

EAG LEGAL BRIEFING 16 February 2009	Notes
Climate Change (Scotland) Bill	<p>This is a Bill to set a target for the year 2050, an interim target for the year 2030, and to provide for annual targets, for the reduction of greenhouse gas emissions; to provide about the giving of advice to the Scottish Ministers relating to climate change; to confer power on Ministers to impose climate change duties on public bodies; to make further provision about mitigation of and adaptation to climate change; to make provision about energy efficiency; to make provision about the reduction and recycling of waste; and for connected purposes.</p> <p>The Bill was introduced on 4 December 2008. The Bill is currently being considered at Stage 1, and has been referred to the Transport, Infrastructure and Climate Change Committee as lead committee, and to the Rural Affairs and Environment Committee as secondary committee. Officials have stressed that the waste provisions (as they relate to retailers) were enabling provisions and that the Scottish Government has reached no decisions on making any regulations and has no priority list of preferred options.</p>
National Waste Management Plan for Scotland	<p>The Scottish Government aims to consult on the draft Plan in June 2009 and produce a final version early in 2010. A revised Waste Framework Directive had been agreed. Amongst other points, this laid down certain areas that Waste Management Plans must cover - such as information on the amounts of waste generated and future projections; existing collection schemes and waste infrastructure and future requirements; and locational criteria for waste infrastructure. The capacity of existing and future infrastructure was deemed to be a crucial issue for retailers. The Think Tank is now producing 4 sub-group reports (on delivery; energy, carbon and sustainability; legislation and regulation; and business resource efficiency). These sub-group reports would be pulled together into a final report, with key recommendations, to the Cabinet Secretary. This final report would be published.</p>
Parking at workplace levies	<p>The Department for Transport's consultation on proposals for regulations to enable local authorities in England outside London to introduce workplace parking levies (WPL) has been published and could be of concern to some BA and PA members. The stated principal aim of WPL's is to provide an incentive to employers to discourage commuting by car and instead to use alternative modes of transport. Government believes that this could be achieved by imposing a levy on employers which relates to the amount of workplace car parking that they provide. Clearly the fact that these regulations are now being introduced will be a matter of significant concern to members. At a time of difficult trading conditions and a worsening general economic environment, we would expect to be seeing fewer rather than more regulatory burdens.</p>
Plastic bags	<p>The BRC's proposals for a voluntary agreement on single use carrier bags have been accepted by the legislative authorities in England, Scotland and Wales, so we now have a single voluntary regime across the UK.</p> <p>Supermarkets have agreed with the government to reduce the <u>number</u> of plastic bags by 50% in the Spring of 2009 (when compared to the Spring of 2006) and to work towards a 70% reduction in time, by undertaking reduction strategies.</p> <p>These numerical targets would not apply to non-food retailers, but the latter – including independent retailers - are now being asked to support the campaign by taking various steps to secure similar reductions.</p> <p>Defra confirmed that they have secured Ministerial sign-off for a carrier bag campaign and that a budget of £500,000 had been agreed that needed to be used by the end of the financial year (the end of March). Defra have also confirmed that discussions are currently on going about a longer term campaign that would follow this immediate campaign. WRAP was confirmed as the delivery agent for the immediate campaign.</p> <p>The campaign will focus on families as they are a ready-to-engage audience but not reliable re-</p>

