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ASSESSMENT OF IRELAND'S FINAL DRAFT NATIONAL ENERGY AND CLIMATE PLAN

**A missed opportunity to deliver
faster and fairer climate action**



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This joint assessment represents the collaborative work of the Environmental Justice Network Ireland (EJNI), and the Stop Climate Chaos Coalition Ireland. For more information on Ireland's update of its National Energy and Climate Plan, visit EJNI's Climate Governance Observatory webpage. This assessment has been commissioned by EJNI, with financial support from the European Climate Foundation.

[EJNI](#) is an all-island platform for collaborative working between researchers, lawyers, and civil society with the goal of addressing shared environmental challenges and root causes of social and environmental injustice across the island of Ireland.

[Stop Climate Chaos](#) (SCC) is a civil society coalition that campaigns for Ireland to do its fair share to tackle the causes and consequences of climate change. Launched in 2007, it is the largest network of organisations campaigning for action on climate change in Ireland and its membership includes overseas development, environmental, youth, health, and voluntary organisations.

The [Community Law & Mediation](#) Centre is an independent community focused law centre. The Centre provides free legal advice, mediation and education services in communities impacted by social exclusion, disadvantage and inequality.

This document is our assessment of Ireland's [final draft NECP](#), published May 30th, 2024. This assessment can be used to inform submissions made by individual organisations to the [consultation on the final draft](#). This consultation closes **June 27th, 2024**.

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Executive Summary

Ireland's Climate and Energy Obligations

- Ireland has obligations under both domestic and EU law to develop strategies for addressing climate change and achieving net-zero emissions.
- Domestic obligations are outlined in the Climate Action and Low Carbon Development Act 2015 (amended) and include annual Climate Action Plans, carbon budgets, and adaptation plans.
- EU obligations are established in the EU Governance Regulation and the European Climate Law, which mandate integrated planning, reporting, and reviewing structures.
- Adopted in December 2018, EU Governance Regulation requires all EU Member States, including Ireland, to prepare a 10-year National Energy and Climate Plan (NECP) for 2021-2030 and long-term strategies up to 2050.
- NECPs must address areas such as energy efficiency, renewable energy, greenhouse gas emissions reductions, energy infrastructure, and research and innovation.

National Energy and Climate Plan (NECP) Update Process

- Member States submitted their first NECPs in 2019, with updated versions due by June 2024.
- Ireland has faced delays in submitting and updating its NECP, impacting public participation and progress on climate targets. A first draft of the updated NECP was submitted to the European Commission in December 2023 – five months after it was due.
- The European Commission's assessment of Ireland's first draft NECP – published in February 2024 – highlighted insufficient ambition, lack of detailed policy scenarios, and inadequate public participation. The final draft was published in May 2024, with a second consultation open until late June 2024.
- The NECP update provides an opportunity to align short-term policies with long-term targets, prioritise actual emission reductions, phase out fossil fuels and fossil fuel subsidies, ensure consistency across sectors, engage stakeholders, and deliver a just and fair transition.

Key highlights of our assessment of Ireland's final draft NECP

- The final draft NECP does not align with Ireland's domestic and EU targets. It is based on scenarios (With Existing Measures and With Additional Measures) that are insufficient to meet 2030 emissions targets. The draft states that the Government's Climate Action Plan 2024 differentiates the scenarios, but the CAP24 does not meet the Climate Act's requirement to outline specific actions for carbon budget compliance. The current draft NECP does not acknowledge the need for much greater ambition and delivery in the near-term if Ireland is to achieve its longer-term goals. The current approach focuses on technological transitions and efficiency improvements but overlooks broader systemic changes. A significant shift in Ireland's economic and industrial development goals is necessary to align with climate goals, especially in emissions-intensive industries.
- The current draft includes energy efficiency measures across various sectors but lacks complete quantification of energy savings and financial needs. Commitment to the energy efficiency first principle is present, but there is insufficient detail and urgency in its application. Unidentified policies and measures will be needed even with full WAM scenario implementation. There is an urgent need for a much greater focus is needed on energy demand management and reduction.

