

Parliamentary briefing

January 2009

Analysis of Climate Change (Scotland) Bill: as introduced to Parliament.

WWF Scotland, as part of the [Stop Climate Chaos Scotland](#) (SCCS) coalition has welcomed introduction of the Scottish Climate Change Bill into the Scottish Parliament. This piece of legislation could be the most significant for a generation and if strengthened by Parliament, could be the most progressive climate change legislation in the world.

What would make the Bill strong?

In order to ensure that Scotland does indeed have the strong, world-leading climate legislation more than 20,000 respondents to the Scottish Government indicated they would like to see, it needs to:

- Require reduction of greenhouse gas emissions of at least 80% by 2050
- Include statutory annual targets of at least 3% year-on-year reductions
- Include all the emissions from international aviation and shipping in the targets.

WWF Scotland, with SCCS, have also been campaigning to ensure the Bill would legislate for:

- A Scottish Climate Change Commission
- Cap on international credits/carbon trading overseas to ensure domestic effort to reduce emissions
- Tough reporting mechanisms to ensure Parliament is kept informed on progress delivering targets.

There are briefings available on all these areas on www.wwfscotland.org.uk/climate

What would the draft Bill deliver?

☺ **Reduction of greenhouse gas emissions of at least 80% by 2050:** The draft Bill does propose a long term target of ‘at least 80% by 2050’ which is to be welcomed. This target is based on the basket of all six of the main greenhouse gas emissions from the Kyoto baselines (1990 for CO₂, CH₄ and N₂O and 1995 for the f-gases). While there is a reference to ‘emissions’ in the body of the Bill, the long title is explicit that this target is based on greenhouse gas emissions.

☹ **Statutory annual targets of at least 3% year-on-year reductions:** The draft Bill provides for annual targets to be set from 2010, but no starting point for the amount of emissions reduction that needs to be delivered. Between 2010 and 2019, there just has to be a reduction every year from the previous year but the amount of that reduction is not defined. It is only from 2020 that emissions reduction has to

be at least 3% per annum. This is a significant departure from the SNP manifesto commitment. It means that the cuts are likely to be less than the bare minimum of 3% per annum required for at least another decade and total emissions to 2050 are a lot larger (c.~200 Million tonnes of CO₂ equivalent) than that commitment would have delivered. Annual targets are welcome, but these need to be strengthened and all opportunities to weaken them removed. At least 3% reductions should be the *absolute minimum* Scotland aspires to cut annual emissions by, especially in early years when urgent action to prevent dangerous climate change is so critical.

☹️ **Include all emissions from international aviation and shipping in the targets:** The Scottish Climate Change Minister said that all emissions, including those from international aviation and shipping, are included in reduction targets from the outset. However, the legislation does not appear to be drafted to do that. The provision is made, in the draft Bill, to enable Ministers to bring forward an order (that they would seek more advice on) to include these emissions. They *may* do this, there is no requirement that they must do this. In other words, it would need a further piece of secondary legislation rather than their inclusion being established from the outset in the primary legislation. As it stands, this is weaker than the UK Act.

On other key areas...

☹️ **A Scottish Climate Change Commission:** It is welcome that the Bill does make provision for a Scottish advisory body on climate change, that is able to advise and steer progress in Scotland with an awareness of Scottish policy, institutional, geographical, social and economic context. A Scottish body is needed now, not some time in the future. The independence of this body and ability to inform and support Parliament need consideration - a Commission model as proposed by Stop Climate Chaos may be more appropriate.

☹️ **Cap on international credits/ carbon trading to ensure domestic effort to reduce emissions:** The draft Bill gives Ministers powers to make regulations but draft legislation sets no limit on the extent to which credits can be used to meet targets. In order to inspire confidence, drive domestic emissions reductions and mirror the Cabinet Secretary's intention that the majority of effort to make emission reductions will be undertaken in Scotland and not passed overseas it is critical that there is a numerical limit in the Bill. In line with Stop Climate Chaos Scotland, WWF believes the commitment should be for a cap that leads to 80% emissions reduction in Scotland with 20% possible overseas.

☹️ **Tough reporting mechanisms to ensure Parliament informed on progress delivering targets:** The spirit of the draft Bill seems good, as there are mechanisms proposed to ensure that Parliament is kept up to date on progress delivering targets and has opportunities to hold Government to account. The Ministerial statement, proposals for cross sector reporting and consideration of statutory instruments in setting targets is welcome although some tweaks to process could make this even more effective.

Of course Scotland imports many things which made climate emissions to produce elsewhere in the world. It is vital to consider consumption-based emissions alongside territorial emissions to truly understand the global impact of our emissions. It is disappointing that there is no reporting of emissions related to Scotland's consumption included after the discussion in the consultation document, without there having been any explanation why. The draft Bill does acknowledge the value of reporting on our electricity consumption but fails to extend this logic to consumption reporting more widely.

What else does the Bill propose?

☹️ **Interim target:** a useful milestone in principle, but the 2030 target set is not on the trajectory that would have been achieved with at least 3% emission reduction targets annually from the start. This would have meant a 60% rather than 50% reduction by 2030, significant in terms of what needs to be achieved.

☹️ **Duties on public bodies:** The Bill sets out a provision for Ministers to bring forward such duties for the public sector if deemed necessary. However, as drafted it would need more consultation and another piece of secondary legislation. Yet, the consultation responses on the Bill proposals clearly indicate that public sector bodies, such as local authorities were in support of statutory duties, it is essential these are in the primary legislation from the start so the public sector is engaged in delivery and does take a lead.

☹️ **Energy Efficiency:** The draft Bill sets out the requirement for an Energy Efficiency Action plan which is welcome (as there has been one promised for 6 years now) but does repeal a section of the Housing Act (2006) which required improvements in energy efficiency and replaces it with a requirement to promote energy efficiency which may be weaker.

☹️ **Sustainability:** There is no provision in the draft bill to implement this Bill sustainably, in other words to consider social, environmental and economic consequences of action. This should be addressed in the long title of the Bill, with a general duty in the body of the Bill and at least have equal weighting with the need to consider equal opportunities in Section 6.

The strength of the Climate Change (Scotland) Bill will depend to a large extent on the consideration and improvements that can be addressed through the Parliamentary process.

WWF Scotland will be working with colleagues in Stop Climate Chaos Scotland and across the political parties in Parliament on our shared priorities to ensure that in 2009, such a critical year for action on climate change with the new global deal, Scotland takes a bold lead and delivers world class legislation.

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