



STATUTORY INSTRUMENTS.

**S.I. No. 739 of 2022**

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AMBIENT AIR QUALITY STANDARDS REGULATIONS 2022

## AMBIENT AIR QUALITY STANDARDS REGULATIONS 2022

I, Eamon Ryan Minister for the Environment, Climate and Communications, in exercise of the powers conferred on me by Section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Council Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008<sup>1</sup>, as amended, hereby make the following regulations:

### ***Citation***

1. These Regulations may be cited as the Ambient Air Quality Standards Regulations 2022.

### ***Entry into Force***

2. These Regulations shall come into effect on 31 of December 2022.

### ***Definitions***

3. (1) In these Regulations—

“Agency” means the Environmental Protection Agency established under section 19 of the Environmental Protection Agency Act 1992 (No. 7 of 1992);

“Commission” means the Commission of the European Communities;

“Department” means the Department of the Environment, Climate and Communications;

“Directive” means Directive 2008/50/EC of the European Parliament and of the Council on ambient air quality and cleaner air for Europe (as amended);

“Local authority” means -

- (a) a county council, and
- (b) a city council,

within the meaning of the Local Government Act 2001;

“Minister” means the Minister for the Environment, Climate and Communications.

(2) A word or expression which is used in these Regulations, and which is also used in the Directive has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Directive.

### ***Scope***

4. These Regulations—

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<sup>1</sup> O.J. No. L 152 of 11 June 2008

- (a) make provisions necessary for the implementation of the Directive;
- (b) establish limit values and, as appropriate, alert thresholds for concentrations of certain pollutants in ambient air intended to avoid, prevent or reduce harmful effects on human health and the environment as a whole;
- (c) provide for the assessment of concentrations of certain pollutants in ambient air on the basis of methods and criteria common to the Member States of the European Communities;
- (d) provide for the obtaining of adequate information on concentrations of certain pollutants in ambient air and ensure that it is made available to the public; and
- (e) provide for the maintenance of ambient air quality where it is good and the improvement of ambient air quality in other cases with respect to certain pollutants.

***Competent Authority***

5. (1) For the purposes of these Regulations and the Directive the Agency is the competent authority responsible for—

- (a) assessing ambient air quality in the State;
- (b) approving, or causing to be approved, such ambient air quality measuring devices (including but not limited to methods, equipment, networks and laboratories) as are deemed necessary by the Agency for the implementation of the Directive;
- (c) ensuring, or causing to be ensured, the accuracy of the measurement by measuring devices and checking, or causing to be checked, the maintenance of such accuracy by those devices, in particular by internal quality controls carried out in accordance, inter alia, with the requirements of European quality assurance standards;
- (d) the analysis of assessment methods;
- (e) co-ordination within the State of Community-wide quality assurance programmes organised by the Commission; and
- (f) co-operation with the other Member States and the Commission.

(2) Where relevant the Agency shall comply with the quality assurance for ambient air quality assessment requirements set out in Section C of Annex I of the Directive

(3) Where a local authority is monitoring, or proposes to monitor, any pollutant within the scope of these Regulations, it shall consult with the Agency as regards the arrangements to satisfy the monitoring requirements under these Regulations.

(4) For the purpose of ensuring compliance with these Regulations the Agency may give instructions to a local authority in relation to monitoring,

reporting and the implementation of measures necessary for effective pollution control and preservation of best ambient air quality.

### **Zones**

6. (1) The Agency shall establish zones and agglomerations throughout the territory of the State and notify these to the Minister. Air quality assessment and air quality management shall be carried out in all these zones and agglomerations.

(2) The Agency shall review the classification of zones at least every five years and shall do so more frequently than every five years if there are significant changes in the activities which may affect levels of pollutants in ambient air and notify to the Minister any changes required to the zones, agglomerations or their classification.