- Emissions from the LULUCF sector are increasing, and the sector lacks a defined emission ceiling. The final NECP must include detailed policies for ecosystem restoration, particularly forests and wetlands, and align with the 2030 EU net removal target. Immediate action is required to ensure that the LULUCF sector contributes effectively to emission reductions and does not impede progress in other sectors.
- The final draft's initiatives to expedite policy actions towards achieving 80% renewable electricity by 2030 are to be welcomed. However, rapid increases in high energy demand, particularly from data centres, compromise progress.
- The Commission recommended that the final NECP align with the Paris Agreement by detailing a timeline and strategy for phasing out fossil fuel subsidies. The final draft NECP acknowledges the need for subsidy reform but only takes preliminary steps in identifying, tracking, and reporting these subsidies. Despite commitments made at COP27 and COP28, there is no explicit plan or timeline for phasing out fossil fuel subsidies.
- The final draft NECP does not sufficiently address the social, economic, and equality impacts of transitioning to a low-carbon economy, nor does it provide adequate policies for a just transition. The EPA's 2023 Climate Change Assessment underscores the importance of equity, social inclusion, and just transition in climate policy, highlighting that fairer societies are more resilient and more likely to adopt transformative policies. However, the NECPs current focus is narrowly centred on employment and economic aspects, overlooking the broader social impacts and the needs of marginalised communities. The Climate Change Advisory Council has recommended a more inclusive approach that incorporates social justice and vulnerable groups into climate policy, emphasising the need for identity-based analysis alongside place-based considerations.
- The final draft NECP recognises the benefits of sustainable agriculture and reduced meat consumption but fails to provide a roadmap for transitioning the agri-food system in line with Ireland's near- and long-term climate and environmental goals. Most policies focus on voluntary on-farm efficiency improvements, which have not significantly reduced emissions. The draft fails to address agricultural methane and N₂O emissions adequately.
- The European Commission's assessment of Ireland's first draft NECP highlighted the country's heavy reliance on fossil fuels. Despite this, the draft lacks detailed measures to reduce gas demand and fails to acknowledge the challenges posed by increased data centre electricity consumption on meeting sectoral emissions ceilings. The draft NECP focuses on increasing renewable generation and demand-side flexibility but relies on uncertain technologies like hydrogen and biomethane, which may not be viable by 2030 and will have potential energy and in the case of biomethane, ecological implications. Additionally, there is an overreliance on carbon capture and storage (CCS) without clear evidence of its effectiveness before 2030.
- Although the final draft NECP acknowledges the need for substantial energy transition investment, it lacks a comprehensive outline of investment needs and funding sources.
- **The Governance Regulation (Article 10) and the Aarhus Convention (Articles 6 & 7) mandate that Member States facilitate early, inclusive public consultations for NECP updates, ensuring access to all relevant information. Despite these requirements, public participation in the NECP update process has been severely lacking, with a lack of cross-border public engagement and weak regional engagement. The initial consultation held in February 2024, was essentially meaningless as citizens were not provided with key information required to engage with the draft, including plain English summaries, modelling data underpinning the scenarios and assumptions or an SEA Report. Information provided for the second consultation has also been inadequate. It is uncertain to what extent citizen recommendations from the first public consultation and feedback from the European Commission have been incorporated into the final draft.**

- The final draft NECP remains inadequately scoped for environmental impacts and for the social impacts on intersectional and marginalised communities. Marginalised communities are not mentioned in the draft at all, despite the growing international focus on the differentiated impacts of climate change and climate mitigation/adaptation measures on these communities e.g. the elderly, youth, disabled people, racial and ethnic minorities, women, LGBTQ+ people, the economically marginalised, those with different family status, etc.
- Overall, Ireland needs to urgently accelerate efforts to meet its climate commitments. A broader systemic shift, beyond technological transitions and efficiency gains, is essential to achieve the necessary emissions reductions. This needs to be reflected in the final NECP.

Action required in the final NECP.

The Department for Environment Climate Change and Communications must immediately undertake the following actions to bring Ireland into compliance with its legal obligations:

