



Kilcatherine, Eyeries, County Cork  
<http://www.friendsoftheirishenvironment.org>

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## **Submission on the Heads of the Climate Action and Low Carbon Development Bill**

**Friends of the Irish Environment is a network of conservationists and environmentalists dedicated to protecting the environment. We welcome the consultation on the Heads of this Bill and wish to make the following comments. We also have a query and will start with that.**

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## 1. What has happened to the policy consultation?

The bringing forward of the Heads of the Bill was delayed by the Minister for the Environment because he wanted to achieve consensus on the policy before bringing legislation forward. In line with this approach, NESC Secretariat was asked to do research on national climate policy. The government's Climate Roadmap<sup>1</sup> indicated that the Oireachtas Joint Committee would consider and carry out consultation on both the NESC Report and the heads of the bill. The Roadmap included the following:

March – June Oireachtas Joint Committee to consider the NESC reports and Heads of climate bill, consulting with stakeholders as determined by the Committee.

End June Oireachtas Joint Committee to report on national climate policy development and appropriate legislation.

Quarter 3/4 Having regard to –

- the National Climate Policy Review,
- the reports from the NESC Secretariat and the Oireachtas Joint Committee on the Environment, Transport, Culture and the Gaeltacht, and
- ongoing evolution of climate policy within EU level and at a wider-international level under the UN Framework Convention on Climate Change,

Government to adopt a national policy position on transition to a low-carbon future, including appropriate institutional arrangements, and finalise the introduction of climate legislation.

If we understand the consultation call correctly, it is simply on the Heads of bill<sup>2</sup>. We have written this submission on that understanding.

However, we find it deeply unsatisfactory that the process for adoption of that policy appears to no longer be in train. Even worse, it is our understanding from the Heads that it now might not be the Government's intention to adopt national policy until up to a year after the coming into force of the Climate Act, which itself could be a year away.

The fact that the Bill has been delayed for two years in order to make policy but the policy will now be delayed until after the Bill is enacted (possibly a further

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1 <http://www.environ.ie/en/Environment/Atmosphere/News/MainBody,29241,en.htm>

2 [http://www.oireachtas.ie/parliament/oireachtasbusiness/committees\\_list/environmentcultureandthegaeltacht/submissions/](http://www.oireachtas.ie/parliament/oireachtasbusiness/committees_list/environmentcultureandthegaeltacht/submissions/)

two years) seems to be a sleight of hand directed at inaction. The Minister's statement in November 2011 that the Climate Change Bill was not a priority appears to be borne out by these developments.

## **2. We need a Climate Responsibility Act because the climate crisis is more serious than the fiscal crisis**

We are struck by the contrast between the Government's attitude to targets in the areas of fiscal policy and climate policy. We urge the Oireachtas to recognise that the climate crisis is a global crisis of intergenerational duration and is deserving of more serious consideration. Last year a Fiscal Responsibility Act was enacted by the Oireachtas on the motion of the Government.

### **2.1 Targets**

Section 2 of that Act reads:

2.— (1) The Government shall endeavour to secure that—

(a) the requirement imposed by section 3 (the budgetary rule),  
and

(b) the requirement imposed by section 4 (the debt rule),

which derive from Articles 3 and 4 respectively of the 2012 Treaty, are complied with.

We urge the use of a similar formulation in the Climate Responsibility Act:

The Government shall endeavour to secure that the targets imposed by section X are complied with.

This is a sufficient legal duty, requiring a level of commitment which unfortunately is lacking at the moment in Irish climate policymaking, a point to which we will return below.

### **2.2 Oversight**

The Fiscal Advisory Council is given a clear role and remit in the legislation including specific duties to advise and assess and publish that advice.

Section 8 of the Fiscal Responsibility Act reads:

8.— (1) The Fiscal Council shall be independent in the performance of its functions.

(2) The Fiscal Council shall monitor, and at least once in each year provide an assessment of, whether any obligation under section 2 (1)(a) or 6 (1), or to do things specified in a plan under section 6 (1), is being complied with.

(3) An assessment under subsection (2) shall include an assessment of whether (in the opinion of the Fiscal Council)—

(a) exceptional circumstances exist or have ceased to exist,

(b) there is a failure such as is referred to in section 6 (1), and

(c) during any period specified in a plan under section 6 (1), progress towards securing compliance with the budgetary rule is being made in accordance with the plan.

(4) The Fiscal Council shall—

(a) provide an assessment of the official forecasts, and

(b) in relation to each Budget and stability programme, provide an assessment of whether the fiscal stance for the year or years concerned is, in the opinion of the Fiscal Council, conducive to prudent economic and budgetary management, including by reference to the provisions of the Stability and Growth Pact.

(5) The Fiscal Council shall, as soon as practicable after completing an assessment under this section, give a copy of the assessment to the Minister and publish the assessment within the period of 10 days beginning on the day on which the copy is so given.

(6) If the Government do not accept an assessment of the Fiscal Council in relation to any of the matters referred to in subsection (3), the Minister shall, within 2 months of being given a copy of the assessment under subsection (5), prepare and lay before Dáil Éireann a statement of the Government's reasons for not accepting it.

(7) The Fiscal Council has all such powers as are necessary for, or incidental to, the performance of its functions.

This makes a striking contrast with the rather sorry Expert Advisory Body in the Heads of the Climate Action Bill, which cannot publish its advice without the consent of the Government and must publish it in the manner directed by the Government.

