Subsidiary Legislation made under s.18(c).

Environment (Air Quality Standards) Regulations 2010

LN.2010/126

Commencement **15.7.2010**

Amending enactments	Relevant current provisions	Commencement date
LN. 2011/148	r. 32A	22.9.2011
2016/242	Schs. 1-2	31.12.2016
2017/247	r. 26(5A)-(5B), (8)	19.12.2017
2026/069	rr. 2(1)-(2), 3(1)-(2), 3A, 5(1), (3), (3A), 6(1)-(8), (9A)-(9E), 7(1)-(5), (5A)-(5D), 8(2)-(4), (4A)-(4F), 9(1)-(3), (4)(a)-(d), (5), (7)-(8), (8A)-(8E), 10(1), (3), 11(2)-(4), (5A)-(5F), 12, 13(1)-(6), 15(2)(b), 16, 16A, 17(1)-(3), (3A), (4), 18(1), 19, 20(1)-(2), 21-22, 22A-22B, 23-24, 25(1)-(3), 26-27, 29. 30(3), 31(5), 32(1A)-(1B), 34-36, Schs. 1-2	15.7.2026
2026/173	r. 32B	15.7.2026

EU Legislation/International Agreements involved:
Directive 2004/107/EC
Directive 2008/50/EC
Directive 2008/99/EC
Directive 2015/2193/EU
Council Regulation (EC) No 219/2009
Commission Directive (EU) 2015/1480

ARRANGEMENT OF REGULATIONS

Regulation

PART 1
GENERAL

PART 2
ASSESSMENT OF AMBIENT AIR QUALITY

Ozone

Arsenic, cadmium, nickel, mercury, benzo(a)pyrene and other polycyclic aromatic hydrocarbons

PART 3

Duties of Minister in relation to limit values etc.

SCHEDULE 1
Deleted

SCHEDULE 2
Deleted

In exercise of the powers conferred upon it by section 18(c) of the Environment Act 2005, and of all other enabling powers, and for the purpose of transposing into the law of Gibraltar Directive 2004/107/EC of the European Parliament and of the Council relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic carbons in ambient air as amended by Council Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009, and 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, the Government has made the following Regulations–

PART 1
GENERAL

Title and commencement.

1. These Regulations may be cited as the Environment (Air Quality Standards) Regulations 2010 and come into operation on the day of publication.

Definitions.

2.(1) In these Regulations–

“AEI” means average exposure indicator as further specified in regulation 23;

“air pollution hotspots” means locations within the zone with the highest concentrations to which the population is likely to be directly or indirectly exposed for a period which is significant in relation to the averaging period of the limit values or target values, including where the pollution level is strongly influenced by the emissions from heavy pollution sources, such as nearby congested and heavily trafficked roads, a single industrial source or an industrial area with many sources, ports, airports, intensive residential heating, or a combination thereof;

“air quality plan” means a plan that sets out policies and measures in order to comply with limit values, target values or average exposure reduction obligations once these have been exceeded;

“air quality roadmap” means an air quality plan, adopted ahead of the attainment deadline of limit values and target values, that sets out policies and measures in order to comply with those limit values and target values within the attainment deadline;

“air quality standards” means limit values, target values, average exposure reduction obligations, average exposure concentration objectives, critical levels, alert thresholds, information thresholds and long-term objectives;

“alert threshold” means a level beyond which there is a risk to human health from brief exposure for the population as a whole and at which immediate steps are to be taken by the Minister;

“ambient air” means outdoor air in the troposphere, excluding workplaces (as defined by Directive 89/654/EEC as amended from time to time concerning the minimum safety and health requirements for the workplace) where provisions concerning health and safety at work apply and to which members of the public do not have regular access;

“arsenic”, “cadmium”, “lead”, “nickel” and “benzo(a)pyrene” mean the total content of those elements and compounds within the PM_{10} fraction present in ambient air;

“assessment” means any method used to measure, calculate, predict or estimate levels;

“assessment threshold” means the level that determines the required assessment regime to be used to assess ambient air quality;

“average exposure concentration objective” means a level of the average exposure indicator to be attained, with the aim of reducing harmful effects on human health;

“average exposure reduction obligation” means a percentage reduction of the average exposure of the population, expressed as an average exposure indicator, set with the aim of reducing harmful effects on human health, to be attained over a given period and not to be exceeded once attained;

“black carbon” or “BC” means carbonaceous aerosols measured by light absorption;

“contributions from natural sources” means emissions of pollutants not caused directly or indirectly by human activities, including natural events such as volcanic eruptions, seismic activities, geothermal activities, wild-land fires, highwind events, sea sprays or the atmospheric re-suspension or transport of natural particles from dry regions;

“critical level” means a level fixed on the basis of scientific knowledge, above which direct adverse effects may occur on some receptors, such as trees, other plants or natural ecosystems but not on humans;

“Directive (EU) 2024/2881” means Directive (EU) 2024/2881 of the European Parliament and of the Council of 23 October 2024 on ambient air quality and cleaner air for Europe (recast), as the same may be from time to time amended;

“fixed measurements” means measurements taken at sampling points, either continuously or by random sampling, at constant locations for at least 1 calendar year to determine the levels in accordance with the relevant data quality objectives;

"'indicative measurements" means measurements, taken either at regular intervals during a calendar year or by random sampling, to determine the levels in accordance with data quality objectives that are less strict than those required for fixed measurements;

"information threshold" means a level beyond which there is a risk to human health from brief exposure for particularly sensitive population and vulnerable groups and for which immediate and appropriate information is necessary;

"level" means the concentration of a pollutant in ambient air or the deposition thereof on surfaces in a given time;

"limit value" means a level fixed on the basis of scientific knowledge, with the aim of avoiding, preventing or reducing harmful effects on human health and/or the environment as a whole, to be attained within a given period and not to be exceeded once attained;

"long-term objective" means a level to be attained in the long term, save where not achievable through proportionate measures, with the aim of providing effective protection of human health and the environment;

"Minister" means the Minister with responsibility for the environment;

"modelling application" means application of a modelling system, understood as a chain of models and submodels, including all necessary input data, and any post-processing;

"objective estimation" means information on the concentration or deposition level of a specific pollutant obtained through expert analysis and which can include use of statistical tools;

"oxides of nitrogen" means the sum of the volume mixing ratio (ppbv) of nitrogen monoxide (nitric oxide) and nitrogen dioxide expressed in units of mass concentration of nitrogen dioxide ($\mu g/m^3$);

"ozone precursor substances" means substances which contribute to the formation of ground level ozone. Some of which are listed in Section C of Annex VII to Directive (EU) 2024/2881;

"PM_{10}" means particulate matter which passes through a size-selective inlet as defined in the reference method for the sampling and measurement of PM_{10}, EN 12341, with a 50 % efficiency cut-off at 10 µm aerodynamic diameter;

"$PM_{2.5}$" means particulate matter which passes through a size-selective inlet as defined in the reference method for the sampling and measurement of $PM_{2.5}$, EN 14907, with a 50 % efficiency cut-off at 2.5µm aerodynamic diameter;

"particulate matter" means $PM_{2.5}$ and PM_{10};

"pollutant" means any substance present in ambient air and likely to have harmful effects on human health or the environment;

"polycyclic aromatic hydrocarbons" means those organic compounds composed of at least two fused aromatic rings made entirely from carbon and hydrogen;

"sensitive population and vulnerable groups" means those population groups that are permanently or temporarily more sensitive or more vulnerable to the effects of air pollution than the average population, because of specific characteristics that make the health effects of exposure more significant or because they have a higher sensitivity or a lower threshold for health effects or have a reduced ability to protect themselves;

