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National Energy and Climate Plan
Department of the Environment, Climate and Communications
29 – 31 Adelaide Road,
Dublin,
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Sent by email to: necp@decc.gov.ie

7th March 2024

Re. Draft National Energy and Climate Plan

A Chara,

An Taisce wishes to make the following submission on the Draft National Energy and Climate Plan (NECP). We have attached the consultation questionnaire. An Taisce also endorses the joint briefing submitted by Environmental Justice Network Ireland, Community Law and Mediation, Friends of the Earth and academic experts entitled "Ireland's Updated National Energy and Climate Plan: Does the draft updated plan show a path to net zero?" (also attached here).

An Taisce considers the draft updated NECP, which is long overdue, to be entirely unfit for purpose. It fails to set out a plan with policies and actions that demonstrably meet Ireland's carbon budgets to 2025 and 2030 and set us on a clear path to meeting 2050 targets. It lacks up-to-date and complete data as well as emissions reduction pathways and scenarios. It is also not aligned with the National Long Term Strategy, a legal requirement, and fails to demonstrate how Ireland will meet European climate targets and objectives.

Furthermore, this consultation does not provide for meaningful public engagement, and it has come far too late in the development of the updated NECP. The questionnaire is extremely limited, including by word counts in the only two sections that allow for personalised responses. Additionally, only providing a PDF-based questionnaire that must be filled out electronically and emailed while not providing any facility for the submission of hardcopy responses is inaccessible and does not provide for broad engagement. Moreover, the lack of up-to-date and complete data and scenarios in the Draft does not allow the public to actually understand and evaluate the updated plan. No explanatory information or accessible copies are provided to facilitate public understanding of the updated Draft.

An Taisce now strongly urges the Department to reconsider the draft updated NECP and to immediately take all of the actions set out in the joint briefing document as referenced above.

Is mise le meas,

Phoebe Duvall
Senior Planning and Environmental Policy Officer
An Taisce – The National Trust for Ireland

Rialtas na hÉireann
Government of Ireland

Questionnaire for the Consultation on the draft updated National Energy and Climate Plan 2021-2030

The National Energy and Climate Plan (NECP) is the framework within which EU Member States must report to the European Commission on their climate and energy objectives and targets as set out under various EU Regulations and Directives. This is a separate process from the annually updated Climate Action Plan containing climate and energy targets and policies, in accordance with the Climate Action and Low Carbon Development Act. The definition of measures as used in the NECP are set out by EU Regulation and are not defined on the basis of the most recent published CAP document, but are based on policies that are fully implemented at a given date.

The Climate Action Plan measures, policies and programs are ones the State intends to deliver (with additional measures or WAM), while this draft NECP sets out the measures that the State has already implemented by a certain date (with existing measures or WEM). The questions below relate to Ireland's draft NECP, which includes the With Existing Measures (WEM) scenario only. It should be noted that what can be included in the WEM scenario is strictly set out by EU Regulation, and therefore, an NECP does not automatically align with the most recent version of the domestic policy framework set out in the Climate Action Plan.

The WEM scenario in the current draft NECP is a projection of future energy use based on the policies and measures currently implemented and actions committed to by Government. The WEM scenario included in this draft reflects policies or measures which were in place by the end of 2021. 2021 was the cut off year as it was the last historical reporting year at the time that the projections were carried out. Modelling is currently underway on the WEM projections up to the end of 2022, to be included in the final NECP to be submitted in June 2024. The WAM scenario is more ambitious. It is a projection of future energy use based on the measures outlined in the latest Government plans at the time the National Energy Projections are compiled. This includes all policies and measures included in the WEM scenario, plus those included in the latest Government plans but not yet fully implemented.

The modelling that underpins this draft version and the final version of the NECP will be reflective of this WEM and WAM methodological approach.

A final NECP will be updated in the coming months to reflect updated WEM projections which will include policies and measures in place to the end of 2022, which is the updated and most recent full inventory year available at the time of modelling.

The final NECP will also include a range of additional policies and measures under the With Additional Measures (WAM) scenario to include measures up to and including the most recent energy policies, programmes and plans where they are defined with sufficient detail.

Further consultation will be carried out on this final version of the NECP, prior to its submission to the European Commission in June 2024. Respondents should ensure that they understand the basis of the WEM and WAM and respond to one or both public consultations, as appropriate, to give maximum impact to the final NECP to be submitted in June 2024.

Closing date for submissions

Please submit this form to necp@decc.gov.ie by **5.30pm on Thursday 7th March 2024**.

1: About You – please complete either section 1a or 1b, depending on your situation			
1a: Organisation			
Name of organisation	An Taisce		
Sector (tick the sector you work in)	☐ Construction	☐ Energy producer	☐ Education
	☐ Farming	☐ Food production	☐ Fishing
	☐ Marine	■ NGO	☐ Professional Services
	☐ Research	☐ Retail	☐ Seafood
	☐ Transport	☐ Tourism	