### **Assessment of ambient air quality in relation to sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter, lead, benzene and carbon monoxide**

#### ***Assessment Regime***

7. (1) The upper and lower assessment thresholds specified in Section A of Annex II of the Directive shall apply to sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter, lead, benzene and carbon monoxide. The Agency shall classify each zone in relation to those assessment thresholds.

(2) The classification referred to in paragraph 2 shall be reviewed at least every 5 years in accordance with the procedure laid down in Section B of Annex II of the Directive.

The Agency shall review classifications more frequently in the event of significant changes in activities relevant to the ambient concentrations of sulphur dioxide, nitrogen dioxide or, where relevant, oxides of nitrogen, particulate matter ( $PM_{10}$ ,  $PM_{2.5}$ ), lead, benzene or carbon monoxide.

#### ***Assessment criteria***

8. (1) The Agency shall assess the level of sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter, lead, benzene and carbon monoxide in ambient air in all zones in accordance with the criteria set out in Articles 6(2), 6(3), 6(4) and Annex III of the Directive.

(2) The Agency shall measure fine particulate matter ( $PM_{2.5}$ ) at a rural background location away from significant sources of air pollution, for the purposes of providing, at a minimum, information on the total mass concentration and chemical speciation concentrations of that pollutant, on an annual average basis, and this shall be conducted using the following criteria—

- (a) one sampling point shall be installed every 100,000 km<sup>2</sup>;
- (b) where appropriate, monitoring shall be coordinated with the monitoring strategy and measurement programme of the

Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP); and

- (c) Sections A and C of Annex I of the Directive shall apply in relation to the data quality objectives for mass concentration measurements of particulate matter and Annex IV of the Directive shall apply in its entirety.

(3) The Agency shall inform the Commission of the measurement methods used in the measurement of the chemical composition of PM2.5.

***Location and number of sampling points (general)***

9. (1) The Agency shall determine the location of sampling points for the measurement of sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter, lead, benzene and carbon monoxide in ambient air in accordance with the criteria specified in Annex III of the Directive.

(2) In each zone and agglomeration where fixed measurement is the sole source of information for assessing air quality, the number of sampling points for each relevant pollutant shall not be less than the minimum number of sampling points specified in Section A of Annex V of the Directive.

(3) In zones and agglomerations within which the information from fixed measurement is supplemented by information from modelling or indicative measurement, or both, the number of sampling points specified in Section A of Annex V of the Directive may be reduced by up to 50% provided that the following conditions are met—

- (a) the supplementary methods provide sufficient information for the assessment of air quality in relation to limit values or alert thresholds;
- (b) the supplementary methods provide adequate information to inform the public as to the state of ambient air quality; and
- (c) the number of sampling points to be installed and the spatial resolution of other techniques are sufficient for the concentration of the relevant pollutant to be established in accordance with the data quality objectives specified in Section A of Annex I of the Directive and enable assessment results to meet the criteria in Section B of Annex I of the Directive.

The results of modelling or indicative measurement or both shall be taken into account by the Agency for the assessment of air quality with respect to the limit values.

***Reference measurement methods***

10. (1) The Agency shall ensure that measurements are taken in accordance with the reference measurement methods specified in Section A and Section C of Annex VI of the Directive.

(2) The Agency shall notify the Minister and the Commission if alternative measurement methods are being used subject to compliance with the conditions set out in Section B of Annex VI of the Directive.

### **Assessment of ambient air quality in relation to ozone**

#### ***Assessment criteria***

11. (1) The Agency shall ensure that fixed measurements are taken in any zone where the concentrations of ozone have exceeded the long-term objectives specified in Section C of Annex VII of the Directive during any of the previous five years of measurement.

(2) Where fewer than five years' data are available, the Agency may, for the purposes of determining whether the long-term objectives referred to in paragraph (1) have been exceeded during those five years, combine the results from measurement campaigns of short duration carried out when and where levels are likely to be at their highest, with the results obtained from emission inventories and modelling.