### **3. Irish legislation should be in keeping with UNFCCC decisions and EU legislation/proposed legislation**

The Heads of Bill refer to a Low Carbon Roadmap. The UNFCCC decision

1/CP.163 from Cancún includes a decision that

developed countries should develop low-carbon development strategies or plans;

In implementation of this decision, the European Union is adopting a Mechanism for Monitoring and Reporting Regulation<sup>4</sup> which also refers to low-carbon development strategies. The Regulation will also go into considerable detail in relation to reporting on policies and measures (Art. 13), reporting on projections (Art. 14), reporting on national adaptation actions (Art. 15), reporting on financial and technology support provided to developing countries (Art. 16), reporting on the use of auctioning revenue and project credits (Art. 17). The detail on reporting obligations in Irish legislation should be in keeping with EU legislation, except for areas where extra details are required by Irish circumstances.

The terminology and, more importantly, the content of the Irish legislation should be in harmony with that in the MMR Regulation. It is in the interest of good governance that the obligations be clear.

#### **4. The legislation should be capable of covering black carbon and other forcing agents**

The last climate change bill discussed in the Dáil, the Energy Security and Climate Change Bill 2012 contained provisions enabling the inclusion of black carbon and other climate forcing agents within the scope of the Bill. We urge that this Bill should contain the same flexibility to enable these significant pollutants, not currently covered by UNFCCC to be addressed, in line with recently established policy developments at EU and international levels. We urge the Committee to get the advice of the Environmental Protection Agency in this regard.

#### **5. Wider benefits and considerations of climate policy need to be covered by the legislation**

Head 5(10) contains important considerations which must be taken into account in drawing up Low Carbon Roadmaps. However, some key issues are missing. There are major co-benefits to climate change policy as well as certain risks that narrowly considered policy could have other negative impacts, which proper analysis and careful planning could avoid. Therefore we suggest adding the following considerations:

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<sup>3</sup> <http://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf>

<sup>4</sup> <http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2011/0372%28COD%29>

△ **Public Health.** The co-benefits, particularly for public health, of many emissions reduction policies massively exceed the climate benefits of those policies. Typical examples include measures to promote active transport and public transport, reduce air pollution, improve the energy efficiency of housing stock or reduce the carbon intensity of diets. Please see the position of the Institute of Public Health in Ireland; we suggest the Committee might ask for their input into its discussions.<sup>5</sup>

△ **Sustainability and the protection of the environment, in particular biodiversity.** Certain policies directed at greenhouse gas emissions can have significant negative impacts on biodiversity. Recommendations in this regard are being developed by NGOs through the WEB project (publication imminent).<sup>6</sup>

△ **The global impact of policies and measures.** Measures which achieve local emissions reductions by displacing emissions elsewhere on the planet are worse than useless and the legislation should require policy-makers to guard against them.

△ **Global and national food security.** Climate change is a major threat to food security. It is essential that it be addressed but also that any risks to food security from climate policies also be avoided.

△ **The need to avoid lock-in to high greenhouse gas emissions.** While this is a consideration which should be automatically covered by any roadmap, so are many of the items already listed in Head 5(10) and this is a particularly important consideration for near-term policy development.

## **6. Ireland needs to engage with agricultural and food policy for GHG mitigation rather than hoping it goes away**

Finally, we know that much of the discussion at the Committee is likely to touch on the issue of agricultural emissions.

The recent EPA greenhouse gas emission projections<sup>7</sup> predict that by 2020, due to reductions in emissions from other sectors and increases in agriculture and transport, also expected to grow rapidly agricultural emissions will amount to half of Ireland's non-traded emissions.

The EPA's document is also striking in demonstrating by omission that we are effectively without an policy on agricultural greenhouse gas emissions. National

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5 [http://old.iph.ie/files/file/Climate\\_change\\_and\\_health.pdf](http://old.iph.ie/files/file/Climate_change_and_health.pdf)

6 <http://biodiversity.irishngo.com/>

7 <http://www.epa.ie/pubs/reports/air/airemissions/irelandsgreenhousegasemissionsprojections2012-2030.html>

policy appears to have been to omit agriculture from obligations as regards greenhouse gases.

Our engagement with European policy has been similar, pleading the difficulty in reducing emissions especially in the face of anticipated export market opportunities. An interesting question in this regard was raised with Jos Delbeke of the DG Clima at his recent EPA lecture in Dublin. The questioner wanted to know how we would reconcile the climate policy and agricultural policy. Mr. Delbeke's response was that this was something Ireland regularly raised. He considered that Ireland should make proposals as to how agriculture should be addressed. For example, inclusion in the ETS would be a credible proposal in principle; what would be required to make it happen would be credible systems for measuring monitoring and verifying agricultural emissions.

This is an interesting example as precisely this approach is being taken in New Zealand, which has provided in its Climate Change Response Act for the future inclusion of agriculture in their Emissions Trading System.

We urge the Committee to engage with the issue of how agricultural emissions can most effectively and most economically be regulated and reduced. Agriculture is covered by our international and EU legal obligations, so arguing that it should be ignored at national level would be an ostrich-like response.

In this context also we would like to emphasise the independent importance of carbon sequestration. Ecosystems already absorb half of the excess carbon which we are putting into the atmosphere. There is a tendency to see carbon sequestration as a way of getting credits rather than as a key carbon mitigation policy in itself. Therefore we argue that carbon sequestration policies should be developed and promoted separately, not merely as add-ons to emission reduction policies.

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