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THE CENTER FOR CLIMATE CHANGE,
ENERGY AND ENVIRONMENTAL LAW



UNIVERSITY OF
EASTERN FINLAND

THE LEGAL DIMENSION OF REDUCING BLACK CARBON EMISSIONS

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Outline

- I. Introduction
- II. Legal landscape on black carbon
- III. Key challenges and ways forward
- IV. Discussion points

Keeping the Arctic WHITE

- Joint project between UEF and Finnish Environment Institute (2015-2018, Academy of Finland)
- How to enhance the **legal and regulatory framework for reducing** SLCP emissions in the Arctic?
 - An interdisciplinary and intersectional approach
 - Law, atmospheric physics and environmental science
 - **Legal dimension** has incorporated multilevel climate governance, science and human rights perspectives



Legal Landscape on Black Carbon

- Convention on Long-Range Transboundary Air Pollution (**CLRTAP**)
 - A framework convention with overarching principles for cooperation
- CLRTAP Protocol to Abate Acidification, Eutrophication and Ground-Level Ozone (**Gothenburg Protocol**)
 - Following an amendment to the Protocol in 2012, also fine particulate matter (that black carbon is a component of) is covered
 - parties 'should, in implementing measures to achieve their national targets for particulate matter, give priority, to the extent they consider appropriate, to emission reduction measures which also significantly reduce black carbon'*
 - The only MEA with an explicit mention of black carbon
 - The amendment has not yet entered into force

- **The UNFCCC, the Kyoto Protocol and the Paris Agreement**
 - The Kyoto Protocol applies to some SLCPs, but not to black carbon
- The **Paris Agreement** does not explicitly address black carbon, but Parties are free to include SLCPs and black carbon under their NDCs
 - The legal design of the Paris Agreement offers interesting and valuable opportunities to enhance regulatory approaches to black carbon that could also benefit the Arctic region
 - Some NDCs include black carbon emissions for the first time in the history of the climate regime
 - Enhanced pre-2020 action (opportunities for action with high mitigation potential)

Relevant EU legislation

- **National Emissions Ceiling Directive** is the first and thus far the only EU legal instrument to directly address black carbon
 - Prioritizes emission reduction measures for black carbon
- **Ambient Air Quality Directive** sets strict standards for air quality
 - Potentially substantial reductions in black carbon emissions, but widespread non-compliance weakens the directive
- **'Euro' standards** control air pollutants from different types of vehicles, the **Ecodesign Directive** (i.e. Regulations on local space heaters and solid fuel boilers) tackles emissions from residential wood combustion

Key challenges and ways forward

- International efforts have mainly focused on long-term climate change mitigation focusing on CO₂ →
- The legal (and governance) of SLCPs and black carbon is inadequate, complex and fragmented – no centralized interface and strategic oversight
 - A clear gap especially in the regulatory responses to black carbon
 - Is the current state of regional and global cooperation optimal for exploiting the mitigation potential of SLCPs in the Arctic?
 - Potential of the Paris Agreement and NDCs?
- In the EU: lack of synergies and policy coordination; need for black carbon specific measures that link EU policies and measures to an Arctic context and identify avenues for cooperation



Points for discussion

- (How) should black carbon be approached in *legal* terms? Need for a new MEA?
- Or, are approaches to black carbon mitigation best facilitated through other avenues, such as through *international and regional governance (soft law) frameworks & enhanced cooperation*?

Thank you



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