

<b>EAG LEGAL BRIEFING 9 June 2009</b>	<b>Notes</b>																																																																																							
<b>Carbon Reduction Commitment</b>	<p>The Climate Change Act, which received Royal Assent in November last year, set legally binding targets for the UK to reduce its greenhouse gas emissions by 80 per cent by 2050.</p> <p>To meet this target, the Climate Change Act provided powers to create emissions' trading schemes. The Carbon Reduction Commitment ["CRC"] will be the first scheme created under these powers. It will cover large non-energy intensive organisations from both the public and private sector such as all British central Government departments, supermarkets, banks, local authorities, the National Health Service and universities. The sectors of the economy covered by the CRC account for approximately 10 per cent of the UK's emissions. The CRC will start in 2010 and after a three year introductory phase the Government will introduce a declining cap on the amount of carbon this sector of the economy can emit. The CRC is expected to deliver emissions' savings of at least 4 million tonnes of CO<sup>(2)</sup> per year by 2020.</p> <p>A consultation package has been launched on the draft CRC Order, which will form the statutory basis of the scheme. This includes the CRC consultation document, the CRC Draft Order, the CRC User Guide and a Regulatory Impact Assessment.</p> <p>The Climate Change Agreements ["CCAs"] are also being reviewed. The current scheme ends in 2013 and, subject to state aid approval, the scheme will be extended to 2017. CCAs have been highly successful in reducing emissions in the energy intensive sector. In 2006, the latest period for which information is available, sectors saved 16.4 million tonnes of CO<sup>(2)</sup> and an estimated £1.5 billion in energy costs, when measured against baselines.</p>																																																																																							
<b>Energy</b>	<p>The Government's renewable energy policy supports solar power, anaerobic digestion ["AD"] and biofuels through a range of measures including capital grants, the renewables obligation and the renewable transport fuel obligation. The level of support for solar power and AD under the renewables obligation will be doubling from 1 April 2009. The Government will be publishing its renewable energy strategy later this year, setting out its overall policy framework for driving up use of renewable technologies in the light of its 2020 targets and wider energy and climate change goals.</p>																																																																																							
<b>Green House Gas Emissions reports</b>	<p>Defra had been hoping to publish its draft guidance on how to measure and report GHG emissions for public consultation this month. Unfortunately it is not going to be possible for them to publish their guidance for consultation until after the purdah for the European elections which ends on 4<sup>th</sup> June. Defra hopes to publish as soon as possible after that date. The latest 2008 provisional estimates of greenhouse gas emissions were published on 26 March 2009. Defra is currently publishing the DECC climate change statistics; the 2008 Final UK Greenhouse Gas Emissions National Statistics may be found at the following web address: <a href="http://www.defra.gov.uk/environment/statistics/globalatmos/index.htm">http://www.defra.gov.uk/environment/statistics/globalatmos/index.htm</a></p> <p>The proportion of UK (a) carbon dioxide and (b) other greenhouse gas emissions arising from (i) cars, (ii) buses, (iii) all road vehicles, (iv) trains, (v) domestic aviation and (vi) domestic shipping in each of the last 10 years, are shown in the following table. These figures have been compiled from the DECC Provisional UK Greenhouse Gas Emissions National Statistics. These percentages are calculated on an 'End User' basis, i.e. the emissions are reallocated from the production and distribution of energy to the users of that energy.</p> <p><i>Percentage contribution of specified transport categories towards total emissions of carbon dioxide and all greenhouse gases 1998-2007 by end-user</i></p> <table border="1" data-bbox="448 1668 1556 2024"> <thead> <tr> <th rowspan="2">Gas/sector</th> <th colspan="10">Percentage</th> </tr> <tr> <th>1998</th> <th>1999</th> <th>2000</th> <th>2001</th> <th>2002</th> <th>2003</th> <th>2004</th> <th>2005</th> <th>2006</th> <th>2007</th> </tr> </thead> <tbody> <tr> <td>(a) Carbon dioxide</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td>(i) Cars</td> <td>16.0</td><td>16.6</td><td>16.3</td><td>16.0</td><td>16.9</td><td>16.2</td><td>16.1</td><td>16.1</td><td>15.7</td><td>15.9</td> </tr> <tr> <td>(ii) Buses</td> <td>0.7</td><td>0.6</td><td>0.5</td><td>0.5</td><td>0.5</td><td>0.5</td><td>0.5</td><td>0.6</td><td>0.6</td><td>0.6</td> </tr> <tr> <td>(iii) All road vehicles</td> <td>24.4</td><td>24.9</td><td>24.4</td><td>24.0</td><td>25.4</td><td>24.7</td><td>24.6</td><td>24.9</td><td>24.6</td><td>25.2</td> </tr> <tr> <td>(iv) Trains</td> <td>0.7</td><td>0.7</td><td>0.7</td><td>0.7</td><td>0.7</td><td>0.7</td><td>0.7</td><td>0.7</td><td>0.7</td><td>0.8</td> </tr> <tr> <td>(v) Domestic</td> <td>0.3</td><td>0.4</td><td>0.4</td><td>0.4</td><td>0.4</td><td>0.4</td><td>0.4</td><td>0.5</td><td>0.5</td><td>0.4</td> </tr> </tbody> </table>	Gas/sector	Percentage										1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	(a) Carbon dioxide											(i) Cars	16.0	16.6	16.3	16.0	16.9	16.2	16.1	16.1	15.7	15.9	(ii) Buses	0.7	0.6	0.5	0.5	0.5	0.5	0.5	0.6	0.6	0.6	(iii) All road vehicles	24.4	24.9	24.4	24.0	25.4	24.7	24.6	24.9	24.6	25.2	(iv) Trains	0.7	0.7	0.7	0.7	0.7	0.7	0.7	0.7	0.7	0.8	(v) Domestic	0.3	0.4	0.4	0.4	0.4	0.4	0.4	0.5	0.5	0.4
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	(vi) Domestic shipping	0.7	0.7	0.7	0.5	0.5	0.8	0.7	0.9	1.1	1.0
	( b ) Greenhouse gases										
	(i) Cars	12.9	13.7	13.7	13.6	14.4	13.9	13.9	13.9	13.6	13.8
	(ii) Buses	0.5	0.5	0.4	0.4	0.5	0.4	0.4	0.5	0.5	0.5
	(iii) All road vehicles	19.6	20.6	20.4	20.4	21.5	21.2	21.2	21.5	21.3	21.8
	(iv) Trains	0.6	0.6	0.6	0.7	0.7	0.6	0.6	0.7	0.7	0.7
	(v) Domestic aviation	0.3	0.3	0.3	0.3	0.4	0.4	0.4	0.4	0.4	0.4
	(vi) Domestic shipping	0.6	0.6	0.5	0.4	0.4	0.7	0.6	0.7	1.0	0.9