	<p>users.</p> <p>Defra will liaise with the legislators in Scotland to discuss the possibility of using the same message and imagery as their campaign to maintain a consistent approach.</p> <p>The campaign will be open to all retailers to participate as much or as little as they are able. The campaign will be positive and thoughtful given the current economic downturn. The campaign will encourage consumers to remember and re-use their bags (and only recycle once they are beyond re-use). Defra will commission some research to evaluate the campaigns success and this will help decide the longer-term strategy.</p> <p>North of the Border, the Scottish Reduced Bag campaign launches on 9 March with all the major supermarkets participating in a range of different ways. Back in May 2008, the Scottish Cabinet Secretary, Richard Lochhead, agreed to retailers' request for a public information campaign to support retailers' efforts in achieving a 50% reduction of single use carrier bags by Spring 2009.</p> <p>Campaign work is ongoing and the Scottish Government has developed a campaign toolkit and supporting point of sale materials for Scottish retailers who wish to support the reduced carrier bag campaign.</p> <p>Booksellers in Scotland can download the artwork for POS to support this campaign from www.wasteawarescotland.org.uk/bags</p> <p>The toolkit is likely to involve:</p> <ul style="list-style-type: none"> o Poster A3 o Poster A4 o Car Park Posters (6 sheet) o Frame poster (A1) o Banner (20ft X 3ft) o Check out dividers (75X 300 mm) o Scottish Government Campaign Logo (High resolution Logo for application to own artwork o Scottish Government Campaign Branding (High Resolution Imagery for application to own artwork <p>Within the toolkit booksellers in Scotland will find information and material as below:</p> <ul style="list-style-type: none"> · Aims and key messages · What you can do as booksellers to get involved · Support materials available and how to get them · Help with accessing the artwork · Suggestions for use · Sample articles · Who's involved · Planned activity <p>The featured artwork is available in three colours (blue, green & orange) to allow booksellers and others to customize accordingly with whichever colour suits. There are two versions of each concept. One is fully branded and the other gives the option to co-brand by adding the bookshop's logo before printing.</p>
<p>Renewables Energy Obligation</p>	<p>Mr. Mike O'Brien said on 4th November 2008: "<i>The renewables obligation is the Government's key mechanism for encouraging renewable electricity generation. It will therefore play a key part in meeting the 2020 target, but we will need a range of other measures as the EU 2020 target is for renewable energy not just electricity. The European Commission has proposed for the UK to have a 15 per cent target of all its energy from renewable sources by 2020. This will be confirmed when the renewable energy directive is agreed. The Government have committed to publishing a UK renewable energy strategy once the renewables directive has been agreed next spring on how to meet the UK's share of the EU 2020 renewables target. The consultation document made clear that the EU 2020 target required a step change in our policies to deliver 15 per cent. of all energy from renewable sources by 2020. The consultation on the draft renewable energy</i></p>

	<p><i>strategy therefore set out a wide range of potential measures including new and expanded financial support mechanisms for electricity, heat, transport and small scale generation as well as the approach on tackling key constraints such as planning, grid and supply chain. The consultation document was placed in the Libraries of both Houses. Final decisions on how the renewables obligation and other policies will be implemented to meet the renewable energy target will be set out in the final UK renewable energy strategy next spring".</i></p>
<p>Zero Carbon Emissions - new non-domestic buildings</p>	<p>In the 2008 Budget, the Government announced its ambition that all new non-domestic buildings should be zero carbon from 2019. The Government is looking for evidence and analysis on costs and benefits to support firm proposals on a zero carbon standard and trajectory for non-domestic buildings. This ambition sits against the backdrop of the policy such as the UK's commitment to an 80 per cent reduction in greenhouse gas emissions by 2050, the development of the Renewable Energy Strategy (RES) and the development of European-wide requirements on the energy performance of all types of buildings. In addition, there are a number of other policies designed to reduce emissions for non-domestic buildings, for example:</p> <ul style="list-style-type: none"> ○ the European Emissions Trading Scheme ○ the Climate Change Levy which taxes the use of energy in industry, commerce and the public sector to encourage energy efficiency and Climate Change Agreements which allow energy intensive business users to receive an 80 per cent discount from the Climate Change Levy, in return for meeting energy efficiency or carbon saving targets ○ the Carbon Reduction Commitment Scheme (CRC), which will be introduced in 2010, will provide incentives for large commercial and public sector organisations whose electricity use is above 6,000 MWh (around 10 per cent of the UK emissions) to take energy efficiency measures alongside the need for an Energy Performance Certificate to be produced for all new buildings, large public buildings must now also have Display Energy Certificates which enable everyone to see how energy efficient our public buildings are, and so create an incentive to ensure that buildings are first built, and then used, in the most energy efficient way possible; and ○ advanced or 'smart metering' for business premises could help consumers reduce their energy use by providing them with more information on their consumption than is currently available. The Government has announced its intention to proceed with the provision of advanced metering for large businesses and sought views on its application to small and medium enterprises, smaller sites of larger businesses and the public sector. In the longer term, setting clear targets for achieving zero carbon could help enhance the take-up of advanced metering.
<p>E & OE</p>	<p>Tim Godfray - 16th February 2009</p>