scientific advice and WHO recommendations for possible updates</p> <p><b>II. Governance and enforcement shortcomings</b> (see Table 4, IA p. 32)</p> <p><b>II-1:</b> Additional responses to exceedances (add provisions on what kind of actions is to be taken)</p> <p><b>II-2:</b> Additional limit values – for air pollutants currently subject to target values</p> <p><b>II-3:</b> Implementation timeline and short-term action plans – clarification on how quickly any air quality exceedance needs to be resolved</p> <p><b>II-4:</b> Enforcement tools – specify magnitude of financial penalties, introduce right to compensation for damage to health</p> <p><b>II-5:</b> Transboundary air pollution – joint air quality plans in instances of cross-border pollution (including neighbouring countries not part of the EU)</p> <p><b>III. Monitoring and assessment shortcomings</b> (see Table 5, IA p. 35)</p> <p><b>III-1:</b> Air quality assessments – revise requirements for air quality assessments including changing the requirement of a minimum number of sampling points per air quality zone, measuring wider spectrum of air pollutants (+sub-option <b>III-1d</b>) to estimate and report an area representativeness for every sampling point)</p> <p><b>III-2:</b> Monitoring continuity – requirements to ensure continuity in air quality monitoring</p> <p><b>III-3:</b> Additional sampling points- requirement to expand monitoring (of additional pollutants of emerging concern)</p> <p><b>III-4:</b> Monitoring data quality – further clarify (reduce flexibility of) the criteria for macro- and micro-siting criteria for sampling points (+sub-option <b>III-4a</b>) dealing with measurement uncertainty by defining it in absolute and not percentage values)</p> <p><b>III-5:</b> Modelling data quality – air quality modelling mandatory of all air quality assessment</p> <p><b>IV. Information shortcomings</b> (see Table 6, IA p. 38)</p> <p><b>IV-1:</b> Up-to-date air quality data – specific requirements of regular digital reporting of up-to-date data</p> <p><b>IV-2:</b> Health related air quality data – requirements for public authorities to provide specific health (including health protection) information to the public when exceedances occur</p> <p><b>IV-3:</b> Harmonised air quality indices</p>
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## Assessment of impacts

In line with the BRGs, the IA assesses the **environmental, social and economic impacts** of each option, as well as their **potential costs** and **administrative burden** 'based on a qualitative and, where possible quantitative assessment against a set of 12 more detailed assessment criteria described in Annex 4, and Annex 6' (IA p. 40). [Fundamental rights](#) do not appear to be specifically addressed by these criteria. Impacts on the relevant UN [Sustainable Development Goals](#) are summarised in Annex 3. The IA first analyses to what degree setting more stringent standards at the respective levels (POs I-1 to I-3) is expected to result in tangible environmental, social and economic benefits and at what costs. It presents POs I-1 to I-3 in comparison with a baseline and a theoretical 'maximum technically feasible reductions' (MTFR) scenario. According to the IA, Figure 10 (p. 43), illustrating the projected emissions for 2030 and 2050 based on the assumption that the relevant cost-optimal emissions reduction measures would be applied, shows that air quality standards corresponding to **POs I-1 and I-2 'require significant additional effort'**. The IA shortly mentions that for direct emission reductions of PM<sub>2.5</sub>, this 'effort' could be measures taken with regard to industry, residential heating and agriculture, but it does not detail them (only Annex 5 includes some examples in graphs) or specifically assess their impacts. The IA finds that EU air quality



standards that correspond to **PO I-3** appear to be **feasible**, requiring only technical abatement measures, and would 'require only some additional emission reduction at the EU level'. The IA further observes that the baseline 'already includes ambitious policy developments' (p.44). It explains that these reductions under different scenarios in air pollutant emissions would bring about a significant reduction in concentrations of all air pollutants across the EU, and presents this outcome in Figure 11 (IA p. 44) showing annual mean NO<sub>2</sub> concentrations.<sup>2</sup> The IA analyses how many sampling points across the EU exceeding (and people exposed to) the respective revised values for annual PM<sub>2.5</sub> and NO<sub>2</sub> levels there would be in 2030. It concludes that none of the POs 'indicate a pathway to meet a target of 5 µg/m<sup>3</sup> throughout the EU in either a 2030 or even 2050 perspective if only technical abatement measures are considered in addition to the co-benefits from other existing policy initiatives considered in the baseline' (IA p. 45). The IA explains the expected **'significant positive health impacts'** of the above POs. According to the baseline scenario, premature mortality due to air pollution in 2030 compared to 2020 is expected to decrease by -57 % due to PM<sub>2</sub> and by -81 % due to NO<sub>2</sub>. PO I-1 would further decrease these numbers by -53 % and -20 %, PO I-2 – by -49 % and -16 %, and PO I-3 by -38 % and -12 % respectively. Regarding impacts on the **environment**, according to the baseline, 69 % of ecosystem will be subject to critical loads for eutrophication from deposition of nitrogen by 2030. According to the IA, PO I-1 would decrease it to 55 %, PO I-2 to 58 % and PO I-3 – to 61 % (p. 46). The IA translates these health and non-health impacts into **monetised benefits** (Table 7 p. 46) and **mitigation/adjustment costs** (Figure 12, p. 47) for different sectors (e.g., households, industry, services, crops, livestock).