"short-term action plan" means a plan that sets out emergency measures to be taken in the short term to reduce the immediate risk or the duration of the exceedance of the alert thresholds;

"spatial representativeness" means an assessment approach whereby the air quality metrics observed at a sampling point are representative for an explicitly delineated geographical area to the extent that air quality metrics within that area do not differ from the metrics observed at the sampling point by more than a pre-defined tolerance level;

"target value" means a level or concentration fixed, on the basis of scientific knowledge, with the aim of avoiding, preventing or reducing harmful effects on human health and/or the environment as a whole, to be attained where possible over a given period;

"total gaseous mercury" means elemental mercury vapour (Hg^0) and reactive gaseous mercury, that is, water-soluble mercury species with sufficiently high vapour pressure to exist in the gas phase;

"total or bulk deposition" means the total mass of pollutants which is transferred from the atmosphere to surfaces (e.g. soil, vegetation, water, buildings, etc.) in a given area within a given time;

"ultrafine particles" or "UFP" means particles with a diameter less than or equal to 100 nm, where UFP are measured as the particle number concentrations per cubic centimetre for a size range with a lower limit of 10 nm and for a size range with no restriction on the upper limit;

"upper assessment threshold" means a level below which a combination of fixed measurements and modelling techniques and/or indicative measurements may be used to assess ambient air quality;

"volatile organic compound" and "VOC" means an organic compound from anthropogenic and biogenic sources, other than methane, that is capable of producing photochemical oxidants by reactions with nitrogen oxides in the presence of sunlight;

"zone" has the meaning given to it in regulation 4.

(2) Words and expressions used but not defined in these Regulations which are used or defined in Directive (EU) 2024/2881, shall have the same meaning in these Regulations as they have in that Directive.

Designation of competent authority.

3.(1) The Minister with responsibility for the environment is designated as the competent authority for the purposes of Directive (EU) 2024/2881.

(2) The Minister shall, in relation to Directive (EU) 2024/2881, comply with Section F of Annex V of Directive (EU) 2024/2881, where relevant.

Reviews.

3A.(1) The Minister shall periodically review, or have regard to any review conducted pursuant to Article 3 of Directive (EU) 2024/2881 of the scientific evidence related to air pollutants and their effects on human health and the environment.

(2) Such review shall assess whether applicable air quality standards continue to be appropriate to achieve the objective of avoiding, preventing or reducing harmful effects on human health and the environment and whether additional air pollutants should be covered, and shall assess options and timelines for the alignment of air quality standards with the most recent World Health Organisation Air Quality Guidelines.

Gibraltar to be a zone.

4. For the purposes of air quality assessment and management under these Regulations the entire territory of Gibraltar shall constitute a single zone and in these Regulations the term "zone" shall be construed accordingly.

PART 2
ASSESSMENT OF AMBIENT AIR QUALITY

Sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter, lead, benzene and carbon monoxide

Assessment thresholds.

5.(1) The Minister shall classify the zone according to whether or not the assessment thresholds specified in Annex II to Directive (EU) 2024/2881 are exceeded in relation to sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter, lead, benzene and carbon monoxide.

(2) The Minister shall review the classification of the zone in subregulation (1) at least every five years, and must do so more frequently than every five years if there are significant changes in the activities which may affect levels of sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter, lead, benzene and carbon monoxide in ambient air.

(3) Exceedances of the assessment thresholds specified in Annex II to Directive (EU) 2024/2881 shall be determined on the basis of concentrations during the previous 5 years where sufficient data are available. An assessment threshold shall be deemed to have been exceeded if it has been exceeded during at least 3 separate years out of those previous 5 years.

(3A) Where data is available for less than 5 years, the Minister may combine measurement campaigns of short duration during the period of the year and at locations likely to be typical of the highest pollution levels, with information from emission inventories and results obtained from modelling applications to determine exceedances of the assessment thresholds.

Assessment criteria.

6.(1) The Minister shall assess the level of sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter, lead, benzene and carbon monoxide in ambient air in the zone in accordance with the criteria laid down in subregulations (2) to (4) and in Annex IV to Directive (EU) 2024/2881.

(2) Where the level of the pollutants referred to in subregulation (1) exceeds the upper assessment threshold referred to in regulation 5, fixed measurements must be used to assess of air pollutants and on the spatial representativeness of fixed measurements, but the fixed measurements may be supplemented by modelling applications or indicative measurements or both in order to assess air quality and to provide adequate information on the spatial distribution of the ambient air quality.

(3) From 11 June 2028, in addition to fixed measurements, modelling applications or indicative measurements shall be used to assess the ambient air quality in all zones where the level of pollutants exceeds a relevant limit value or target value set out in Annex I to Directive (EU) 2024/2881, and such modelling applications or indicative measurements shall provide information on the spatial distribution of pollutants and shall be carried out at least every five years.

(4) Where the level of the pollutants referred to in subregulation (1) is below the lower assessment threshold referred to in regulation 5, modelling applications, indicative measurements, objective estimations or a combination thereof shall be sufficient for the assessment of the ambient air quality.

(5) In addition to the measurements referred to in subregulations (2) to (4) and to the extent required for compliance with Directive (EU) 2024/2881, the Minister shall measure $PM_{2.5}$ at rural background locations away from significant sources of air pollution, in order to provide information on an annual average basis on the total mass concentration and chemical speciation concentrations of that pollutant.

(6) For the purposes of subregulation (5), measurements must be carried out in accordance with the criteria set out in Annex V and Annex VII of Directive (EU) 2024/2881.

(7) Save as provided for in subregulation (8), measurements must be taken in accordance with the reference measurement methods specified in Points A and C of Annex VI to Directive (EU) 2024/2881.

(8) Alternative methods to those referred to in subregulation (7) may be used provided the condition set out in Points B, C and D of Annex VI to Directive (EU) 2024/2881 are complied with.

(9) Where measurements are supplemented by modelling or indicative measurement then the Minister shall take account of the results of those supplementary methods in assessing ambient air quality for the purposes of these Regulations.

(9A) The results of modelling applications used in accordance with subregulations (3) or (4) or regulation 7(4), or of indicative measurements shall be taken into account for the purpose of assessing air quality with respect to the limit values and target values.

(9B) If fixed measurements with an area of spatial representativeness covering the area of exceedance calculated by the modelling application are available, the Minister may choose not to report the modelled exceedance as an exceedance of the relevant limit values and target values.

(9C) If modelling applications used in accordance with subregulations (3) or (4) show an exceedance of any limit value or target value in an area of the zone that is not covered by fixed measurements and their area of spatial representativeness, at least one additional fixed or indicative measurement may be used at possible additional air pollution hotspots in the zone as identified by the modelling application.

(9D) If modelling applications used in accordance with regulation 7(4) show an exceedance of any limit value or target value in an area of the zone that is not covered by fixed measurements and their area of spatial representativeness, at least one additional fixed or indicative measurement shall be used at possible additional air pollution hotspots in the zone as identified by the modelling application.

(9E) Where additional fixed measurements are used, those measurements shall be established within 2 calendar years after the exceedance was modelled. Where additional indicative measurements are used, those measurements shall be established within 1 calendar year after the exceedance was modelled. The measurements shall cover at least 1 calendar year in accordance with the minimum data coverage requirements set out in Point B of Annex V to Directive (EU) 2024/2881, to assess the concentration level of the relevant pollutant.

(10) In this Regulation, "chemical speciation concentrations" means the concentrations of different chemical components or species of particulate matter.

