

Climate Change Response Bill 2010

Summary of Responses to Public Consultation

Introduction

On 24 December 2010 the Minister for the Environment, Heritage and Local Government announced a public consultation on the Climate Change Response Bill 2010. This consultation closed on 28 January 2011.

This document is a narrative overview of the responses received as part of that consultation process. It does not purport to be a comprehensive summary of those views, but rather it identifies common points and issues raised by interested parties. Appendix 2 sets out in more detail the general points raised.

Overview of Responses

In total 509 responses were received. A full list of respondents is outlined at Appendix 1. Copies of individual submissions are available from the Department on request.

In general, the responses welcomed the publication of the Bill and the opportunity to comment. However, a number of respondents raised concerns regarding the short consultation period given the significance of the Bill. While the majority of respondents acknowledged the importance of tackling climate change, views regarding the approach set out in the Bill varied. The main issues raised by respondents are outlined below.

Targets

A common thread through many of the responses was the misinterpretation of the targets in the Bill. An interpretation of these targets remains available on the Department's website. Some respondents were of the view that the targets as set out in the Bill would result in Ireland being required to achieve a level of greenhouse gas mitigation beyond EU requirements. The main concern in this regard related to potential impact on Ireland's competitiveness. A number of respondents suggested that the interpretation of the proposed 2020 target be more clearly defined in the legislation. For the purpose of clarity, it was also suggested that, rather than having a reduction trajectory, a single 2020 target should be specified in the Bill¹.

The majority of respondents in the individual category and the NGO category were concerned that a 2020 target was too distant and suggested the setting of five-year targets as part of a carbon budgeting process. NGO respondents were concerned

¹ Note: a trajectory is a mandatory EU requirement under Decision 406/2009/EC "the Effort-Sharing Decision".

that the proposed targets were not legally binding and failure to meet them had no consequences. A number of other submissions from business interests and farming organisations wanted the proposed national targets limited to the requirements to which Ireland is already bound under EU law.

Carbon Budgeting

The majority of respondents in the individual and NGO category expressed their disappointment that the Bill did not provide for the introduction of carbon budgets; respondents did not view the proposed Annual Transition Statement process as an acceptable alternative to a carbon budgeting process.

Expert Advisory Body

The majority of all respondents took the view that the proposed provisions on the Body were too weak and needed to be strengthened. For example, many respondents felt that the Body should be able to publish its reports without the prior consent of the Government. They also suggested that where the Government decided not to act on the recommendations of the Body, a statement outlining the reasons should be presented to the Oireachtas.

Many of the respondents believe that the Body was too small and there were various suggestions as to an ideal number of members. It was suggested that the body include representatives from the NGO community and business. Contrary to this point many of the NGO's suggested that the Body not become a stakeholder body but rather a technical body to provide high-level advice to Government. It was suggested that criteria specifying the type or range of expertise required for the Body be specified in the legislation. It was pointed out that, in order to fulfil the proposed obligations set out in the Bill, the Body needed to be adequately resourced; it was suggested that it should have a budget separate to that of the EPA which it would manage itself.

Justiciability

Concerns were raised by many of the NGO respondents that the proposed targets were not justiciable, which prevented legal challenge in the case of targets not being achieved. It was suggested by these respondents that the proposed targets be legally binding. Other respondents have suggested that none of the provisions of the Bill should be justiciable.

National and Sectoral Plans

The proposal in the Bill for the establishment of statutory national and sectoral plans was widely welcomed; however, the majority of respondents believed that these should be adopted every 5 years as opposed to the 7 proposed in the Bill. It was

suggested the Expert Advisory Body should have a greater role in the development of National Plans.

Ministerial Duties

Section 5 (16) of the Bill requires Ministers to “have regard” to a national plan in performing his or her functions. It was suggested by the majority of the individual and NGO submissions that this be changed to “be consistent” with the national plan. One respondent pointed to case law (McEvoy and Smith V Meath Co Co) which ruled that “have regard to” did not require rigid compliance with a plan and therefore in order to ensure Ministers comply, suggested that the wording be changed.

Public Engagement Strategy

A number of respondents from the NGO category suggested that the Bill introduce a public engagement strategy similar to that contained in the Scottish Climate Change Act. The purpose of this strategy would be to promote understanding of the implications of the proposed targets and the role they could play in achieving a low carbon society among the general public.