#### ***Location and number of ozone sampling points (ozone)***

12. (1) The Agency shall determine the location of sampling points for the measurement of ozone in accordance with the criteria set out in Annex VIII of the Directive.

(2) The sampling points for fixed measurements of ozone in each zone or agglomeration within which measurement is the sole source of information for the assessment of air quality shall not be less than the minimum number specified in Section A of Annex IX of the Directive.

(3) For zones and agglomerations within which the information from sampling points for fixed measurement is supplemented by information from modelling or indicative measurement or both, the number of ozone sampling points specified in Section A of Annex IX of the Directive may be reduced provided that the following conditions are met—

- (a) the supplementary methods provide sufficient information for the assessment of air quality in relation to target values, long-term objectives, information and alert thresholds;
- (b) the number of sampling points to be installed and the spatial resolution of supplementary methods are sufficient for the concentration of ozone to be established in accordance with the data quality objectives set out in Section A of Annex I of the Directive and to enable assessment results to meet the criteria specified in Section B of Annex I;
- (c) there is at least one ozone sampling point in each zone and agglomeration;

- (d) nitrogen dioxide is measured at all remaining ozone sampling points except at rural background stations as referred to in Section A of Annex VIII.

The results of modelling or indicative measurement or both shall be taken into account by the Agency for the assessment of air quality with respect to the target values for ozone.

(4) The Agency shall ensure that nitrogen dioxide is measured at a minimum of 50% of ozone sampling points required under Section A of Annex IX of the Directive. That measurement shall be continuous except at rural background stations, as referred to in Section A of Annex VIII of the Directive, where other measurement methods may be used.

(5) In zones and agglomerations where the concentrations of ozone have been below the long-term objectives for each of the previous five years of measurement, the number of sampling points shall be determined in accordance with the criteria set out in Section B of Annex IX of the Directive.

(6) The Agency shall ensure that at least one sampling point is installed and operated to supply data on concentrations of the ozone precursor substances listed in Annex X of the Directive. The Agency shall choose the number and location of the stations at which of ozone precursor substances are to be measured taking into account the objectives and methods set out in Annex X of the Directive.

#### ***Reference Measurement Methods***

13. (1) For the purposes of regulation 11 (1) measurements must be taken in accordance with the reference measurement methods specified in point 8 of Section A of Annex VI of the Directive.

(2) Alternative methods to those referred to in paragraph (1) may be used provided the conditions set out in Section B of Annex VI of the Directive are complied with.

(3) The Agency shall inform the Minister and the Commission of the methods used to sample and measure volatile organic compounds (VOC) as listed in Annex X of the Directive.

#### **Ambient Air Quality Management**

##### ***Requirements where levels are lower than the limit values***

14. (1) The Agency shall identify those areas, consisting of zones or agglomerations in whole or in part, where the levels of sulphur dioxide, nitrogen dioxide, PM<sub>10</sub> and PM<sub>2.5</sub>, lead, benzene and carbon monoxide in ambient air are below the limit values specified in Annexes XI and XIV of the Directive.

(2) The Minister, the Agency and the local authority, as appropriate, shall take the necessary actions to ensure that the levels of pollutants are maintained below the limit values specified in Annexes XI and XIV of the Directive and

shall endeavour to preserve the best ambient air quality, compatible with sustainable development.

### ***Limit Values and Alert Thresholds***

15. (1) The Minister, the Agency and the local authority, as appropriate, shall ensure that, throughout the zones or agglomerations, the levels of sulphur dioxide, PM<sub>10</sub>, lead and carbon monoxide in ambient air do not exceed the limit values specified in Annex XI of the Directive. In respect of nitrogen dioxide and benzene that the limit values specified in Annex XI of the Directive may not be exceeded from the dates specified therein.

(2) The Agency shall assess compliance with the requirements of this Regulation in accordance with Annex III of the Directive.