Number of members or employees	100 employees, approx. 3000 members
1b: Individual Citizen	
Name (optional)	
County	
Age Group	12-17 ☐ 18-24 ☐ 25-34 ☐ 35-44 ☐ 45-54 ☐ 55-64 ☐ 65+ ☐
Where do you live?	Urban ☐ Rural ☐ Coastal ☐
2. Awareness and interest in NECP	
Were you aware of the NECP before this public consultation?	Yes ☒ No ☐
The NECP 2021-2030 is relevant and accessible	Agree ☐ Disagree ☒
In your opinion, the role of Ireland's NECP 2021-2030 in managing and delivering our energy and climate action targets is	Vital ☒ Very Important ☐ Somewhat Important ☐ Not very important ☐ Irrelevant ☐
In your opinion, achieving the ambitions of Ireland's NECP 2021-2030 is the responsibility of the following sectors (tick all that apply)	Agriculture ☐ Business ☐ Citizens ☐ Communities ☐ Construction ☐ Education ☐ Energy Producers ☐ Fishers ☐

	Government ■ Local Government (County/City Councils) ☐ Manufacturing ☐ Retail ☐ Service industries ☐ Transport ☐ Voluntary / NGOs ☐
3. Issues addressed in the draft updated NECP	
3a. Does the draft updated NECP 2021-2030 address the following issues to your satisfaction? (tick all that apply)	Biodiversity ☐ Carbon Taxes ☐ Climate Adaptation ☐ Climate Mitigation ☐ Decarbonisation / Renewable Energy ☐ Electricity & Gas Consumption ☐ Emissions Reductions ☐ Energy Efficiency ☐ Energy Security ☐ Flooding ☐ Just Transition ☐ Need / Rationale for the NECP ☐ Transportation ☐
3b. Is there anything else you think should be included in the updated NECP? For example are there any additional topics, data, or research areas that should be included? Please explain why or provide context for your assertions. (max 150 words)	Per the requirements of Article 17 of the Governance Regulation, the NECP needs to include up-to-date emissions pathways by sector and emissions reduction projections beyond 2030. These are lacking in the Draft Plan. The Draft Plan also has not analysed the mitigating effects of the various actions and initiatives contained in the Climate Action Plan 2024. Such analysis is vital for assessing the NECP's alignment with our various sectoral emissions reduction obligations. The Draft states that "The final version of the NECP will include an updated WEM and WAM". This is inadequate as up-to-date scenarios need to be included at consultation stage to allow for full analysis of the plan.

3c. Does the draft updated NECP place adequate responsibilities on relevant sectors / organisations?	Yes ☐ No ■
4. Additional Feedback	
Please provide any other feedback on the draft updated NECP 2021-2030 (max 300 words)	An Taisce considers the draft updated NECP, which is long overdue, to be entirely unfit for purpose. It fails to set out a plan with policies and actions that demonstrably meet Ireland's carbon budgets to 2025 and 2030 and set us on a clear path to meeting 2050 targets. It lacks up-to-date and complete data as well as emissions reduction pathways and scenarios. It is also not aligned with the National Long Term Strategy, a legal requirement, and fails to demonstrate how Ireland will meet European climate targets and objectives. This consultation does not provide for meaningful public engagement, and it has come far too late in the development of the updated NECP. This questionnaire is extremely limited, including by word counts in the only two sections that allow for personalised responses. Additionally, only providing a PDF-based questionnaire that must be filled out electronically and emailed while not providing any facility for the submission of hardcopy responses is inaccessible and does not provide for broad engagement. Moreover, the lack of up-to-date and complete data and scenarios in the Draft does not allow the public to actually understand and evaluate the updated plan. No explanatory information or accessible copies are provided to facilitate public understanding of the updated Draft. An Taisce endorses the joint briefing submitted by Environmental Justice Network Ireland, Community Law and Mediation, Friends of the Earth and academic experts (https://ejni.net/wp-content/uploads/2024/02/Briefing-on-responding-to-Irelands-draft-updated-NECP-26.02.24.pdf) and strongly urges the Department to immediately take all of the actions listed in that document.



FEBRUARY 2024

IRELAND'S UPDATED NATIONAL ENERGY AND CLIMATE PLAN

Does the draft updated plan show a path to net zero?

AUTHORS

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This briefing is a collaborative work produced by academics, lawyers and NGOs who are working on climate justice and climate governance on the island of Ireland and across the EU. For more information on the NECP revision process to date, please visit EJNI's Climate Governance Observatory project page which has been funded by the European Climate Foundation.

This briefing should be cited as 'Ciara Brennan, Clodagh Daly, Catherine Devitt, Alison Hough, Orla Kelleher, Caitlin McIlhennon and Paul Price, 'Ireland's updated National Energy and Climate Plan: Does the draft updated plan show a path to net-zero?' February, 2024.'

Summary

1. **Ireland has been consistently late in meeting its EU obligations for submitting crucial climate plans.** This has frustrated public participation in the decision-making surrounding climate, delayed progress on meeting national targets and undermined the EU-wide process of assessing collective progress towards net-zero. The delayed and piecemeal approach to the National Energy and Climate Plan (NECP) update has also wasted an opportunity to provide clarity on the types of choices that need to be made to meet Ireland's climate and energy targets.

2. **Ireland's draft updated NECP and national Long-Term Strategy (nLTS) are not aligned and do not provide the level of detail necessary to show how Ireland will achieve its medium (2030) and long-term (2050) EU level targets and objectives.** This raises serious questions about whether Ireland's climate plans are doing what they need to do to enable us to meet our medium and long-term targets. This issue of insufficient detail has also been a problem in domestic climate planning and has been challenged before the national courts.

