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Regional Cooperation and National Clean Air Legislation

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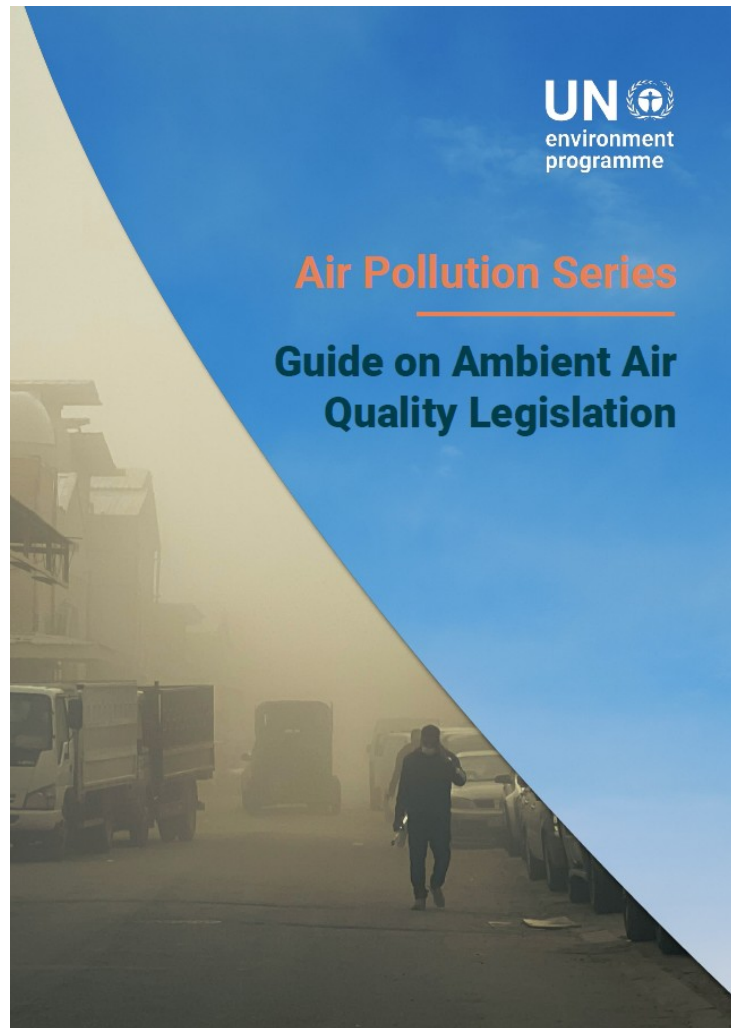


Global Assessment of Air Pollution Legislation (2021)



- Assesses national air quality legislation in 194 States and the European Union (EU) against a model of robust air quality governance developed as part of the research.
- AAQS, when *legally framed and institutionally embedded*, create the bedrock of a **robust air quality governance system**.
- Addresses *national* legal measures for embedding AAQS – setting standards, monitoring, planning, enforcement, institutional responsibility, procedural rights, coordination approaches

Guide on Ambient Air Quality Legislation (2023)



- Translates key findings of the GAAPL into concrete questions and considerations for law-makers.
- Targeted at countries seeking to develop or improve ambient air quality legislation.
- Aims to promote robust national systems of air quality governance that prioritize public health outcomes and respect that all humans share the same need to breathe air of adequate quality.

Coordination is critical to achieving AAQS in practice - between countries, across wide-ranging policy areas, and across regulatory approaches

BAQ 2023
BETTER AIR QUALITY CONFERENCE 15-17 NOV • MANILA



a UNEP convened initiative

Managing transboundary air pollution through national legislation

- Regional treaty provisions can influence obligations of states in managing pollution emissions or sharing data.
- Equally, domestic legislation can embed norms, standards and administrative infrastructure to create effective regulatory space for transboundary regulation and coordination.
- **Different legislative approaches to date** (varying levels of coordination):
 1. regulation of transboundary pollution originating within jurisdiction
 2. unilateral management of transboundary air pollution even where pollution source beyond the control of domestic jurisdiction
 3. supranational regulation

UNEP First Global Assessment of Air Pollution Legislation (2021):

*Only 31% of countries have legal mechanisms for managing or addressing **transboundary air pollution**.*

Unilateral management of transboundary air pollution – example



Republic of Korea

Clean Air Conservation Act 2007

Article 13

(20) The Minister of Environment shall consult with the heads of relevant central administrative agencies and hear opinions of the Mayors/Governors every five years for the prevention of damage caused by long-range transboundary air pollutants in order to formulate comprehensive measures for the prevention of damage caused by long-range transboundary air pollutants ...

Transboundary scope of air quality law – cooperation through supranational regulation (EU law example)



European Union CAFE Directive 2008 Article 25

*(1) Where any alert threshold, limit value or target value plus any relevant margin of tolerance or long-term objective is exceeded due to significant transboundary transport of air pollutants or their precursors, the Member States concerned shall cooperate and, where appropriate, draw up joint activities, such as the preparation of joint or coordinated air quality plans pursuant to **Article 23** in order to remove such exceedances through the application of appropriate but proportionate measures.*

Supranational regulation of air quality – lessons from the EU

- *Convention on Long-Range Transboundary Air Pollution 1979* – treaty
- *CAFE Directive 1996* – EU legislation
- EU legislation primarily embeds and enhances treaty obligations but also creates some competing administrative/policy demands

CLRTAP features

- **National emissions ceilings** and emission reduction commitments
- Cooperation on monitoring and data-sharing
- Protocols adapted/revised over time for specific pollutants
- Capacity building support
- **Risk:** national emissions ceilings are not directly linked to optimal public health outcomes in implementation

CAFE Directive features

- **Ambient air quality standards**
- Coordinated air quality planning requirements where exceedences
- Common monitoring methods and requirements
- **Risk:** coordinating administration across different forms of AQ management, non-alignment of multiple regulatory layers/approaches

Thank you!



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