

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

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PARLIAMENT AND OF THE COUNCIL

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on ambient air quality and cleaner air for Europe

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee⁽¹⁾,

Having regard to the opinion of the Committee of the Regions⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁽³⁾,

Whereas:

- (1) The Sixth Community Environment Action Programme adopted by Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002⁽⁴⁾ establishes the need to reduce pollution to levels which minimise harmful effects on human health, paying particular attention to sensitive populations, and the environment as a whole, to improve the monitoring and assessment of air quality including the deposition of pollutants and to provide information to the public.
- (2) In order to protect human health and the environment as a whole, it is particularly important to combat emissions of pollutants at source and to identify and implement the most effective emission reduction measures at local, national and Community level. Therefore, emissions of harmful air pollutants should be avoided, prevented or reduced and appropriate objectives set for ambient air quality taking into account relevant World Health Organisation standards, guidelines and programmes.
- (3) Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management⁽⁵⁾, Council Directive 1999/30/EC of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air⁽⁶⁾, Directive 2000/69/EC of the European Parliament and of the Council of 16 November 2000 relating to limit values for benzene and carbon monoxide in ambient air⁽⁷⁾, Directive 2002/3/EC of the European Parliament and of the Council of 12 February 2002 relating to ozone in ambient air⁽⁸⁾ and Council Decision 97/101/EC of 27 January 1997 establishing a reciprocal exchange of information and data from networks and individual stations measuring ambient air pollution within the Member States⁽⁹⁾ need to be substantially revised in order to incorporate the latest health and scientific developments and the experience of the Member States. In the interests of

clarity, simplification and administrative efficiency it is therefore appropriate that those five acts be replaced by a single Directive and, where appropriate, by implementing measures.

- (4) Once sufficient experience has been gained in relation to the implementation of Directive 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⁽¹⁰⁾ consideration may be given to the possibility of merging its provisions with those of this Directive.
- (5) A common approach to the assessment of ambient air quality should be followed according to common assessment criteria. When assessing ambient air quality, account should be taken of the size of populations and ecosystems exposed to air pollution. It is therefore appropriate to classify the territory of each Member State into zones or agglomerations reflecting the population density.
- (6) Where possible modelling techniques should be applied to enable point data to be interpreted in terms of geographical distribution of concentration. This could serve as a basis for calculating the collective exposure of the population living in the area.
- (7) In order to ensure that the information collected on air pollution is sufficiently representative and comparable across the Community, it is important that standardised measurement techniques and common criteria for the number and location of measuring stations are used for the assessment of ambient air quality. Techniques other than measurements can be used to assess ambient air quality and it is therefore necessary to define criteria for the use and required accuracy of such techniques.
- (8) Detailed measurements of fine particulate matter at rural background locations should be made in order to understand better the impacts of this pollutant and to develop appropriate policies. Such measurements should be made in a manner consistent with those of the cooperative programme for monitoring and evaluation of the long range transmission of air pollutants in Europe (EMEP) set up under the 1979 Convention on Long-range Transboundary Air Pollution approved by Council Decision 81/462/EEC of 11 June 1981⁽¹¹⁾.
- (9) Air quality status should be maintained where it is already good, or improved. Where the objectives for ambient air quality laid down in this Directive are not met, Member States should take action in order to comply with the limit values and critical levels, and where possible, to attain the target values and long-term objectives.
- (10) The risk posed by air pollution to vegetation and natural ecosystems is most important in places away from urban areas. The assessment of such risks and the compliance with critical levels for the protection of vegetation should therefore focus on places away from built-up areas.
- (11) Fine particulate matter (PM_{2,5}) is responsible for significant negative impacts on human health. Further, there is as yet no identifiable threshold below which PM_{2,5} would not pose a risk. As such, this pollutant should not be regulated in the same way as other air pollutants. The approach should aim at a general reduction of concentrations in the urban background to ensure that large sections of the population benefit from improved

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air quality. However, to ensure a minimum degree of health protection everywhere, that approach should be combined with a limit value, which is to be preceded in a first stage by a target value.