3. **Ireland's draft revised NECP is not fit for purpose because the content of the draft revised NECP is piecemeal, incomplete and outdated**. The document falls short of producing an actual 'plan' that clearly demonstrates how the planned policies and measures will meet Ireland's first two five-year carbon budgets to 2030 and put Ireland on track to meet its 2050 targets.

4. **The absence of up-to-date data and detailed scenarios and pathways in the draft revised NECP undermines transparency, and makes it is impossible for stakeholders to effectively participate in any meaningful analysis of whether the NECP can close the gap between Ireland's climate ambition and actual implementation.** This is in direct opposition to the 2019 advice of the Aarhus Convention Compliance Committee issued to the EU in relation to the NECPs – which requires that public consultation processes should ensure that the necessary information is provided to the public.

5. **The production process for the draft revised NECP has been fundamentally flawed because it has not facilitated public participation on the plan as a whole until after the draft NECP was produced**. This does not allow the public to participate at an 'early and effective' stage when all options are open and does not comply with legal requirements or the EU Commission's advice.

On the 23rd February 2023 the EU Commission published its assessment of Ireland's draft updated NECP. The assessment aligns with the concerns set out in this briefing paper – in particular, that Ireland will not meet its EU targets for emission reduction, energy reform and that insufficient ambition is displayed in the plan. The Commission also strongly critiques the absence of scenarios, assumptions and pathway data. The Commission's Staff Working Document (section 2.2) also highlights that 'early public participation was not fulfilled prior to submission of the draft updated NECP' and that this draft 'does not provide details on how exactly it took into account the public's views gathered from the consultations'.

Action Required

The Department for Environment Climate Change and Communications must immediately undertake the following actions to bring Ireland into compliance with its legal obligations and facilitate a timely submission of its final revised NECP:

- Comply with the recommendations made by the EU Commission in its Assessment published on Friday 23rd February 2023.

- Publish missing data on emissions projections, scenarios, pathways and carbon budgets to show a transparently quantified roadmap that can be meaningfully assessed against Ireland's declared national and EU targets.

- Demonstrate how the national objectives and targets and planned policies and measures in the draft updated NECP provide one or more scenarios that meet the first two, legally binding five-year carbon budgets without fail.

- Set out within the NECP detailed plans on the agroecological transition plan to 2030 and 2050; detailed plans for a just transition; and detailed plans on how to tackle energy poverty.

- Set out in greater detail the extent to which Ireland intends to rely on carbon dioxide removal to meet its 2030 and 2050 targets. This type of analysis would help to develop a clearer and more accessible understanding of the kinds of mitigation choices which need to be made in the short term to achieve our long-term goals.

- Set out in a way that is easy to understand how the emission reductions from planned climate policies and measures will achieve Ireland's minimum national level targets under the Effort Sharing Regulation and make a fair contribution to the EU level targets in the Renewables and Energy Efficiency Directives.

- Align the draft revised NECP with an updated and significantly improved national Long-Term Strategy.

- Align the draft revised NECP process with domestic climate planning process in a more transparent and accessible way.

- Adopt a rights-based approach to updating the NECP, specifically that Ireland must respect *all the relevant rights,* observe relevant principles and promote the application of the provisions of the EU Charter of Fundamental Rights when preparing and implementing its updated NECP.

- Develop the draft revised NECP and supporting documentation in a way that can facilitate early and effective (insofar as this is still possible) public participation ahead of the submission of the final draft. There are still opportunities to improve the opportunities for the public to participate in a meaningful way in the preparation of the draft updated NECP, the Government should now:

    - Extend the duration of the public consultation until the missing data and detailed analytical basis of the plan have been published to enable meaningful scrutiny of the plan.
    - Make it clear that text submissions in addition to the questionnaire submission option will be accepted.
    - Make available plain English and other language explanations, and infographics/visuals explaining the headline issues in the plan, as well as short explainers regarding the overall process and its importance, details of key aspects of the plan in each of the individual areas covered, the actions the Government proposes to take and the consequences of these choices, as well as alternative approaches.
    - Provide a report with the draft updated NECP outlining its practical impacts on the environment.

In December 2023, Ireland published its draft updated NECP, months late and without complying with public participation requirements. This briefing paper sets out why the NECP revision process is so important, why the approach adopted by Ireland has been so problematic to date and what must be done to course-correct at this critical juncture for Ireland's planning for net-zero.

1. What are Ireland's climate planning obligations?

Ireland has climate planning obligations under both domestic and EU law to ensure that commitments to take action to address the climate crisis and make progress towards net-zero are met.

- National planning obligations are set out in the Climate Action and Low Carbon Development Act 2015 (as amended) and are centred on annual Climate Action Plans, the National Long Term Climate Action Strategy, Carbon budgets, Sectoral emissions ceilings, national climate adaptation frameworks and sectoral adaptation plans.
- EU planning obligations are contained in the EU Governance Regulation and the European Climate Law. The EU Governance Regulation creates integrated structures for planning, reporting and reviewing EU climate and energy policy. It requires Member States to prepare two plans, national energy and climate plans (NECPs) and national long-term strategies (nLTS). The Governance Regulation is complemented by the European Climate Law, which enshrined in law a 'net zero' target for the EU by 2050 and being negative emissions thereafter and an interim overall target of at least a 55% reduction in GHG emissions by 2030 relative to 1990 levels.

