

Draft Foe Submission

ABOUT YOU

***1. Your details (If you provide an email address it will be used to notify you of developments related to this survey.)**

Name* (required):	Friends of the Earth
Company:	
Email Address:	Molly@foe.ie

***2. Location: If you are in the Republic of Ireland, please indicate your location, otherwise please select N/A**

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3. Affiliation

<input type="checkbox"/>	Academic
<input type="checkbox"/>	Business
<input type="checkbox"/>	EU ETS Installation
<input type="checkbox"/>	Individual citizen
<input checked="" type="checkbox"/>	NGO
<input type="checkbox"/>	Professional Organisation
<input type="checkbox"/>	Public Authority
<input type="checkbox"/>	Representative Body
<input type="checkbox"/>	Think tank
<input type="checkbox"/>	Trade union
<input type="checkbox"/>	Other (please specify):
<input type="checkbox"/>	

4. How did you hear about this consultation?

<input type="checkbox"/>	Environ.ie website
<input type="checkbox"/>	Internet
<input type="checkbox"/>	Newspaper
<input type="checkbox"/>	Notified by another organization
<input type="checkbox"/>	Radio
<input type="checkbox"/>	Word of Mouth
<input type="checkbox"/>	Other (please specify):
<input type="checkbox"/>	

Information Point: National Emissions Profile and Ireland's targets

Ireland has a somewhat unusual greenhouse gas emissions profile in a European context. There are a number of contributory factors, including a very high level of agriculture emissions; a relatively low

proportion of emissions falling within the scope of the EU Emissions Trading Scheme (ETS) where abatement options tend to be cheaper; and a low population density coupled with a tendency for dispersed settlement that inhibits the cost-effectiveness of mass transport systems and encourages car ownership.

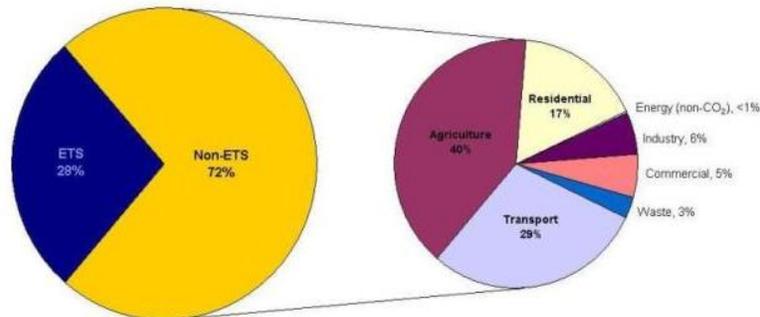
Within the EU, mitigation of greenhouse gas emissions in the period 2013-2020 will fall into one of two categories:

ETS – The EU Emissions Trading Scheme which covers industrial installations across the EU including around 100 Irish installations. By 2020, the ETS sector as a whole across the EU is required to deliver a 21% reduction in emissions relative to 2005.

Non-ETS – These are the emissions outside the ETS and are covered by the 2009 EU Effort Sharing Decision. Under the decision, each Member State has an individual target to meet. By 2020, Ireland’s target is to achieve a 20% reduction in emissions relative to 2005. This reduction is required to take place along a trajectory, which will be fixed, and will start in 2013. Post Kyoto commitments. Emissions from the following sectors fall outside the ETS – agriculture, transport, waste, light industry, commercial and residential; these account for approximately 72% of total Irish emissions.

Further information on the national emissions profile and national climate policy generally is available in the National Climate Policy Review, published in November 2011. The Review is available at: <http://www.environ.ie/en/Environment/Atmosphere/ClimateChange/ClimatePolicyReview2011/>.

In 2009, the breakdown of emissions was as follows:



Choosing the policies and measures to cut emissions

5. There are a number of approaches that could be used by Government to determine the mixture of policies and measures to be employed to reduce greenhouse gas emissions.

In your view, which of the following approaches would be preferable:

	Least cost abatement, meaning that each mitigation option will be examined for its costs and benefits and the cheapest emission reductions will be identified and implemented no matter which sector they arise in
	Least cost abatement subject to consideration of additional, specified criteria
	Sectoral targets based on equal % reductions for all sectors
	Sectoral targets based on negotiations at Government annually or multi-annually such as occurs in advance of the annual financial budget
	Don't know/No opinion
N	<p>Other (please specify)</p> <p>Justice should underpin Ireland’s approach to climate policy and measures. This means that Ireland’s action on climate change should be directed at ensuring Ireland does its fair share, based on national responsibility and capacity, of the global effort to reduce emissions and support adaptation and low-carbon development in developing countries. Justice is key to action at the domestic level. In developed and developing countries alike, people living in poverty who are already vulnerable will be those most impacted both by climate change and, potentially, by the responses to it.</p> <p>A ‘least cost approach’ could be problematic. Currently cost analyses do not reflect the true costs of action or inaction. If the development and implementation of climate policy is to facilitate a transition to a truly sustainable economy and society it is imperative that narrow economic cost analyses be replaced by more comprehensive ‘cost-benefit’ analyses, incorporating both the social, and environmental costs and benefits of actions and inaction, as well as the economic costs and benefits.</p> <p>Scientific integrity should also underpin Ireland’s approach to climate policy. Policy measures intended to deliver on commitments to emission reductions should meet rigorous standards of environmental integrity.</p>

6. If an approach were being implemented that would require additional impacts to be taken into account in choosing policies and measures to reduce greenhouse gas emissions, how important would you consider inclusion of the following impacts?