- (12) The existing target values and long-term objectives of ensuring effective protection against harmful effects on human health and vegetation and ecosystems from exposure to ozone should remain unchanged. An alert threshold and an information threshold for ozone should be set for the protection of the general population and sensitive sections, respectively, from brief exposures to elevated ozone concentrations. Those thresholds should trigger the dissemination of information to the public on the risks of exposure and the implementation, if appropriate, of short-term measures to reduce ozone levels where the alert threshold is exceeded.
- (13) Ozone is a transboundary pollutant formed in the atmosphere from the emission of primary pollutants addressed by Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants⁽¹²⁾. Progress towards the air quality targets and long term objectives for ozone set in this Directive should be determined by the targets and emission ceilings provided for in Directive 2001/81/EC and, if appropriate, by implementing air quality plans as provided for in this Directive.
- (14) Fixed measurements should be mandatory in zones and agglomerations where the long-term objectives for ozone or the assessment thresholds for other pollutants are exceeded. Information from fixed measurements may be supplemented by modelling techniques and/or indicative measurements to enable point data to be interpreted in terms of geographical distribution of concentrations. The use of supplementary techniques of assessment should also allow for reduction of the required minimum number of fixed sampling points.
- (15) Contributions from natural sources can be assessed but cannot be controlled. Therefore, where natural contributions to pollutants in ambient air can be determined with sufficient certainty, and where exceedances are due in whole or in part to these natural contributions, these may, under the conditions laid down in this Directive, be subtracted when assessing compliance with air quality limit values. Contributions to exceedances of particulate matter PM₁₀ limit values attributable to winter-sanding or -salting of roads may also be subtracted when assessing compliance with air quality limit values provided that reasonable measures have been taken to lower concentrations.
- (16) For zones and agglomerations where conditions are particularly difficult, it should be possible to postpone the deadline for compliance with the air quality limit values in cases where, notwithstanding the implementation of appropriate pollution abatement measures, acute compliance problems exist in specific zones and agglomerations. Any postponement for a given zone or agglomeration should be accompanied by a comprehensive plan to be assessed by the Commission to ensure compliance by the revised deadline. The availability of necessary Community measures reflecting the chosen ambition level in the Thematic Strategy on air pollution to reduce emissions at source will be important for an effective emission reduction by the timeframe

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established in this Directive for compliance with the limit values and should be taken into account when assessing requests to postpone deadlines for compliance.

- (17) The necessary Community measures to reduce emissions at source, in particular measures to improve the effectiveness of Community legislation on industrial emissions, to limit the exhaust emissions of engines installed in heavy duty vehicles, to further reduce the Member States' permitted national emissions of key pollutants and the emissions associated with refuelling of petrol cars at service stations, and to address the sulphur content of fuels including marine fuels should be duly examined as a priority by all institutions involved.
- (18) Air quality plans should be developed for zones and agglomerations within which concentrations of pollutants in ambient air exceed the relevant air quality target values or limit values, plus any temporary margins of tolerance, where applicable. Air pollutants are emitted from many different sources and activities. To ensure coherence between different policies, such air quality plans should where feasible be consistent, and integrated with plans and programmes prepared pursuant to Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants⁽¹³⁾, Directive 2001/81/EC, and Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise⁽¹⁴⁾. Full account will also be taken of the ambient air quality objectives provided for in this Directive, where permits are granted for industrial activities pursuant to Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control⁽¹⁵⁾.
- (19) Action plans should be drawn up indicating the measures to be taken in the short term where there is a risk of an exceedance of one or more alert thresholds in order to reduce that risk and to limit its duration. When the risk applies to one or more limit values or target values, Member States may, where appropriate, draw up such short-term action plans. In respect of ozone, such short-term action plans should take into account the provisions of Commission Decision 2004/279/EC of 19 March 2004 concerning guidance for implementation of Directive 2002/3/EC of the European Parliament and of the Council relating to ozone in ambient air⁽¹⁶⁾.
- (20) Member States should consult with one another if, following significant pollution originating in another Member State, the level of a pollutant exceeds, or is likely to exceed, the relevant air quality objectives plus the margin of tolerance where applicable or, as the case may be, the alert threshold. The transboundary nature of specific pollutants, such as ozone and particulate matter, may require coordination between neighbouring Member States in drawing up and implementing air quality plans and short-term action plans and in informing the public. Where appropriate, Member States should pursue cooperation with third countries, with particular emphasis on the early involvement of candidate countries.
- (21) It is necessary for the Member States and the Commission to collect, exchange and disseminate air quality information in order to understand better the impacts of air

