



Stop Climate Chaos Scotland

Briefing on secondary legislation to the Climate Change (Scotland) Act
March 2010

Background

The Climate Change (Scotland) Act 2009 requires Ministers to bring forward secondary legislation in three areas before June 2010. These focus on setting annual targets for 2010-2022, aviation and shipping, and the use of carbon credits between 2010-2012. In addition, a fourth instrument (not required by June 2010) will be laid at the same time, focusing on carbon accounting.

Stop Climate Chaos Scotland campaigned on these issues throughout the Bill process and therefore continues to call for strong and urgent action to be reflected in these statutory instruments, as outlined below.

Annual targets

The UK Committee on Climate Change (UKCCC), which has advised the Government on various parts of the Act, has suggested annual targets from 2014 of 3% per year reductions. Yet for the next three years, they have suggested marginal cuts of 0.05% per year based on business as usual proposals. For 2013, they suggest reductions of 10%, partly reflecting that this is when the next phase of the EU Emissions Trading Scheme (ETS) comes into effect.

Early action pays extra dividends by disproportionately reducing the cumulative emissions budget (which Ministers must take account of when setting annual targets). Business as usual isn't good enough so we hope the Scottish Government will bring forward more ambitious targets for 2010-2022 in the statutory instrument on annual targets.

Given that we are already some way through 2010 and this year's budget and activities are already set, we understand that there is a limited level of reductions that can happen this year. Similarly, we recognize that some initiatives will take a considerable number of years to start having an effect on emissions reductions e.g. impact of forestry. However there are actions that can be taken in the short term, not least through measures in the Scottish budget for 2011-2012.

We believe lack of ambition in the early years does not set the example so badly needed to allow people, companies and other institutions in Scotland to take seriously their commitment to delivering on this 'world-leading' legislation.

- SCCS would like to see secondary legislation bring forward more ambitious proposals than business as usual for the next three years.

Aviation and shipping

The UKCCC report recommends that Scotland uses the AEA methods of calculating aviation emissions, which SCCS supports. We are also comfortable with the proposed method for calculating emissions from international shipping.

However, in relation to the proposed multiplier for emissions caused by aviation, we are concerned that the forthcoming instrument will not reflect the greater climate impact that aviation emissions have compared to the same emissions made at ground level. Emissions of nitrogen oxides, water vapour and particulates at altitude generate a number of chemical processes that combine to amplify the climate change effect of aviation compared to the same emissions at ground level.

The UKCCC report says "We concluded that whilst the precise scale of these effects is unclear and there are significant scientific uncertainties still to be resolved, it is highly likely that they are

significant. It will therefore be important that they are accounted for in future international policy frameworks and in the overall UK policy framework for emissions reduction."

The most comprehensive review of the science on this subject (Lee et al, 2009) suggests using a figure of 2. We see no reasons why this couldn't be continually reviewed to ensure it reflects the latest understanding.

- SCCS is calling for an aviation multiplier of 2 to be applied.

Carbon credits

The forthcoming SIs will set a limit on the carbons units that can be credited to the net Scottish emissions account for the targets up to 2012. If targets in the first three years were to be set at 'business as usual', we believe no purchase of carbon credits should be necessary. Even if targets are increased we believe the purchase of credits should be discounted and, if Government miss targets, Ministers can explain the reasons why. If SCCS considers there is good reason for targets being missed, we will not criticise Government for the sake of it. An approach allowing for credit purchase leaves the potential that Government plans for emissions reductions below the annual target in the knowledge it can buy up credits to meet that target.

Ministers can also, if they choose to do so, set out the standards that any credits purchased must meet. While we believe no credit purchase between now and 2012 is necessary, we believe that if Government allows carbon credit purchase in the future it must ensure a high degree of additionality, sustainability and strong poverty alleviation benefit to such credits.

- SCCS would like to see no credits being purchased between 2010-2012.

Carbon accounting

Sections 13 and 20 of the Act provide plans to establish a carbon trading scheme for Scotland.¹ We would like clarity on what this scheme involves and, in particular, given the reference to 'debit' in these sections, who the Government or operators of such a scheme would debit/sell the credits to.² Given the Minister has previously stated that there will be no facility for banking and borrowing,³ we hope such a scheme does not leave open the option to bank carbon credits for use in future years. With the possibility of relatively low annual targets over the next three years this could be used to bank credits in the short term for use in the long term, thereby undermining the more ambitious targets from 2013.

- SCCS seeks clarity on Government plans for section 13 and 20

For further information please contact:

Gail Wilson, Stop Climate Chaos Scotland Co-ordinator
25 Ravelston Terrace, Edinburgh EH4 3TP Tel: 0131 311 6512 Fax: 0131 311 6569
Email: gail@stopclimatechaosscotland.org
Stop Climate Chaos Scotland (SCCS) is a growing coalition of organisations campaigning on climate change. SCCS brings together environment, faith and development organisations, trade unions, community activists, and women's and students' groups.
Stop Climate Chaos Scotland is a charity, registered in Scotland, no SC039643
www.stopclimatechaos.org/scotland

¹ Section 20 (1) The Scottish Ministers may by regulations make provision for a scheme..... b) for establishing and maintaining accounts in which carbon units may be held, and between which they may be transferred, by the Scottish Ministers.

² See sections 13 (1), 13 (5), and 34 (3)

³ Stewart Stevenson before Committee, 11 November 2008: <http://www.scottish.parliament.uk/s3/committees/ticc/or-08/tr08-2102.htm>