	Very Important	Important	Don't Know/No opinion	Not Important	Shouldn't be included
Impact on administrative burdens					
Impact on air quality (and related benefits for health, reduced acidification etc..)					
Impact on competitiveness					
Impact on investment					
Impact on jobs					
Impact on quality of life					
Impact on regional development					
Impact on rural communities					
Impact on social inclusion					
Other (please specify)	Each of these factors are important and should be part of an overall cost-benefit analysis of proposed measures. An additional factor not listed here is global justice. Both global and domestic justice should underpin Ireland's approach to climate policy.				

Policy Instruments

Different policy tools are available in the fight against climate change and each creates its own set of winners and losers. It is important to assess the impacts of various types of measures and how they interact with each other in determining an optimum set of policies and measures.

For each of the potential policy instruments listed below, please indicate how important you consider them in Ireland's policy response to climate change and meeting greenhouse gas emission reduction targets, and why?

7. Taxation measures (examples could include a carbon tax, differentiated motor tax, congestion charging in cities)

Very Important	Somewhat Important	Not Important	Don't Know/No opinion

Reason...

8. Tradeable Permits in the non-ETS sector (examples could include schemes similar to the Emissions Trading Scheme or other "cap and trade" or "cap and share" schemes)

Very Important	Somewhat Important	Not Important	Don't Know/No opinion

Reason...

9. Subsidies (examples could include grant schemes for firms or individuals like those administered by SEAI)

Very Important	Somewhat Important	Not Important	Don't Know/No opinion

Reason...

10. Regulation (examples could include legislation requiring certain actions, codes of practice, or the adoption of standards for certain goods or services)

Very Important	Somewhat Important	Not Important	Don't Know/No opinion

Reason

11. Information (examples could include campaigns to improve consumer awareness or the introduction of voluntary or mandatory labeling schemes)

Very Important	Somewhat Important	Not Important	Don't Know/No opinion

Reason...

12. Other (please specify)

A legally binding 'carbon budget' that is simply a Government statement of the total amount of greenhouse gases that will be emitted in the coming period (e.g. the next year, or the next five years), in the same way that a fiscal budget is a statement of how much money the Government will spend in a given period.

13. FLEXIBILITIES

The effort-sharing decision provides some flexibility for Member States in meeting their targets. These flexibilities are designed to lower the overall cost of compliance and could be used beyond a certain threshold where domestic actions become more expensive. The decision provides for a range of flexibilities including the purchase of emission allowances from other Member States (from their unused allocations) or the purchase of credits from projects that reduce emissions in developing countries.

What role do you see for purchased units in meeting Ireland's target?

	A substantial role, if these options are cheaper than domestic abatement they should be used to the fullest extent possible
	A significant role, but subordinate to domestic action to ensure investment in the domestic

	economy
	Don't know/no opinion
	A small role, a strict national limit on purchases should be in place to maximise domestic action
√	No role, targets should be met solely through domestic emission reductions
Please include any additional comments	
<p>The central problem is that offsetting does not change the carbon intensity of our economy. Offsets weaken the economic incentive to make real reductions in domestic emissions. It is this incentive for a new cleaner economy that creates the new Irish jobs and green business opportunities. What we need is to drive real change away from our unsustainable economy, offsets are an expensive way to put off this process. Offsetting creates a space delaying action on a move away from our polluting infrastructure, when what we need is early action. Buying offsets is a sure way to lock our economy into an expensive and ultimately redundant high carbon infrastructure.</p> <p>Buying carbon offsets overseas means we are not investing sufficiently in emission reductions in Ireland. Transition to a low-carbon economy needs to begin as soon as possible, relying on purchasing credits from overseas is an expensive way to delay action. Furthermore, there is much evidence that international offsetting mechanisms are not achieving additional emissions reductions (reference) and are thus highly questionable from an environmental integrity point of view.</p> <p>It is also questionable whether credits bought overseas make a positive contribution to sustainable development in the developing countries in which they are purchased. In many cases offsetting is not helping developing countries take a low-carbon path. In fact, perversely, a large proportion of offset revenues are subsidising carbon-intensive industries, or projects building fossil-fuel power stations. Vulnerable people in developing countries cannot afford false solutions. There are also documented cases linking international carbon offsetting schemes with human rights violations in developing countries.</p> <p>Use of offsetting mechanisms should not have a role in Irish climate policy.</p> <p>Climate legislation should cover all emissions in Ireland, including the industrial and power generation sectors that participate in the EU ETS. The targets should apply to the state's total emissions. This has the advantage of simplicity when communicating about the law to public and of fairness across all sectors of the economy. Just because some sectors are part of the EU Emissions Trading Scheme does not mean Ireland can ignore these emissions.</p>	

Potential barriers to cutting emissions

The following is a non-exhaustive list of potential barriers to reducing Ireland's greenhouse gas emissions. Please indicate how serious you consider each issue to be and, if possible, identify practical measures that might address it.