(3) The margins of tolerance laid down in Annex XI of the Directive shall apply in accordance with Articles 22(3) and 23(1) of the Directive.

(4) The alert thresholds for concentrations of sulphur dioxide and nitrogen dioxide in ambient air shall be those laid down in Section A of Annex XII of the Directive.

### ***Critical Levels***

16. (1) The Agency shall identify those areas, consisting of zones or agglomerations in whole or in part, where the levels of pollutants in ambient air exceed and are below the critical levels specified in Annex XIII of the Directive as assessed in accordance with Section A of Annex III of the Directive.

(2) Where fixed measurements are the sole source of information for assessing air quality, the number of sampling points shall not be less than the minimum number specified in Section C of Annex V of the Directive. Where that information is supplemented by indicative measurements or modelling, the minimum number of sampling points may be reduced by up to 50% so long as the assessed concentrations of the relevant pollutant can be established in accordance with the data quality objectives specified in Section A of Annex I of the Directive.

### ***Fine Particulate Matter PM<sub>2.5</sub> exposure reduction target for the protection of human health***

17. (1) The Minister, the Agency and the local authority, as appropriate, shall take all necessary measures not entailing disproportionate costs to reduce exposure to PM<sub>2.5</sub> with a view to attaining the national exposure reduction target established by the Agency in accordance with Article 15 (1) and (2) of the Directive.

(2) The Agency shall calculate the average exposure indicator (AEI) for PM<sub>2.5</sub> for the State based on an average annual measurement derived from measurements at all the sampling points in urban background locations

averaged over 3 calendar years in accordance with Section A of Annex XIV of the Directive.

(3) The Agency shall, in accordance with Annex III of the Directive, ensure that the distribution of sampling points used for calculating the AEI adequately reflects the exposure of the general population.

(4) The number of sampling points used for calculating the AEI shall be more than or equal to the minimum number specified in Section B of Annex V of the Directive.

***PM<sub>2.5</sub> target value and limit value for the protection of human health***

18. (1) The Minister, the Agency and the local authority, as appropriate, shall take all necessary measures not entailing disproportionate costs to ensure that concentrations of PM<sub>2.5</sub> in ambient air do not exceed the target value laid down in Section D of Annex XIV of the Directive as from the date specified therein.

(2) The Minister, the Agency and the local authority, as appropriate, shall take all necessary measures not entailing disproportionate costs to ensure that concentrations of PM<sub>2.5</sub> in ambient air do not exceed the limit value laid down in Section E of Annex XIV of the Directive throughout the zones and agglomerations. Compliance with this requirement shall be assessed in accordance with Annex III of the Directive.

(3) The margin of tolerance laid down in Section E of Annex XIV of the Directive shall apply in accordance with Article 23(1) of the Directive.

***Measures to ensure compliance and to maintain good air quality***

19. (1) In order to ensure compliance with the requirements of these regulations the Agency shall—

- (a) identify sources of pollutants in ambient air;
- (b) notify the levels and the sources of the emissions contributing to the levels to any statutory body or agency, the discharge of whose functions will be or may be affected by the measures specified under paragraph (c); and
- (c) specify, in consultation with the statutory body or agency concerned;
  - (i) the measures necessary to ensure that levels of pollutants are maintained below the respective limit values specified in Annex XI of the Directive and respective critical levels specified in Annex XIII of the Directive; and
  - (ii) the dates by which such measures shall be taken.

(2) The Minister, the Agency and the local authority, as appropriate, shall take the necessary action to maintain the levels of those pollutants below the limit values and critical levels specified in Annex XI and Annex XIV of the

Directive and shall endeavour to preserve the best ambient air quality, compatible with sustainable development.

***Measures to ensure compliance with ozone target values and to maintain good air quality***

20. (1) The Minister, the Agency and the local authority, as appropriate, shall take all necessary measures not entailing disproportionate costs to ensure that ozone target values and long-term objectives, as specified in Annex VII of the Directive, are attained.

