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<Commission>{PETI}Committee on Petitions</Commission>

<Date>{15/11/2022}15.11.2022</Date>

<TitreType>NOTICE TO MEMBERS</TitreType>

Subject: <TITRE>Petition No 0465/2021 by Alberto Steidl (Italian) on keeping air quality below the recognised health threshold</TITRE>

1. Summary of petition

The petitioner points out that the daily limit for PM10 is set, by law, in Italy at 50 µg/m³, which must not be exceeded for more than 35 days per year; however, despite the lockdowns, exceedances were not reduced in 2020.

He stresses that Europe is making major investment efforts focusing on the process of ‘decarbonisation’ by implementing Next Generation EU and that the Italian Government has presented its National Recovery and Resilience Plan (NRRP), and thus argues that local and regional authorities (regions and municipalities) should step up their efforts and take action through Sustainable Urban Mobility Plans.

He suggests that it should be a matter of priority to achieve the target for ‘zero exceedances (of PM10 and PM2.5)’ through constant monitoring on the part of regional and municipal policy-makers.

Lastly, he draws attention to the growing importance of protecting public health and the environment.

2. Admissibility

Declared admissible on 29 October 2021. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 30 March 2022

The PM10 limit values in ambient air are laid down by Directive 2008/50/EC (hereinafter: the Air Quality Directive)[[1]](#footnote-1).

Italy is in breach of the daily limit values in almost all big agglomerations and throughout the Po Valley; this issue is being addressed since 2014, when the Commission launched an infringement procedure against Italy for having systematically and persistently exceeded the limit values for PM10.

This infringement procedure has led the Court of Justice of the European Union (CJEU), in a judgement delivered on 10 November 2020 (case C-644/18[[2]](#footnote-2)), under Article 258 of the Treaty on the Functioning of the EU (TFEU), to rule that Italy has systematically and persistently exceeded, in a certain number of zones in Italy, the limit values for PM10 particulate matter as laid down by the Air Quality Directive.

In the first place, as regards the systematic and persistent infringement of the provisions of Article 13(1) of, and Annex XI to, the Air Quality Directive, the CJEU holds that grievance to be well founded, in the light of the evidence adduced by the Commission for the periods and zones covered by the proceedings.

In the second place, the CJEU holds that the grievance alleging failure to adopt the appropriate measures to ensure compliance with the limit values for PM10 particulate matter, in accordance with the requirements of Article 23(1), read alone and in conjunction with Part A of Annex XV to the Air Quality Directive, is also well founded.

The main sources of PM10 in Italy are domestic and industrial heating, road transport and agriculture due to high ammonia emissions. All these sources need to be addressed by appropriate measures.

The European Green Deal and the zero Pollution Action Plan aim to steer the EU towards a Zero Pollution ambition. Full implementation of the rules and standards enshrined in EU legislation is important to effectively protect human health and safeguard the natural environment. The NextGenerationEU should indeed help local and regional authorities to cope with this challenge and the the National Recovery and Resilience Plan is a unique opportunity to be seized in this respect.

Conclusion

The Commission is closely following up the issue raised by the petitioner. A technical meeting with the Italian authorities took place on 18 February 2022 with a view to measuring the progress made towards the execution of the Court ruling in Case C-644/18 and ensuring full compliance with the provisions of Directive 2008/50/EC. Any further step will be decided in accordance with Article 260 of the TFEU.

4. Commission reply (REV), received on 15 November 2022

In 2014, the Commission launched an infringement procedure against Italy for having systematically and persistently exceeded the limit values for PM10. The PM10 limit values in ambient air are laid down by Directive 2008/50/EC (hereinafter: the Air Quality Directive)[[3]](#footnote-3).

In its judgement delivered on 10 November 2020 (case C-644/18)[[4]](#footnote-4), the Court of Justice of the European Union (CJEU), ruled that Italy has breached the Air Quality Directive because of the systematic exceedances of the limit values for particulate matter and because it did not adopt appropriate measures to ensure that the exceedance period can be kept a short as possible.

The Commission is closely following up the issue raised by the petitioner. As described previously in reply to the petition, a technical meeting with the Italian authorities took place on 18 February 2022 with a view to measuring the progress made towards the execution of the court ruling in Case C-644/18 and ensuring full compliance with the provisions of the Air Quality Directive. In March 2022, the Italian authorities reported additional measures for progress towards compliance with the court ruling, which are currently being assessed. It should be noted that Member States have a degree of discretion in deciding which measures to adopt, in order to comply with their obligations under EU Law, but they must ensure that the period during which the limit values are exceeded is kept as short as possible.

As part of the European Green Deal and in the subsequent Zero Pollution Action Plan, the EU committed to further improve air quality and to align EU air quality standards more closely with the recommendations of the World Health Organization (WHO), most recently revised in September 2021. The Commission is working towards a proposal in the second half of 2022.

The NextGenerationEU includes a budgetary framework that will indeed help local and regional authorities cope with this challenge. The National Recovery and Resilience Plan, drafted by the Italian authorities, and measures included herein, is a unique opportunity to be seized in this respect.

Conclusion

The European Commission will continue to monitor the progress made by Italy in complying with the court ruling and further steps will be decided accordingly.

1. 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, OJ L 152, 11.6.2008, p. 1–44. [↑](#footnote-ref-1)
2. <http://curia.europa.eu/juris/documents.jsf?num=C-644/18> [↑](#footnote-ref-2)
3. 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, OJ L 152, 11.6.2008, p. 1–44. [↑](#footnote-ref-3)
4. <http://curia.europa.eu/juris/documents.jsf?num=C-644/18> [↑](#footnote-ref-4)