



**Environmental Pillar**  
OF SOCIAL PARTNERSHIP

## **Environmental Pillar response to the public consultation on the Climate Change Response Bill 2010.**

Climate change remains the defining challenge of our age. The Environmental Pillar shares the National Economic and Social Council's analysis (NESC Report 117, page xvi.) that "addressing it will have far reaching economic and social effects", and that Ireland's greenhouse gas emissions target for 2020, yet to be finalised", "will pose considerable challenges" and, most significantly, that "the move to a low-carbon economy will also create many new economic opportunities."

Ireland and other high-income OECD countries must take responsibility for emissions cuts of 40% by 2020 and aim for a carbon neutral economy by 2050 (net zero emissions) Climate change legislation puts in place the architecture that Ireland needs to move towards a low carbon economy.

A strong and effective climate law will ensure a whole-of-government approach to climate change mitigation that moves away from a "silo mentality" within departments. The three main planks of climate legislation are targets, carbon budgets and an expert committee on climate change. Legislation should contain and be supported by Climate Change Strategies.

The Environmental Pillar welcomes the Targets, Expert Advisory Body and National Mitigation Plans contained in the Climate Change Response Bill 2010. However we note with extreme concern the lack of Justiciability of the Targets and the complete lack of Carbon Budgets.

The UK government passed a climate change act into law in autumn 2008.

(See: [http://www.opsi.gov.uk/acts/acts2008/ukpga\\_20080027\\_en\\_1](http://www.opsi.gov.uk/acts/acts2008/ukpga_20080027_en_1) - Climate Change Act 2008).

An even stronger bill was passed in Scotland last year

(See: [http://www.opsi.gov.uk/legislation/scotland/acts2009/asp\\_20090012\\_en\\_1](http://www.opsi.gov.uk/legislation/scotland/acts2009/asp_20090012_en_1) Climate Change (Scotland) Act 2009).

In a framework document published in late 2009 (<http://www.environ.ie/en/Publications/Environment/Atmosphere/PublicationsDocuments>), the Irish government has indicated that our own act will draw strongly on the UK and Scottish models.

We wish to see Irish legislation strengthened to reach the same level of robustness and innovation as reached by our neighbours in their climate legislation.

## **Targets**

The Fourth assessment report of the Intergovernmental Panel on Climate Change shows that only a narrow window of opportunity exists to address the serious negative effects of climate change. Ireland and other high-income OECD countries must take responsibility for deep emissions cuts by 2020 and aim for a carbon neutral economy by 2050 (net zero emissions). In order to be effective the Act must have a binding 2020 target.

The Pillar believes that the legislation must specify an annual decarbonisation rate from the year of entry into force, which ensures that a binding 2020 target can be clearly derived and that corresponds to a minimum of 30% reduction through domestic action by 2020 on 2005 levels.

Irish legislation should ensure that the vast majority of these reductions are achieved through purely domestic action. The Pillar welcomes the primary focus of this bill in reducing the high levels of emission that we are responsible for as a country without the use of Flexible Mechanisms.

The legislation should aim to harness Ireland's vast store of potentially-available renewable energy resources to available technologies and human capital, thus simultaneously creating enterprise and employment along with the emissions reductions. Climate legislation is a basic building block in empowering all these actions.

The Environment Pillar considers it extremely important that emission reductions actually happen in Ireland rather than giving a false appearance of reduction through bought-in offshore credits (Flexible Mechanisms).

## **Carbon Budgets**

The Environmental Pillar notes that there is no explicit carbon budgeting mechanism in The Climate Change Response Bill 2010. The Environmental Pillar is seeking legally binding 5-year carbon budgets that lead convincingly to a 2020 target. Such budgets provide certainty to businesses, households and politicians about where emissions levels will be by a given date and help Ireland meet its UNFCCC and Kyoto Protocol reporting requirements which will in all likelihood shortly be enhanced on foot of provisions agreed in the Cancun agreements)

Without explicit carbon budgeting requirements on the 2008-2020 decarbonisation rate contained in the Bill, the first target that any Government faces under this Bill is 2020. That is simply too far away to be politically effective.

In a world where politics is dominated by the 24/7 news cycle and the 5-year electoral cycle a target that is almost 10 years away is toothless.

Good climate legislation is about hardwiring accountability on climate change into the political system. Yet under the Bill as it now is, the Government we elect in the coming months would not face any target. After 2020 the next target is 2030 and after that, 2050, so most Governments would not face any target.

The Bill should be amended to provide for the setting of 5-year targets (as a minimum) by Government. This would be much better aligned with the electoral cycle of political accountability and would therefore be a much greater spur to timely action.