The costs and the net benefits of the policy options are compared in Table 8 (IA p. 48), which states that there would be **'large net benefits'** for all POs. The economic outcomes of clean air policy by sector are presented in Table 9 (p. 49), which shows that there are net benefits from clean air policy for nearly all sectors (except livestock) and all options. These net benefit are **most significant for PO I-1** in terms of gross domestic product (GDP) (0.44 % change relative to reference) compared to 0.38 % for PO I-2 and 0.26 % for PO I-3). The IA underlines that 'the more ambitious the EU air quality standards, the higher the net gains, as reflected by the positive impact on GDP and private consumption', and adds that these macroeconomic developments would entail very small employment changes by sector (jobs increase in the industry and some decrease and losses in the agriculture). Regarding the social impacts, the IA acknowledges that **sensitive population groups** will benefit from reduced air pollution and the degree of benefits correlates with the different level of ambition that 'translate into both corresponding increasing positive impacts and costs (both highest for PO I-1). The IA repeats that this option 'appears unattainable ... if only technical abatement measures are considered', and that therefore additional measures at local level, such as restrictions of biomass burning, active mobility or wider societal changes, would be needed (IA p. 49). The IA refers to the **stakeholders' opinions** and points out that while most stakeholders (73 %) support the high level of ambition (i.e., to fully align with the WHO recommendations), this is not shared by the public authorities, research and academia, industry and business (IA pp. 49-50).

As regards POs I-4 to I-6, despite the fact that a significant number of stakeholders supported PO I-4 (additional air pollutants), the IA did not retain it, arguing that there is no sufficient evidence to formulate guideline exposure levels. Instead, additional air pollutants would be reviewed as per PO I-6 (regular review of air quality standards), seen as offering a safety clause to accelerate alignment to scientific development. As for PO I-5 (revise average exposure standards), the IA underlines that it is supported by the majority of business and industry stakeholders and by the public authorities, and that it could have positive direct effects in the form of improved health protection. It however warns that compliance costs could be significant and would depend on the ambition level (on sub-options I-5a to c introducing additional average exposure indicators, the IA evaluates four pollutants and indicates the expected benefit-to-cost value (IA p. 51)). Further on, the IA assesses the environmental, social and economic impacts and the expected costs of PO clusters II-IV and sub-options (one-by-one) **qualitatively** and with references to stakeholders' views by category (pp. 52-62). For some sub-options costs may vary depending on the starting point, and the burden would mainly fall on public authorities. Regarding PO II-1 to II-5 (governance and

enforcement shortcomings), it underlines that **higher compliance** would translate into environmental, social and economic **benefits**, while **costs** to those in breach of provisions would increase significantly. Likewise, the impact of PO III-1 to 5 (air quality monitoring, assessment and data quality) is expected to translate into (rather indirect) health and environmental benefits and costs, mainly related to additional monitoring and assessment requirements. PO IV-1 to 3 (air quality information) are expected to improve access to clear and objective air quality information and thus make the legislation more effective, by **indirectly benefitting public health**, especially when it comes to vulnerable people, as they would be able to take timely action and informed decisions.