Location and number of sampling points.

7.(1) The Minister shall install sampling points in accordance with Annex IV to Directive (EU) 2024/2881 for the assessment of sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter, lead, benzene and carbon monoxide.

(2) Where fixed measurement is the sole source of information for the assessment of air quality, the number of sampling points for each relevant pollutant (where the level of pollutants exceeds the relevant assessment threshold specified in Annex II to Directive (EU) 2024/2881) must be more than or equal to the minimum number specified in Point A of Annex III to Directive (EU) 2024/2881 for the purpose of assessing compliance with limit values and alert thresholds.

(3) The Minister shall assess compliance with the critical levels specified in Section 3 of Annex I to Directive (EU) 2024/2881 as assessed in accordance with Point A, point 1, and Point B, point 3, of Annex IV to Directive (EU) 2024/2881.

(4) Where the level of pollutants exceeds the relevant assessment threshold specified in Annex II to Directive (EU) 2024/2881, but not the respective limit values, target values and critical levels specified in Annex I to Directive (EU) 2024/2881, the minimum number of sampling points for fixed measurements may be reduced by up to 50 %, in accordance with

Points A and C of Annex III to Directive (EU) 2024/2881, provided that the following conditions are met-

(a) indicative measurements or modelling applications provide sufficient information for the assessment of air quality with regard to limit values, target values, critical levels, alert thresholds and information thresholds, as well as adequate information for the public, in addition to the information provided by the sampling points for fixed measurements;

(b) the number of sampling points to be installed and the spatial resolution of indicative measurements and modelling applications are sufficient for the concentration of the relevant pollutant to be established in accordance with the data quality objectives specified in Points A and B of Annex V to Directive (EU) 2024/2881and enable assessment results to meet the requirements set out in Point E of Annex V to Directive (EU) 2024/2881; and

(c) the number of indicative measurements, if used to meet the requirements of this subregulation, is at least the same as the number of fixed measurements that are being replaced and the indicative measurements are evenly distributed over the calendar year.

(5) The minimum number of sampling points for PM2.5 for the calculation of the average exposure indicators shall be in accordance with Point B of Annex III to Directive (EU) 2024/2881 and shall include at least one sampling point.

(5A) Sampling points at which exceedances of a relevant limit value or target value specified in Section 1 of Annex I to Directive (EU) 2024/2881 were recorded within the previous 3 years shall not be relocated, unless a relocation is necessary due to special circumstances, including spatial development.

(5B) Relocation of such sampling points shall be supported by modelling applications or indicative measurements and shall, wherever possible, ensure continuity of measurements and be done within their area of spatial representativeness.

(5C) A detailed justification of any relocation of such sampling points shall be fully documented in accordance with the requirements set out in Point D of Annex IV to Directive (EU) 2024/2881.

(5D) The Minister shall ensure monitoring of ultrafine particles levels and black carbon concentrations in accordance with Point D of Annex III to Directive (EU) 2024/2881 and Section 4 of Annex VII to Directive (EU) 2024/2881.

Ozone

Assessment criteria.

8.(1) The Minister shall assess the levels of ozone in ambient air.

(2) The Minister shall ensure that fixed measurements are taken where the concentration of ozone has exceeded the long-term objectives specified in Part C of Section 2 of Annex 1 to Directive (EU) 2024/2881 during any of the previous five years of measurement.

(3) Save as provided in subregulation (4), for the purposes of subregulation (2), measurements must be taken in accordance with the reference measurement methods specified in point 11 of Section A of Annex VI to Directive (EU) 2024/2881.

(4) Alternative methods to those referred to in subregulation (3) may be used provided the conditions set out in Points B, C and D of Annex VI to Directive (EU) 2024/2881 are complied with.

(4A) From 11 June 2028, in addition to fixed measurements, modelling applications or indicative measurements shall be used to assess the ambient air quality in all zones where the level of pollutants exceeds a relevant limit value or target value set out in Annex I to Directive (EU) 2024/2881, and such modelling applications or indicative measurements shall provide information on the spatial distribution of pollutants and shall be carried out at least every five years.

(4B) The results of modelling applications used in accordance with subregulation (4A) or regulation 9(4), or of indicative measurements shall be taken into account for the purpose of assessing air quality with respect to the limit values and target values.

(4C) If fixed measurements with an area of spatial representativeness covering the area of exceedance calculated by the modelling application are available, the Minister may choose not to report the modelled exceedance as an exceedance of the relevant limit values and target values.

(4D) If modelling applications used in accordance with subregulation (4A) show an exceedance of any limit value or target value in an area of the zone that is not covered by fixed measurements and their area of spatial representativeness, at least one additional fixed or indicative measurement may be used at possible additional air pollution hotspots in the zone as identified by the modelling application.

(4E) If modelling applications used in accordance with regulation 9(4) show an exceedance of any limit value or target value in an area of the zone that is not covered by fixed measurements and their area of spatial representativeness, at least one additional fixed or indicative measurement shall be used at possible additional air pollution hotspots in the zone as identified by the modelling application.

(4F) Where additional fixed measurements are used, those measurements shall be established within 2 calendar years after the exceedance was modelled. Where additional indicative measurements are used, those measurements shall be established within 1 calendar year after the exceedance was modelled. The measurements shall cover at least 1 calendar year in accordance with the minimum data coverage requirements set out in Point B of Annex V to Directive (EU) 2024/2881, to assess the concentration level of the relevant pollutant.

Location and number of sampling points.

9.(1) The Minister shall install sampling points in accordance with the criteria set out in Annex IV to Directive (EU) 2024/2881 for the assessment of ozone.

(2) Where fixed measurement is the sole source of information for the assessment of air quality, where the level exceeds the relevant assessment threshold specified in Annex II to Directive (EU) 2024/2881, the number of sampling points must be more than or equal to the minimum number specified in Annex III to Directive (EU) 2024/2881.

(3) Where the concentration of ozone has been below the long-term objectives for each of the previous five years of measurement, the number of sampling points for fixed measurements must be determined in accordance with the criteria set out in Annex III to Directive (EU) 2024/2881.

(4) Where the information from fixed measurement is supplemented by information from modelling or indicative measurement or both, the number of sampling points referred to in subregulation (2) may be reduced provided that the following conditions are met–

(a) indicative measurements or modelling applications provide sufficient information for the assessment of air quality with regard to limit values, target values, critical levels, alert thresholds and information thresholds, as well as adequate information for the public, in addition to the information provided by the sampling points for fixed measurements;

(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 Points A and B of Annex V to Directive (EU) 2024/2881 and to enable assessment results to meet the criteria specified in Point E of the same Annex;

(c) the number of indicative measurements, if used to meet the requirements of this paragraph, is at least the same as the number of fixed measurements that are being replaced and the indicative measurements are evenly distributed over the calendar year;

(d) nitrogen dioxide is measured at all remaining sampling points except at rural background stations referred to in Point B of Annex IV to Directive (EU) 2024/2881.

(5) The Minister shall ensure that nitrogen dioxide is measured at no less than 50 % of the sampling points required under Point A, Table 2 of Annex IIII to Directive (EU) 2024/2881.

(6) The measurement referred to in subregulation (5) must be continuous except at rural background locations.

(7) One or more sampling points adapted to the monitoring objective set out in Section 3, Point A, of Annex VII to Directive (EU) 2024/2881, shall be installed in Gibraltar to supply data on concentrations of the ozone precursor substances listed in Point B of that Section at locations determined in accordance with Point C of that Section.

