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28 August 2024

Dear Edward,

Thank you for your letter of 23 August, and for setting out the further information that the Committee would like to receive prior to the Bill being introduced. I have sought to answer your queries below, and these matters will also be covered in the supporting documents to the Bill.

### **Timetable for the Bill**

As you note in your letter, the timetable for the Bill is in part being driven by the need to amend the statutory deadlines related to the next Climate Change Plan (CCP). However, this is coupled with an urgent need to amend our emissions target framework, given that we have conclusive advice from the Climate Change Committee (CCC) that our 2030 target is out of reach. To maintain these targets in legislation would leave the Government in a position where we have targets that we cannot ensure can be met. The CCC have advised that carbon budgets present the best route forward in realigning our target framework.

The provisions of this Bill are limited to those needed to address only these issues, with amendments being strictly limited to amending the CCP deadline and responding to the CCC's advice regarding our target framework. We are engaging with parties across Parliament on these provisions. As highlighted in our position paper, the Bill itself will not seek to set carbon budget levels, and instead makes provision for these levels to be set by regulations subject to the affirmative procedure, at which point further scrutiny by the lead committee and Parliament more widely can take place.

### **The process for parliamentary scrutiny of carbon budgets**

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As noted in your letter, the Bill will ensure that once carbon budgets have been set via secondary legislation, a CCP is brought forward as soon as reasonably practicable. This is because, as per the 2009 Act, the CCP must set out policies and proposals for meeting our emissions targets. It will, therefore, only be possible to finalise a draft CCP once we know what those target levels are. That said, we expect that the CCC's advice on carbon budget levels will include scenarios for the path to net zero. This would assist the Committee's deliberation over the most appropriate emissions and policy pathway for Scotland. We would also provide assurance that the Parliamentary scrutiny period for the CCP will not be changed, and that Parliament will be allowed a minimum of 120 days of parliamentary scrutiny on the CCP.

### **The 2040 interim target**

As set out in our position paper, this Bill will remove the framework of annual and interim targets, including the 2040 target. As recommended by the CCC, these will be replaced with carbon budgets, which will be set by secondary legislation using the latest independent advice. Initial consultation has been conducted in anticipation of the Bill's introduction, including discussions with environmental organisations and a reconvened Climate Change Plan Advisory Group. There has been general agreement to the move towards the carbon budget framework. We will conduct further engagement during the development of secondary legislation to set carbon budget levels.

### **Time periods for carbon budgets**

While we have considered aligning carbon budgets with the UK carbon budget periods, the proposed time periods for carbon budgets will align with the time periods for Climate Change Plans and with the 5-year terms of the Scottish Parliament.

### **Monitoring and reporting of carbon budget targets**

This Bill will make provision for annual reports on greenhouse gas emissions progress. We are choosing to maintain this approach in order to provide transparency in terms of emissions reduction to date, and progress towards each carbon budget. At the end of each budget period, these reports will also include an assessment of whether or not the budget has been met. As noted in your letter, the Bill will also maintain the current cycle of reporting on Climate Change Plans.

### **Devolved competence**

While matters related to the relationship between the CCP and emissions reduction targets were considered during the development of this Bill, Ministers concluded that addressing such matters would be outwith the intentionally limited scope for this Bill. Such provisions will not be included in the Bill that is introduced to Parliament.

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I hope that this letter helps to address your questions, and I am happy to discuss these issues further with the Committee.

Yours sincerely,



**Gillian Martin**

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