The IA also analyses all POs across the problem areas with regard to their **effectiveness, efficiency, policy coherence and proportionality**, and with regard to how **future proof** they are (IA pp. 62-64). The comparison of the 'relative benefit to cost ratio' of the environmental, social and economic impacts of each of the 19 policy options is provided in Table 14 (IA p. 62). The IA underlines the interdependence between the level of ambition and enforceability. It goes on to state that the 'level of ambition of revised air quality standards will require corresponding reductions in air pollution', but at the same time points out that 'enforceable binding standards must be set at levels that remain attainable'. The IA however does not clearly explain what concentration levels are attainable and at what cost. The **preferred** (combination of) **policy option(s)** (and sub-options) is chosen on the basis of a 'comparison within each problem area and analysis of synergies and complementarities across problem areas', as presented by Table 15 (IA p. 65). The **choice of the preferred options** (and sub-options) appears logical on the basis of impacts evaluated (medium to high benefit to cost ratio) and, broadly, the stakeholders' views as reported when assessing impacts. This section ('8.1 Preferred policy options, and options that are not retained', IA p. 64-66), however, points to the **political choice needed between the POs I-1 to 3** with three distinctive ambition levels and **does not indicate a preferred option among them**. The IA compares these three options against key economic impacts and key health impacts (quantified). It points out that PO I-1 would have the highest net benefits (€38 billion) and the lowest benefit-to-cost ratio (6:1 to 18:1), and that 71 % of sampling points would not be able to meet the corresponding air quality standards (5µg/m<sup>3</sup>) without additional effort at local level. For PO I-2, these numbers would respectively be €36 billion, 7.5:1 to 21:1 and 6 % of sampling points (10µg/m<sup>3</sup>), while for PO I-3 – €29 billion, 10:1 to 28:1, and most sampling points would meet the corresponding standards (15µg/m<sup>3</sup>). Options not retained are summarised in Table 16 (IA p. 65). Section 8.2 of the IA (pp. 67-69), examining how the proposed measures would affect specific regions and economic sectors, explains the different local circumstances that call for tailor-made responses. In contradiction to the conclusions of Section 8.1, Section 8.2 **defines the PO I-2** as the '**preferred option**' without any further clarification.

### SMEs/ Competitiveness

Contrary to the BRG requirements, the IA does not report on impacts on **small and medium-sized enterprises** (SMEs), nor does it mention SMEs anywhere, not even in Annex 3, which focuses on who is affected and how (p. 104-116),. 'Positive and negative impacts on the EU's international **competitiveness** including underutilised innovation potential, especially for clean air technologies' are identified in Figure 2 (IA p. 14) among the economic consequences of elevated concentration levels of air pollution, but the IA does not explain this any further. Another mention of competitiveness is found in Annex 3 where the IA argues that results of macroeconomic modelling indicate 'enhanced competitiveness of the EU economy as indicated by an improved trade balanced and higher exports ... with productivity gains from clean air factored in' (p. 105).

### Simplification and other regulatory implications

The IA underlines that the proposal envisages merging Directive 2008/50/EC and Directive 2004/107/EC into one directive regulating all relevant air pollutants, in light of the Commission's Better Regulation Agenda and the [REFIT](#) programme. It argues that this would consolidate the air quality legislation, simplify rules, enhance overall consistency and clarity and thus make implementation more efficient. The IA discusses the '**one-in-one-out**' (OIOO) approach (BRT, [#Tool59](#)) aiming to offset new burdens imposed on individuals or businesses as a result of Commission's

proposals. It underlines that the policy measures 'do not generate significant new administrative costs for businesses and citizens, and there is no need to look at potential off-setting measures' (p. 73). The IA indicates that **adjustment (mitigation) costs**, although substantial in absolute terms, will remain well below 0.1 % EU GDP in relative terms (p. 70). Figure 16 (p. 69) includes an overview of additional air pollution adjustment (mitigation) costs by Member States in 2030 for the preferred policy option. The IA underlines, however, that public authorities and administrations will be the ones to bear the most clearly attributable direct administrative and enforcement costs (p. 110).

## Monitoring and evaluation

The IA explains (p. 73-74) that the current framework established by the rules in force 'already offers high-quality representative monitoring of air quality, as demonstrated in the fitness check' with 'an effective and efficient **digital e-reporting** system'. The IA furthermore specifies that air quality monitoring, modelling and assessment regimes will be further enhanced by several of the preferred policy options: POs III-1 to III-5. POs IV-1 and IV-2 introduce specific requirements towards the provision of information to the public, to make it easier and faster for citizens to access the outcomes of monitoring and evaluation of air quality data and related policy action. While the IA does not specify any timeframe, it underlines that the above-mentioned monitoring and reporting improvements 'will usefully inform future evaluations of a revised Ambient Air Quality Directive'.

## Stakeholder consultation

According to Annex 2 of the IA, which gives a detailed overview of consultation activities and results, a broad range of stakeholders were consulted based on a [consultation strategy](#): public authorities, civil society and non-governmental organisations (NGOs), industry and businesses, academia and research and EU citizens. Consultation activities included: i) an inception impact assessment (17 December 2020-14 January 2021), ii) an open public consultation (23 September 2021 – 16 December 2021, 12-week period), iii) a targeted survey, iv) interviews, and v) meetings with stakeholders (IA pp. 85-94). Information on all these activities is public and available on the [Have your say](#) portal. Furthermore, the IA lists the 30 ad-hoc contributions received from different stakeholders. The IA also refers to the [Third EU Clean Air Forum](#) held on 18 and 19 November 2022 in Madrid and the [Fit for Future](#) platform's opinion on air quality legislation as additional contributions to the work involved in drafting the IA. The IA consistently refers to stakeholders' opinions and presents the outcomes of the consultation in a clear and transparent way (pp. 94-100), as well as explaining (p. 103) how stakeholders' feedback was used.