Domestic and EU climate planning obligations do not map directly on to each other, creating a complex landscape of plans, policies and targets. The connection between the two processes is explained here. Notably, despite having higher targets and a strengthened climate law in place, Ireland has achieved minimal progress in cutting greenhouse gas emissions so far, with a considerable journey ahead to bridge the gap between ambition and implementation. According to the EPA's latest emissions data, Ireland's GHG emissions have actually increased by 9.2% from 1990-2022.

2. Why do the EU climate planning processes matter if we already have domestic climate planning processes?

The EU climate planning processes are important because they fill the gaps in national climate planning frameworks, ensure member states all play their part in reaching the EU-wide interim and long-term climate neutrality target and enable comparisons to be made about which member states are falling behind in meeting their targets. The EU climate planning processes are a chance for Member States to be honest with the public about the scale of the transformation required and the kinds of policy choices that will be necessary to meet our targets in good time. The NECP revision process is therefore a once-in-a-decade chance for EU member states to enhance transparency on planned climate measures and supporting policies given the NECP template is highly prescriptive and detailed. A robust NECP connected to an updated nLTS also provides an important opportunity for Member States to clarify their national contributions to the EU's 2050 climate neutrality – and importantly – how they are going to get there. This requires a high level of quantitative detail in the form of projections, pathways and scenarios to show the different options for meeting national and EU objectives and targets. Like with the nLTS, the NECP should provide an analysis of the benefits and disadvantages of various mitigation options as currently understood.

3. Why does the NECP revision process matter for Ireland?

For Ireland the NECP revision process offers opportunities to:

- **Align with Paris commitments and increased EU ambition**. Ireland's net zero by 2050 at the latest target is still not consistent with Article 2 of the Paris Agreement. Adopting a "global average" approach to emissions reductions is not consistent with international environmental law principles like equity and common but differentiated responsibilities and respective capacities. The NECP should be used as an opportunity to enhance mitigation ambition and speed up delivery in line with a good faith reading of Ireland's Paris Agreement commitments. At the very least, Ireland's NECP should reflect the increased EU ambition (under the Fit for 55 package, the REPowerEU plan, for example, and other relevant EU strategies on solar, offshore renewables, etc). However, as one of the wealthier Member States of the EU, Ireland can and should go further with its climate mitigation ambition. Particularly because national level targets under the Effort Sharing Regulation represent the *minimum* emission reduction Member States must make, and indeed because the EU itself will need to further than its current targets in order to meet its fair share contribution under the Paris Agreement.
- **Prioritise emission reductions over reliance on speculative technologies** Ireland's updated NECP should prioritise actual emission reductions in the short, medium and long term but also be transparent about the extent to which Ireland is intending to rely on carbon dioxide removal to meet its 2030 and 2050 targets.
- **Set out an ambitious but credible trajectory for the phase out of fossil fuel subsidies and fossil fuels in a fair, socially just way, that does not exacerbate energy poverty in Ireland.**
- **Connect short term strategies with meeting long term targets**. Unfortunately, Ireland's Climate Act does not set a deadline for the publication of a national long-term climate action strategy; by contrast, the timeframes set by the EU Governance Regulation should ensure timely production of medium and long-term climate plans. Ireland has a chance to align its NECP with an updated nLTS to provide a credible roadmap for how Ireland will achieve its medium and long-term targets.
- **Put Ireland on a trajectory to rapidly close the emissions gap** and ensure a near-term emissions reduction pathway aligned with the need for higher ambition beyond 2030.
- **Ensure consistency and coherence** among targets across sectors and policy areas, and that the societal transformation required is just and fair.
- **Consider the fundamental rights impacts of delayed climate action and of certain types of climate action** to ensure that the government's proposed climate policies and measures outlined in the NECP respect, protect and fulfil Ireland's fundamental rights obligations.
- **Ensure that climate policy making is a transparent, inclusive and collective process** involving key stakeholders and citizens.

4. What do the NECP and nLTS processes require Member States to do?

- In their NECPs, Member State must describe, in an integrated manner, national objectives, targets and contributions to the EU's overall targets for the period from 2021-2030; describe the enabling planned policies and measures to achieve these objectives, targets and contributions; and assess the impact of the planned policies and measures. The NECPs should also contain other objectives and targets, including sectoral targets and adaptation targets, to meet the EU's long-term GHG emissions commitments consistent with the Paris Agreement. Where appropriate, the NECPs should also include a description of national objectives and timeframes on energy poverty and a description of financing arrangements to ensure policy implementation (see Articles 3, 4, 7 and Annex 1 of the Governance Regulation). NECPs must be prepared every 10 years and updated at five-year intervals.

- Member States must prepare national long-term strategies (nLTS) with 30-year horizon every 10 years and where necessary, update them every 5 years. The nLTS must cover total GHG emission reductions and enhancement of removals by sinks both in total and for individual sectors; expected progress towards a low carbon economy; expected socio-economic effect of the decarbonisation measures; and links to other national long-term objectives, planning and investment. Member States were required to submit their first nLTS by January 2020 and to update it where necessary after 5 years i.e. by January 2025. The NECP and nLTS are closely connected as there is a requirement for the NECPs to be consistent with the nLTS.