Regulatory Impact Analysis

It was suggested that the Regulatory Impact Assessment include a rigorous economic analysis, including fully costed options and measures for meeting the targets established in the Bill. This point was made particularly strongly by the business and agriculture sectors with a focus on the impacts on competitiveness – mostly in the agri-food sector.

Conclusion

The number of responses to the consultation process demonstrates the importance of the national climate agenda. Some of the views expressed were conflicting, with those representing the business and farming sectors in favour of less stringent targets, and the Non Governmental Organisations and the general public in favour of strengthening the targets along with other elements of the Bill. A number of respondents made technical suggestions for inclusion in future legislation and constructive suggestions on text. Having engaged in the consultation, the Department has a greater understanding of the concerns of interested parties.

Climate Policy Section

February, 2010

Appendix 1

Individual	472
Government Agency/Local Authority	7
Business	5
Representative Body	8
Professional Body	1
NGO	16
Total	509

A.Carolyn Vernon (Mrs.)	Aoife O'Leary	Catherine Cunningham
Abby Mcsherry	Aonghus Fitzgibbon	Catherine Lonergan
Abigail Joffe	Barbara Byrne	Catherine Maher
Adam McGibbon	Barra Mallon	Cathy Doran
adrian mckeeon	Barry Finnegan	Catriona Finnegan
Aideen Graham	Barry Mc Carron	CCMA
aileen kennedy	Ben Conroy	CGE Limited
Aisling ?	Ben Nutty	Chantal Doody
Aisling Wheeler	Ben Ryan	Charlie Hickey
Alan Cleere	Berenice Prendiville	Chris Betts
Alan pierce	Bernie Deegan	Christian Aid
Alexander Thomas	Bill ?	Christian Eder
Creighton	Bill Love	Christophe Mouze
Alison Leahy	Birdwatch	Christopher Oakes
Alison Wickham	Bojana	Chuck Kruger
Alix Tiernan	Bord Bia	Ciara Flanagan
An Taisce	Bord na Mona	Ciara Gaynor
Ana Day	Breandán Mac Séarraigh	Ciaran Casey
Andrew Mac Alister	Breda Walsh	Ciaran Hogg
Andrew O'Neill	Brendan G Conroy	Ciaran Kennedy
Angela Power	Brendan O'Donoghue	claire
Angelika Brady	Brian Burke	Claire Dunphy
Anke Auler	Bridget Farrell	Claire Murphy
Ann Maria Dunne	Bridget McLoughlin	Claire Oakes
Ann O'Malley	Bridget Walsh	Clare Conry
Anna ?	Bryan Flood	Clare O'Grady Walshe
Anna Aherne	C. Condren	ClientEarth
Anna Heussaff	Caelinn Largey	Cliona Lynch
Anne fleischmann	Carl Cooney	Colin Doyle
Anne Harnett	Carla Beggan	Colm Cahill
Anne Kearney	Carlos Sullivan	Colm O'Gairbhith
Anne-Marie Dixon	carol mcauley	Colm Shevlin
Annet Macconnell	Caroline Flavin	Comhar SDC
Antoin McDermott	Cathal Garvey	Comhlámh
aoibhinn lynch	Catherine Bayne	Concern
Aoife Hurley	Catherine Brennan	Conor Brian Scott
Aoife Kelly	Catherine Caulwell	Conor Brian Scott
Aoife Kennedy	Catherine Corcoran	Conor Murphy