(8) The Minister may choose the location and number of sampling points for measurements of ozone precursor substances and must take into account the objectives and methods set out in Annex VII to Directive (EU) 2024/2881.

(8A) The minimum number of sampling points for nitrogen dioxide for the calculation of the average exposure indicators shall be in accordance with Point B of Annex III to Directive (EU) 2024/2881 and shall include at least one sampling point.

(8B) Sampling points at which exceedances of a relevant limit value or target value specified in Section 1 of Annex I to Directive (EU) 2024/2881 were recorded within the previous 3 years shall not be relocated, unless a relocation is necessary due to special circumstances, including spatial development.

(8C) Relocation of such sampling points shall be supported by modelling applications or indicative measurements and shall, wherever possible, ensure continuity of measurements and be done within their area of spatial representativeness.

(8D) A detailed justification of any relocation of such sampling points shall be fully documented in accordance with the requirements set out in Point D of Annex IV to Directive (EU) 2024/2881.

(8E) The Minister shall ensure monitoring of ultrafine particles levels and black carbon concentrations in accordance with Point D of Annex III to Directive (EU) 2024/2881 and Section 4 of Annex VII to Directive (EU) 2024/2881.

Arsenic, cadmium, nickel, mercury, benzo(a)pyrene and other polycyclic aromatic hydrocarbons

Assessment thresholds.

10.(1) The Minister shall classify the zone according to whether or not the assessment thresholds specified in Annex II to Directive (EU) 2024/2881 are exceeded in relation to arsenic, cadmium, nickel and benzo(a)pyrene.

(2) The Minister shall review the classification in subregulation (1) every five years, and must do so more frequently than every five years if there are significant changes in the activities which may affect levels of the pollutants referred to in subregulation (1) in ambient air.

(3) When classifying the zone in accordance with assessment thresholds, the Minister shall act in accordance with the procedure laid down in Annex III to Directive (EU) 2024/2881.

Assessment criteria.

11.(1) The Minister shall assess concentrations of arsenic, cadmium, nickel and benzo(a)pyrene in ambient air.

(2) Where the levels of arsenic, cadmium, nickel and benzo(a)pyrene are above the assessment threshold referred to in regulation 10, measurement is mandatory but may be supplemented by modelling techniques to provide an adequate level of information on ambient air quality.

(3) Where the levels of those pollutants are between the assessment thresholds referred to in regulation 10, measurement is mandatory but may be supplemented by indicative measurements as referred to in Annex V to Directive (EU) 2024/2881 or modelling, or both.

(4) Where the levels of those pollutants are below the assessment thresholds, modelling or objective estimation techniques may be used instead of measurement.

(5) The Minister shall carry out the measurements required by this regulation at fixed sites and either continuously or by random sampling. The number of measurements shall be sufficient to enable the levels to be determined.

(5A) From 11 June 2028, in addition to fixed measurements, modelling applications or indicative measurements shall be used to assess the ambient air quality in all zones where the level of pollutants exceeds a relevant limit value or target value set out in Annex I to Directive (EU) 2024/2881, and such modelling applications or indicative measurements shall provide information on the spatial distribution of pollutants and shall be carried out at least every five years.

(5B) The results of modelling applications used in accordance with subregulation (5A) or regulation 13(2), or of indicative measurements shall be taken into account for the purpose of assessing air quality with respect to the limit values and target values.

(5C) If fixed measurements with an area of spatial representativeness covering the area of exceedance calculated by the modelling application are available, the Minister may choose not to report the modelled exceedance as an exceedance of the relevant limit values and target values.

(5D) If modelling applications used in accordance with subregulation (5A) show an exceedance of any limit value or target value in an area of the zone that is not covered by fixed measurements and their area of spatial representativeness, at least one additional fixed or indicative measurement may be used at possible additional air pollution hotspots in the zone as identified by the modelling application.

(5E) If modelling applications used in accordance with regulation 13(2) show an exceedance of any limit value or target value in an area of the zone that is not covered by fixed measurements and their area of spatial representativeness, at least one additional fixed or indicative measurement shall be used at possible additional air pollution hotspots in the zone as identified by the modelling application.

(5F) Where additional fixed measurements are used, those measurements shall be established within 2 calendar years after the exceedance was modelled. Where additional indicative measurements are used, those measurements shall be established within 1 calendar year after the exceedance was modelled. The measurements shall cover at least 1 calendar year in accordance with the minimum data coverage requirements set out in Point B of Annex V to Directive (EU) 2024/2881, to assess the concentration level of the relevant pollutant.

Data quality objectives.

12.(1) The Minister shall ensure that the reference measurement methods specified in Points A and C of Annex VI to Directive (EU) 2024/2881 are applied but other measurement methods may also be used subject to the conditions set out in Points B, C and D of Annex VI to Directive (EU) 2024/2881.

(2) The Minister shall ensure that air quality modelling applications subject to the conditions set out in Point E of Annex VI to Directive (EU) 2024/2881 are applied.

(3) Air quality assessment data shall meet the data quality objectives laid down in Annex V to Directive (EU) 2024/2881.

Location and number of sampling points.

13.(1) The location and number of sampling points for the assessment of arsenic, cadmium, nickel and benzo(a)pyrene must be determined in accordance with Annex III to Directive (EU) 2024/2881.

(2) Where the level of pollutants exceeds the relevant assessment threshold specified in Annex II to Directive (EU) 2024/2881, but not the respective limit values, target values and critical levels specified in Annex I to Directive (EU) 2024/2881, the minimum number of sampling points for fixed measurements may be reduced by up to 50 %, in accordance with Points A and C of Annex III to Directive (EU) 2024/2881, provided that the following conditions are met-

(a) indicative measurements or modelling applications provide sufficient information for the assessment of air quality with regard to limit values, target values, critical levels, alert thresholds and information thresholds, as well as adequate information for the public, in addition to the information provided by the sampling points for fixed measurements;

(b) the number of sampling points to be installed and the spatial resolution of indicative measurements and modelling applications are sufficient for the concentration of the relevant pollutant to be established in accordance with the data quality objectives specified in Points A and B of Annex V to Directive (EU) 2024/2881and enable assessment results to meet the requirements set out in Point E of Annex V to Directive (EU) 2024/2881; and

(c) the number of indicative measurements, if used to meet the requirements of this subregulation, is at least the same as the number of fixed measurements that are being replaced and the indicative measurements are evenly distributed over the calendar year.

(3) Sampling points at which exceedances of a relevant limit value or target value specified in Section 1 of Annex I to Directive (EU) 2024/2881 were recorded within the previous 3 years shall not be relocated, unless a relocation is necessary due to special circumstances, including spatial development.

(4) Relocation of such sampling points shall be supported by modelling applications or indicative measurements and shall, wherever possible, ensure continuity of measurements and be done within their area of spatial representativeness.

(5) A detailed justification of any relocation of such sampling points shall be fully documented in accordance with the requirements set out in Point D of Annex IV to Directive (EU) 2024/2881.

(6) The Minister shall ensure monitoring of ultrafine particles levels and black carbon concentrations in accordance with Point D of Annex III to Directive (EU) 2024/2881 and Section 4 of Annex VII to Directive (EU) 2024/2881.

Monitoring of polycyclic aromatic hydrocarbons.

14.(1) The Minister shall monitor concentrations of other relevant polycyclic aromatic hydrocarbons in addition to benzo(a)pyrene as he thinks fit, including at least the following–

(a) benzo(a)anthracene;

(b) benzo(b)fluoranthene;

(c) benzo(j)fluoranthene;,

(d) benzo(k)fluoranthene;

(e) indeno(1,2,3-cd)pyrene;

(f) dibenz(a,h)anthracene.

