

Scottish Climate Change Bill

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Friends of
the Earth
Scotland

Introduction

Friends of the Earth Scotland warmly welcomes the public consultation on the Scottish Climate Change Bill. However, we believe that if the bill is to deliver the best possible outcomes for Scotland it must include effective and comprehensive carbon budgets and accounting to ensure we are cutting emissions fast enough. It must also include powerful incentives and tough sanctions.

Below we set out a preliminary analysis of the consultation, and highlight in particular, the areas in which we believe the consultation proposals leave room for improvement.

What Friends of the Earth Scotland believes should be in the Bill	What is in the consultation	Key issues arising
Overall statutory targets: 80% emissions reductions by 2050, and 50% by 2020	80% emissions reductions by 2050, but no interim target.	An interim target enables a trajectory to be set which helps meet a cumulative carbon budget (see below).
Cumulative carbon budget: As well as a final 2050 reduction target, we need a budget for total allowable emissions between now and then. This needs to be calculated to ensure a limit of 2°C in global temperature rises.	Discussed, with reference to 2°C limit, and the possibility of cumulative interim budgets, but the consultation rejects the idea of a cumulative target for the overall period, on the grounds that Scotland only contributes a small share of global emissions.	This is probably the most critical shortcoming of the proposals. Without an overall cumulative budget the Act gives no guarantee of keeping within a fair contribution to a 2°C target. That Scotland only contributes a small share of global emissions is no more an excuse for this than it would be for having no target at all.
Annual carbon budgets: Annual carbon budgets established at least three years ahead, delivering binding year on year emissions cuts of at least 3% each year.	Multiyear carbon budgets of at least 3 years, delivering the 'equivalent of 3% per annum cuts'.	The loss of specific annual targets (as promised in the SNP manifesto) undermines the cumulative effect of the Bill's provisions, and could make it easier for Ministers to avoid accountability for their decisions.
International aviation: Inclusion of the Scottish share of international aviation and shipping emissions in the baseline and targets.	Scope to incorporate international aviation and shipping in the future, but not now.	Failing to include aviation is like going on a diet, but still eating as much chocolate as you like!
Trading: A cap on the level of emissions cuts achieved outside Scotland that can be counted towards our target.	No statutory cap, but will take independent advice.	The lack of a statutory cap might allow subsequent administrations to avoid the necessary action until it is too late and even more expensive.

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Reporting: Annual reporting to Parliament on carbon emissions against baseline and budgets, and by sector.	Annual reporting on net emissions, changes and methodology. Not by sector.	Annual reporting by sector allows Ministers to be held to account for those things within their sway, and separates these from the effects of external events.
Carbon Fund: Establish a rolling 'carbon fund' to support emissions reduction and adaptation in Scotland and in developing countries.	No additional financial measures within the legislation.	The carbon fund would provide a strong incentive for public bodies and the private sector to bid-in with extra emissions reductions. Without it, flexibility is highly constrained.
Duty on public bodies: Place a duty on public bodies to reduce their carbon emissions inline with the objectives of the Bill, and report on progress.	Enabling powers are proposed which allow Ministers to introduce a statutory duty on public bodies if the current voluntary approach fails	To date the voluntary approach has failed to deliver sufficient emission savings. A statutory duty is needed to ensure public bodies prioritise action on climate change.
Strong incentives: Strong incentives for public authorities and the private sector to invest in emissions reductions (via payments to and from the carbon fund).	No additional incentives beyond carbon pricing measures in UK Bill. Prospect of enabling powers to impose duties or reporting requirements on public bodies.	The Bill provides the opportunity to create an appropriate selection of tools for emissions cuts across the economy. Enabling measures are critical and must include positive incentives.
Tough sanctions: Provisions for effective sanctions to stimulate ministers and public bodies to keep within carbon budgets, including potential for affordable legal challenge, and financial penalties.	Parliamentary scrutiny of plans for emissions reduction and performance against them. No financial or legal penalties.	Parliamentary scrutiny is valuable, but does not provide adequate incentive to ensure ministers and public bodies keep within carbon budgets. Affordable legal challenge requires legal reforms, but would ensure decisions could be properly interrogated in advance.
All greenhouse gases: Targets to include all greenhouse gases, not just CO ₂ .	Left to consultation whether targets should include all greenhouse gases, not just CO ₂ .	Inclusion of other gases would show leadership within the UK, and is particularly significant for methane in Scotland, which offers significant reduction potential.
Sustainability duty: A duty to apply principles of sustainable development in measures to reduce emissions. For example, we need to ensure we are not creating fuel poverty or harming biodiversity in the process of meeting targets.	No sustainability duty.	This appears to be an oversight. Such a duty would be clearly in line with the purposes of the Bill, and the objectives of emissions reduction. It would also help deliver Government objectives of a 'greener Scotland'.
Advance clearance: Requiring ministers when publishing relevant plans, strategies, programmes or policies to first assess and then issue a statement on how they comply with the goals of the Bill (e.g. by reforming Strategic Environmental Assessment rules).	No advance clearance provisions, but prospect of changes to Strategic Environmental Assessment rules will be raised.	Without advance clearance provisions, the Bill will not enable real preventative action to keep emissions within carbon budgets. Changing SEA rules is useful, but ensuring Committee or wider parliamentary scrutiny of proposals is preferable.
Consumption accounts: Developing 'consumption-side' carbon accounts, taking account of carbon embodied in imports and exports. All products imported into Scotland have their embodied emissions assessed and included in Scotland's total emissions.	Prospect for further consideration and exploration as an option for reporting in each budget period.	This is another opportunity to take leadership within the UK, and could have significant consequences for the emissions for which Scotland is responsible, within the UK, given the location of oil and gas and refinery facilities.

Conclusion

While we welcome the consultation into the Bill, we believe the proposals must be improved if the Bill is to be effective at cutting Scotland's emissions, and putting us on course to enjoy the benefits of a low-carbon economy. Specific questions that Ministers have not yet answered in relation to this Bill include the following:

- How will ministers ensure Scotland helps deliver no more than a 2°C rise without cumulative budgets or interim targets? What if all countries take the approach of just an end point target and rolling budgets?
- How will ministers be prevented from approving new plans or initiatives that would breach carbon budgets? What legal challenge mechanisms will be provided?
- How will the investments needed to deliver the targets be funded? What financial incentives will public bodies get to invest accordingly?

About Friends of the Earth Scotland

Friends of the Earth Scotland is an independent member of the Friends of the Earth International network. We undertake research, advocacy and community development activities throughout Scotland in pursuit of environmental justice and sustainability. We are a member of the Stop Climate Chaos Scotland coalition (SCCS).

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The **co-operative**

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