- Include enhanced policies and measures, especially within the agricultural and transport sectors, to meet the goal of reducing national greenhouse gas emissions by 42% by 2030, compared to 2005 levels. This includes addressing the significant 'unallocated savings' in the second carbon budget period. Provide detailed descriptions of these policies and measures, including their scope, implementation timelines, and, where possible, the expected impact on reducing greenhouse gas emissions.
- Include a detailed plan to meet the national LULUCF target as per Regulation (EU) 2018/841, including setting an emissions ceiling for the sector, without delay. Detailed policies are needed for ecosystem restoration, and there is an urgent need to establish a sectoral emissions ceiling. The final NECP should include a plan to achieve the national LULUCF target and outline the use of public and private financing to meet this target.
- Include a comprehensive plan for a low-carbon transition in the agri-food sector. Align agricultural plans with Ireland's carbon budgets, target early, deep, and sustained methane emission cuts, support diversification, prioritise ecosystem services, and ensure alignment with other environmental policy objectives. Allocate more resources towards diversification and support for land-efficient on-farm renewable energy production. These steps are crucial for a sustainable, biodiverse, and resilient agri-food system.
- Outline the effective use of public funds, EU funds, State aid, and private financing to meet national targets. The final NECP needs to provide detailed investment needs and funding sources for policies and measures, including a financing plan addressing all dimensions of the Energy Union.
- Implement the Energy Efficiency First Principle with greater urgency and detail, expedite the development of skills programs for renewable and energy efficiency measures, and develop a fair and credible plan to phase out fossil fuel subsidies and fossil fuels in a fair and socially just manner. The final NECP must include detailed information on energy consumption reduction goals, cumulative energy savings, and the prioritisation of demand management and reduction, particularly from large energy users.
- Align energy security with climate policy. This requires phasing out fossil fuel consumption, expanding renewable energy, and improving energy efficiency across all sectors. It should also include comprehensive measures to manage energy demand and address the risks associated with fossil fuel assets and subsidies.
- Ensure a comprehensive and detailed approach to an equitable and just transition, including a national vulnerability analysis and monitoring of the distributional effects of policy implementation, and enhanced public participation to ensure an equitable transition.

- Include a revised version of the Energy Poverty Action Plan (EPAP) with a new standard for assessing energy poverty, ensuring all experiences, particularly those of marginalised or socially excluded groups, are accurately captured. Apply comprehensive Just Transition principles to alleviating energy poverty.
- Include a detailed financing plan that addresses investment needs across the five dimensions of the Energy Union, assesses the financing needs of all policies and measures, and details how public and private investments, as well as EU financial instruments, will be aligned with climate targets. Additionally, the plan should specify the methodology used, baseline scenarios, and types of investments required.
- Make available on the DECC website and in the final NECP, 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.
- Provide a detailed outline of Ireland's reliance on carbon dioxide removal to meet 2030 and 2050 targets. This analysis will clarify the short-term mitigation choices required to achieve long-term goals, making the overall strategy more understandable and accessible.
- 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 final NECP.
- The final NECP must clearly explain how recommendations from the European Commission and submissions made in response to the first and current public consultation have been integrated into the final Plan or provide justifications for any omissions.
- Carry out further public consultation, with much greater to wider and deep engagement with the public, and provision of appropriate, accessible materials in different media and languages.

To discuss any aspect of this document, please contact: ciara@ejni.net



Assessment of Ireland's final draft NECP: A missed opportunity to deliver faster and fairer climate action.

Introduction

Ireland has climate planning obligations under both domestic and EU law, requiring it to develop detailed strategies to address the climate crisis and progress toward net-zero emissions. National obligations are outlined in the Climate Action and Low Carbon Development Act 2015 (as amended) and focus 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 obligations are detailed in the EU Governance Regulation and the European Climate Law, which establish integrated structures for planning, reporting, and reviewing climate and energy policies.¹

Under the EU's Clean Energy for All Europeans package, the Governance Regulation, adopted in December 2018, obliges all EU Member States, including Ireland, to prepare a 10-year integrated National Energy and Climate Plan (NECP) for the period 2021-2030 and national long-term strategies (nLTS) (2020 - 2050).² The NECP and LTS are complemented by the European Climate Law's 'net zero' target by 2050 and an interim goal of at least a 55% reduction in GHG emissions by 2030 relative to 1990 levels.

NECPs must cover several key areas to ensure Member States meet their energy and climate targets for 2030. These areas include:

- **Energy Efficiency:** Measures to improve energy efficiency across various sectors, including buildings, industry, and transportation.
- **Renewables:** Plans to increase the adoption and integration of renewable energy sources.
- **Greenhouse Gas Emissions Reductions:** Strategies to reduce emissions in line with national and EU targets.
- **Interconnections:** Enhancing cross-border energy infrastructure to improve energy security and market integration.
- **Research and Innovation:** Initiatives to support the development and deployment of new technologies that aid the clean energy transition.