(2) In zones and agglomerations in which a target value for ozone is exceeded the Agency and the local authority, or local authorities as appropriate, shall ensure that the programme prepared pursuant to Article 6 of Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants<sup>2</sup> is implemented in order to attain target values save where not achievable through measures not entailing disproportionate costs.

(3) For zones and agglomerations in which the levels of ozone in ambient air are higher than the long-term objectives but below, or equal to, the target values, the Minister, the Agency and the local authority shall prepare and implement cost-effective measures with the aim of achieving the long-term objectives. Those measures shall, at least, be consistent with all the air quality plans and the programme referred to in paragraph (2) of this Regulation.

(4) In zones and agglomerations in which ozone levels meet the long-term objectives the Minister, Agency and the local authority, as appropriate, shall, in so far as factors including the transboundary nature of ozone pollution and meteorological conditions permit, maintain those levels below the long-term objectives and shall preserve through proportionate measures the best ambient air quality compatible with sustainable development and a high level of environmental and human health protection.

(5) The Minister and/or the Agency shall advise the relevant local authority, or local authorities as appropriate and any statutory agency or body with relevant functional responsibility of any such measures identified under paragraph (4).

***Exceedance of Information or Alert Thresholds***

21. (1) Where any of the information or alert thresholds for pollutants in Annex XII of the Directive are exceeded in relation to the relevant averaging periods set out in that Annex, the Agency shall make such information available to prescribed bodies and ensure that the public are informed by means of radio, television, newspapers or the internet.

(2) The Agency shall communicate to the Minister and the Commission, on a provisional basis, information concerning the levels recorded and the

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<sup>2</sup> O.J. No. L309/23 of 27 November 2011

duration of the periods during which the alert threshold or information threshold was exceeded.

### ***Contributions from natural sources***

22. (1) The Agency shall transmit to the Commission, for a given year, lists of zones and agglomerations where exceedances of limit values for a given pollutant are attributable to natural sources.

(2) The Agency shall provide information on concentrations and sources and the evidence demonstrating that the exceedances are attributable to natural sources.

### ***Exceedances attributable to winter-sanding or salting of roads***

23. (1) The Agency may designate zones or agglomerations within which limit values for PM<sub>10</sub> are exceeded in ambient air due to the re-suspension of particulates following winter-sanding or salting of roads.

(2) The Agency shall send the Commission lists of any such zones or agglomerations together with information on concentrations and sources of PM<sub>10</sub> therein.

(3) When informing the Commission, the Agency shall provide the necessary evidence to demonstrate that any exceedances are due to re-suspended particulates and that reasonable measures have been taken to lower the concentrations.

(4) Without prejudice to Article 20 of the Directive, in the case of zones and agglomerations referred to in paragraph (1), the Agency needs to establish the air quality plan provided for in Regulation 24 only in so far as exceedances are attributable to PM<sub>10</sub> sources other than winter-sanding or salting of roads.

## **Plans, information and reporting**

### ***Air quality plans***

24. (1) Where, in given zones or agglomerations, the levels of pollutants in ambient air exceed any limit value or target value, plus any relevant margin of tolerance in each case, the Agency shall ensure that air quality plans are established for those zones and agglomerations in order to achieve the related limit value or target value specified in Annexes XI and XIV of the Directive.

(2) For the purpose of Paragraph (1) the Agency shall—

- (a) identify and notify to the relevant local authority or authorities those areas, consisting of zones and agglomerations in whole or in part, where the Agency considers measures are likely to be necessary to ensure compliance with the limit value or values for the relevant pollutant within the time limit specified in the relevant Annex of the Directive for that pollutant; and

(b) provide to the local authority or authorities concerned all data relevant to the air quality assessment for the area concerned.

(3) The local authority or authorities so notified shall prepare a clear, comprehensible and accessible air quality plan, or review and revise an existing plan, to ensure compliance with the limit value or values within the time limit specified for the relevant pollutant or pollutants.