14. Lack of appropriate technology in some sectors

Serious issue	Minor issue	Not an issue	Don't know/No opinion
Please include any additional comments/specific examples here and, where possible, indicate how the specific barrier(s) identified could be overcome			

15. Lack of appropriate infrastructure in some sectors

Serious issue	Minor issue	Not an issue	Don't know/No opinion
Please include any additional comments/specific examples here and, where possible, indicate how the specific barrier(s) identified could be overcome			

16. A lack of commitment to act across society

Serious issue	Minor issue	Not an issue	Don't know/No opinion
Please include any additional comments/specific examples here and, where possible, indicate how the specific barrier(s) identified could be overcome			

17. Ineffective or inefficient carbon pricing

Serious issue	Minor issue	Not an issue	Don't know/No opinion
√			
Please include any additional comments/specific examples here and, where possible, indicate how the specific barrier(s) identified could be overcome			
In order to achieve the required pollution reductions the Government will need to introduce a range of policies that support and incentivise innovation in public services, private enterprises and personal behaviour. The implementation of the "polluter pays" principle endorsed at the Rio Earth Summit will have to be central to that effort. Putting a price on carbon across the whole economy can be a clear and fair way to encourage individuals and organisations to make choices which reduce pollution. The carbon pricing system can and must be designed in a way that ensures the social protection of the most vulnerable people in our society.			

18. Incentives not properly aligned with climate change mitigation policy

Serious issue	Minor issue	Not an issue	Don't know/No opinion
Please include any additional comments/specific examples here and, where possible, indicate how the specific barrier(s) identified could be overcome			

19. Difficulties in accessing finance for improvements

Serious issue	Minor issue	Not an issue	Don't know/No opinion
Please include any additional comments/specific examples here and, where possible, indicate how the specific barrier(s) identified could be overcome			

20. Lack of information on the options for individuals/firms to pursue

Serious issue	Minor issue	Not an issue	Don't know/No opinion
Please include any additional comments/specific examples here and, where possible, indicate how the specific barrier(s) identified could be overcome			

21. Other potential barriers (please specify)

Reason...
The lobbying of powerful vested interests who oppose action on climate change creates a lack of political will to take the decisions needed to cut Irish greenhouse gas emissions.

Changing Behaviour

Focusing on potential areas for changing behaviour, in your view, are the following possibilities being adequately emphasised at present? If not, how would you propose improving the situation?

22. Reductions to energy bills through roof insulation, window replacement, maintenance or upgrading of heating or air conditioning systems.

Adequately emphasised at present	Needs some more emphasis	Needs significantly greater emphasis	Don't know/No opinion
	√		
Additional comments:			

23. Choosing the most efficient appliances and equipment — with energy labels A(+)

Adequately emphasised at present	Needs some more emphasis	Needs significantly greater emphasis	Don't know/No opinion
Additional comments:			

24. Potential role of energy audits in improving energy efficiency of homes and workplaces

Adequately emphasised at present	Needs some more emphasis	Needs significantly greater emphasis	Don't know/No opinion
Additional comments:			

25. The possibility of switching to a provider of renewable electricity

Adequately emphasised at present	Needs some more emphasis	Needs significantly greater emphasis	Don't know/No opinion
Additional comments:			

26. The possibility of installing a renewable energy generation system

Adequately emphasised at present	Needs some more emphasis	Needs significantly greater emphasis	Don't know/No opinion
	√		
Additional comments:			

27. Encouraging greater awareness of energy use by promoting awareness of existing on-bill information and the use of IT applications/online calculators to track real-time energy usage

Adequately emphasised at present	Needs some more emphasis	Needs significantly greater emphasis	Don't know/No opinion
Additional comments:			

28. Encouraging people to commute to work on foot, cycling or by public transport

Adequately emphasised at present	Needs some more emphasis	Needs significantly greater emphasis	Don't know/No opinion
		√	
Additional comments:			

29. Low emission vehicles and alternative fuel vehicles like electric cars, biogas buses etc.

Adequately emphasised at present	Needs some more emphasis	Needs significantly greater emphasis	Don't know/No opinion
	√		
Additional comments:			

30. Availability of alternative fuels for conventional vehicles like biofuel-blended petrol or diesel

Adequately emphasised at present	Needs some more emphasis	Needs significantly greater emphasis	Don't know/No opinion
Additional comments:			
Ireland should not support the use of biofuels as a means to reducing GHG emissions from the transport sector. There is compelling evidence linking the increased demand for biofuels in Europe with increased food price volatility and land grabbing across the global south. Indirect land use change (ILUC) factors are not presently examined when looking at the environmental cost of growing feedstocks for biofuel production. The EU must look at the social and human rights impacts of biofuel production on people in developing countries.			

31. Potential to reduce emissions in food production by buying locally-produced food and seasonal fresh products more often

Adequately emphasised at present	Needs some more emphasis	Needs significantly greater emphasis	Don't know/No opinion
Additional comments:			
Supporting local food production is important in Ireland, as it is in all countries, to support sustainable local (in particular rural) economies and local food production capacity, as well as to reduce the carbon footprint of the global food system. Promoting purchase of locally produced food in Ireland needs to be coherent with promotion of sustainable agricultural production and a shift in trade and agricultural policies to end the subsidizing of products that are exported to developing countries below the market price. These policies undermine local markets in developing countries, erode local production capacity			

and incentivize a global food system with an extremely high carbon footprint.

32. Encouraging actions that reduce deforestation worldwide (e.g. buying products from certified forests)

Adequately emphasised at present	Needs some more emphasis	Needs significantly greater emphasis	Don't know/No opinion
Additional comments:			

33. Compensating for greenhouse gas emissions by buying carbon offsets, i.e financing projects to reduce emissions somewhere else in the world to offset personal/corporate carbon emissions

Adequately emphasised at present	Needs some more emphasis	Needs significantly greater emphasis	Don't know/No opinion
Additional comments:			
The buying of carbon offsets should not be emphasised at all . Credits bought overseas do not ensure credible emissions reductions. This is because it is almost impossible to prove that most offsetting projects would not have happened anyway without the offset finance- i.e. that they are "additional".			