¹ For an outline of Ireland's climate obligations, the importance of EU planning processes, and the significance of the NECP revision for Ireland, see: 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. Available at: <https://ejni.net/wp-content/uploads/2024/02/Briefing-on-responding-to-Irelands-draft-updated-NECP-26.02.24.pdf>. Accessed 12 June 2024.

² European Parliament and Council. "Regulation (EU) 2018/1999 on the Governance of the Energy Union and Climate Action." *Official Journal of the European Union*, 21 Dec. 2018, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R1999&from=EN>. Accessed 13 June 2024.

The data-sharing required of Member States as part of the NECP update process is arguably more extensive than what is mandated under domestic climate law (such as Ireland's annual Climate Action Plan and the national long-term climate action strategy).³ In addition, development of the NECP requires coordination across all government departments to ensure consistency and alignment with broader national policy objectives. They are critical for driving the clean energy transition, achieving carbon neutrality by 2050, and supporting the EU's overall climate goals.

Member States were required to submit their first NECPs in 2019. In late 2022, the European Commission issued Guidance to Member States detailing the structure, format, technical specifications, and procedures for the NECP progress report (due in March 2023) and an update of NECPs.⁴ By June 2023, Member States were due to submit a draft version of their updated NECPs (in line with Article 14 of the Governance Regulation). Final NECPs are due before the European Commission by June 30, 2024.

Ireland's progress on updating its National Energy and Climate Plan

Despite strengthened laws and governance since the first NECP was submitted to the European Commission in 2019, Ireland has made minimal progress in reducing greenhouse gas emissions. There exists a significant gap between ambition, commitment, and policy implementation. Ireland was late in submitting its first NECP to the European Commission in 2018/2019. It was obsolete upon submission and contained significant gaps.⁵ ⁶ Despite these errors, and the opportunity that the NECP update provides, Ireland's approach to the NECP planning and update process has been problematic. Persistent delays in meeting the EU deadline for submitting the NECP update have hindered public participation, delayed progress on national targets, and undermined the EU-wide process of tracking progress on climate commitments. The EU Commission's assessment of the first draft NECP (published February 2024) highlighted insufficient ambition, lack of detailed policy scenarios and trajectories, and inadequate public participation.⁷

The NECP update provides Ireland with an opportunity to:

- **Align short-term policies with long-term targets** to ensure a near-term emissions reduction pathway that supports higher ambition beyond 2030.
- **Prioritise actual emission reductions** over speculative technologies.

³ Environmental Justice Network Ireland. "Public Participation and the NECP Revision." *EJNI Briefing Paper*, March 2023, <https://ejni.net/wp-content/uploads/2023/03/EJNI-Briefing-Paper-Public-Participation-and-the-NECP-Revision.pdf>. Accessed 13 June 2024

⁴ European Commission. "Commission notice on the interpretation of certain legal provisions of Directive 2014/24/EU on public procurement." *Official Journal of the European Union*, 29 Dec. 2022, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX%3A52022XC1229%2802%29&from=EN>. Accessed 13 June 2024.

⁵ Department of Communications, Climate Action and Environment. "Ireland's Final National Energy and Climate Plan (NECP) 2021-2030." *Government of Ireland*, August 2020, https://energy.ec.europa.eu/system/files/2020-08/ie_final_necp_main_en_0.pdf. Accessed 13 June 2024.

⁶ Ecologic Institute, Climact. "Assessment of the National Energy and Climate Plans (NECPs)." *Ecologic Institute*, 16 May 2019, https://www.ecologic.eu/sites/default/files/publication/2019/2149-necp-assessment-ecologic-institute-climact_20190516.pdf. Accessed 13 June 2024.

⁷ European Commission. "Commission Recommendation, Assessment SWD, and Factsheet: Draft Updated National Energy and Climate Plans." *European Commission*, https://commission.europa.eu/publications/commission-recommendation-assessment-swd-and-factsheet-draft-updated-national-energy-and-climate-20_en. Accessed 13 June 2024.