(4) Where the attainment date for a limit value has passed, the air quality plan must set out the measures intended to ensure compliance with limit value as soon as possible.

(5) Air quality plans shall incorporate at least the information listed in Section A of Annex XV of the Directive and may include measures pursuant to Article 24 of the Directive.

(6) Air quality plans shall be submitted by the local authority or authorities to the Minister for evaluation and approval no less than sixteen months after the end of the year the first exceedance was observed, and the Minister shall communicate the approved plan to the Commission no later than two years after the end of the year the first exceedance was observed.

(7) Where an air quality plan is required in relation to more than one pollutant, the local authority or authorities must ensure the plans are integrated in relation to all pollutants concerned.

(8) Wherever possible, air quality plans must be consistent with other plans drawn up in accordance with obligations imposed under 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<sup>3</sup>, Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants<sup>4</sup>, 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<sup>5</sup>.

### ***Short-term action plans***

25. (1) Where, in a given zone or agglomeration, there is a risk that the levels of pollutants will exceed one or more of the alert thresholds specified in Annex XII of the Directive, or one or more limit values or target values specified in Annexes VII, XI and XIV of the Directive, the Agency shall notify the Minister and direct the relevant local authority or authorities to draw up short term action plans indicating the measures to be taken in the short term in order to reduce the risk or duration of such an exceedance.

(2) Where there is a risk that the alert threshold for ozone specified in Section B of Annex XII of the Directive will be exceeded, such identification, notification and direction outlined in paragraph (1) shall only apply where the Agency is of the view that there is a significant potential, taking into account

<sup>3</sup> O.J. No. L 309 of 27 November 2001

<sup>4</sup> O.J. No. L 309 of 27 November 2001

<sup>5</sup> O.J. No. L 189 of 18 July 2002

national geographical, meteorological and economic conditions, to reduce the risk, duration or severity, of such an exceedance.

(3) A short-term action plan pursuant to paragraph (1) shall take account of Commission Decision 2004/279/EC<sup>6</sup>.

(4) A short-term action plan pursuant to paragraph (1) shall include the information requirements of Section A of Annex XV of the Directive as appropriate to the exceedance type and shall be submitted to the Minister and the Agency for evaluation and approval, no less than 3 months from the date of notification by the Agency of the risk of an exceedance.

(5) The short-term action plans referred to in paragraph (1), may, depending on the individual case, provide for effective measures to control, and, where necessary, reduce or suspend activities which contribute to the risk of the respective limit values, or target values or alert thresholds being exceeded. Those action plans may include measures in relation to motor vehicle traffic, construction works, ships at berth and the use of industrial plants or products and domestic heating. Specific actions aiming at protection of sensitive population groups, including children, may also be considered in the framework of these plans.

(6) The Agency may set trigger levels of concentrations of ozone in ambient air, exceedance of which require the preparation of air pollution short-term action plans.

(7) When a local authority, or local authorities as appropriate, has drawn up a short-term action plan, they shall make available free of charge to the public and to appropriate organisations such as environmental organisations, consumer organisations, organisation representing the interests of sensitive population groups, other relevant health care bodies and the relevant industrial federations both the results of their investigations on the feasibility and the content of specific short term action plans as well as information on the implementation of such plans.

### ***Transboundary air pollution***

26. (1) The Agency shall notify the Minister and the relevant local authority, or local authorities as appropriate, in the event of an alert threshold, limit value or target value plus any relevant margin of tolerance or long-term objective being exceeded due to significant transboundary transport of air pollution or their precursors either—

- (a) within the State; or
- (b) in another Member State owing to transboundary transport of air pollution originating from within the State.