(2) Monitoring sites must be located together with sampling points for benzo(a)pyrene.

(3) Monitoring sites must be selected so that geographical variations and long term trends in the concentrations of polycyclic aromatic hydrocarbons can be identified.

(4) Monitoring sites must be selected in accordance with the criteria in Annex IV to Directive (EU) 2024/2881.

Background monitoring.

15.(1) The Minister shall operate background sampling points to provide the indicative measurements of–

(a) concentrations of–

(i) arsenic, cadmium, nickel and benzo(a)pyrene;

(ii) the polycyclic aromatic hydrocarbons in regulation 14(1);

(iii) total gaseous mercury;

(b) total depositions of–

(i) arsenic, cadmium, nickel and benzo(a)pyrene within the PM_{10} fraction;

(ii) the polycyclic aromatic hydrocarbons in regulation 14(1);

(iii) mercury.

(2) For the purposes of subregulation (1) the Minister shall ensure that–

(a) at least one sampling point is installed; and

(b) each sampling point is located in accordance with Annex IV to Directive (EU) 2024/2881.

Reference methods for sampling and analysis.

16. Measurements of arsenic, cadmium, mercury, nickel, benzo(a)pyrene and other polycyclic aromatic hydrocarbons in ambient air and deposition of those pollutants must be made in accordance with the reference measurement methods set out in Annex VI to Directive (EU) 2024/2881.

Air pollution hotspots.

16A. The Minister shall ensure that at least one sampling point is located at an air pollution hotspot and at least one sampling point is located at an urban background location, provided this does not increase the minimum number of sampling points required under regulation 7(2).

PART 3

Duties of Minister in relation to limit values etc.

Duty in relation to limit values.

17.(1) The Minister shall ensure that levels of sulphur dioxide, nitrogen dioxide, benzene, carbon monoxide, lead and particulate matter, as from such dates as are specified in Section 1 of Annex I to Directive (EU) 2024/2881, do not exceed the limit values set out in those annexes, subject to the margins of tolerance specified therein.

(2) Compliance with subregulation (1), (5) and regulation 18(1) shall be assessed in accordance with Annex IV to Directive (EU) 2024/2881.

(3) Where levels of the pollutants mentioned in subregulation (1) are below the respective limit values set out in Section 1 of Annex I to Directive (EU) 2024/2881, the Minister shall ensure that levels are maintained below those limit values and he shall endeavour to maintain the best ambient air quality compatible with sustainable development.

(3A) The Minister shall endeavour to achieve and preserve the best ambient air quality and a high level of protection of human health and the environment, with the aim of achieving a zero-pollution objective in line with World Health Organisation recommendations, and below the assessment thresholds laid down in Annex II to Directive (EU) 2024/2881.

(4) The alert thresholds for concentrations of sulphur dioxide, nitrogen dioxide, particulate matter (PM_{10} and $PM_{2,5}$) and ozone in ambient air shall be those laid down in Section 4 of Annex I to Directive (EU) 2024/2881.

Duty in relation to target values.

18.(1) Where the levels of pollutants in ambient air are below the respective target values specified in Sections 1 and 2 of Annex I to Directive (EU) 2024/2881, the Minister shall take the necessary measures not entailing disproportionate costs to maintain those levels below the target values.

(2) Where the target values for arsenic, cadmium, nickel or benzo(a)pyrene are met, the Minister shall maintain the levels of those pollutants below those target values and must endeavour to achieve the best ambient air quality compatible with sustainable development.

(3) Where the target value for arsenic, cadmium, nickel or benzo(a)pyrene is exceeded the Minister shall identify the areas where those values are exceeded and the relevant sources of pollutants.

(4) Where subregulation (3) applies, the measures in subregulation (1) shall be directed at the predominant sources of emission which have been identified and, where applicable, will entail the application of best available techniques in accordance with Directive 2008/1/EC of the European Parliament and of the Council concerning integrated pollution prevention and control.

Postponement of attainment deadline and exemption from the obligation to apply certain limit values.

19.(1) Where conformity with the limit values for particulate matter (PM10 and PM2,5), nitrogen dioxide, benzene or benzo(a)pyrene cannot be achieved by the deadline specified in

Section 1, Table 1, of Annex I to Directive (EU) 2024/2881, the Minister may postpone that deadline by a period justified by an air quality roadmap and provided that the conditions set out in subregulation (3) are met-

(a) up to 1 January 2040, if justified by site-specific dispersion characteristics, orographic boundary conditions, adverse climatic conditions, transboundary contributions, or where the necessary reductions can only be achieved by replacing a considerable fraction of the existing domestic heating systems that are the source of pollution causing exceedances; or

(b) up to 1 January 2035, if justified by projections that demonstrate that even taking into account the expected impact of effective air pollution measures identified in the air quality roadmap, the limit values cannot be attained by the attainment deadline.

(2) Where an attainment deadline has been postponed in accordance with subregulation (1)(b), but attainment cannot be achieved by that postponed deadline, the Minister may postpone the deadline for a second and last time by a period which is no longer than 2 years from the end of the first postponement period and which is justified by an updated air quality roadmap, provided that the conditions set out in subregulation (3) are met.

(3) The Minister may postpone an attainment deadline in accordance with subregulation (1) if the following conditions are met-

(a) an air quality roadmap is established by 31 December 2028;

(b) the air quality roadmap referred to in subregulation (3)(a) is supplemented by information on air pollution abatement measures listed in Point B of Annex VIII to Directive (EU) 2024/2881 and demonstrates how exceedance periods above the limit values will be kept as short as possible;

(c) the air quality roadmap referred to in subregulation (3)(a) is underpinned by air quality projections, including those performed for the purposes of Point A, point 5 and point 7(e), of Annex VIII, which show how the limit values will be attained as soon as possible and no later than by the end of the postponed attainment deadline, taking into account reasonable and proportionate measures;

(d) the air quality roadmap referred to in subregulation (3)(a) outlines how the public and, in particular, sensitive population and vulnerable groups will be informed in a coherent and easily understandable manner about the consequences of the postponement for human health and the environment;

(e) the air quality roadmap referred to in subregulation (3)(a) outlines how additional funding, including via relevant national programmes, and Union funding programmes where applicable, will be mobilised to accelerate the improvement of air quality in the zone to which the postponement would apply;

(f) the conditions laid down in paragraph 3 are fulfilled throughout the period of postponement of the attainment deadline;

(g) where an attainment deadline is postponed in accordance with subregulation (1)(b) the updated air quality roadmap referred to in that subparagraph demonstrates that the first air quality roadmap has been implemented or that steps have been taken in view of its implementation and is supplemented by an analysis showing that the original projections of compliance made in accordance with subregulation (3)(c) did not materialise.

(4) During the period of postponement of an attainment deadline in accordance with subregulation (1), the Minister shall ensure that the following conditions are met:

(a) the measures in the air quality roadmap, where applicable as updated in accordance with subregulation (4)(b) are being implemented, as demonstrated by the Minister by way of an implementation report, including updated projections of emissions and, where possible, of concentrations published on the website of the Department of the Environment on a two and a half yearly basis and for the first time by 30 June 2031; where relevant, reference may be made to the most recent programmes and projections of emissions reported pursuant to the Public Health (National Emission Reduction) Rules 2018 and the accompanying informative inventory report and, where relevant, the implementation report may be integrated in the updated air quality roadmap;

(b) the air quality roadmap referred to in subregulation (1) is updated in accordance with regulation 26(17);

(c) from 1 January 2035, the concentration levels for the relevant pollutant show a general decreasing trend in line with an indicative trajectory towards compliance estimated in an updated air quality roadmap established pursuant to Point A, point 7(e), of Annex VIII;

(d) the implementation reports and the updated air quality roadmaps are published on the website of the Department of the Environment within 2 months of their adoption.