34. Education and increasing awareness and understanding of climate change implications

Adequately emphasised at present	Needs some more emphasis	Needs significantly greater emphasis	Don't know/No opinion
		√	
Additional comments:			
When the consultancy contract to run the Change campaign was terminated DECLG gave assurances that they would continue to run the campaign and to raise awareness on climate change. This has not happened. The information on the website which replaced the Change.ie website appears not to have been updated since about 2008 or 2009. A significant climate change awareness programme be put in place, comparable to public awareness campaigns that the Government runs on road safety or the health impacts of smoking.			

35. Other (please specify)

Reason...

EU 2050

The European Commission has developed a Roadmap to a competitive, low-carbon economy in 2050.

Some of the measures needed to achieve a low-carbon economy in 2050 could bring about more sustainable growth, extra jobs, accelerated innovation, cleaner air, increased energy security and reducing vulnerability to external energy shocks.

In your view, how important should each of the following be in a 2050 plan for Ireland and, if possible, make suggestions on how they could be incorporated?

36. Sustainable growth

Very important	Somewhat important	Not important	Don't know/No opinion
Why/How?			

37. Job creation

Very important	Somewhat important	Not important	Don't know/No opinion
Why/How?			

38. Innovation

Very important	Somewhat important	Not important	Don't know/No opinion
Why/How?			

39. Clean air

Very important	Somewhat important	Not important	Don't know/No opinion
Why/How?			

40. Energy security

Very important	Somewhat important	Not important	Don't know/No opinion
Why/How?			

41. Reducing vulnerability to external energy shocks

Very important	Somewhat important	Not important	Don't know/No opinion
Why/How?			

42. Other (please specify)

Reason...

43. Where would you like to see Ireland in the period to 2050 in terms of its position relative to other Member States?

✓	Among the progressive vanguard of Member States. Ireland should be presenting itself as a forward looking, progressive society with an economy that is sustainable on socio-economic and environmental grounds.
	Playing its full part in a proactive way but not leading the field. Ireland is a technology taker in many areas and therefore cannot be expected to take the risks that may be associated with forging ahead of the pack, particularly given the current economic circumstances.
	Working on a compliance basis. Ireland is in severe economic difficulties that will make reaching all current targets and obligations challenging enough, we should meet our targets but not go further.
	Don't know/No opinion
Additional Comments	
Ireland was not rich in the natural resources of the fossil-fuel age. We are rich in the natural resources of the post-carbon age. Ireland should continue to associate with and support progressive countries in Europe on climate action, both in relation to emission reduction efforts as well as international climate finance. At the same time, Ireland needs to address the gap between its commitment to progress at the EU level and its performance at the national level. Ireland must have integrity in its action and achieve what it has committed to as well as supporting progressive voices at EU level.	

The National Policy Horizon to 2050 - Challenges and Opportunities

44. What, in your view, are the three most important initiatives Ireland should pursue in the next five to ten years to begin the transition towards a competitive, low-carbon economy by 2050?

1. An effective climate law is the most important initiative that Ireland should pursue to ensure transition to a competitive low-carbon economy. A strong climate change law which gives the required certainty would be a powerful signal that Ireland is intent on fulfilling its emission reduction obligations as well as becoming a leading location for the development of a sustainable economy.
2. A clear price on carbon that ensures that the polluter pays.
3. A position at EU and International negotiations in favour of a global reduction in emissions adequate to keep warming to below 1.5 degrees.

45. Achieving a low-carbon future means investing in the medium to long-term. What three initiatives could, in your view, help Ireland to create a stable environment to encourage investment in low carbon technologies?

1. Putting our long-term emissions targets into law and mapping out the pathway to get there gives decision makers in government, business and society certainty.

46. What do you consider to be the three main opportunities associated with building the green economy in Ireland?

1. Sustainable Green Jobs
2. Energy Independence
3. Foreign investment if Ireland is seen as a global leader in the green economy.

47. What do you consider to be the three main challenges associated with building the green economy in Ireland?

1. The lack of certainty for investors. This can be overcome by a legal framework that sets out a clear path to reduction targets and provides certainty that the transition to a low carbon economy will take place.
2. Lack of vision from vested interests who continue to lobby against change.
3. Lack of political will from politicians who only feel that they should be working on the issue currently being raised on the doorsteps. Five years ago people weren't asking politicians about banking regulation but right now we'd all be in a better position if some had showed political leadership in the area.

48. A wide range of additional policies and measures will be required to meet Ireland's current targets and to achieve more stringent targets in the period to 2050. The following list is a non-exhaustive set of possible measures that have been suggested previously or have been used in other countries.

Please indicate how you view these options.

	Realistic option, this should be considered	Interesting but more information required	Don't know/No opinion	Not workable	Totally unacceptable
Anaerobic digestion	√				
Congestion charging in cities	√				
Conversion of all buses or taxis to biogas or electricity	√				
Cutting speed limits on all roads	√				
District heating	√				
Encouraging action on a collective scale, for example community level actions on insulation or renewable energy for district heating	√				
Equalisation of retail price of motor fuel with the UK	√				
Improving the standard of public transport	√				
Increasing the capacity of public transport	√				
Individual cap and share		√			
Migration of all vehicle taxation to a usage basis		√			
Ruminant tax		√			
Taxation of fertiliser		√			
Use of renewable gas (with natural gas) in the gas grid		√			

Weight based waste collection	√				
Wide scale introduction of cycle paths to encourage more cycling	√				
Please add any comments on these options or suggest additional/alternative options					

Information Point: Existing Legislation and Targets

Much of the debate surrounding previous proposed legislation in this area focussed on targets for emissions reductions. It is important to have a clear understanding of the targets that are already in place.

