

Convention on Long-Range Transboundary Air Pollution (Air Convention)

59th session of the Working Group on Strategies and Review (WGSR 59)

Draft guidance document on reduction of emissions from agricultural residue burning

Submission by the EU and its Member States

The EU and its Member States wish to thank TFTEI and TFRN for this report, which provides a good overview of the overall impacts of open burning practices in the environment. This is an important issue in many countries in the UNECE region, as well as at global level. It also provides a comprehensive information about the available best practices and technologies for fire-free agricultural approaches and alternatives.

We would like to request the following corrections in the references to EU legislation in paragraph 22 (page 6) of the draft guidance document (corrections indicated in track changes):

22. Use of fire in agricultural systems has been regulated in some ECE countries since the early 1980s, often at the subnational level, in order to deal with specific local conditions and policy goals. These differing underlying motivations often have an impact on the scope of such measures, especially as they evolve over time. These include:

(a) Prevention of wildfire spread, by controlling when burning can occur, for example, requiring permits to prevent burns under overly-dry conditions;

(b) Visibility concerns for aircraft and ground vehicles, which may require permits per the above, or prevent use of fire near airports or major highways;

(c) Air quality concerns, often connected to overall PM₁₀ or PM_{2.5} limit values and Benzo(a)pyrene target values, including compliance with the European Union Ambient Air Quality Directives¹ and National Emission Ceilings-reduction Commitments Directive², resulting in such stringent requirements for burning as to comprise a de facto ban. M; most European Union Member States-27 countries (with a few exceptions) have banned agricultural burning under Good Agricultural and Environmental Condition (GAEC) standards. ;

¹ Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe, *Official Journal of the European Union*, L 152 (2008), p. 1–44; and Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air, *Official Journal of the European Union*, L 23 (2005), p. 3–16. The Ambient Air Quality Directives, inter alia, set limit values for PM_{2.5} and PM₁₀, as well as target values for Benzo(a)pyrene

² Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (Text with EEA relevance), *Official Journal of the European Union*, L 344 (2016), pp. 1–31. Part 2.B of annex III to the National Emission Ceilings-reduction Commitments Directive informs the EU Member States about potential black carbon reduction measures with respect to agricultural residue burning.

~~(d)~~ Annex II on rules on cross-compliance to European Union regulation 1306/2013 on common agricultural policy³ includes GAEC standard 6: “Maintenance of soil organic matter level through appropriate practices including ban on burning arable stubble, except for plant health reasons”;

(ed) Concerns with soil quality and erosion, especially the prevention of large-scale dust storms and loss of topsoil, also have comprised de facto bans in jurisdictions of both the European Union and North America.

We would be interested in a clarification of paragraph 67 and the choice of wording “should have access to”.

The EU and its Member States are committed to reduce emissions from open agricultural burning, and recognise that these emissions have a broad impact not only on air quality, health and biodiversity but also strong impacts on climate. Within the EU, clear rules on this are included in the Common Agricultural Policy and the cross-compliance for CAP funding (GAEC 6) as well as via the optional measure for non-CAP cases in Directive (EU) 2016/2284, annex III. If other Parties are interested in EU legislation in this area we would be happy to share our experiences with them.

We encourage all Parties to make use of this guidance document.

³ Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008, Official Journal of the European Union, L 347 (2013), pp. 549–607.