<b>Plastic campaign England and Scotland</b>	<p><b>bag - and</b></p> <p><i>Background</i>  The UK's leading supermarkets and high street shops have cut the amount of carrier bags handed out by 26% since 2006, waste reduction agency Wrap has said. By reducing the number of bags handed out, increasing recycling and reducing the weight of bags, retailers have reduced the "environmental impact" of carrier bags by 40%, measured in terms of the amount of new plastic used. The figures from Wrap show the high street and grocery stores exceeded a voluntary target to reduce the environmental impact of plastic bags by 25% by the end of the 2008.</p> <p>The voluntary target, agreed by the UK Government, devolved administrations and 21 leading retailers in February 2007, has been met by a reduction in bag numbers alone. Last February, following a newspaper campaign on the issue, Prime Minister Gordon Brown warned the Government was ready to force supermarkets to reduce use of plastic bags if they did not take steps voluntarily to do so. Powers were included in the Climate Change Act to allow the Government to impose a charge on single-use bags, if action was not taken to reduce the 13.4 billion bags given out to consumers in 2006. The data published by Wrap shows that figure dropped to 9.9 billion bags in 2008. And in December the seven major supermarket chains - Asda, the Co-operative, Marks &amp; Spencer, Sainsbury's, Somerfield, Tesco and Waitrose - agreed a new target to cut the number of single use bags handed out by half by the end of May 2009. According to the Environment Department (Defra), meeting the target to cut the number of bags by 50% on 2006 levels would save 130,000 tonnes of carbon dioxide - equivalent to taking 41,000 cars off the road. It would also reduce the amount of plastic bags which end up as litter or in landfill, where they take up to 1,000 years to decay. The seven retailers account for 90% of the bags handed out to consumers, and meeting the target would mean 4.5 billion fewer bags were handed out each year across England, Wales and Northern Ireland, Defra said.</p> <p><i>BA support of campaign</i>  All the UK Governments have now committed to fund public education campaigns to support retailer action and, as a result, they have lifted the threat to regulate. Defra has now launched the <b>Get a Bag Habit</b> campaign [<a href="http://campaigns.direct.gov.uk/getabaghabit/">http://campaigns.direct.gov.uk/getabaghabit/</a>] to help reduce the number of plastic carrier bags in circulation. This campaign is backed by WRAP (Waste &amp; Resources Action Programme), and the British Retail Consortium (BRC). In February, the BA Council confirmed their support for the campaign to try and reduce the number of plastic carrier bags in the bookselling sector by at least 50% in the period Spring 2006 to Spring 2009 and to continue efforts to a 70% reduction.</p> <p>Booksellers who want to support this campaign should register at <a href="http://www.brc.org.uk/bags">www.brc.org.uk/bags</a></p> <p>Working with the BRC, the BA has conducted surveys, included action plans on plastic bags under the joint BA/PA Environmental Action Group (<a href="http://www.green4books.org.uk">www.green4books.org.uk</a>), and made representations to Defra and the Scottish Parliament, urging support for voluntary agreements on plastic bags rather than by introducing draconian legislation. We believe improvements can be made all round by:</p> <ul style="list-style-type: none"> <li>o Reducing the amount of raw plastic and ink in bags</li> </ul>
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- Promoting re-usable Bags for Life
- Educating the public to reuse bags
- Asking consumers if they actually need a bag at the time of purchase (eg displaying the BA's *Do You NEED a Bag?*)