5. Did Ireland's first NECP meet its obligations under the EU Governance Regulation?

Ireland's first NECP (2019) was obsolete at the time of its submission to the European Commission in 2019. It did not reflect Government policy then, or do enough to meet the EU 2030 climate and energy targets at the time. It failed to outline any detailed plans for the emissions reductions required over this decade, and it failed to address the social and economic risks associated with a delayed, or slower transition. As the Commission's assessment of Ireland's 2019 NECP put it: 'a significant number of the policies and measures identified in the final NECP are more akin to objectives and ambitions than to specific actions'. These weaknesses in Ireland's first round of NECP preparation make it essential for us not to make the same mistakes with this iteration of the NECP – especially as the 2023/2024 update will be the last revision cycle for setting and achieving ambition beyond 2030 targets.

6. What is the status of Ireland's draft updated NECP?

In late 2022, the European Commission published Guidance setting out the structure, format, technical details, and processes of the NECP progress report (due March 2023) and the NECP update. The draft updated NECP was due on 30th June 2023 and final updated NECP is due on the 30th June 2024.

Ireland's draft updated NECP was published on 8th December 2023, over 5 months after the June 30th 2023 deadline for submission to the Commission in line with Article 14 of the Governance Regulation. The draft updated NECP is available here.

Ireland's Department of Environment, Climate and Communications (DECC) has announced that 'This draft will be further revised to incorporate comments from the Commission, public consultation and updated policies and targets. A final version of the NECP is due to be submitted in June 2024.' The public consultation was announced on 8th February 2024 with the deadline for submission of the 7th March 2024.

7. Does Ireland's draft updated NECP ensure near-term and consistent reductions in line with national and EU 2030 targets?

No. Ireland's emissions continue to increase, particularly in energy production, agriculture, and transportation, with projections showing that even if Ireland were to implement all existing policies (including unmodelled Climate Action Plan 2023 measures and the yet unallocated emissions savings) Ireland could achieve at best a 42% reduction in emissions by 2030 compared to a target of 51% (as set by the Climate Act (2021)). In addition, estimates of greenhouse gas emissions for 2021 and 2022 reveal that Ireland has already emitted 47% of its first carbon budget within just 40% of the budget's allocated time frame, covering two years out of the five-year budget period. The first two carbon budgets covering 2021 to 2030, designed to help achieve the goal of reducing emissions by 51%, are expected to be surpassed by a considerable amount,

ranging from 24 to 34%. Reaching the 2030 target requires implementing policies that deliver emission reductions across all sectors in the short term, and that can be sustained into the long term.

Ireland is on track to achieve its initial EU Effort Sharing Regulation goal of reducing emissions by 30 percent by 2030 (relative to 2005 levels) if it utilizes all available strategies and flexibilities, such as the LULUCF flexibility. However, to meet the updated target of a 42 percent reduction in emissions, it will be necessary to quickly and fully implement the measures outlined in the Climate Action Plan 2023, along with additional measures.

As noted by the Environmental Protection Agency in their first Climate Change Assessment Report (2024), Ireland's present policy approach mainly focuses on transitions in technology, overlooking the need for broader systemic changes and changes in socio-economic development trajectories. To realize this shift, it's crucial to expand the range of strategies to reducing emissions. This includes dealing with indirect emissions catalysts like institutional structures, economic frameworks, urban and infrastructural planning, governance systems, demographic trends, and sociocultural influences.

Whilst the Climate Action Plan 2023 provides some progress in putting Ireland on a track to achieve its 2030 targets, unallocated emissions reductions for the period 2025-2030, and the delay in setting a sectoral emissions ceiling for the LULUCF sector is a cause of significant concern and uncertainty. To achieve Ireland's overall climate objectives, Ireland's Climate Change Advisory Council has pressed the need for increased ambition within and across all sectors and an immediate, accelerated programme of implementation of current and new measures to bridge Ireland's emissions gap.

Basing the draft NECP on the CAP23, will not ensure near-term and consistent reductions in line with national and EU 2030 targets. The CAP23 included a commitment to address the unallocated emission reductions by the end of 2023. This commitment is not being addressed in the draft NECP despite the implications of a delay on policy signals and Ireland's progress on keeping within carbon budgets for this decade.

As is, the draft NECP is based on a With Existing Measures (WEM) scenario up to 2030 and the final NECP depends on future inclusion of a revised With Additional Measures (WAM) scenario from 2021 to an unspecified date.[1] The 2023 Projections from the EPA, detailed in Section 4 and aligned with the Climate Action Plan 2023, indicate that the With Existing Measures (WEM) scenario significantly exceeds both the national carbon budgets and the EU's Annual Emission Allocation totals. Similarly, the With Additional Measures (WAM) scenario also surpasses the national and EU emission targets by a considerable margin. Consequently, any NECP formulated based on either the WEM or WAM scenarios from CAP23 will fail to comply with these emission reduction targets. It is unclear from the current draft whether the scenarios within the final NECP will adhere to the WAM scenarios outlined in the Climate Action Plan 2024 (published at the close of 2023). It is worth noting that the existing With Existing Measures (WEM) scenarios and the projected future WEM and WAM scenarios rely on Economic and Social Research Institute (ESRI) models that use speculative future energy prices. This introduces a high level of uncertainty into a policy framework (i.e.,