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- pollution and develop appropriate policies. Up-to-date information on concentrations of all regulated pollutants in ambient air should also be readily available to the public.
- (22) In order to facilitate the handling and comparison of air quality information, data should be made available to the Commission in a standardised form.
- (23) It is necessary to adapt procedures for data provision, assessment and reporting of air quality to enable electronic means and the Internet to be used as the main tools to make information available, and so that such procedures are compatible with Directive 2007/2/EC of the European Parliament and the Council of 14 March 2007 establishing an infrastructure for spatial information in the European Community (INSPIRE)⁽¹⁷⁾.
- (24) It is appropriate to provide for the possibility of adapting the criteria and techniques used for the assessment of the ambient air quality to scientific and technical progress and adapting thereto the information to be provided.
- (25) Since the objectives of this Directive cannot be sufficiently achieved by the Member States by reason of the transboundary nature of air pollutants and can therefore be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (26) Member States should lay down rules on penalties applicable to infringements of the provisions of this Directive and ensure that they are implemented. The penalties should be effective, proportionate and dissuasive.
- (27) Certain provisions of the acts repealed by this Directive should remain in force in order to ensure the continuance of existing air quality limits for nitrogen dioxide until they are replaced from 1 January 2010, the continuance of air quality reporting provisions until new implementing measures are adopted, and the continuance of obligations relating to the preliminary assessments of air quality required under Directive 2004/107/EC.
- (28) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive change as compared with the earlier Directives.
- (29) In accordance with point 34 of the Interinstitutional Agreement on better lawmaking⁽¹⁸⁾, Member States are encouraged to draw up, for themselves and in the interest of the Community, their own tables illustrating, as far as possible, the correlation between the Directive and the transposition measures, and to make them public.
- (30) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this Directive seeks to promote the integration into the policies of the Union of a high level of environmental protection and the improvement of the quality of the environment in accordance with the principle of sustainable development as laid down in Article 37 of the Charter of Fundamental Rights of the European Union.

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- (31) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽¹⁹⁾.
- (32) The Commission should be empowered to amend Annexes I to VI, Annexes VIII to X and Annex XV. Since those measures are of general scope and are designed to amend non-essential elements of this Directive, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.
- (33) The transposition clause requires Member States to ensure that the necessary urban background measurements are in place well in time to define the Average Exposure Indicator, in order to guarantee that the requirements related to the assessment of the National Exposure Reduction Target and to the calculation of the Average Exposure Indicator are met,

HAVE ADOPTED THIS DIRECTIVE:

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- (1) OJ C 195, 18.8.2006, p. 84.
- (2) OJ C 206, 29.8.2006, p. 1.
- (3) Opinion of the European Parliament of 26 September 2006 (OJ C 306 E, 15.12.2006, p. 102), Council Common Position of 25 June 2007 (OJ C 236 E, 6.11.2007, p. 1) and Position of the European Parliament of 11 December 2007. Council Decision of 14 April 2008.
- (4) OJ L 242, 10.9.2002, p. 1.
- (5) OJ L 296, 21.11.1996, p. 55. Directive as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).
- (6) OJ L 163, 29.6.1999, p. 41. Directive as amended by Commission Decision 2001/744/EC (OJ L 278, 23.10.2001, p. 35).
- (7) OJ L 313, 13.12.2000, p. 12.
- (8) OJ L 67, 9.3.2002, p. 14.
- (9) OJ L 35, 5.2.1997, p. 14. Decision as amended by Commission Decision 2001/752/EC (OJ L 282, 26.10.2001, p. 69).
- (10) OJ L 23, 26.1.2005, p. 3.
- (11) OJ L 171, 27.6.1981, p. 11.
- (12) OJ L 309, 27.11.2001, p. 22. Directive as last amended by Council Directive 2006/105/EC (OJ L 363, 20.12.2006, p. 368).
- (13) OJ L 309, 27.11.2001, p. 1. Directive as last amended by Directive 2006/105/EC.
- (14) OJ L 189, 18.7.2002, p. 12.
- (15) OJ L 24, 29.1.2008, p. 8.
- (16) OJ L 87, 25.3.2004, p. 50.
- (17) OJ L 108, 25.4.2007, p. 1.
- (18) OJ C 321, 31.12.2003, p. 1.
- (19) OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).