Conor Robinson	Elizabeth Mc Ardle	Ian Clotworthy
Constantinos	Else van der Lecq	IBEC
Charalambous	Elske Rahill	IFA
Cormac Ó Mainnín	Emer Bailey	IHPA (Irish Hydro Power Association)
Cormac O'Cadhain	Emma Rorke	Imelda Daly
Cormac Parle	Environment Pillar of	Institute of Public Health
Daithi Kimber	Social Partnership	Irish Academy of
Dalan de Brí	Eoin Loughlin	Engineering
Dale Bucknell	Eric Conroy	Irish Organic Farmers' and Growers' Association (IOFGA)
Damien Kavanagh	Erik van Lennep	Irish Peatland
Danijela Maletic	ESB	Conservation Council
Dariusz	Evelyn O'Neill	Irish Timber Growers Association
Darragh Conway	Finian McNamara	Isobel Abbott
Dave Gibson	Fintan McCabe	James McVeigh
Dave McManus	Fiona Bolger	James O'Donovan
Dave Raftis	Fiona Cusack	Jane Doyle
Dave Walsh	Fiona Murdoch	Jane Morgan
David Coleman	Fionnuala Kennedy	Janice Taylor
David Coughlan	Food and Drink Industry	Jennifer Murphy
David Harland	Ireland	Jennifer Ryan
David Hodnett	Forfás, Enterprise	Jennifer Sleeman
David Lloyd	Ireland, IDA Ireland	Jennifer Sullivan
David Morrison	Frances O'Kane	Jennifer Walker
David Roche	Francis Thoma	jennifer wallace
David Rose	Frank Aiken	jesse booth
David Simmonds	Friends of the Earth	Jessica Jones
David Thomas	Friends of the Irish	Jim Ryan
David Thompson	Environment	Joanne Harmon
Davin Aiken	Frontline LED	Joanne Mary Doherty
Declan Meenagh	G.A. Cusack	Joanne McGarry
Deirdre Hosford	G.C. Bernal	JoAnne O'Donovan
Deirdre Kelly	Gar Tyrrell	Jocelyn Goggin
Deirdre Ryan	Garreth McDaid	Joe Clancy
Denise McDunn	Garry Walsh	John Barry
Denise Nagle	Gary Hannon	John Fitzgerald
Dennis Wright	Gary Tyrell	John Forde
Diana Popa	Gary Vaughan	John Kirwan
Diarmuid Fitzgerald	Gemma Sidney	John Leydon
Dolores O'Donovan	Georgina Flood	John Maguire
Dominic Thorpe	Glenisk	Jonathan Victory
Don Cromer	Gorta	José Antonio Gutiérrez
Donagh Molloy	Grace Maher	Joy and Don Pollard
Donijka Monk	Grace Somers	Julia Baer
Douglas Cubie	Grainne Dunne	Just Forests
Dr Galway Johnson	Greg Burke	Kaethe Burt-O'Dea
Dr Martin Clancy	Gretta Guerin	Karen Coyle
Dr. Aideen O'Sullivan	Grían	Karen Murphy
Dr. Cara Augustenborg	Guy Polden	Karena Constable
Dr. Tadhg o' mahony	Gwen Duffy	Karl Gillis
Dunstan Burke	Helen Cantrell	Kate Nic Chonaonaigh
Eadaoin Heussaff	Helen Hyland	Kathleen Hogan
eamonn downey	Helen Lawless	Kathlyn Hogan
Eavan Aiken	Helen McGuinness	Kay O'Sullivan
Eckhard Ladner	Helena Carroll	Kenneth Ward
Eckhard Vogelsang	Henrieta Porubecova	Kevin McLaughlin
Eco Congregation	Herman baily	Kevin Murphy
Eileen Boyle	Hilda Allen	
Eimear McNally	Hildegard O'Connor	
Eimear O'Hanrahan	Howard Preston	
Elaine Smith	Hugh and Jean Campbell	