## Supporting data and analytical methods used

The IA explains that baseline projections with a time horizon of up to 2050 are based on the most recent [Clean Air Outlook](#) and include policies later proposed by the Commission, such as the '[fit for 55](#)' package and the [Euro 7 emission standards](#). Other positive impacts could not be fully quantified due to the impossibility to predict, for instance, the uptake of the Best Available Techniques (BAT) under the [Industrial Emissions Directive](#) (IED) or the recent [proposal](#) to revise it, the impacts of the [RePowerEU](#) package or the [Nature Restoration Law](#). Nevertheless, the baseline includes the potential effects of the revised IED tested through a [sensitivity analysis](#) and qualitative contributions from the IAs related to the proposal for a revision of the IED and the RePowerEU. Annex 1 to the IA lists evidence and sources (IA pp. 80-83), including the external [support study](#) and two further support contracts for input on specific aspects and evidence from air quality monitoring and reporting. The sources are duly referenced and public access links are provided for the EEA sources. Information on analytical methods, including shortcomings of the modelling approach and sources of uncertainty, is included in Annex 4 (IA pp. 117-136). The IA used MET Norway's chemical transport model and the Greenhouse gas – Air pollution Interactions and Synergies ([GAINS](#)) for quantitative modelling and analysis linking the GAINS model with the [JRC-GEM-E3](#) model to explore macro-economic, GDP and employment effects. These last two modelling tools are reported in the European Commission's modelling inventory and knowledge-management system ([MIDAS](#)). Administrative costs have been analysed using the EU's Better Regulation Toolbox Standard Cost Model (SCM) (BRT, [Tool#58](#)).

## Follow-up to the opinion of the Commission Regulatory Scrutiny Board

The RSB delivered its [opinion](#) (SEC (2022)542), **positive with reservations**, on 22 July 2022. IA Annex 1 (pp. 79-80) briefly explains how the RSB's comments were taken into account. It appears that the Commission modified certain sections of the IA in line with the RSB recommendations. For instance, the IA added information on the proposal's interaction with other initiatives and information on the technical feasibility of the different options. In response to the RSB's request, the IA states however that 'air pollution benefits stemming from the continuous improvement of BAT performance under the Industrial Emissions Directive (IED) cannot be, at this stage, fully quantified' (IA p. 20). The IA does not seem to address the RSB's request to make it 'sufficiently clear as to why it identifies a preferred option which is not the best performing one', neither to address the issue of 'additional measures that are neither sufficiently set out, assessed or discussed in the report'.

## Coherence between the Commission's legislative proposal and IA

The proposal corresponds to the preferred option and the evaluation, monitoring and reporting provisions identified in the IA.

The IA clearly identifies the current AAQDs' shortcomings, provides references to the updated WHO guidelines and lists the fitness check findings, stakeholders' opinions, and supporting data. It sets a general objective to further improve air quality in the EU and diminish the impact of air pollution on human health and the environment. It does not make it clear however whether the translation of the general objective into specific objectives, as formulated, fully addresses some relevant drivers. The IA considers 69 specific policy measures grouped in 4 clusters of 19 policy options (POs) and sub-options. It assesses the environmental, social and economic impacts of each measure and their potential costs/administrative burden based on a qualitative and, 'where possible' quantitative assessment. The IA is not clear on the three POs regarding the different levels of alignment with the WHO guidelines (PO I-1 to I-3); it states that they require a political decision, but then highlights the PO I-2 as the 'preferred option'. It also remains questionable how many of the other POs are real alternatives, as most are retained with differentiation on the level of sub-options only. The IA appears to be based on extensive public consultations, studies and supporting data, and consistently refers to them. Coherence with other EU legislation appears to be duly identified.

## ENDNOTES

<sup>1</sup> See also E. Karamfilova, [Revision of the EU Ambient Air Quality Directives](#), EPRS, European Parliament, 2022.

<sup>2</sup> It appears that Figure 11 was meant to also show data for PM 2.5, but data for NO<sub>2</sub> was cited twice.

This briefing, prepared for the ENVI committee, analyses whether the principal criteria laid down in the Commission's own Better Regulation Guidelines, as well as additional factors identified by the Parliament in its Impact Assessment Handbook, appear to be met by the IA. It does not attempt to deal with the substance of the proposal.

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