(5) The Minister shall, no later than 31 January 2029, where in his or her view subregulation (1)(a) or (b) is applicable, publish on the website of the Department of the

Environment a notice setting out the air quality roadmap referred to in subregulation (1) and all relevant information necessary to assess whether the invoked reason for postponement and the conditions set out in subregulation (1)(a) or (b), as the case may be, are satisfied.

(6) The Minister shall, no later than 31 January 2034, where in his or her view attainment cannot be achieved by an attainment deadline postponed in accordance with subregulation (1)(b), publish on the website of the Department of the Environment a notice setting out the updated air quality roadmap referred to in subregulation (1) and all relevant information necessary to assess whether the invoked reason for a second and last postponement and the conditions set out in that subregulation are satisfied.

(7) As regards the projections provided as a reason for postponement, the Minister shall justify the methods as well as the data used to obtain those projections.

Duty in relation to long-term objectives for ozone.

20.(1) Where the level of ozone in ambient air exceeds the long term objectives but is at a level that is lower than or equal to the target value, the Minister shall ensure that all necessary measures not entailing disproportionate cost are taken to attain the long-term objectives for ozone set out in Annex I to Directive (EU) 2024/2881.

(2) Where the long-term objectives for ozone have been attained, the Minister shall, insofar as factors including meteorological conditions, volatile organic compounds from biogenic sources, and the transboundary nature of ozone pollution permit–

(a) ensure that those objectives continue to be met; and

(b) maintain the best ambient air quality compatible with sustainable development and a high level of protection for the environment and human health.

Duty in relation to information and alert thresholds.

21.(1) Where any alert threshold or any information threshold laid down in Section 4 of Annex I to Directive (EU) 2024/2881 is exceeded, or, where appropriate, if it is predicted to be exceeded based on modelling applications or other forecasting tools, the Minister shall take the necessary steps to inform the public within the shortest possible timeframe, in accordance with points 2 and 3 of Annex X to Directive (EU) 2024/2881, making use of different media and communication channels and ensuring broad public access.

(2) The information thresholds for concentrations of sulphur dioxide, nitrogen dioxide, PM10, PM2.5 and ozone in ambient air shall be those laid down in Section 4, Point B, of Annex I to Directive (EU) 2024/2881.

Duty in relation to critical levels for the protection of vegetation.

22. The Minister shall ensure that the critical levels set out in Annex I to Directive (EU) 2024/2881 are not exceeded in relation to the relevant averaging periods and margins of tolerance set out in that Annex.

Natural sources.

22A.(1) Where the Minister can, for a given year, demonstrate that-

(a) exceedances of limit values for a given pollutant in the zone are attributable to natural sources;

(b) exceedances of the level determined by the average exposure reduction obligations are attributable to natural sources,

the Minister shall publish on the website of the Department of the Environment the information necessary to demonstrate that any exceedance is attributable to natural sources.

(2) Where an exceedance attributable to natural sources in accordance with subregulation (1) has been published on the website of the Department of the Environment, that exceedance shall not be considered as an exceedance for the purposes of these Regulations.

Re-suspension of particulates following winter-sanding or winter-salting of roads.

22B.(1) Where the Minister can, for a given year, demonstrate that exceedances of limit values for PM10 in the zone are attributable to the re-suspension of particulates following winter-sanding or winter-salting of roads, the Minister shall publish the necessary evidence in the website of the Department of the Environment.

(2) The evidence referred to in subregulation (1) shall demonstrate that the exceedances are due to re-suspended particulates and that reasonable measures have been taken to lower such concentrations.

(3) In the case of a zone referred to in subregulation (1), the Minister need only establish an air quality plan provided for in regulation 26 in so far as exceedances are attributable to PM10 sources other than winter-sanding or winter-salting of roads.

PART 4

National Exposure Reduction for $PM_{2.5}$

Average exposure indicator.

23.(1) The average exposure indicators shall be assessed in accordance with Section 5, Point A, of Annex I.

(2) Where the average exposure indicators for $PM_{2,5}$ and NO_2 are below the respective value of the average exposure concentration objectives for those pollutants as laid down in Section 5 of Annex I, Member States shall maintain the levels of those pollutants below the average exposure concentration objectives

(3) The Minister shall ensure that the average exposure reduction obligations for $PM_{2,5}$ and NO_2 laid down in Section 5, Point B, of Annex I to Directive (EU) 2024/2881 are met where they exceed the average exposure concentration objectives set out in Section 5, Point C, of Annex I to Directive (EU) 2024/2881.

National exposure reduction target.

24.(1) The Minister shall ensure that the average exposure reduction obligations for PM2.5 and NO2 laid down in Section 5, Point B, of Annex I to Directive (EU) 2024/2881 are met.

(2) The average exposure reduction obligations are that the AEI shall not exceed a level that is-

(a) for PM2.5-

(i) when 10 years before the AEI was less than 10.0 µg/m3: 10% lower than the AEI was 10 years before or 8.5 µg/m3, whichever is the lower, unless the AEI is already no higher than the average exposure concentration objective;

(ii) when 10 years before the AEI was less than 12.0 µg/m3 and at least 10.0 µg/m3: 15% lower than the AEI was 10 years before or 9.0 µg/m3, whichever is the lower;

(iii) when 10 years before the AEI was at least 12.0 µg/m3: 25% lower than the AEI was 10 years before;

(b) for NO2-

(i) when 10 years before the AEI was less than 20.0 µg/m3: 15% lower than the AEI was 10 years before or 15.0 µg/m3, whichever is the lower, unless the AEI is already no higher than the average exposure concentration objective;

(ii) when 10 years before the AEI was at least 20.0 µg/m3: 25% lower than the AEI was 10 years before.

Duty of the Minister to limit exposure to $PM_{2.5}$ and NO2.

25.(1) The Minister shall ensure that all necessary measures not entailing disproportionate costs are taken to reduce exposure to $PM_{2.5}$ and NO2 with a view to attaining the national exposure reduction target in accordance with Section 5 of Annex I to Directive (EU) 2024/2881.

(2) The Minister shall ensure that the average exposure concentration objectives are met, being an AEI of 5 µg/m3 for PM2.5 and an AEI of 10 µg/m3 for NO2.

PART 5

Plans

Air quality plans and air quality roadmaps.

26.(1) Where, the levels of pollutants in ambient air exceed any limit value or target value laid down in Section 1 of Annex I to Directive (EU) 2024/2881, the Minister shall establish air quality plans that set out appropriate measures to achieve the limit value or target value concerned and to keep the exceedance period as short as possible, and in any case no longer than 4 years from the end of the calendar year in which the first exceedance was recorded.

(2) The air quality plans shall be established as soon as possible and no later than 2 years after the calendar year during which that exceedance of any limit value or target value was recorded.

(3) Where an exceedance of a limit value is already covered by an air quality roadmap, the Minister shall ensure that-

(a) the measures set out in that roadmap are appropriate to keep the exceedance period as short as possible; and,

(b) where relevant, take additional and more effective measures and follow the procedure for updating an air quality roadmap as set out in subregulation (17).

