Provisional deal on effort sharing emissions – another step towards Paris targets

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On 21 December, representatives of the Estonian Presidency and the European Parliament reached a provisional deal on the **effort sharing regulation** to ensure further emission reductions in sectors falling outside the scope of the EU emissions trading system (ETS) for the period 2021-2030. The provisional agreement requires endorsement by member states. EU ambassadors are expected to analyse the text in January.

This agreement is another big step for the EU towards fulfilling its **Paris climate commitment** of a 40% cut in greenhouse gas emissions by 2030 compared to 1990 levels.

Non-ETS sectors need to reduce **their emissions by 30% by 2030** compared to 2005 levels to meet this EU target. The new regulation sets out binding national targets and puts in place the necessary framework for effort sharing sectors, including buildings, agriculture (non-CO_2 emissions), waste management, transport (excluding aviation and shipping) and industry (i.e. industry, energy supply and product use), to reach the non-ETS sectors contribution in 2030.

> We are putting the EU on the path to meeting its Paris climate goals. The ETS reform agreement a few weeks ago was the first major advance. Today we are another step closer by guaranteeing that our buildings and transport, among other sectors, do their share and lower emissions considerably over the next decade. Climate has been at the heart of the Estonian presidency and we are taking concrete action for a cleaner future.
>
> *Siim Kiisler, Minister for the Environment of the Republic of Estonia*

Both co-legislators agreed on a robust text with a special focus on three main chapters: targets, flexibilities and compliance. The central elements of those fields in the text are as follows:

Targets

Each member state will have to comply with a **binding annual emission reduction target** for the period 2021-2030. These targets are calculated on the basis of gross domestic product (GDP) per capita ranging from 0% to 40% below 2005 levels and are in line with the 30% EU reduction target for non-ETS sectors.

An **emissions reduction path** is established for member states to make sure they decrease emissions at a constant pace throughout that period. The **starting point** will be based on the average emissions from 2016 to 2018 as proposed by the Commission with the start of the trajectory calculation at 2019 and 5 months (five twelfth's of distance from 2019 and 2020) or in 2020, whichever results in a lower allocation for that Member State.

A **safety reserve** with a total of 105 million tonnes of CO_2 equivalent is created and will be **available in 2032**. It is intended to help **less wealthy member states** which may have difficulties reaching their 2030 targets despite exceeding their targets in the current 2013-2020 period. These member states are required to use the other available flexibilities prior to using this reserve. Strict conditions also apply, for instance the reserve will be accessible only if the EU attains its 2030 target.

Flexibilities

Current flexibilities under the effort sharing decision are preserved to help member states attain their annual limits. They will be able to **bank, borrow and transfer** annual emission allocations between countries from one year to another within the 2021-2030 period.

Two new flexibilities are introduced in line with European Council guidelines. The **one-off ETS flexibility** will allow member states which did not receive free allocation for industrial installations in 2013, or which are required to fulfil emission reduction targets above the EU average and their reduction potential, to cancel a limited number of EU ETS allowances. The **LULUCF flexibility** will enable member states to make limited use of net removals from certain land use, land use change and forestry. This will also include credits from managed forest land once the forest reference levels have been adopted under the LULUCF regulation and from wetlands when accounting for them becomes mandatory under that regulation.

Given the exceptional circumstances of some member states, namely Latvia and Malta, the **small additional adjustment** of two million tonnes CO2 equivalent suggested by the Council has been maintained and will be added to their allocation in 2021.

Compliance

To ensure compliance by member states, existing annual and biennial planning, reporting and other monitoring obligations are foreseen together with **two compliance checks** over the 2021-2030 period.

Timeline and next steps

The European Commission presented two proposals on the sectors not covered by the ETS – effort sharing and LULUCF – in July 2016 on the basis of the guidelines provided by the European Council in its **October 2014 conclusions**.

Given the links between the two proposals, ministerial discussions on non-ETS sectors took place in parallel. These files were on the agenda of three Environment Council meetings before a negotiating position was agreed: a policy debate on 17 October 2016, a state-of-play briefing on 19 December 2016 and a progress report in June 2017.

The Council reached its **general approach on 13 October** and started negotiations shortly thereafter with the European Parliament, which adopted its position on 14 June during its plenary session.

Three trilogues were held on 26 October, 21 November and 13 December before concluding negotiations today. The provisional text will be presented to EU ambassadors today and they will analyse it for endorsement on behalf of the Council in January.

Once the Council and the Parliament formally adopt the act, the new legislation will **enter into force** 20 days later after its publication in the EU Official Journal.

