

Advice from the Committee on Climate Change on new Scottish Climate Change Bill

The Scottish Government has committed to working with the Committee on Climate Change (CCC) to develop a new Climate Change Bill. As part of this process, the Scottish Government requests the following advice from the CCC. It is understood that the CCC may also wish to provide further advice and analysis on other aspects of future targets and legislation.

1) Appropriate level of future emissions

The Climate Change (Scotland) Act 2009 sets a long-term emissions reductions target for 2050, with an interim target for 2020.

The Scottish Government has committed to setting a new and more testing 2020 target, of reducing actual Scottish emissions by at least 50% (from baseline levels). The Scottish Government has also committed to new legislation that responds to the Paris Agreement. The Agreement has increased the level of international ambition beyond the level that existed when the current Act was passed, with implications for mitigation efforts both up to, and beyond, 2050.

The CCC will review existing Scottish targets based on these developments and any new evidence that comes to light during their work.

The CCC will provide advice on; i) the level of the 2020 target, ii) the level of the 2050 target, iii) whether any further interim targets (e.g. for 2030 and 2040) are appropriate, and iv) whether any post-2050 targets are appropriate.

2) Form of future emission reduction targets

The long-term / interim targets in the current Act are set as percentage reductions from baseline levels. The Act also requires that annual targets are set, by order, as absolute amounts of emissions. The Act also contains the concept of a “fair and safe Scottish emissions budget”, this being a cumulative absolute amount of emissions over the period 2010-2050.

The Scottish Government’s commitment to a new and more testing 2020 target implies that future legislation will continue to include long-term / interim targets set on a percentage reduction basis.

The CCC will review the advantages of disadvantages of targets set as percentage reductions and absolute amounts, including their assessment of lessons learnt since the passage of the current Act.

The CCC will provide advice on; i) whether future legislation should continue to include annual targets, ii) whether any future annual targets should be set as percentage reductions or as absolute amounts, and iii) the role of a cumulative budget in future legislation.

3) Future accounting framework

Emissions can be accounted for on a “gross” or a “net” basis, depending on whether trade / purchase of emissions permits is taken into account or not. All emissions reduction targets in the current Act are set on a net basis (the “Net Scottish Emissions Account”).

The Scottish Government has committed to moving to a gross basis (“actual Scottish emissions”) for future targets.

The CCC will review the advantages and disadvantages of switching to a gross basis for emissions accounting, including their assessments of; lessons learnt since the passage of the current Act, the decarbonisation of the power sector in Scotland to-date, and the uncertainty around EU Emissions Trading System following the UK's decision to leave the EU. The CCC will also review the potential approaches to gross accounting, including the role of emissions trading and credit purchase.

The CCC will provide advice on; the advantages and disadvantages associated with each of the potential approaches to gross accounting that they have identified.

4) Flexibility to update emissions reduction targets

The current Act does not allow for any modification of the 2050 target. The Act allows for the amendment, by order, of the interim 2020 target – provided that this is made more ambitious. The Act allows for the amendment, by order, of annual targets – provided that the advice of the CCC is sought and subject to certain restrictions in terms of level of ambition. The Act also sets out detailed criteria that the Scottish Government must take into account (and upon which the CCC must provide advice) when annual targets are either set or amended (e.g. not exceeding the “fair and safe Scottish emissions budget”, scientific knowledge, economic circumstances).

The Intergovernmental Panel on Climate Change (IPCC)'s report on the scientific evidence base regarding the implications for global emission reduction pathways of the Paris Agreement's 1.5°C global temperature goal is due in 2018. This report will provide the evidence base for a “facilitative dialogue” on ambition under the Agreement that same year, in advance of the first full “stocktake” of ambition in 2023. It is understood that the CCC will be providing their advice on future Scottish targets before the IPCC report is published.

The CCC will review the advantages and disadvantages of including flexibilities to set further targets and/or amend existing targets in future legislation. This review will reflect the CCC's assessment of the extent of present knowledge regarding the implications of the Paris Agreement and the UK's decision to leave the EU.

The CCC will provide advice on; i) whether future legislation should contain provisions for setting further long-term / interim targets, and ii) whether future legislation should contain provisions for the amendment of long-term / interim targets, annual targets and cumulative budgets.

If the CCC advises that flexibility to update targets in these ways is desirable, it will also provide advice on what the criteria for, and limitations to, making such updates should be. In providing advice on the criteria, the CCC may wish to consider whether the criteria for setting/amending annual targets under the current Act are fit for purpose.