Kilkenny County Council	Mary Muldoon	Patricia Magee
Kim Pierce	Mary Mulvey,	Patrick Guerin
kurt lyndorff	Greenbox/Ecotourism	Patrick O'Reilly
Laura ?	Ireland	Patrick Treacy
Laura Cahill	Mary Phelan	Paul Carr
Laura Heneghan	Mary Walshe	Paul Conway
Leda Scully	Matt Hodd	Paul Flynn
Lee Page	Maureen Kirby	Paul Leahy
Lesley O'Connor	Maureen O' Connell	Paul McCulla
Liam Barnard	Maureen OMalley	Paul mcnally
Liam Johnston	Mecky Beggan	Paul Ng
Liam Langan	Melanie Drea	Paula Buckley
Liam McGlynn	Michael Bell	Paula Downey
Liam Plant	Michael Donohoe	Paula Kehoe
Liam Sheehy	Michael Ewing	Pauline Carey
Lidia Montemurri	Michael Henehan	Pauline Harney
Limin Ma	Michael Keating	Peter Anthony O'Sullivan
Liz Gill	Michael McCarthy	Peter Gau
Lorraine Archer	Michael Robinson	Phyllis Comerford
Louisa Hartnett	Michelle Egan	Pierce Higgins
Louise Marlborough	Michelle Lambe	PJ Dooley
Lucy hunt	Michelle Rogers	Quentin Gargan
Lyn Mather	Michelle Whelan	Raoul Empey
Lynne Smyth	Mick O'Donoghue	Rebecca Conway
M Mason	Mike Holden	Regina Kelly
M.O'Brien	Monika Muller	Renee Breslin
Macra Na Feirme	Muireann O'Gorman	Rhonda McGovern
Maeve Bates	Natasja Mclaughlin	Richard Bono
Maire O'Brien	National Electricity	Richard Burns
Maire O'Donohoe	Association of	Richard Hadfield, NSAI
Máire Rock	Ireland(NEAI)	Richard John Teague
Mairead Cairbre	Neil Brady	Richard Tol & Paul
Malachy Harty	Neil Molloy	Gorecki
Maragret O'Doherty	Neil Mulholland	Robert Long
Marc Balbirnie	Niall Leahy	Robert Ryan
Margaret Morley	Niall O'Sullivan	Robert scanlon
Margaret Tallott	Niamh Garvey	Roisin Byrne
Maria Collison	Niamh Kirwan	Róisín Ní Gháirbhith
Maria Filomena Mestre	Niamh Ni Dhuill	Ronan Lee
Limpo	Nichola Salmon	Ronnie Murphy
Maria Grace	Nicola Gordon Bowe	Rory Ryan
Maria Mulholland	Nicolas	Rosa Corr
Marian Cadogan	Noel John Teague	Rosaleen Leonard
Marie Mooney	Noirin Sheahan	Rosalind Duke
Marie Power	Olive ?	Roseann Dunne
Marie-Louise O'Connell	Oliver Moore	Rosemarie Gavin
Mark Fox	Omar Mothersill	Rosemary Hannan
Mark kernan	Oonagh Comerford	Rosemary Murphy
Mark McDowell	Oonagh Dwane	Rosiaina Browning
Mark McDunn	Orla Quinn	Russ Bailey
Mark Murphy	Orlaith Carroll	Ruth Archbold
Mark Rochford	Owen Lemass	Ruth O'Dwyer
Marlynne Headworth	Oxfam	S. Campbell
Martin Dier	Padraic Fogarty	Sally O'Reilly
Martin O'Flaherty	Pádraig Baggott	Sally Phalan
Martin Stuart	Pamela Kavanagh	Sally Sweeney
Martina Flanagan	Paola Catizone	Sarah McElroy
Mary Burke	Paraic McKeivitt	Saskia de Jong
Mary K hagan	PáscáL Godaibhid	seamus carrig
Mary Kinane	Pat Swords	Seanán Ó Coistín

Sebastián Tyrrell
Selina Quinn
Sian Crowley
Sinéad Finegan
Sinead Mitchell
Sinead O'Brien
Sinead Wallace
Siobhan Sleeman
Sonia Mooney
Sr Philomena Horner
Sr. Gertrude Murphy
Sr. Margaret Sullivan
Stan McWilliams
Stephen Burns
Stephen Flood
Stephen Kennedy
Steven Lydon
Stop Climate Chaos

Susan FitzGerald
Susan Jane Murray
Susan Minish
Susan Naughton
Susan Prediger
Tadhg Kennelly
Tadhg Ó Cruadhlaioich
Tanya Guerin
Tara Clarke
Tara Connolly
Teagasc
Teresa Calrke
Teresa Walsh
Terry Irwin
Theresa Carter
Tina Brooks
Tolga Suslu
Tom Campbell

Tom monks
Tom O'Sullivan
Tom Roche
Tom Watt
Tommy Hayes
Tommy McDermott
Trish Dervan
Trish Smith
Trocaire
Ultan Murphy
Val Martin
Van Poynton
Victoria Heyland
Voice
Yvonne Brennan
Yvonne Cronin
Zoe Purcell

Appendix 2

Responses to the consultation call on the Climate Change Response Bill fell into two broad categories – those calling for the Bill to be strengthened in order to be effective and those concerned about the impacts on the economy, particularly in the agri-food sector. Essentially, business representative groups and farming groups on one side and Environmental NGOs, Development NGOs, significant numbers of individuals and some specific individual businesses on the other. In addition to these broad groupings, a number of more technical submissions were made providing detailed information and proposals, all of which will be considered in the context of future climate policy.

Rather than focussing on the breakdown of comments, it is intended here to give a flavour of the responses received and set out the principal points to be taken forward in future policy discussion. It should be noted that, in general, those calling for the Bill to be strengthened made more specific suggestions for changes to the text of the Bill or new additions, than respondents raising concerns about the headline provisions.

