

6.9.2023

A9-0233/325

**Amendment 325**

**Anna Zalewska**

on behalf of the ECR Group

**Report**

**A9-0233/2023**

**Javi López**

Ambient air quality and cleaner air for Europe  
(COM(2022)0542 – C9-0364/2022 – 2022/0347(COD))

**Proposal for a directive**

**Article 19 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Where from [insert year **2** years after entry into force of this Directive], until 31 December **2029** in a zone or NUTS 1 territorial unit, the levels of pollutants are above any limit value to be attained by 1 January **2030** as laid down in Table 1 of Section 1 of Annex I, Member States shall establish an air quality plan for the concerned pollutant as soon as possible and no later than 2 years after the calendar year during which the exceedance of the was recorded to attain the respective limit values or ozone target value by the expiration of the attainment deadline.

Where from [insert year **3** years after entry into force of this Directive], until 31 December **2034** in a zone or NUTS 1 territorial unit, the levels of pollutants are above any limit value to be attained by 1 January **2035** as laid down in Table 1 of Section 1 of Annex I, Member States shall establish an air quality plan for the concerned pollutant as soon as possible and no later than 2 years after the calendar year during which the exceedance of the was recorded to attain the respective limit values or ozone target value by the expiration of the attainment deadline.

Or. en

6.9.2023

A9-0233/326

**Amendment 326**

**Anna Zalewska**

on behalf of the ECR Group

**Report**

**A9-0233/2023**

**Javi López**

Ambient air quality and cleaner air for Europe  
(COM(2022)0542 – C9-0364/2022 – 2022/0347(COD))

**Proposal for a directive**

**Article 28 – title**

*Text proposed by the Commission*

*Amendment*

*Article 28*

*deleted*

*Compensation for damage to human health*

*1. Member States shall ensure that natural persons who suffer damage to human health caused by a violation of Articles 19(1) to 19(4), 20(1) and 20(2), 21(1) second sub-paragraph and 21(3) of this Directive by the competent authorities are entitled to compensation in accordance with this article.*

*2. Member States shall ensure that non-governmental organisations promoting the protection of human health or the environment and meeting any requirements under national law are allowed to represent natural persons referred to in paragraph 1 and bring collective actions for compensation. The requirements set out in Article 10 and Article 12(1) of Directive (EU) 2020/1828 shall mutatis mutandis apply to such collective actions.*

*3. Member States shall ensure that a claim for compensation for a violation can be pursued only once by a natural person referred to in paragraph 1 and by the non-governmental organisations representing the person referred to in paragraph 2. Member States shall lay down rules to ensure that the individuals affected do not receive compensation*

*more than once for the same cause of action against the same competent authority.*

**4.**

*Where a claim for compensation is supported by evidence showing that the violation referred to in paragraph 1 is the most plausible explanation for the occurrence of the damage of that person, the causal link between the violation and the occurrence of the damage shall be presumed.*

*The respondent public authority shall be able to rebut this presumption. In particular, the respondent shall have the right to challenge the relevance of the evidence relied on by the natural person and the plausibility of the explanation put forward.*

**5. Member States shall ensure that national rules and procedures relating to claims for compensation, including as concerns the burden of proof, are designed and applied in such a way that they do not render impossible or excessively difficult the exercise of the right to compensation for damage pursuant to paragraph 1.**

**6. Member States shall ensure that the limitation periods for bringing actions for compensation as referred to in paragraph 1 are not less than 5 years. Such periods shall not begin to run before the violation has ceased and the person claiming the compensation knows, or can reasonably be expected to know, that he or she suffered damage from a violation as referred to in paragraph 1.**

Or. en

**Amendment 327****Anna Zalewska**

on behalf of the ECR Group

**Report****A9-0233/2023****Javi López**Ambient air quality and cleaner air for Europe  
(COM(2022)0542 – C9-0364/2022 – 2022/0347(COD))**Proposal for a directive****Article 29 – paragraph 1***Text proposed by the Commission**Amendment*

1. Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council<sup>62</sup>, Member States shall lay down the rules on penalties applicable to violations by **natural and** legal persons, of the national provisions adopted pursuant to this Directive and shall ensure that those rules are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify the Commission without undue delay of those rules and of any amendment thereof.

1. Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council<sup>62</sup>, Member States shall lay down the rules on penalties applicable to violations by legal persons, of the national provisions adopted pursuant to this Directive and shall ensure that those rules are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify the Commission without undue delay of those rules and of any amendment thereof.

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<sup>62</sup> Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (OJ L 328, 6.12.2008, p. 28).

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<sup>62</sup> Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (OJ L 328, 6.12.2008, p. 28).

Or. en

*Justification*

*Member States shall ensure that no penalties are imposed on natural persons and individual households responsible for air quality violations. Penalties imposed should duly take into account the socio-economic situation throughout the Member States, energy poverty and its impact on individual households.*

6.9.2023

A9-0233/328

**Amendment 328**

**Anna Zalewska**

on behalf of the ECR Group

**Report**

**A9-0233/2023**

**Javi López**

Ambient air quality and cleaner air for Europe

(COM(2022)0542 – C9-0364/2022 – 2022/0347(COD))

**Proposal for a directive**

**Article 29 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The penalties referred to in paragraph 1 shall include fines proportionate to the turnover of the legal **person or to the income of the natural** person having committed the violation. The level of the fines shall be calculated in such a way as to make sure that they effectively deprive the person responsible for the violation of the economic benefits derived from that violation. In the case of a violation committed by a legal person, such fines shall be proportionate to the legal person's annual turnover in the Member State concerned, taking account, inter alia, the specificities of small and medium-sized enterprises (SMEs).

2. The penalties referred to in paragraph 1 shall include fines proportionate to the turnover of the legal person having committed the violation. The level of the fines shall be calculated in such a way as to make sure that they effectively deprive the person responsible for the violation of the economic benefits derived from that violation. In the case of a violation committed by a legal person, such fines shall be proportionate to the legal person's annual turnover in the Member State concerned, taking account, inter alia, the specificities of small and medium-sized enterprises (SMEs).

Or. en

6.9.2023

A9-0233/329

**Amendment 329**

**Anna Zalewska**

on behalf of the ECR Group

**Report**

**A9-0233/2023**

**Javi López**

Ambient air quality and cleaner air for Europe  
(COM(2022)0542 – C9-0364/2022 – 2022/0347(COD))

**Proposal for a directive**

**Article 31 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles 1, 2 and 3, Article 4, points (2), (13), (14), (16), (18), (19), (21), (22), points (24) to (30), points (36), (37), (38) and (39), Articles 5 to 12, Article 13(1), (2), (3), (6) and (7), Article 15, Article 16(1) and (2), Articles 17 to 21, Article 22(1), (2) and (4), Articles 23 to 29 and Annexes I to IX by [insert date : **two** years after entry into force] at the latest .

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles 1, 2 and 3, Article 4, points (2), (13), (14), (16), (18), (19), (21), (22), points (24) to (30), points (36), (37), (38) and (39), Articles 5 to 12, Article 13(1), (2), (3), (6) and (7), Article 15, Article 16(1) and (2), Articles 17 to 21, Article 22(1), (2) and (4), Articles 23 to 29 and Annexes I to IX by [insert date : **three** years after entry into force] at the latest .

Or. en

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A9-0233/330

**Amendment 330**

**Anna Zalewska**

on behalf of the ECR Group

**Report**

**A9-0233/2023**

**Javi López**

Ambient air quality and cleaner air for Europe

(COM(2022)0542 – C9-0364/2022 – 2022/0347(COD))

**Proposal for a directive**

**Annex I – Part 1 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Table 1 – Limit values for the protection of  
human health to be attained by 1 January  
**2030**

Table 1 – Limit values for the protection of  
human health to be attained by 1 January  
**2035**

Or. en

6.9.2023

A9-0233/331

**Amendment 331**

**Anna Zalewska**

on behalf of the ECR Group

**Report**

**A9-0233/2023**

**Javi López**

Ambient air quality and cleaner air for Europe

(COM(2022)0542 – C9-0364/2022 – 2022/0347(COD))

**Proposal for a directive**

**Annex I – Part 1 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

Table 2 – Limit values for the protection of human health to be attained by *[INSERT TRANSPOSITION DEADLINE]*

Table 2 – Limit values for the protection of human health to be attained by **2030**

Or. en