[1] 'Ireland's draft NECP 2023-2030 is based on one scenario - the WEM scenario. WEM includes policies implemented and adopted by the end of 2021. This scenario includes a varying carbon tax that increases by €7.50 per annum and reaches €100 per tonne by 2030. Post 2030 the carbon tax remains constant at €100 per tonne to 2050. This scenario includes a varying Emissions Trading Scheme (ETS) price that increases annually to €80 per tonne by 2030 and €160 per tonne by 2050. There is ongoing analysis being conducted on the WEM and With Additional Measures (WAM) scenario in the context of Ireland's revised European targets. The final version of the NECP will include an updated WEM and WAM. Ireland will address additional measures under the WAM scenario in the Final NECP. This will include measures post 2021.' ("Draft Updated National Energy & Climate Plan 2021 - 2023", 2023, p. 217).

carbon budget and emission ceilings) that require strict adherence to five-year cumulative CO2 equivalent (CO2e) tonnage limits.[2]

8. Does the draft updated NECP put Ireland on a pathway to achieving net-zero emissions before 2050?

No. Ireland is required to give clear indication that it's NECP is consistent with its long-term decarbonisation objectives to deliver on the Paris Agreement. If Ireland is to achieve net zero emissions by 2050, then the policy decisions made, and measures implemented over the next decade will be a vital stepping stone to achieving the longer-term goal. Reaching net zero carbon dioxide emissions by 2050 demands substantial and unparalleled changes to Ireland's energy infrastructure. By failing to align with 2030 target, Ireland will have to significantly scale up ambition post-2030 – this will present social and economic risks because of a delayed, or slower transition.

The final NECP must include an indication of what emissions sectoral pathways towards full decarbonisation will look like beyond 2030 that are aligned with a net zero target for 2050, including interim milestones and targets expressed as steadily declining five-year carbon budgets to ensure consistent progress. Early regulated demand reduction for sub-sectors with high energy demand and minimal long-term carbon budget societal benefit, such as aviation, datacentres, or dairy production, is likely important to avoid exceeding the carbon budgets for this decade. As is, the draft NECP is missing all post-2021 scenario charts and data, making it impossible to assess the plan against Ireland's national and EU objectives. Determining alignment with Ireland's long-term obligation requires an outline of the emission trajectories for the NECP scenarios from 2021 to 2050 (overall and by individual sectors), along with comparisons to the five-year carbon budget and sectoral emission ceiling projections up to 2030, and towards achieving net zero by 2050. Post-2021, the provided carbon-budget and emission ceiling pathways must consider the anticipated exceedance of Ireland first carbon budget (2021-2025) and the required reduction in the second carbon budget (2026-2030). It's increasingly expected within the EU for scientific assessments to adhere to FAIR (findable, accessible, interoperable, and reusable) data principles, underscoring the significance of providing an NECP spreadsheet in the final NECP. The Draft updated NECP's failure to comply with FAIR principles renders it difficult to assess meaningfully in the consultation process. This has led to the development of a draft revised NECP that is incomplete and unclear, rather than offering a substantial and comprehensive Plan.

Furthermore, the current NECP draft implicitly suggests that a direct, one-to-one replacement of fossil fuel production with increased renewable energy output and enhancements in energy efficiency will occur, labelling the advantages of renewables as "avoided emissions". Yet, numerous studies show that the substitution rate is significantly less, debunking this assumption. Furthermore, improvements in efficiency and an increase in resource consumption are frequently linked to economic expansion and tend to perpetuate the current societal dependence on fossil fuels.

9. Does the draft updated NECP provide a detailed plan on how climate, energy and socio-economic policies will be financially supported?

No. Meeting ambitious targets through revised national contributions and ensuring a swift transition away from fossil fuels, will require a significant mobilisation of climate and energy transition investments, to meet

[2] Given that in climate action, 'uncertainty is a significant risk,' effective National Energy and Climate Plan (NECP) modeling and strategic planning should prioritize the limitation of fossil fuel tonnages (covering everything from extraction and imports to energy consumption) and reactive nitrogen (spanning imported fertilizers and feeds to agricultural applications). This approach would ensure that emissions limits for CB/SEC are achieved with greater certainty.

additional investment needs. Despite this acknowledgement being made in the draft updated NECP, not included is the required comprehensive outline of investment needs and sources. NECPs can provide short, medium, and long-term investment predictability, especially in uncertain times, and are crucial for mobilising the significant investment needed to achieve the collective ambition of climate neutrality and for having a fair and just transition, while preserving energy security and affordability. To provide this investment predictability, the final updated NECP will need to provide a detailed financing plan that:

- Addresses the investment needs of each of the five dimensions of the Energy Union (i.e., integrate energy markets; improve energy efficiency; ensure energy security; decarbonisation; and research and innovation),
- Includes a comprehensive assessment of the financing needs of all policies and measures, how public funding will be used, and private investment mobilised, and how EU financial instruments (in particular, the Recovery and Resilience Facility, the Just Transition Fund, European Regional Development Fund, Cohesion Fund) will be aligned with and link to the climate targets and measures set out in the Plan.
- Details the methodology used, the baseline scenarios and the types of investments.

The current draft updated NECP does not provide enough detail on these crucial issues.