1. General points

In general, all respondents were very positive about the need to act on climate change mitigation and adaptation. Many were also positive about the role that a legislative framework could play in that context.

- *{...} welcomes the bill's efforts to improve coordination and timely implementation of climate change issues.*
- *A strong well-structured climate change law will be a cornerstone of a low-carbon recovery that is economically, socially and environmentally sustainable.*
- *[...] recognise the importance of addressing climate change and supporting the development of the green economy. A considered legislative framework can provide certainty on climate action and actually benefit Ireland's economy.*
- *Bill presents an opportunity to 'climate proof' Ireland and render it more competitive in a changing world".*

A number of respondents also commented to the effect that:

- *the Bill is weaker than the Government's Framework Document publishing in December 2009 and weaker in key respects than the Bill proposed by the JOC on Climate Change and Energy Security.*

2. The Public Consultation Process /RIA

A significant number of respondents raised issues in relation to the process. The consultation process was welcomed by most but many found the period given to be inadequate. The Regulatory Impact Assessment was also criticised by a number of

respondents for not dealing with the quantitative issues involved and many called for a full impact assessment to be carried out before proceeding further.

- *Call on policy makers to engage in more in-depth consultation and economic evaluation with key stakeholders.*
- *A full, meaningful consultation process, done on the basis of full information and quantitative assessment of economic costs should be undertaken on the Bill.*

3. The Targets

The responses reflected the general debate surrounding the Bill when it was published, with most focussing on the 2020 target. There were varying interpretations of the 2020 target including requests for clarification on the compounding or otherwise of the 2.5% per annum reduction to 2020. Overarching points included:

- the difficulties that could arise as a result of combining ETS and non-ETS emissions into an overall “national” target, given that from 2013 the ETS will be subject, along with the EU-wide sector to a single EU-wide cap.
- The potential for damage to Ireland’s negotiating position in future EU effort-sharing negotiations.
- One respondent also noted the possibility of damage to the EU negotiating position at international level should other Member States also commit to additional longer term targets.

There was a significant push from a number of respondents to limit the target for 2020 to existing EU requirements.

- *Potential for double counting arising from coupling ETS and non-ETS sector emissions in a national target creates risks that targets will not be met. The national target should be defined in terms of Ireland’s EU obligations only.*
- *Question rationale for long term targets as it might limit Ireland’s negotiation position in any future effort-sharing negotiations on EU targets.*
- *Recommend that the existing binding EU target should remain the focus of the Climate Change Bill. Also that a full assessment of the economic cost implications of higher reduction targets should be done in advance of any step up at EU level.*

This was counterbalanced by a significant proportion of respondents calling for more ambitious targets.

4. Use of flexibilities / Domestic Action

Many respondents welcomed the focus in the Bill on domestic action noting its potential to drive green innovation. Development NGOs in particular welcomed the domestic focus.

- *Welcome focus on domestic action rather than spending taxpayer's money to buy offsets.*
- *Crucial to retain domestic focus of the legislation, credits bought overseas do not ensure credible emissions reductions due to issues of additionality. Unlimited access to credits would therefore fatally undermine the ambition of any reduction target.*
- *Many [...] from Asia, Africa and Latin America reject the CDM and cite many examples of local communities being negatively affected by CDM projects due to loss of land, damage to ecosystems and loss of livelihoods.*

However other viewpoints were also expressed:

- *Use should be made of the full range of flexibilities including in the UN and EU GHG accounting frameworks.*
- *Allowance purchasing and temporal flexibilities provided within the EU legislation should be availed of to meet the national target at least cost.*

A number of points were made that offered possible options for a compromise position on flexibilities:

- *Important that domestic action should be the primary, although not exclusive focus of the Bill in terms of achieving reductions.*
- *Legitimate high-quality flexible mechanisms have a definite role to play in mitigation objectives, particularly in terms of supporting international action and strict conditions of complementarity would allow the strengthening of the targets, with a complementarity rate of 3:1, i.e. 3 tonnes of domestic reductions before 1 offshore tonne may be imported.*

5. Accounting methods, Carbon budgeting and the role of sinks

A significant number of respondents called for the inclusion of a carbon budgeting process to underpin progress in reducing emissions.