CONTEXT - the EU Climate and Energy Package

The policy package which the European Council adopted in December 2008 set out a series of demanding climate and energy targets to be met by 2020, commonly known as the “20-20-20” targets. With a focus on the immediate post-Kyoto period 2013-2020, the high-level objectives of the package are to –

- reduce greenhouse gas emissions by at least 20% compared to 1990 levels;
- reduce primary energy use by 20% compared with projected levels (to be achieved by improving energy efficiency); and
- achieve a 20% level of EU energy consumption from renewable sources.

Specifically in relation to reducing emissions there are two legislative instruments which apply to Ireland:

- A Directive which amends the EU Emissions Trading Scheme (EU ETS), partially transposed into Irish legislation by SI 127 of 2011 - the transposition process will be completed in 2012; and
- A Decision which sets targets for all Member States for reducing emissions that are not covered by the EU ETS (Decisions of this kind have immediate effect in all Member States and do not require transposition).

TARGETS FOR IRELAND

There are no Member State-specific caps or targets under the revised ETS – the revised scheme is based on a single EU-wide cap. Emissions from international aviation are included in the ETS from 2012 onwards.

The 'Effort-Sharing Decision' covers greenhouse gas emissions from sectors of the economy that do not fall within the scope of the ETS, such as agriculture, transport, housing and waste. Under the Decision, each Member State has agreed to a binding emission trajectory for the years 2013 to 2020, based on per capita income when the decision was finalised; in Ireland’s case, the trajectory begins in 2013 at the average emissions from 2008-2010 and this decreases annually until at 2020 emissions are 20% lower than 2005.

This means that Ireland has de facto annual targets for each year from 2013-2020 in the non-ETS sector.

MORE INFORMATION

More information on targets is available in the National Climate Policy Review, which is available at <http://www.environ.ie/en/Environment/Atmosphere/ClimateChange/ClimatePolicyReview2011/>.

Climate Legislation

This section asks you to consider which elements of climate legislation you think will add value to the policy framework.

In relation to targets, please note that Ireland is already legally bound by the Effort Sharing Decision to reduce non-ETS emissions by 20% on 2005 levels by 2020, and this figure may change in line with EU and international negotiations. The Programme for Government includes a commitment to publish climate legislation that will give certainty to Government policy in line with negotiated EU targets.

49. Climate legislation in different countries focuses on different areas. The following areas are those that were noted in an international study as areas of focus in legislation. How do you consider the following areas in terms of legislative provision in Ireland?

	Current legislative provision is adequate	Further/additional legislative provision required	This shouldn't be the subject of legislative provision	Don't know/No opinion
Adaptation to climate change				
Energy efficiency				
Forestry				
Other land use				
Pricing carbon				
Renewable Energy				
Transport				
Additional comments				
These are all areas that may potentially need further legislative provision but non of them should be the primary focus of climate legislation. A climate law is about hard-wiring accountability on climate into the political system. A strong law should contain targets for reductions in emissions to be achieved here in Ireland, legally-binding five year carbon budgets and provision for the establishment of an Expert Advisory Body.				

50. Ireland is already legally bound by the Effort Sharing Decision to reduce non-ETS emissions by 20% on 2005 levels by 2020, and this figure may change in line with EU and international negotiations.

In your view, how important are the following potential elements of climate legislation in terms of adding value to the policy framework?

	Very important	Somewhat important	Don't know/No opinion	Not important	Shouldn't be included

Establishing a body to publicly advise Government on most appropriate actions	x				
Establishing a system of carbon budgeting	x				
Establishing compliance and accountability mechanisms for Government and other actors	x				
Establishing institutional structures and processes to ensure policy delivery	x				
Establishing procedures to ensure greater policy integration across Government	x				
Making provision for sectoral actions	x				
Placing obligations on national, regional or local government in relation to adaptation	x				
Placing reporting obligations on Government	x				
Placing reporting obligations on private sector organisations	x				
Setting a longer term statutory objective to 2050	x				
Setting statutory objectives for the longer term e.g. for 2030 or 2040	x				
Setting up institutional and budgetary structures for climate finance for national action and international commitments	x				
Other (please specify):					
Further information on what the key elements of climate legislation should be, are contained in the following document on our website http://www.foe.ie/documents/oisin-coghlan-friends-of-the-earth-key-reasons-for-and-key-elements-of-effective-climate-legislation-iea-20120416/ Which has also been emailed in as an annex to our submission.					

51. Statutory Objectives

Since legally binding targets are already set in EU law and any legislative provision will, in line with the Programme for Government, reflect that position, in your view, how important is it to include statutory objectives to signal a longer term approach?

	Very important	Somewhat important	Don't know/No opinion	Not important	Shouldn't be included
Setting statutory objectives for the					

medium term e.g. 2030 or 2040					
Setting a long-term statutory objective for 2050					
Other (please specify):					

52. Establishment of an Advisory Body

Many countries have established bodies to give expert advice to Government on climate issues. Such an Advisory Body has been included in every Bill presented on the subject in Ireland.

In principle, would you be in favour of the establishment of such a body?

Yes	No	Don't know/No opinion
<input checked="" type="checkbox"/>		
Additional comments:		
The independence of the Expert Advisory Body (EAB) must be ensured for it to be effective and it must be free to contribute to the public debate on tackling climate change. An obvious part of such independence would be to have the power to publish their own reports.		

53. Design of an Advisory Body

In your view, how important are the following features in the design of such a body?

