



16.9.2019

NOTICE TO MEMBERS

Subject: Petition No 0687/2018 by Manuel Lubary Martínez (Spanish), on behalf of the Confederación de Asociaciones Vecinales y de Consumidores de la Comunidad Valenciana, on an environmental problem in La Albufera Natural Park in Valencia (Spain)

1. Summary of petition

In a very detailed letter, the petitioner condemns the serious environmental problem of the elimination of rice straw in La Albufera Natural Park in Valencia. He considers that the pollution is produced both by the burning of agricultural waste and the production of smoke with harmful effects on the environment and the public. The petitioner requests that the European Parliament urge the Ayuntamiento of Valencia, the provincial council of Valencia, the Generalitat of Valencia and the Spanish Government, as those responsible for the protection of the natural park, to develop a coordinated project to regenerate and protect La Albufera. The petitioner suggests that the burning of rice stubble should be prohibited as a danger to the environment and the public. In response to a study by the Instituto Valenciano de Investigaciones Agrarias (IVIA) [Valencian Institute of Agrarian Research], the petitioner proposes two alternatives: the shredding or incorporation into the earth of the straw, or removal from the field for its later use.

2. Admissibility

Declared admissible on 19 November 2018. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 16 September 2019

The Commission's observations

The Commission recalls that the site La Albufera ES0000471 has been designated as Special

Protection Area (SPA) under Directive 2009/147/CE (Birds Directive¹) and as Site of Community Importance (SCI, ES0000023) under Directive 92/43/CE (Habitats Directive²), within the Natura 2000 network.

The Habitats Directive requires Member States to ensure the protection of Natura 2000 sites and to establish and implement the necessary conservation measures to achieve the conservation objectives of these sites. Member States have some discretion as regards the measures to be established, provided that they correspond to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present on the sites, thus contributing to reaching favourable conservation status of these protected habitats and species at national or biogeographical level.

The La Albufera site has not yet been designated as a Special Area of Conservation (SAC) under Article 4(4) of the Habitats Directive nor have the necessary conservation measures been established. The latter could be appropriate management plans for the site or other measures integrated into other development plans (Article 6(1) of the Habitats Directive).

Nevertheless, a management plan³ for La Albufera natural park (designated as such under regional legislation) was approved in 2004 and a management plan for the natural resources for the Hydrographic Basin of La Albufera was approved in 1995. Both documents address the management of rice crops in the park. In general, the traditional agricultural activity linked to the cultivation of rice is protected in the park due to its ecological, social, economic and cultural interest. Its promotion and development is considered as one of the priority objectives of the park and the management plan encourages the study, testing and progressive implementation of agro-environmental techniques appropriate to the park's protection regime and to the local natural and socioeconomic conditions. According to the plan, these techniques incorporate integrated production and organic farming procedures in the rice field, in particular environmentally friendly arable techniques, managing organic farm waste as well as hazardous wastes from agriculture, putting in practice techniques to reduce the impacts of pesticides, fertilizers and other chemical products, among others, applied in accordance with the sectoral regulations in force on the matter and in compliance with the European Union guidelines. The management plan recognizes that special attention shall be given to the rational management of organic agricultural waste produced in the rice field, including its recycling or valorisation when appropriate.

The LIFE project⁴ Ecorice – “Sustainable management of the rice straw” was developed from December 2004 to May 2007 in the park. According to the project's final report, although the crops characteristics contribute to the preservation of the wetlands, the practice of burning the left-over stubble has been causing severely negative effects on the environment, including

¹ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, OJ L 20, 26.1.2010, p. 7–25.

² Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.7.1992, p. 7–50.

³ *DECRETO 259/2004, de 19 de noviembre, del Consell de la Generalitat, por el que se aprueba el Plan Rector de Uso y Gestión del Parque Natural de l'Albufera. [2004/11941] (DOGV núm. 4890 de 24.11.2004).*

⁴ The LIFE programme is the EU's funding instrument for the environment.

harmful impact on the natural landscape, flora, fauna and their habitats, as well as human health and global warming (through Carbon Dioxide (CO₂) and other greenhouse gas emissions). The objective of the LIFE project was to eliminate air pollution caused by rice-straw incineration in La Albufera natural park. The project succeeded in achieving air pollution reduction and demonstrating that the agronomic yields where the rice-straw was collected were similar to those where rice-straw was burnt. The project acknowledged that a later use of rice-straw is possible but that it entails higher costs than burning the straw. These conclusions concur with the Invia report presented by the petitioner.