- *targets should be set every five years in the form of carbon budgeting cycles which should be legally binding;*
- *to provide added value to the legislation, it should provide for the setting of five year targets and an effective carbon budgeting mechanism.*
- *carbon budgets which address specific time periods would be appropriate, national plans should also include quantified indicative reductions for the measures listed as has been the case under previous climate change strategies*
- *National plan should be every 5 years on the basis of a rolling suite of multi-annual carbon budgets.*
- *Annual targets would set out a clear pathway to 2020 and to ensure accurate analysis, detailed carbon budgets should be produced every 5 years and made available for analysis by the EAB and all key stakeholders.*

There were a number of calls for clarity in relation to sinks; this was often tied in with requests for clarity on the accounting methods to be used and was also linked with calls for a carbon budgeting methodology. The potential for sinks was noted by all who commented on them but the means for their inclusion raised issues for many.

- *there is considerable scope to employ afforestation and forestry as a significant additional carbon sink*
- *strong consideration should be given to the range of potential offset possibilities that exist within the economy from forestry and other land-based sinks*
- *provision must be made to ensure that natural systems continue to function and be enhanced as carbon sinks,*
- *the science on sinks is relatively young and [...] would warn against an over reliance on sinks to cancel out emissions rather than reducing emissions and incentivising through the national plans to preserve and manage natural habitats and ecosystems including the carbons storage value of peat bogs*
- *high priority should be given to protecting and restoring the country's carbon sinks.*

With specific reference to forestry, it was suggested by one respondent that:

- *guidelines be developed in order to assist forest regulators and the forest industry to apply recent developments and research to maximise the contribution of existing and new forestry to climate change mitigation.*

Generally however, the references to sinks were requests or suggestions for clarity in how they were to be accounted for and how they would be included.

- *More clarity required on the role of LULUCF and links with domestic removals*
- *There are currently two different accounting methods for sinks, one used by the UN and another used by the EU – a choice needs to be made.*

The inclusion of sinks was seen by some as premature given that the EU process of examining the possibility of including sinks in the effort sharing proposal to 2020 has not yet been completed. Concern was expressed that a unilateral decision could undermine Ireland's ability to get full credit for sinks that could be included in its effort sharing target.

6. Agriculture

The role of agriculture was raised by a number of respondents, sometimes in very general terms:

- *the role of agriculture in the Irish economy must be recognised at EU level*
- *the issue of agriculture emissions will likely require an EU-wide response and urgent action is required to progress this agenda.*

- *targets set in the Bill have the potential to place the sector at a considerable marketplace disadvantage and the costs associated with the targets challenge the ability of the sector to achieve the expansion targets set out in Food Harvest 2020.*
- *Attempts to reduce greenhouse gas emissions must not interfere with the Irish model of sustainable food production*
- *Recommend that the Bill be linked to Food Harvest 2020 with a greater emphasis on the benefits of reducing emissions in the context of food security for health*
- *There is considerable potential for the agricultural sector in Ireland to contribute to the abatement of greenhouse gas emissions and opportunities may be available that are consistent with both climate change objectives and the economic objectives set out in the Food Harvest 2020 document.*

The connection between sinks and agriculture was also raised, primarily by farming organisations –

- *agriculture should get credit for sequestration*
- *carbon sinks such as forestry and permanent pastures are not recognised in the current accounting methodology. These sinks provide significant greenhouse gas reductions.*

More specific concerns about the impact of the Bill on the farming and agri-food sector were also raised, including concerns about the possibility of carbon leakage and the loss of revenue in the sector. Many of these submissions were based on specified assumptions of how the targets would be achieved but there was some acknowledgement that the impacts on the sector would

- *depend to a large extent on the details of the sectoral policy plan for the agriculture sector to be developed as part of the implementation of the Bill.*

There were a number of references to marketing of Irish food, including

- *market Ireland as “Ireland, the food Island”*
- *recognise the need to be able to demonstrate credibly our environmental credentials and show that as an industry work is ongoing to consistently improve performance,*
- *carbon neutral food will give consumers a reason to purchase*

More general points included:

- *Incorporating environmental considerations needs to move beyond arbitrary labelling of products or services as “green” or “sustainable” to ruthlessly evaluating them as such and rewarding and incentivising them accordingly.*
- *Opportunity to attract business to Ireland by promoting green energy and sustainable resource management, smart green policies that coincide with existing business targets can encourage this.*

7. Plans

Most respondents welcomed the structure proposed in terms of making National Plans for mitigation and adaptation, though again, many considered that the 7 year cycle was too long and that five years would be more effective.