	Very important	Somewhat important	Don't know/No opinion	Not important	Shouldn't be included
Adequate and predictable resourcing	x				
Expert membership	x				
Independence from Government	x				
Independent interaction with the Oireachtas	x				
Independent interaction with the public/media	x				
Open and transparent appointment process	x				
Representative of all major stakeholder groups					x
Requirement on Government to accept recommendations or explain reasons to the Dáil	x				
Requirement on Government to respond to recommendations	x				
Other (please specify): The EAB should be about independent expert advice to Government on the targets and measures needed to ensure Ireland does its fair share on climate change.					

54. Positioning of an Advisory Body

Given the economic climate, establishing any new body will require a careful consideration of costs. It may therefore be necessary to locate such a body within an existing structure or organisation. If its independence were assured, what, in your view, would be the most appropriate location for such a body?

For the independence of the Expert Advisory Body to be completely assured it needs to be a stand-alone body and not situated within any other Government Department or State Body. It should be a new body, like the recently established Irish Fiscal Advisory Council, in order to guarantee its independence.

55. Functions of an Advisory Body

In your view, how important are the following potential functions of an advisory body?

	Very important	Somewhat important	Don't know/No opinion	Not important	Shouldn't be included
Annual recommendations on policies and measures that enable reductions in the ETS sector	<input checked="" type="checkbox"/>				
Annual recommendations on policies and measures to meet targets in the non-ETS sector	<input checked="" type="checkbox"/>				
Annual reporting reviewing Government performance	<input checked="" type="checkbox"/>				
Awareness building		<input checked="" type="checkbox"/>			
Making recommendations on the level of use of flexible mechanisms vs domestic action	<input checked="" type="checkbox"/>				
Making recommendations on the sectoral burden-sharing of emissions reductions	<input checked="" type="checkbox"/>				
Production or commissioning of scientific and technical reports on climate change	<input checked="" type="checkbox"/>				
<p>Other (please specify): Raising awareness should be among the key functions of the Advisory Body in so far as it should issue public reports on Ireland's performance against its commitments, including recommendations for action, and should profile these through interaction with Oireachtas members and the public via the media and other channels as appropriate. However, general education and awareness-raising on climate change should not be a role for the Advisory Body, whose mandate and resources should be focused on providing rigorous analysis to support policy development and facilitating transparency and accountability in government action.</p>					

56. Membership of an Advisory Body

If such a body were established, and five members were to be appointed, in order of your preference which of the following areas do you think those persons should be drawn from? (The area you see as most important = 1, next most important = 2 and so on until all five places are filled.)

	1	2	3	4	5
Agriculture and forestry expertise					
Business competitiveness					
Climate policy at national and international level					
Climate science and other areas of environmental science					
Economic analysis and forecasting					
Emissions trading					
Energy production and supply					
Financial investment					
Overseas development policy					
Social policy					
Spatial policy and land-use including transport					
Technology development and diffusion					
Other (please specify below)					
While acknowledging that keeping costs down is important, the Advisory Body should have a sufficient complement of expertise to ensure analysis and recommendations are sufficiently comprehensive. Each of the areas of expertise suggested are important and should be reflected in the Terms of Reference for the composition of the Body.					

57. Placing obligations on Ministers

In terms of sectoral actions - the following requirements have been suggested for Ministers with responsibility for areas like transport, energy and agriculture.

- Establishing a baseline for their areas of responsibility
- Reporting on the policy instruments being mobilised such as taxes, charges, regulation, R&D, green purchasing etc
- Developing credible strategies to reduce greenhouse gas emissions, showing costs, benefits and expected impacts
- Reporting on emissions from their sector(s)

In your view, what actions could be taken to encourage greater policy integration across Government and sectors more generally?

An effective climate law should be developed and implemented to ensure coherent 'whole or government' vision and action in climate change.

**Climate and Policy Development 2012
Adaptation**

While most of the policy focus to date has been on mitigation, it is also necessary to consider how Ireland can adapt to the unavoidable impacts of climate change. In Ireland, these impacts are likely to include greater weather variability, more rainfall in some areas and less in others and some temperature increases, particularly in winter.

Assessing these potential consequences of climate change and altering our plans and designs to adapt to those impacts of climate changes is referred to as 'climate change adaptation'. Climate change adaptation comprises all spontaneous responses and planned action taken to cope with the impacts of climate change. Adaptation is needed to tackle current climate variability and to anticipate possible future changes, with the aim of reducing risk and damage cost effectively and possibly exploiting any potential benefits. There are significant analytical and policy challenges associated with climate change adaptation and responses will be required from a variety of actors.

58. Who do you consider to be the most important actor in driving policy in relation to adaptation? (1 most responsibility, 4 least responsibility)

	1	2	3	4
The European Union				
Central Government				
Local Government				
Individual citizens and firms				
Additional comments:				

59. In your view, how important are the following measures in adapting to the adverse impacts of climate change?

	Very important	Important	Don't know/No opinion	Not important
Adaptation being addressed in local policies/plans				
Adaptation being addressed in national policies/plans				
Adaptation being addressed in regional policies/plans				
Definition of responsibilities				
Easy access to necessary information and tools				
Requirement for public bodies to make adaption plans				
Additional comments:				

60. What do you consider to be the three main opportunities in adapting to climate change in Ireland?

61. What do you consider to be the three main challenges in adapting to climate change in Ireland?

62. Additional comments

The aim of this consultation has been to elicit detailed and structured inputs for consideration in the policy development process. If you have any additional comments that were not suitable for inclusion in any of the previous questions, please include them here.