Defra/WRAP and the Scottish Government have developed a toolkit for retailers and the material for this is available to download online. Retailers who wish to, will also be able use the radio adverts from the campaign and again these are available to download from

England: [www.recyclenowpartners.org.uk/retail\\_high\\_street/download\\_area/index.rma](http://www.recyclenowpartners.org.uk/retail_high_street/download_area/index.rma)

Scotland: [www.wasteawarescotland.org.uk/html/bags.asp](http://www.wasteawarescotland.org.uk/html/bags.asp)

The Defra toolkit can be adopted to include the retailers' logo and contains lots of art material for use in-store, including:

- Posters
- Staff Badge/Consumer Sticker
- Shelf Barkers/Wobblers
- Till Receipt Overprint
- Carrier Bag Samples
- Trolley/Floor Media

The BA has written to its members to encourage booksellers to support the Defra campaign and to download the free publicity material.

Actions which booksellers individually might consider include:

- **Education** - Asking customers if they need a bag at check-out or till, instead of giving one automatically
- **Customer communications** – Encouraging reuse of bags by displaying posters and using materials from campaign toolkits
- **Promote reuse of bags** - Promoting bags for life and reusable bags, and encouraging consumers to reuse ordinary (vest?) bags where appropriate
- **Reward reuse of bags** – Using existing loyalty schemes to give a bonus, provide a discount for bag reuse, donate to charity when customers reuse their bags
- **Promote alternatives** – Providing a bag for life or reusable bag, encouraging customers to reuse their bags at your shop, consider deposit schemes for reusable bags
- **Review carrier bag sizes** – Considering changing a bag's size but remember to consider its reuse potential
- **Review gauge (thickness) of bags** – Reducing the gauge may improve environmental performance but remember to consider its reuse potential.
- **Actions at check-out/till** – Discouraging the use of carrier bags for small single items, remove self service carrier bags from checkout and counter areas
- **Staff communications and training** – Engaging staff at all levels to ensure that they are informed and involved.
  - For some retailers, it may be appropriate to set targets for individual stores as well as establish inter-store competitions for bag reduction
  - Bag Champions could be appointed to promote bag reduction
- **Consider charging for bags** – Consulting customers, run a trial and communicate in-store the charging scheme
- **Encourage recycling** (after reuse) – Providing recycling collection point or information on where to find one locally; and use bags with high recycled content (*further details below*)
- **Use bags with a lower environmental impact** - Distributing bags that have a less harmful impact on the environment (for example, lower weight, higher recycled content, or alternative materials)
- **Work together with other businesses** - Collaborating with all retailers in the local area to have a bag free policy

#### **Reuse and Recycling**

In addition to promoting bags for life and reusable bags, retailers should generally encourage consumers to reuse ordinary vest bags where appropriate. Although reuse is preferred to

	recycling, carrier bags can be recycled. Information on recycling facilities for plastic carrier bags available here: England: <a href="http://www.recyclenow.com/what_can_i_do_today/can_it_be_recycled/plastic/carrier_bags.html">www.recyclenow.com/what_can_i_do_today/can_it_be_recycled/plastic/carrier_bags.html</a> Scotland: <a href="http://www.sort-it.org.uk/cap.asp?AuthID=99&amp;CatID=24">www.sort-it.org.uk/cap.asp?AuthID=99&amp;CatID=24</a>
<b>Plastic campaign Wales</b>	<b>bag in</b> The Welsh Environment Minister, however, is keen to introduce legislation to force customers to pay for carrier bags. The BRC is trying to head her off such a strategy. The BRC firmly believes that in order to have a long lasting change in behaviour, customers must be engaged by education, encouragement and a broader range of measures.
<b>Renewable energy</b>	The Government will be publishing this summer its renewable energy strategy, containing a range of measures to meet their renewable energy target. The target that the Government has set is that by 2020, 15 per cent of our energy will be renewable. (It is currently around 5%.) The Government is also looking at community heating - district heating - and all the other potential contributors to renewable energy sources. In the legislation passed last autumn, feed-in tariffs were introduced for microgeneration and there is a host of developments and activities in the renewables sector. Hydro is responsible at the moment for about 1.3 per cent of electricity generated and the Government sees it as having an ability to contribute more in the future. Tidal may offer huge opportunities for this country. The Carbon Trust has estimated that by 2050, tidal and wave power could produce 30 gigawatts of energy.
<b>E &amp; OE</b>	Tim Godfray -14 <sup>th</sup> May 2009