### **National Mitigation Plans**

National Mitigation Plans should be used to support legally binding five yearly carbon budgets. When the UK government published its first 5-year carbon budget it also published a plan called Building A Low Carbon Economy. In the same way that this Plan provides the strategies and policies to meet the targets, so must National Mitigation Plans lay out the policies to meet the Targets and Budget in the Irish Bill.

The Environmental Pillar notes the requirement in the Bill for a National Mitigation Plan. The pillar would like to see the Bill amended to require National Mitigation Plans every 5 years rather than every 7. To strengthen compliance in The Bill, every Government must face the likelihood of having to produce a plan and lay it before the Dáil, 7 years is too long to make politicians pay attention to their responsibility to adequately address climate change.

Ireland's previous two climate change strategies proposed many measures that were never implemented. Future plans will only succeed if backed by five year legally binding carbon budgets.

### **Annual Transition Statement**

The Pillar welcomes the duty in the Bill for the Minister to present annual transition statements to the Dáil.

We wish to see these Annual Transition Statements contain an indicative target for the following year, and also indicative sectoral targets for the coming year. These budgets must be agreed by Cabinet before the responsible Minister presents them to the house. The composite (national) annual carbon budget should be in line with the advice of the Expert Advisory Body and should also be subject to the JCCC's scrutiny and evaluation.

When the Minister presents the Annual Transition Statement to the house this should be debated openly by the Dáil. During this debate the Minister will be required to report on emissions for the previous year and respond to gaps between trajectories to targets and actual emissions. The Minister must also respond to the advice of the EAB as part of the Statement, stating what advice is being taken by government and explaining why not if advice is not being taken.

### **Expert Advisory Body**

The Environmental Pillar supports the model of a national, independent climate change committee to provide expert counsel and advice to the government on the design and implementation of national plans for cutting emissions and adapting to climate change. The expert body should also act as the eyes and ears of the public in ensuring that Ireland plays its full part in the global effort against climate change.

The committee should be composed of at least 9 independent experts in their field, covering the areas of climate science, forward-looking economics and mitigation policy. The proposed size of the expert body in the Bill as drafted (5-7 members, including statutory ex officio places for the EPA and SEAI) is clearly too small to cover the full range of skills and competencies necessary to put Ireland on a rapid transition pathway to a fully decarbonised economy and to fully represent the task of being the formal eyes and ears for the public

The committee needs to be independent and transparent in all its dealings. The Environmental Pillar are greatly concerned by section 9 subsection (3) in which the EAB shall be **subject to the consent of Government**, publish an annual report in **such a manner as the Government Determines**. (Our Bold) The Environment Pillar would like to see this section amended so as to place a duty on the Expert Advisory Body to publish their annual reports, interim advice and additional recommendations simultaneously to Government and to the wider public.

The composition and work of the Committee should be public-oriented, and its proceedings, hearings, and advice easily accessible to the public. Public scrutability will ensure accountability and credibility and should improve compliance.

### **Aviation and Shipping**

It is unclear as to whether there is an explicit mechanism in the proposed Bill to deal with the emissions from International Aviation and shipping. Emissions from international aviation and shipping are much too large to ignore. The UK Climate Change Act stipulates that the UK Government must regulate to include international aviation and shipping emissions in UK carbon budgets by 2012 or explain why not. The Act also instructs the Secretary of State to take account of these emissions when UK budgets are set. The sale of bunker fuels from Ireland can be used as a reflection of fuel used by flights departing from Ireland

## Ecological Integrity

The Climate Change Bill must ensure that climate change mitigation measures aimed at reducing emissions are not contrary to, and do not in any way undermine environmental protection laws.

Of particular concern is Section 3 Sub-section (1) A) (i) Nothing in the act shall operate to affect Directive 2001/42/EC (the Strategic Environmental Assessment (SEA) Directive. The Bill must not, exclude national and sectoral plans from the scope of the SEA Directive.

SEA's for these plans will serve an important function in the identification of alternative measures and approaches, and in analysing the net cumulative effects and nexus between various measures anticipated or enshrined by such a plan  
For example the Environmental Pillar has particular concerns with regard to the location of wind farm developments in or adjacent to areas protected under the EU Bird or Habitats Directives or on undisturbed peatlands. Likewise, the conversion of forests, grassland and peatlands into areas of intensive biofuel cultivation is a significant concern in terms of species loss and the loss of natural carbon sinks. Biodiversity and the ecosystem services that it provides, plays an important role in regulating climate. Therefore, to preserve the ability of ecosystems to continue to function as carbon sinks and to avoid further biodiversity loss, it is extremely important that steps are taken to ensure that mitigation measures do not negatively affect ecosystem services or undermine nature protection laws.

**Whilst this document was developed through the processes of the Environmental Pillar it does not necessarily represent the policies of all its members.**

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