10. Does the draft updated NECP provide a detailed plan for achieving a just transition in Ireland?

No. The European Scientific Advisory Board on Climate Change (ESABCC) advice on Just Transition in the NECP states that '*A just and fair transition is needed to maintain public support for climate action. To ensure this, the Advisory Board calls for a systematic assessment of the potential socio-economic impacts of climate measures, the implementation of redistributive measures targeted at the most vulnerable and impacted households and businesses. The design of climate policies and complementary social measures should be based on a transparent and participatory process.'* Ireland's draft updated NECP shows a lack of assessment of the socio-economic impacts on individuals, households and companies, and the related policies and measures demonstrate a lack of strategic and forward-looking vision. The draft NECP acknowledges that concerning how best to target energy poverty measures has been a key concern. In the absence of any real socio-economic impact assessment of the NECP's measures, the DECC have stated that the final NECP will include more detail in this regard. However, in the absence of this detail it is not possible to assess whether the draft updated NECP can actually map out a pathway to a just transition in Ireland. As Ireland undertakes measures to decarbonise in line with its legal obligations and the Paris Agreement, and phase out fossil fuels, it is essential to address the potential social and economic impacts on affected communities and workers.

In addition, the Governance Regulation requires member states, when drawing up their NECPs, to: "assess the number of households in energy poverty, taking into account the necessary domestic energy services needed to guarantee basic standards of living in the relevant national context, existing social policy and other relevant policies, as well as Commission indicative guidance on relevant indicators, including geographical dispersion, that are based on a common approach for energy poverty. In the event that a Member State finds that it has a significant number of households in energy poverty, it should include in its plan a national indicative objective to reduce energy poverty." [Emphasis added].

Ireland's draft updated NECP cites the Energy Poverty Action Plan ("EPAP") as part of efforts to tackle energy poverty. However, the EPAP contains a list of largely one-off, short-term measures, indicating a crisis-oriented response to energy poverty, although some 29% of the population were reported to have experienced energy poverty in 2022, the highest record rate. It is expected that energy prices will remain high for the foreseeable future. This approach has been criticised by the European Commission, which emphasizes the limitations of income support measures in achieving long-term structural impact:

"While income support measures provide valuable social safety nets, can be deployed swiftly and, when targeted, can provide immediate relief for affected households, they are likely not to result in a structural impact beyond the period of disbursement or application and can risk creating a lock-in effect on fossil fuels and dependence on subsidies. They also pose the risk of reducing public funding from more structural measures that are capital intensive, such as building renovations."

Instead, the Commission encourages member states to prioritise structural measures that address the root cause of energy poverty and prevent prolonged reliance on fossil fuels, such as investments into energy efficiency and renewable energy. However, the draft updated NECP has not aligned with these recommendations. Although the EPAP is expected to be revised ahead of the National Budget 2025 (announced in October 2024 - after the deadline for submission of the final NECP in June 2024) it lacks enforceable, measurable, and time-bound targets against which progress can be measured. It is not placed on a statutory footing to ensure a genuinely whole-of-government approach. The lack of legal safeguards undermines accountability and long-term political commitment towards the eradication of energy poverty. The establishment of a Just Transition Commission as prescribed by both CAP 24 and the draft NECP needs to be implemented as soon as possible to (i) empower communities and households to prepare for and to realise the opportunities that will be afforded by a low-carbon transition and (ii) examine specific just transition challenges and provide potential solutions to mitigate against these challenges.

11. Does the draft updated NECP deal adequately with questions relating to agriculture?

No. Ireland's National Energy and Climate Plan has an important role in outlining a new roadmap for the agri-food sector, ensuring it respects both environmental and social boundaries. Research for the Environmental Pillar and An Taisce considers that Ireland's updated NECP must chart a far more resilient agro-ecological transition to a future with greater societal food security, sustainable livelihoods for all farmers, and a biodiverse environment. This research indicates that the draft updated NECP includes a number of key omissions, including the provision of a detailed plan to 2030 and 2050 for low-carbon transition to a balanced agroecological system; absence of a plan for a just transition or resilient farming future; absence of internal coherence and alignment with national emissions reduction required for agriculture. The research also points out that major bioenergy sustainability failures from poor forest management, biomass imports, and methane losses in anaerobic digestion have been overlooked.

12. Is there alignment between the updated national long term strategy (nLTS) and the draft updated NECP?

It is currently not possible to assess alignment between the draft updated NECP and nLTS. Up until now, climate planning has been consistently late, piecemeal and poorly synchronised. For example, the government failed for two years in a row to publish the annex of actions at the same time as the annually updated Climate Action Plan. The same fragmentation issues are also emerging with EU climate planning. Ireland's national Long-Term Strategy (nLTS) was published in April 2023, over 3 years after the EU deadline, and was seriously flawed. One of the major issues with Ireland's nLTS was that it failed to provide sufficient quantitative information as to how intended to meet its 2050 target. Ireland's finalised nLTS has still not been published so it is unclear if these issues have been addressed. In the meantime, the government has published its draft updated NECP. However, in the absence of a finalised LTS it is impossible for the public to assess whether the NECP is consistent with the LTS, as is required by Article 15(6) of the Governance Regulation.

13.Has the process for producing the draft updated NECP fulfilled public participation requirements?