(4) Where the levels of pollutants in ambient air exceed any ozone target value, laid down in Section 2 of Annex I to Directive 2024/2881, the Minister shall establish air quality plans that set out appropriate measures in order to achieve the ozone target value and to keep the exceedance period as short as possible.

(5) Those air quality plans shall be established as soon as possible and no later than 2 years after the calendar year during which the exceedance of the ozone target value was recorded.

(6) Where an exceedance of an ozone target value is already covered by an air quality roadmap, the Minister shall ensure that the measures set out in that roadmap are appropriate to keep the exceedance period as short as possible and, where relevant, follow the procedure for updating an air quality roadmap as set out in subregulation (17).

(7) The Minister may refrain from establishing such air quality plans or air quality roadmaps to address the exceedance of ozone where there is no significant potential to reduce ozone concentrations, considering geographical and meteorological conditions, and where the measures would entail disproportionate costs.

(8) Where an air quality plan or air quality roadmap is not established, the Minister shall provide to the public a detailed justification as to why there is no significant potential to reduce the exceedance resulting in a decision not to establish an air quality plan or air quality roadmap, and shall publish the justification on the website of the Department of the Environment.

(9) The Minister shall reassess the potential to reduce ozone concentrations, at least once every 5 years.

(10) Where the ozone target value is exceeded, the Minister shall ensure that the relevant national air pollution control programme prepared pursuant to the Public Health (National Emissions Reduction) Rules 2018 includes measures addressing ozone precursors.

(11) Where the average exposure reduction obligation laid down in Section 5 of Annex I to Directive (EU) 2024/2881 is not achieved, the Minister shall establish air quality plans that set out appropriate measures to achieve the average exposure reduction obligation and to keep the exceedance period as short as possible.

(12) Those air quality plans shall be established as soon as possible and no later than 2 years after the calendar year during which the exceedance of the average exposure reduction obligation was recorded.

(13) Where from 1 January 2026 until 31 December 2029, the levels of pollutants are above any limit value or target value to be attained by 1 January 2030 as laid down in Section 1, Table 1, of Annex I and in Section 2, Point B, of Annex I to Directive (EU) 2024/2881, and without prejudice to subregulation (7), the Minister shall establish an air quality roadmap for the pollutant concerned to attain the respective limit values or target values by the expiration of the attainment deadline.

(14) Those air quality roadmaps shall be established as soon as possible and no later than 2 years after the calendar year during which the exceedance was recorded.

(15) The Minister may refrain from establishing such air quality roadmaps when the baseline scenario following the information required by Point A, point 5, of Annex VIII to Directive 2024/2881, shows that the limit value or target value will be achieved with the measures that are already in force, including when the exceedance is caused by temporary activities influencing the levels of pollutants in a single year.

(16) Where an air quality roadmap is not established pursuant to subregulation (15), the Minister shall provide to the public a detailed justification and shall publish the justification on the website of the Department of the Environment.

(17) Where exceedances of any limit value, average exposure reduction obligation or target value persist during the third calendar year after the deadline for establishment of an air quality plan or air quality roadmap, and without prejudice to subregulation (7), the Minister shall-

(a) update the air quality plan or air quality roadmap and the measures therein, including their impact on projected emissions and concentrations, no later than 5 years following the deadline for establishment of the previous air quality plan or air quality roadmap; and

(b) take additional and more effective measures to keep the exceedance period as short as possible.

(18) Air quality plans and air quality roadmaps shall contain at least the following information-

(a) the information listed in Point A, points 1 to 7, of Annex VIII to Directive (EU) 2024/2881;

(b) where applicable, the information listed in Point A, points 8, 9 and 10, of Annex VIII to Directive (EU) 2024/2881;

(c) information on relevant abatement measures listed in Point B, point 2, of Annex VIII to Directive (EU) 2024/2881.

(19) The Minister shall include specific measures aiming at the protection of sensitive population and vulnerable groups, including children, in their air quality plans and air quality roadmaps.

(20) The Minister shall assess, when preparing air quality plans or air quality roadmaps, the risk of exceeding the respective alert thresholds for the pollutants concerned.

(21) The analysis referred to in subregulation (20) shall be used for establishing short-term action plans where applicable.

(22) Where air quality plans or air quality roadmaps are to be established in respect of several pollutants or air quality standards, the Minister shall, where appropriate, establish integrated air quality plans or air quality roadmaps covering all pollutants and air quality standards concerned.

(23) The Minister shall, to the extent feasible, ensure consistency of the air quality plans and air quality roadmaps with other plans that have a significant impact on air quality, including those required under the Environment (Assessment and Management of Noise) Regulations 2006, Pollution Prevention and Control Regulations 2013 and the Public Health (National Emissions Reduction) Rules 2018 and under climate, biodiversity, energy, transport and agriculture legislation.

(24) Air quality plans and air quality roadmaps shall be published on the website of the Department of the Environment within 2 months of their adoption.

Short term action plans.

27.(1) Where, there is a risk that the levels of pollutants will exceed one or more of the alert thresholds specified in Section 4 of Annex I to Directive (EU) 2024/2881, the Minister shall establish short-term action plans indicating the emergency 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 will be exceeded, the Minister may refrain from establishing such short-term action plans when there is no significant potential, taking into account national geographical, meteorological and economic conditions, to reduce the risk, duration or severity of such an exceedance.

(3) Where there is a risk that the alert threshold for ozone will be exceeded, the Minister may refrain from establishing such short-term action plans when there is no significant potential, taking into account national geographical, meteorological and economic conditions, to reduce the risk, duration or severity of such an exceedance.

(4) Where, for particulate matter (PM_{10} and $PM_{2,5}$), the potential to reduce the risk of such an exceedance is severely limited, taking into account local geographical and meteorological conditions and specificities of domestic heating systems, the Minister may establish a short-term action plan that focuses only on specific actions aiming to protect both the general public and sensitive population and vulnerable groups, as well as easily understandable information on recommended behaviour to reduce exposure to the measured or forecasted exceedance.

(5) Short-term action plans shall be published on the website of the Department of the Environment within 1 year of their adoption.

Public participation in drawing up air quality and short term action plans.

28.(1) The Minister shall consult the public whenever he proposes to prepare, modify or review an air quality plan or a short term action plan.

(2) Where subregulation (1) applies, the Minister shall–

(a) inform the public as to the proposal, any relevant background information and the right of the public to participate in the drawing up of the plan;

(b) specify the means by which the public can participate in the consultation, including an address for responses, and a reasonable timescale for the consultation; and

(c) take account of the results of the consultation in drawing up the plan.

(3) When the plan is published, the Minister shall also provide information to the public as to the reasons for the contents of the plan together with information about the public participation process that has been carried out.

PART 6

Public information

Public information.

29.(1) The Minister shall ensure that the public as well as appropriate organisations such as environmental and health organisations, consumer organisations, organisations representing the interests of sensitive populations and vulnerable groups, organisations representing healthcare professionals and other relevant health-care bodies and the relevant industrial federations are informed, adequately and in good time, of the following-

(a) air quality in accordance with Annex X to Directive (EU) 2024/2881;

(b) the location of sampling points for all air pollutants, as well as information on any issues in complying with data coverage requirements per sampling point and pollutant;

(c) any postponement decision pursuant to regulation 19;

(d) air quality plans and air quality roadmaps as provided for in regulation 26;

(e) short-term action plans established pursuant to regulation 27;

(f) the effects of exceedances of limit values, target values, average exposure reduction obligations, average exposure concentration objectives, alert thresholds and information thresholds in a summary assessment; the summary assessment shall include, where appropriate, further information and assessments on the environment as well as information on pollutants covered by Article 10 and Annex VII to Directive (EU) 2024/2881.