As a global phenomenon climate change must be seen from a global perspective, even when defining national and local responses. Ireland's climate policy and action must include support to those impacted by climate change, whilst effectively doing its fair share to reign in climate change to ensure the capacity of people to cope and adapt is not breached.

Current international emission reduction commitments point to a further rise in global temperatures of more than 3°C, potentially significantly more - despite commitment by the international community to hold further warming below 2°C. The outcome of the Durban climate conference risks that increases in action will be delayed further, while climate science is telling us that the window for avoiding dangerous climate change is closing.

Vulnerable people in developing countries cannot afford for countries with significant responsibility for climate change to deflect or delay their legal, political and moral obligations to act. It is imperative that the next years see increased action at national levels and a step up in ambition at both national and international levels. As a country with a tradition and reputation for commitment to global development and human rights, Ireland must enhance its contribution to regional and global responses to climate change, and close the gap between political commitment at the international level and its

domestic performance in reducing emissions.

This means working proactively towards equitable and legally binding action at national and international levels in line with the best and latest climate science. It also means ensuring Ireland does its fair share as part of the global effort to reduce emissions, provide secure and predictable climate finance, new and additional resources for adaptation and low carbon development in developing countries. As its Presidency of the EU approaches, Ireland's integrity will be increasingly under the spotlight. The Irish government should ensure Ireland is in a strong and credible position to lead negotiations on climate change within the EU and at the international level, by progressing the enactment of effective climate legislation without delay, fulfilling its obligations on climate finance and supporting progressive policy at the EU level.

63. Please include any comments in relation to the consultation here.

The online survey was quite cumbersome and would be off-putting for many concerned citizens with limited online ability and/or technical expertise on climate policy. Engaging the public to enhance awareness and understanding of the issues and enable them to air their views is important in building commitment for climate action.

Annex 1

Key Reasons for and Key Elements of Effective Climate Legislation

Briefing for IIEA Carbon Day, 16th April 2012

[Oisín Coghlan](#), Director, Friends of the Earth

Why do we need a climate change law?

- **The nature of the challenge**

It is hard for modern democracies to tackle climate change without the support structure of a law. A five-year electoral cycle and 24/7 news cycle doesn't suit a problem that seems impersonal, abstract and remote.

- **Institutionalising cross-party consensus**

A law is the highest possible expression of the cross-party consensus on the need to act on climate change that developed during the last Oireachtas.

- **Ensuring “whole-of-government” commitment**

The Minister for the Environment signed the Kyoto Protocol and agreed Ireland’s target but most of the policies and measures required to meet that target fell outside his remit. A law is the most effective way to ensure all Departments across Government play their part in achieving what is a collective commitment.

- **Driving timely action, and continuity of action**

Ireland agreed its Kyoto target for 2008-2012 in 1998, and failed to implement the three main measures identified to meet it (a carbon tax, phasing out peat-fired power stations, switching Moneypoint to gas) and failed to replace them with alternative reduction measures. By 2005 our emissions had risen by twice as much as our target, exposing us to a large bill to buy carbon credits overseas to offset our overshoot. Only crashing the economy brought us close to meeting our target and everybody agrees that’s not a method we want to repeat the next time around.

If we had put our Kyoto target into domestic law in 1998 and adopted three five-year carbon budgets for 1998-2002, 2003-2007 and 2008-2012 we’d have tightened the building regulations sooner, introduced a carbon tax in 2002 as promised, and reformed VRT back in 2000, or had to find other policies with the same impact on emissions.

- **Providing certainty for investors, both companies and households**

Replacing old polluting or wasteful technology with new low-carbon or efficient models costs money. When companies and households know that Government policy is hardwired to drive down emissions (and by extension drive up the price of polluting) over not just the next 3 or 5 years but also 10 and 20 years then they have the confidence to invest in switching, knowing that they will reap a return on their investment over time.

- **Enhancing our international credibility, attracting investment**

During the run up to the first Kyoto commitment period Ireland developed a reputation as an environmental laggard. Furthermore, the bursting of our property bubble left our economic reputation in tatters. As our EU 2020 targets kick in, the law provides an opportunity to present ourselves as a responsible global citizen once again and to position Ireland as a hub for green enterprise and investment.

- **Engaging the public**

People experience climate policy as a variety of individual measures, some of which they like (subsidies for insulation and new boilers) and some of which they don’t (carbon tax). They see seemingly disconnected pieces of a jigsaw. A climate law is the opportunity to frame the debate,

to present the picture on the jigsaw box. And if the debacle of the FF/GP Bill last year taught us anything it is that introducing something into domestic law will engage people in a way that EU law simply does not!

Why now?

- **Because now is the time to drive action on our EU 2020 targets.**
The first Kyoto commitment period ends this year, and our EU 2020 targets loom ever more clearly on the horizon. The current target is challenging. The EPA reckon without new policies and measures we will overshoot it as early as 2015. And our EU target is likely to toughen in the coming years.
- **To learn and apply the lessons of the recent boom and bust.**
Some of the factors behind the economic crisis are common to the climate crisis: a “misunderestimation” of risk (from sub-prime mortgages and greenhouse gases), a complacency about business as usual (houses prices and carbon emissions will continue to rise without negative consequence) and a belief that light-touch regulation is all we need.

The climate change law is the of the equivalent of the banking regulations

we should have enacted in 2002 and the planning and development law we should have enacted in 1998. When politicians tell me that nobody asks about climate change on the doorsteps I say no one was asking about banking regulations in 2002 or 2007 but they would be damn glad now if you had showed leadership and enacted them anyway. A climate law is part of much needed political reform.