- **Establish an ambitious and credible trajectory** for phasing out fossil fuel subsidies and fossil fuels in a socially just manner that does not exacerbate energy poverty.
- **Ensure consistency and coherence** among targets across sectors and policy areas to guarantee a just and fair societal transformation.
- **Engage stakeholders effectively** in policy making by making the process transparent, inclusive, and collective.
- **Deliver a just and fair transition** by considering the fundamental rights impacts of delayed climate action and specific climate measures, ensuring that proposed policies and measures in the NECP respect, protect, and fulfil Ireland's fundamental rights obligations.⁸

The Government needs to welcome this NECP update not as an exercise in compliance with EU law, but as an opportunity to put Ireland on a pathway to closing a significant and worrying emissions gap and achieving and going beyond domestic and EU climate and energy commitments.

- A first draft of Ireland's updated NECP was published on December 8th, 2023, five months after the June 30th deadline for submission to the European Commission (as required by Article 14 of the Governance Regulation).⁹ This was followed by a one-month public consultation period (February 2024) during which the Department of Environment, Climate and Communications announced that the next draft would be further revised to incorporate comments from the Commission, public consultation and updated policies and targets.¹⁰ A summary of responses to that consultation is available [here](#).
- The [second and final draft of the updated NECP](#), on which this assessment is based, was published on May 30th, 2024, following Government approval on May 28th.¹¹
- At the time of writing, a second [consultation](#) is currently open from May 30th to June 27th - with the consultation closing three days before Ireland is expected to submit its final NECP to the European Commission (June 30th, 2024)
- This report is our assessment of Ireland's final draft NECP (for ease of readership, referred throughout the remainder of this document as the final draft NECP), published May 30th, 2024. This report follows on from our assessment of the initial draft NECP (submitted to the Commission in December 2023).¹² It also builds upon resources developed and published by the Environmental Justice Network Ireland and regular engagement by the networks authoring this assessment with Government officials during the NECP update cycle.¹³ This engagement focused on urging the

⁸ Brennan, C. et al. (2024), footnote 1.

⁹ Department of the Environment, Climate and Communications. "Ireland - Draft Updated NECP 2021-2030." *Government of Ireland*, Available at: https://commission.europa.eu/document/download/4b741649-7249-47d6-b62a-b123edd49ae5_en?filename=ireland%20-%20Draft%20updated%20NECP%202021-2030%20EN.pdf. Accessed 13 June 2024.

¹⁰ The environmental networks authoring this briefing requested that the timeframe for the consultation be extended to allow for key failures in the draft to be addressed by the Department of the Environment, Climate and Communications (DECC). These failures are outlined in the joint-assessment conducted on that initial draft.

¹¹ Following Government approval on May 28th Department of the Environment, Climate and Communications. "Ireland's Climate Action Plan 2023." *Government of Ireland*, <https://www.gov.ie/pdf/?file=https://assets.gov.ie/295028/fae80786-6745-461f-9130-f3dd89d060c3.pdf#page=null>. Accessed 13 June 2024.

¹² Brennan, C. et al. (2024), footnote 1.

¹³ The networks authoring this report appeared before the Joint Oireachtas Committee on Environment and Climate Action in May 2024. The full statement is available at: https://www.oireachtas.ie/en/debates/debate/joint_committee_on_environment_and_climate_action/2024-05-14/2/ Accessed 13 June 2024.

Government to comply with requirements for the NECP update, as set by the Governance Regulation.¹⁴

1. Does the final draft NECP close Ireland's emissions gap and align with domestic and EU targets?

No, the final draft NECP does not align with domestic and EU climate and energy targets.

The draft outlines that it is based on both WEM (With Existing Measures) and WAM (With Additional Measures) scenarios produced by the Environmental Protection Agency (EPA). The WAM projection was not included in the initial draft NECP.^{15 16} The draft states that the Government's Climate Action Plan 2024 is the main difference between the two scenarios. However, there are several faults with this basis:

- Firstly, under the Climate Act, the Minister is required to outline a roadmap of "specific actions necessary to comply with the carbon budget" in each annual Climate Action Plan. However, the current draft NECP does not clearly indicate that Ireland's 2024 Climate Action Plan has failed to meet this requirement.
- Secondly, in its 2024 Projections report, the EPA finds that even if all existing planned policies and measures under the WEM and WAM scenarios were implemented, Ireland would fall far short of the 2030 EU Emission Sharing Regulation (ESR) target and the legally binding, five-year national carbon budgets set by the Oireachtas (Ireland's parliament) under the Climate Act (as amended 2021) – 295 MtCO₂e for Budget 1 over 2021-2025 and 200 MtCO₂e for Budget 2 over 2026-2030. Under the Act, any exceedance of a five-year budget must be carried over to the next budget period, thereby decreasing the succeeding budget. From the EPA assessment projections, Ireland will very likely have to purchase substantial quantities of allowances to achieve ESR compliance at substantial cost.