No. Wide public participation in the preparation of the draft NECP is mandatory under the EU Governance Regulation and the Aarhus Convention, as well as other instruments. The requirements – and what should have been done – are set out in this detailed briefing, which was sent to DECC in June 2023. It is not sufficient to have consulted on different elements of the draft updated NECP in the past in isolation because the public need to understand the plan as a whole. The NECP should be more than the sum of its parts. It should not represent just a list of measures but a coherent, consistent and holistic plan for meeting medium- and long-term targets and public consultation should have been undertaken on the whole draft prior to submission to the EU Commission. The recently opened consultation on the draft updated NECP is inadequate for several reasons:

- Important information is missing from the draft updated NECP. No detailed analytical basis has been set out explaining the calculations for emissions reductions projected under the plan. This means that it is not possible for the public to engage in meaningful scrutiny of the plan.
- The consultation is presented in a highly restrictive questionnaire format, only asking broad headline questions on issues not relevant to the substance of the plan, such as who the consultee thinks should be responsible for achieving the ambitions in the NECPs. It only allows 300-word free text input, which is completely insufficient to address the complexity of the plan.
- The consultation material provided is simply the draft updated NECP. There is no plain-English explanation of what it is, or what is does. There are no accessibility-enabled versions of the document provided. There is no attempt to ensure the public have the necessary information to enable them to understand and engage in with the consultation.
- No explanatory webinars or public meetings have to our knowledge been scheduled. No effort has been made to raise awareness among the public of this key consultation opportunity. This process seems to be designed to minimise input from all but the most aware and connected stakeholder (and even highly engaged stakeholders are limited in how they can analyse the draft updated plan due to missing information). As such this does not constitute effective public consultation.
- No alternatives are provided in breach of the requirement to consult in early course when all options are open, and to provide a set of alternative approaches to choose from.
- The consultation was not carried out prior to filing the draft with the EU Commission, in breach of the Governance Regulation.
- The Government's stated intention to consult on the final version of the updated NECP will not provide enough opportunity for the public to engage with this critical plan-making process. By that point all of the key decisions on options, pathways and framing will have been made and there will not be sufficient opportunity to engage in the fundamental choices about how we go about transitioning to a carbon neutral future. Better quality decision making occurs with public and stakeholder input and a diverse range of views.

Failure to allow public participation in the process of drafting the updated NECP breaches Ireland's obligations under EU and International law, including the EU's Governance Regulation and the SEA Directive. Both required early public consultation on the draft plan prior to filing with the EU Com when all options for course correction were open, and the presentation of alternative pathways to achieving the Plan's objectives should have been made at this juncture. In addition, according to the former Chief Justice Frank Clarke in Climate Case Ireland, the objective of a framework climate law, like the Climate Act 2015 and by extension the EU Governance Regulation, is to provide for public participation and transparency in the development of

climate policies. The Supreme Court made clear that the test for a compliant climate plan is whether a reasonable and interested member of the public can determine, from reading it, how the government intends to achieve its target and have enough information to decide if the plan is fair and sufficient to deliver what it has committed to doing. The draft updated NECP fails to meet these requirements.

Conclusion: Does the draft updated NECP show a path to net zero?

No. It is outdated, lacks detail, and fails to present a definitive strategy for reaching Ireland's 2030 objectives or establishing a roadmap to the 2050 ambitions. The process for producing the draft updated plan has been flawed and has failed to meet public participation requirements.

14. What should be the next steps in the process of revising Ireland's draft updated NECP?

The Department for Environment Climate Change and Communications must immediately undertake the following actions to bring Ireland into compliance with its legal obligations and facilitate a timely submission of its final revised NECP:

- Publish missing data on emissions projections, scenarios, pathways and carbon budgets to show a transparently quantified roadmap that can be meaningfully assessed against Ireland's declared national and EU targets.

- Demonstrate how the national objectives and targets and planned policies and measures in the draft updated NECP provide one or more scenarios that meet the first two, legally binding five-year carbon budgets without fail.

- Set out within the NECP detailed plans on the agroecological transition plan to 2030 and 2050; detailed plans for a just transition; and detailed plans on how to tackle energy poverty.

- Set out in greater detail the extent to which Ireland intends to rely on carbon dioxide removal to meet its 2030 and 2050 targets. This type of analysis would help to develop a clearer and more accessible understanding of the kinds of mitigation choices which need to be made in the short term to achieve our long-term goals.

- Set out in a way that is easy to understand how the emission reductions from planned climate policies and measures will achieve Ireland's minimum national level targets under the Effort Sharing Regulation and make a fair contribution to the EU level targets in the Renewables and Energy Efficiency Directives.

- Align the draft revised NECP with an updated and significantly improved national Long-Term Strategy.

- Align the draft revised NECP process with domestic climate planning process in a more transparent and accessible way.

- Adopt a rights-based approach to updating the NECP, specifically that Ireland must respect *all the relevant rights,* observe relevant principles and promote the application of the provisions of the EU Charter of Fundamental Rights when preparing and implementing its updated NECP.

- Develop the draft revised NECP and supporting documentation in a way that can facilitate early and effective (insofar as this is still possible) public participation ahead of the submission of the final draft. There are still opportunities to improve the opportunities for the public to participate in a meaningful way in the preparation of the draft updated NECP, the Government should now:

    - Extend the duration of the public consultation until the missing data and detailed analytical basis of the plan have been published to enable meaningful scrutiny of the plan.
    - Make it clear that text submissions in addition to the questionnaire submission option will be accepted.
    - Make available plain English and other language explanations, and infographics/visuals explaining the headline issues in the plan, as well as short explainers regarding the overall process and its importance, details of key aspects of the plan in each of the individual areas covered, the actions the Government proposes to take and the consequences of these choices, as well as alternative approaches.
    - Provide a report with the draft updated NECP outlining its practical impacts on the environment.