The Common Agriculture Policy (CAP) establishes the principle that there is a link through the cross compliance (CC) system between receipt of CAP support by farmers and respect of a set of basic rules related to the main public expectations on environment, health and animal welfare. In this respect, a beneficiary of CAP support infringing the rules laid down in EU legislation in certain areas of the environment, public and animal health, animal welfare and management of land will face a reduction or withdrawal of its CAP support. In this framework, CC establishes certain standard of good agricultural and environmental conditions (GAEC)⁵, and one of them is the maintenance of the soil organic matter level through appropriate practices including a ban on burning arable stubble, except for plant health reasons. This should apply to rice stubble but, as in the past a ban on burning rice stubble caused anoxia phenomena and undesirable effects on plant health in La Albufera, the burning of the rice stubble could be authorised by national competent authorities on the basis of phytopathological criteria.

According to the Rural Development Programme (RDP) of the Comunidad Valenciana (2014-2020)⁶, 98% of the rice crops in this region are located within La Albufera natural park. If no action is taken, after-harvest anoxia conditions in crops saturated with water arise with undesirable effects for the environment and for the populations around. In this regard, after-harvest measures are included in the agri-environment sub-measure “sustainable cultivation of rice in wetlands” of the RDP, co-financed by the European Agricultural Rural Development Fund. The commitments of this sub-measure related to the management the rice-straw are the following: the withdrawal of rice-straw before the post-harvest flood or the drying and burial of rice-straw before the post-harvest flood⁷, but exceptional measures for rice-straw elimination are allowed subject to environmental authorisation.

Regarding air pollution, the Commission is concerned about persistent exceedances of EU air quality standards as set in the Ambient Air Quality Directives in several Member States, including in Spain, and about the overall pace of progress in achieving the limit and target

⁵ 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, OJ L 347, 20.12.2013, p. 549–607.

⁶ *ORDEN 8/2015, 27 de febrero, de la Conselleria de Presidencia y Agricultura, Pesca, Alimentación y Agua, por la que se regulan las ayudas correspondientes a las medidas de agroambiente y clima, contenidas en el Programa de Desarrollo Rural de la Comunitat Valenciana y cofinanciadas por el Fondo Europeo Agrícola de Desarrollo Rural (FEADER). [2015/1957].*

(DOGV núm. 7478 de 04.03.2015).

⁷ Exceptional measures of rice straw elimination are possible with prior environmental authorization.

values these Directives established.

In relation to pollution, the Commission has decided to focus its air quality implementation efforts, for the time being, on the ongoing infringement proceedings addressing the persistent exceedance of the limit values for coarse particulate matter (PM10) and nitrogen dioxide (NO2) set out in the Ambient Air Quality Directive⁸, as well as the lack of adequate measures to ensure that the exceedance periods be kept as short as possible wherever they occur. These ongoing proceedings involve Spain, and several other Member States. The reasons for this strategic approach is that it is expected that the reduction of NO2 concentrations as a result of the ongoing infringement procedure for this pollutant shall have a significant effect on ozone concentrations in the long term as well, since NO2 is one of the main ozone precursors. In addition to this, the impact on ozone concentrations of the national emission reduction commitments for five air pollutants (including ozone precursors such as non-methane volatile organic compounds (NMVOCs) and NO2) should not be negligible either.

La Albufera is included in air quality zones ES1016-L'Horta, ES1008- Turia Area Interior and ES1009-Cabriel Area Costera. The latest air quality report submitted by the Spanish authorities, for calendar year 2017⁹, shows that these air quality zones met all limit values in the Ambient Air Quality Directive. Nevertheless, the report also shows that the three zones exceeded the Long Term Objective for ozone and zone ES1008 also exceeded the target value for ozone.

Conclusion

The Commission will follow up the adoption of the necessary conservation objectives and measures for the Natura 2000 sites present in the area of La Albufera in the context of the ongoing infringement procedure 2015/2003, and monitor their execution as appropriate in order to ensure full consistency between nature legislation and rice production in the concerned area.

⁸ 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, OJ L 152, 11.6.2008, p. 1–44.

⁹ http://cdr.eionet.europa.eu/es/eu/aqd/g/envw5jpaw/ES_G_Attainment.xml/manage_document