- *this would be more aligned with the political cycle meaning it would act as a more effective spur to timely action and ensure greater political accountability.*

The exact relationship of the sectoral plans to the national plans was also queried

- *would be beneficial to clarify whether sectoral plans (as opposed to National Plans) are enforceable.*

A number of respondents also called for Ministers and Public Bodies to carry out their functions in such a way that is “consistent with” rather than “having regard to” the national plans.

8. Responsibility

A small number of respondents referred to overall responsibility for policy and its implementation; suggestions included:

- *would welcome the Department of the Taoiseach as the coordinating Department.*
- *Would have preferred a central role for the Taoiseach to resolve inter-Departmental issues such as between Transport and Agriculture.*
- *should be collective cabinet responsibility for the National Climate Change Plan and Annual Transition Statement.*

9. Justiciability

The small number of respondents who referred to the justiciability provisions in the draft Bill was split between those wanting more and those wanting less:

- *in order to have the possibility of real effect, any legislation must be litigable.*
- *Proposals within the Bill intended to curtail access to justice and normal democratic, legislative and judicial recourse are unacceptable.*
- *Provisions for third parties to bring legal proceedings against Ministers and Public Bodies should be removed.*

10. Expert Advisory Body

This is the area that attracted the most suggestions from almost all respondents; most welcomed the potential such a body would bring to climate policy.

A number of respondents noted that

- *the critical factor in establishing this Body is that it be adequately resourced.*

In reference to the relationship with the EPA envisaged in the Bill, it was also noted that the effect of the link between the EPA and EAB would in effect

- *leverage the relevant powers of the EPA (such as to enter into contracts, make payments for research etc.)*

While some respondents were of the view that no need existed for an independent body since the EPA could carry out the work, for most who commented, the relationship with the EPA was found to be acceptable

- *the logical choice to provide technical support but a mechanism should be put in place through which the EAB can and must call on other state agencies and other expertise.*

The membership of the Body was another issue where many respondents had comments.

For a significant number of respondents, the Body as proposed was considered too small:

- *the {EAB} is too small and needs at least five members apart from the chair and representatives of SEAI, EPA and Teagasc.*

A number of respondents also considered that:

- *the EAB should be a technical rather than a stakeholder body as such stakeholder bodies already exist.*

Business groups did however consider that:

- *the membership of the Body should explicitly be required to include one member with business/enterprise expertise.*

A significant number of respondents agreed that criteria or expertise be set out in the legislation to clarify the membership of the Body, with most including lists of areas to be covered, concerns were also expressed that:

- *the appointment process is entirely in the hands of the Minister with no competition mandated. No attempt is made to specify the expertise proposed for inclusion.*

The other major issue raised in relation to the Body was that of its independence, or perceived lack thereof. A sample of comments in this regard follows:

- *there is no statement in the draft Bill to state that the EAB is independent.*
- *EAB should have a duty to publish reports itself.*
- *EAB should conduct its operations openly and should facilitate engagement between the public and the Oireachtas.*

- *Hope that the Body would challenge consensus and form radical proposals as well as follow the evidence as it emerges from successful policy.*
- *EAB should be free to publish its own reports; should be obliged to present them to the Oireachtas and the Government should be obliged to respond in the Oireachtas to the recommendations of the Body.*
- *Annual reports of the EAB should be subject to public consultation prior to preparation and be made publicly available on completion.*
- *[the Bill should] guarantee that the Body is independent, and has the required expertise and secure funding.*

11. Additional issues

Some respondents raised issues that were not specified in the draft Bill such as the role of biodiversity and the potential for renewable energy.

Biodiversity

- *The Bill must ensure compliance with the requirements of national and European biodiversity policy and legislation by ensuring species and habitat protection both in designated areas and in the wider countryside.*
- *Provision must be made to ensure that natural systems continue to function and be enhanced as carbon sinks, for water management and flood protection and other 'ecosystem services' as well as to address biodiversity policy requirements.*
- *Addressing coastal squeeze and pressures of climate change on natural systems will also assist in adaptation and should be incorporated into strategies at national and local level as well as across sectors.*

Renewable Energy

- *The development of a sustainable indigenous renewable energy industry would best tackle GHG emissions. Streamlining the bureaucracy around planning permission, grid connections, clear forward pricing policy and financial stimulus and incentives to install technologies are required. A separate renewable energy policy for the agricultural sector and rural communities should be developed. Agriculture should get credit for sequestration.*
- *Farmers must be facilitated to access R&D, feasibility grants and supports in order to make technological and logistical improvements.*