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Cancelled operations will pile more misery on patients this winter – Ashworth

Jonathan Ashworth MP, Labour's Shadow Health Secretary, responding to the news that Trusts will be allowed to cancel non-urgent elective operations until mid-January, said:

"Theresa May's claims that she has suitably prepared our NHS for the winter season are looking increasingly doubtful. Despite the best efforts of our overstretched staff, numerous Trusts are already running at full capacity with no spare beds at all.

"Cancelled operations will pile more misery on patients this winter. It's time Tory ministers got a grip."

Nearly 20,000 badgers have been culled this year, the highest number ever – David Drew

David Drew MP, Labour's Shadow Minister for the Environment, Food and Rural affairs, commenting on the Government's release of badger cull statistics today, said:

"The Government have released these high figures on the first day of Christmas recess. Nearly 20,000 badgers have been culled this year, the highest number ever, as part of an unsafe and unscientific badger cull.

"These figures show that the Government failed to meet its targets and has adjusted target numbers up and down for every single cull zone, raising serious questions about the accuracy of current badger population estimates.

"In the same month as announcing a Bill on animal welfare, this Government have overseen a doubling in the number of badgers killed compared to last year. It's clear that despite their warm words, the Tories still have a serious problem when it comes to animal welfare.

"Labour calls on the Government to halt the badger cull across England and formally review its policy on how to tackle bovine TB."

Press release: Custodial sentence for rogue waste operator

David Shrigley was described as a 'willful and persistent' offender who flouted the law for financial gain over a lengthy period of time.

Shrigley and his former wife, Donna, were directors of DRS Demolition

National Ltd and operated a waste transfer station at Domellick Manor, St Dennis, Cornwall. Magistrates accepted that David Shrigley, 68, was largely to blame for the offences and that his ex-wife, Donna Shrigley, 47, had a far lower culpability.

In 2015 the company went into liquidation and its operating licence was disclaimed. Prior to liquidation, the Environment Agency had become increasingly concerned at the growing quantity of waste being stored at the site.

The operator continued to accept waste which generated income, but failed to process and transfer if off site. The build-up of material, that included mixed landfill waste, posed a serious fire risk and could have caused environmental harm. The company saved money by failing to transfer processed waste off site.

Despite repeated requests from the Environment Agency, the company failed to remove excess waste and improve its management of the site before going into liquidation. This culminated in the directors being served with an Enforcement Notice.

In April 2016 David and Donna Shrigley were jointly convicted, at Bodmin magistrates court, with failing to comply with an Enforcement Notice, breaching permit conditions and operating without a permit. Sentencing included the issuing of a court order for all the controlled waste at Domellick Manor to be cleared and taken to a licensed site for safe disposal within 18 months.

On 12 October 2017, an Environment Agency officer visited the site and saw the court order hadn’t been complied with. He found evidence of fresh waste deposits and signs that tracked vehicles had been operating at the site.

Richard Cloke for the Environment Agency said:

> It is essential waste is managed properly. Failure to do so poses a real threat to people living nearby and to the environment, from pollution, odours and fire risk, and can result in expensive clean-up costs. It also undermines the business and reputation of legitimate operators who are doing the right thing. This case demonstrates that courts are increasingly taking illegal waste activity very seriously. We hope this sentence acts as a deterrent to those that might be tempted to flout the law.

David Shrigley, 68, was sentenced to 40 days in prison and ordered to pay £1,039 costs for failing to comply with a court order made under Regulation 44 of the Environmental Permitting (England and Wales) Regulations 2010.

Magistrates accepted Donna Shrigley had been unable to clear the site without the co-operation of her ex-husband following their divorce. Crucially, he had failed to transfer ownership of the site away from her as promised; placing her at risk of prosecution. As a result, the court imposed a minimal fine of

£1.00 with £259 costs.

The court order is still in place and legal responsibility for the removal of waste from Domellick Manor remains with David Shrigley.

Labour criticise Government for doing nothing about Bombardier tariffs imposed by US – Owen Smith

Owen Smith MP, Labour's Shadow Northern Ireland Secretary, criticising the failure of the Department for Business, Energy and Industrial Strategy to act on the Bombardier Tariff imposed by the US Department of Commerce, said:

"The Government has let these workers down again and again by not taking a hard enough line with Boeing and the US Government.

"Staff and suppliers of Bombardier in Belfast are rightly concerned about this week's announcement from the US Department of Commerce.

"The Government haven't done anything on this issue when they should be doing all they can to see this decision reversed."