(2) The Agency and/or the Minister shall consult with the local authority or local authorities as appropriate as well as the relevant competent authorities in other Member States or third countries as appropriate, to cooperate and, where appropriate, draw up joint activities, such as the preparation of joint or

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<sup>6</sup> O.J. No. L 87 of 25 March 2004

coordinated air quality plans pursuant to Article 23 of the Directive in order to remove such exceedances through the application of appropriate but proportionate measures.

(3) The Commission shall be notified and invited to present and to assist in any co-operation pursuant to paragraph (2).

(4) Where a local authority, or local authorities as appropriate, prepare an air pollution short-term action plan under Regulation 25, with proposed measures that will or may impact upon a neighbouring zone or zones in other Member States, or where pollutant concentrations at risk of exceeding the alert threshold are due largely to precursor emissions in other Member States, the local authority, or local authorities as appropriate, shall consult with, and shall send all appropriate information pertaining to the plan to the competent authorities in those Member States with a view to co-operating, where appropriate, in the drawing up of joint short-term action plans.

(5) Where information or alert thresholds are exceeded in locations close to the borders of the State—

- (a) the relevant local authority affected shall inform the Agency;
- (b) the Agency shall provide prompt information to the competent authorities in other Member States as appropriate;
- (c) The information shall also be made available to the public by the Agency.

In drawing up plans as provided for in paragraph 2 and 4 and in informing the public as referred to in paragraph 5, the Agency and/or the Minister, will seek cooperation with third countries, and in particular with candidate countries where appropriate.

## **Information and Reporting**

### ***Public information***

27. (1) The Agency shall ensure that the public as well as appropriate organisations, including environmental organisations, consumer organisations, organisations representing the interests of sensitive populations, other relevant health-care bodies and the relevant industrial federations or to any organisation which so requests are informed, adequately and in good time, of the following—

- (a) ambient air quality in accordance with Annex XVI of the Directive;
- (b) any postponement decisions pursuant to Article 22(1) of the Directive;
- (c) any exemptions pursuant to Article 22(2) of the Directive;
- (d) air quality plans as provided for in Article 22(1) and Article 23 and programmes referred to in Article 17(2) of the Directive.

The Agency shall take appropriate steps, including the use of the internet, press and other easily accessible media, to ensure that clear and comprehensible information on the ambient air concentrations of pollutants within the scope of these regulations is accessible and is routinely made available to the public.

(2) The information referred to in paragraph (1) shall be made available as follows—

- (a) for sulphur dioxide, nitrogen dioxide and oxides of nitrogen and particulate matter, on at least a daily basis, and in the case of hourly values for sulphur dioxide and nitrogen dioxide, wherever practicable on an hourly basis;
- (b) for carbon monoxide, as a maximum running average over eight hours at least on a daily basis, and where practicable on an hourly basis;
- (c) for lead, on a three-monthly basis;
- (d) for benzene, as an average value over the preceding 12 months, on at least a three-monthly basis; and
- (e) for ozone, on at least a daily basis, and wherever appropriate and practicable, on an hourly basis.

(3) The information referred to in paragraph (1) shall indicate at least —

- (a) any exceedance of the concentrations in the limit values and alert thresholds, if relevant, over the appropriate averaging period specified in Annexes XI and XII of the Directive;
- (b) short assessment in relation to the limit values and alert thresholds;
- (c) appropriate information regarding effects on health;
- (d) forecasting of ambient air quality where practicable; and
- (e) details of air quality plans and programmes referred to in Article 17(2) of the Directive.

(4) In cases where either the information threshold or the alert threshold specified in Annex XII of the Directive for nitrogen dioxide, sulphur dioxide or ozone is exceeded the Agency shall inform the bodies prescribed in Schedule 1 and make available the following information to the public as soon as possible—

- (a) the location or area where thresholds are exceeded;
- (b) the type of threshold exceeded (information or alert threshold);
- (c) the time at which the threshold was exceeded and the duration of the incident;
- (d) in the case of ozone, the highest 1-hour and 8-hour mean concentration;
- (e) information on preventive action to reduce pollution or public exposure to it, including an indication of the main source sectors and recommendations for action to reduce emissions.