What should be in an effective climate law?

First, just as importantly, what is the law *not* about!

- It's not about taking on new targets we haven't already agreed to.
- It's not about mandating specific measures
- It's not about picking on one sector of the economy

A climate law is not about taking on unilateral targets above and beyond our EU targets. It is about making sure we actually *do something* to meet our existing and future EU targets, in a timely and planned manner. The only reason to oppose the targets being in domestic law is if you hope or plan that Ireland will not actually try to meet them. But the focus of the law is as much about the architecture of policy-making as the targets. It's about ensuring that Governments actually do choose some policies to reduce emissions, based on independent evidence and advice, and are then held accountable to the Oireachtas for their implementation.

Key elements

A science based target for 2050

EU leaders have accepted the IPCC finding that development countries' fair share of the global emissions reductions required to have a 50/50 chance of keeping warming to 2C above pre-industrial levels, is a reduction in emissions of 80-95%, compared to a 1990 baseline, by 2050. This is the target in the UK Act and it is the foundation stone for long-term policy development. Given the way the science is developing there is a case to be made for adopting the 95% end of the spectrum as our target. But for the sake of sticking to the agreed, consensus-based, middle-ground, an 80% target is more likely. To oppose this target is either to say Ireland doesn't think the world should try to stay below 2C or to say Ireland should do less than its fair share.

Interim targets expressed as *legally-binding* 3 or 5 year carbon budgets

Carbon Budgets have been the subject of considerable mystification and misunderstanding during this discussion. They are actually quite simple. They are another way of expressing a target. A percentage reduction captures a moment in time (20% by 2020). A Carbon Budget captures all emissions over a given time (314Mt from 2008 to 2012)

We already have a Carbon Budget under Kyoto. Our target for the first commitment period is that our total emissions from 2008-2012 will be no more than 314 Mt CO₂eq. Calculated as a percentage that works out at 13% above the 1990 baseline.

So we are coming to the end of our first Carbon Budget period. We should now be setting our Carbon Budgets for 2013-2017 and for 2018 – 2022. That third Carbon Budget can simply be calculated so that it would equate, when expressed as a percentage reduction, with our current EU 2020 target.

The benefits of breaking a medium or long-term target into 5-year chunks is obvious. Back in 1998 our Kyoto target was simply too far away to generate any political will to take action. With 5-year Budgets the target isn't always away over the electoral horizon. There is case to be made for 3-year Budgets to make sure every Government faces a target or can't get away with setting a target but not be around to take responsibility for having met it or not.

Just to be clear too, there was never going to be legally-binding sectoral targets in law. None of the five Bills so far initiated in the Oireachtas provided for legally binding sectoral targets. There should be sectoral targets but they will always be political not legal, that is to say negotiated every couple of years at Cabinet. But the overall Budget means that each Minister's special pleading doesn't lead to national inaction. With an overall legally-binding Budget, every time it's agreed not to implement some measure an alternative measure or measures of equivalent impact will have to be found.

An independent expert Climate Change Commission

This is a no-brainer but you'd be surprised at the resistance to it being independent. It was in the Fianna Fail manifesto in 2007 but by the time the FF/GP Bill was published 15 months ago it had been downgraded to an "expert advisory body" and had lost the power to publish its own reports.

The model should be the new Irish Fiscal Responsibility Council. A small group of independent experts looking at the evidence and publishing their advice to Government before the Government makes decisions – so as to inform political and public debate. They should also report annually to the Oireachtas on progress, to facilitate the public and parliamentary accountability process.

The UK version has 7 members and 22 staff. Ours will have fewer staff, no doubt. But it's a small investment for good evidence-based advice. And to be very clear – this is an expert group not be a stakeholder group, I don't want to be on it! This is not the Board of Fás or even the Council of NESC.

A "concrete ceiling" on the buying of overseas carbon credits

If the law is to drive the innovation we need in public policy, private enterprise and even personal behaviour it needs to clear we can't just buy our way out of the targets we adopt. Back at the time of Kyoto in 1997, Noel Dempsey as environment minister favoured a concrete ceiling on the use of such flexible mechanisms. That remains sound policy. It will provide the clarity and certainty that businesses and households need to invest. I would say we should rule out offsetting completely and just get on with the much needed transition to a low-carbon, climate-change-resilient economy we need to safeguard prosperity and sustainability in future. Ruling out spending taxpayers money on overseas offsets also has the virtue that the targets we adopt mean what they say, which builds public trust.

Giving the Department of the Taoiseach overall responsibility for climate change

The Department of the Environment simply doesn't have the authority to drive action across Government. The Kyoto experience demonstrates that. The model here is how we organized Northern Irish policy and EU policy until recently. The Taoiseach answered questions in the Dáil on both topics and his Department had an Assistant Secretary with responsibility for those areas. The Minister for Foreign Affairs and that Department maintained a lead role also and could act as a "champion" at Cabinet as required.

But one final word of caution ...

A climate change law is a game-changer but it's not a silver bullet

You still have to win each battle for each concrete measure to reduce emissions. And as often happens the opposition will come from vested interests, organized and focused, facing short-term adjustment costs, while the benefits are often down the line and the beneficiaries diffuse and unorganized (unborn, many of them). But the law will change the rules of the game and level the playing field for what is a struggle between an entrenched, but unsustainable, status quo and hope for the future.

Michael Collins famously said that the Treaty was not freedom, but the freedom to achieve freedom. Well, the climate law is not sustainability, but it is the opportunity to achieve sustainability.