(2) The Minister shall establish and make available through a public source, in an easily understandable manner, an air quality index covering hourly updates on at least sulphur dioxide, nitrogen dioxide, particulate matter (PM_{10} and $PM_{2,5}$) and ozone, provided that there is an obligation to monitor those pollutants pursuant to these Regulations.

(3) That index may include additional pollutants, when relevant.

(4) The air quality index shall build on the air quality indices at European scale provided by the European Environment Agency and include information regarding impacts on health, including information tailored to sensitive population and vulnerable groups.

(5) The Minister may use the air quality index provided by the European Environment Agency to meet the requirements set out in this regulation.

(6) If the Minister decides not to use the index provided by the European Environment Agency, a reference to that index shall be made publicly available.

(7) The Minister shall make publicly available information on symptoms associated with air pollution peaks and on air pollution exposure reduction and protection behaviours, and shall encourage its display to the public in locations frequented by sensitive population and vulnerable groups, such as healthcare facilities.

(8) The information referred to in this Article shall be made available to the public free of charge by means of easily accessible media and communication channels in a coherent and easily understandable manner in accordance with Directive 2007/2/EC and Directive (EU) 2019/1024 of the European Parliament and of the Council, while ensuring broad public access to that information.

Annual reports.

30.(1) The Minister shall publish annual reports for all the pollutants to which these Regulations apply.

(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 for the relevant averaging periods; and

(b) a summary assessment of the effects of the exceedances referred to in paragraph (a).

(3) Annual reports may contain further information where appropriate, including assessments on forest protection, information on other pollutants for which monitoring provisions are specified in these Regulations and information as to ozone precursor substances listed in Annex VII to Directive (EU) 2024/2881, as the Minister thinks appropriate.

(4) Regulation 29(3) applies to reports made under this regulation.

Transboundary air pollution

Transboundary air pollution.

31.(1) Where–

(a) a limit value or target value together with any relevant margin of tolerance;

(b) an alert threshold;

(c) a long-term objective,

is exceeded in Gibraltar as a result of the significant transport of air pollutants or their precursor substances from a Member State, or where Gibraltar is the source of those pollutants and these have given rise to exceedances outside Gibraltar, the Minister shall consult the relevant Member State as to any remedial action that might be appropriate and proportionate to remove such exceedances.

(2) The Minister shall, if appropriate pursuant to regulation 27, prepare and implement joint short-term action plans covering neighbouring zones.

(3) The Minister shall ensure that competent authorities in neighbouring zones which have developed short-term action plans receive all appropriate information.

(4) Where information or alert thresholds are exceeded in Gibraltar the Minister shall as soon as possible–

(a) make such information available to the public; and

(b) notify the competent authorities in the neighbouring Member States.

(5) In this regulation the term “neighbouring zones” means zones which have been established by a Member State pursuant to Article 6 of Directive (EU) 2024/2881 and which are located next to the territory of Gibraltar.

PART 7

Offences.

32.(1) A person who–

(a) intending to deceive another; or

(b) without lawful authority or excuse,

interferes with or damages any equipment used for the measuring of any pollutant or alters the results of any data collected under these Regulations is guilty of an offence.

(1A) A person who contravenes or fails to comply with any requirement or obligation imposed on that person by or under these Regulations is guilty of an offence.

(1B) In determining a penalty under this regulation, the court shall have due regard to—

(a) the nature, gravity, extent and duration of the infringement;

(b) the impact on the population, including sensitive population and vulnerable groups, or the environment affected by the infringement;

(c) the repetitive or singular character of the infringement; and

(d) the economic benefits derived from the infringement by the person held responsible, insofar as this can be determined.

(2) A person who is guilty of an offence under this regulation is liable–

(a) on summary conviction to a fine not exceeding level 4 on the standard scale; or

(b) on conviction on indictment to a fine.

Liability of bodies corporate - general.

32A.(1) A corporate body shall be liable for an offence under these Regulations where that offence is committed for its benefit by a person, acting either individually or as part of an organ of the corporate body, who has a leading position within the corporate body.

(2) For the purposes of subregulation (1), a leading position shall be deemed to exist where such a person has–

(a) a power of representation of the corporate body;

(b) an authority to take decisions on behalf of the corporate body; or

(c) an authority to exercise control within the corporate body.

(3) A corporate body shall be liable for an offence under these Regulations committed by a person referred to in subregulation (1) where lack of supervision or control by that person has made possible the commission of the offence for the benefit of the corporate body by a person under its authority.

(4) Where a corporate body is guilty of an offence under these Regulations and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any person referred to in subregulation (1), or any person who was purporting to act in any such capacity, that person, as well as the corporate body, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) Where the affairs of a corporate body are managed by its members, subregulation (4) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the corporate body.

(6) A fine imposed on an unincorporated association on its conviction for an offence shall be paid out of the funds of the association.

(7) Where an offence under these Regulations committed by a partnership is proved to have been committed with the consent or connivance of or to have been attributable to any neglect on the part of a partner he as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

Air quality: environmental damage offence.

32B.(1) A person who, without lawful authority, discharges or emits any substance into the air which causes or is likely to cause substantial damage to air quality commits an offence.

(2) A person who commits an offence under this regulation is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both; or

(b) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or to both.

(3) In this regulation, whether damage is or is likely to be substantial is to be interpreted in accordance with the Environmental Crime Regulations 2026.

Revocations.

33. The following are revoked–

(a) the Public Health (Air Quality Limit Values) Rules 2002;

(b) the Public Health (Air Quality) (Ozone) Rules 2004.

Transitional provisions.

34.(1) The limit values set out in Section 1, Table 2, of Annex I to Directive (EU) 2024/2881 shall apply until 31 December 2029.

(2) From 1 January 2030, the limit values set out in Section 1, Table 1, of Annex I to Directive (EU) 2024/2881 shall apply.

(3) Air quality plans, short-term action plans, or any other plans drawn up under the Environment (Air Quality Standards) Regulations 2010 prior to the coming into force of these amending Regulations shall continue to have effect until replaced or updated in accordance with Directive (EU) 2024/2881.

Access to justice.

35.(1) Any member of the public concerned who has a sufficient interest, or who maintains the impairment of a right, may apply to the Supreme Court for judicial review of any decision, act or omission of the Minister concerning—

(a) the location and number of sampling points under regulation 7, in accordance with the relevant criteria laid down in Annexes III and IV to Directive (EU) 2024/2881;

(b) air quality plans and air quality roadmaps referred to in regulation 26; and

(c) short-term action plans referred to in regulation 27.

(2) For the purposes of subregulation (1), the interest of any non-governmental organisation that promotes the protection of human health or the environment shall be deemed sufficient.

(3) The Minister shall ensure that practical information is made available to the public on access to administrative and judicial review procedures under this regulation.

Compensation for damage to human health.

36.(1) Any natural person who suffers damage to human health caused by a violation of regulation 26(1) to (5) or regulation 27(1) or (4) of these Regulations, where that violation has been committed intentionally or negligently by the Minister, shall have the right to claim and obtain compensation for that damage.

(2) Rules and procedures relating to claims for compensation under subregulation (1) shall not render it impossible or excessively difficult to exercise the right to compensation.

(3) An action for compensation under this regulation must be brought within six years beginning on the later of—

(a) the date on which the violation ceased; and

(b) the date on which the claimant knew, or could reasonably be expected to have known, that he or she suffered damage from a violation referred to in subregulation (1).

SCHEDULE 1
Deleted

SCHEDULE 2
Deleted