(5) The Agency shall consult with the Health Service Executive, Met Éireann and other relevant organisations as appropriate to ensure that information on possible health effects and forecasting further expected exceedances, as specified in Annex XVI of the Directive, is made available to the public.

(6) Information must be distributed free of charge in a clear and comprehensible manner taking into account the requirements of Council Directive 2007/2/EC on establishing an infrastructure for spatial information in the European Community<sup>7</sup>.

(7) The Minister will inform the public that the Agency is the competent authority designated in relation to the tasks referred to in Article 3 of the Directive.

### ***Annual reports***

28. (1) The Agency shall publish an annual report for all the pollutants for each calendar year no later than 30 September of the following year.

(2) Annual reports must contain the following information—

- (a) details of all cases where levels of pollutants have exceeded limit values, target values, long term objectives, information and alert thresholds set out in Annexes VII, XI and XII of the Directive for the relevant averaging periods;
- (b) a summary assessment of the effects of the cases referred to in sub paragraph (a);
- (c) lists of any zones and agglomeration where exceedances of limit values for a given pollutant are attributable to natural sources.

### ***Reporting***

29. (1) The Agency shall make available to the Minister and the Commission information on ambient air quality for each calendar year by no later than 30 September unless otherwise directed under the implementing measures referred to in Article 28(2) of the Directive.

(2) The information referred to in paragraph (1) shall include the following—

- (a) the changes made in that year to zones and agglomerations established under Regulation 6;
- (b) the list of zones and agglomerations in which the levels of one or more pollutants are higher than the limit values plus the margin of tolerance where applicable or higher than target values or critical levels; and for these zones and agglomerations—

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<sup>7</sup> O.J. No. L 108 of 25 April 2007

- (i) levels assessed and, if relevant, the dates and periods when such levels were observed;
- (ii) if appropriate, an assessment on contributions from natural sources and from re-suspension of particulates following winter-sanding or salting of roads to the levels assessed, as declared to the Commission under Regulations 22 and 23.

***Revocations***

30. (1) The following regulation is revoked:

- (i) The Air Quality Standards Regulations 2011 (S.I. No. 180 of 2011) as amended by Regulation 5 of the Air Quality Standards (Amendment) and Arsenic, Cadmium, Mercury, Nickel and Polycyclic Aromatic Hydrocarbons in Ambient Air (Amendment) Regulations 2016 (S.I. 659 of 2016).

GIVEN under my Official Seal,  
22 December, 2022.

EAMON RYAN,  
Minister for the Environment,  
Climate and Communications.



L.S.

#### EXPLANATORY NOTE

*(This note is not part of the Regulations and does not purport to be a legal interpretation.)*

These Regulations provide for the implementation of Directive 2008/50/EC on ambient air quality and cleaner air for Europe (as amended).

The regulations set the limit values and alert thresholds for air pollution for particular pollutants and also specific the requirements for monitoring and reporting air quality data.

The Environmental Protection Agency is the competent authority for the purpose of Directive 2008/50/EC and these Regulations.

These Regulations replace S.I. No. 180 of 2011, as amended by SI 659 of 2016, which is revoked.

**SCHEDULE 1**

**Prescribed Bodies**

- (1) The Minister for Health
- (2) The Health Service Executive
- (3) Local Authorities
- (4) Cystic Fibrosis Association of Ireland
- (5) The Asthma Society of Ireland
- (6) Met Éireann
- (7) Teagasc

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach 6  
FOILSEACHÁIN RIALTAIS,  
BÓTHAR BHAILE UÍ BHEOLÁIN,  
CILL MHAIGHNEANN,  
BAILE ÁTHA CLIATH 8,  
D08 XAO6

Tel: 046 942 3100  
r-phost: publications@opw.ie

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