For the carbon budgets, the EPA states:

Using the projections presented for Budget 1 from 2021-2025, Budget 2 from 2026-2030 would decrease by 26 Mt CO₂ eq in the WEM scenario to 174 Mt CO₂ eq, and decrease by 19 Mt CO₂ eq in the WAM scenario to 181 Mt CO₂ eq. With this carryover, Budget 2 is projected to be exceeded by 135 Mt CO₂ eq in the WEM scenario and by 85 Mt CO₂ eq in the WAM scenario. Consequently, far higher emissions reductions will be needed to comply with Budget periods 2 and 3.

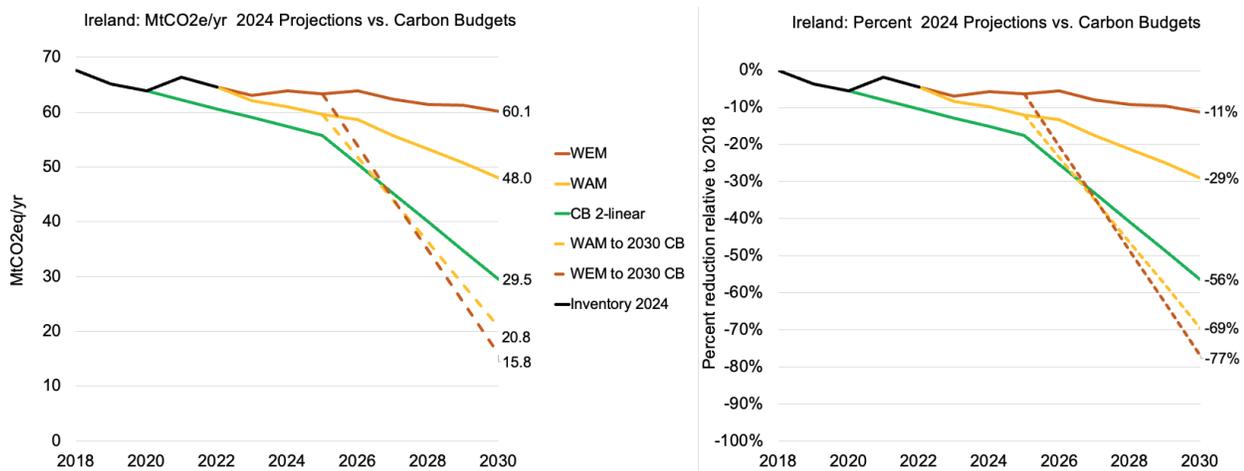
¹⁴ See for example: Orla Kelleher, 'FAQs: The role of NECP revision as a driver of net zero ambition, implementation and accountability in Ireland', EJNI Briefing Paper, March 2023. Also see: Alison Hough and Ciara Brennan, 'Legal obligations for public participation during the 2023 updating of National Energy and Climate Plans (NECPs)' EJNI Briefing Paper, March 2023. These resources and more are available at: <https://ejni.net/climate-governance-observatory/#resources>. Accessed 13 June 2024.

¹⁵ Environmental Protection Agency. "Ireland's Greenhouse Gas Emissions Projections 2023-2050." EPA, May 2024, Available at: <https://www.epa.ie/publications/monitoring--assessment/climate-change/air-emissions/EPA-GHG-Projections-Report-2022-2050-May24--v2.pdf>. Accessed 13 June 2024.

¹⁶ The WEM scenario considers the impact of currently implemented climate policies and measures on greenhouse gas emissions. This scenario considers the policies and measures that are already in place and have been adopted by Government, but it does not include any additional or planned measures that have not yet been implemented. The WAM scenario considers the impact of both existing and planned additional climate policies and measures on emissions. This scenario considers not only the policies and measures that are already in place but also the additional policies and measures that have been proposed or are under development.

As shown in our evaluation, in the charts below, if emissions follow the respective scenarios to the end of 2025, then by 2030 national emissions would need to reach a level 77% below the 2018 value under WEM, or 69% below the 2018 value under WAM.

Projected National Emissions Reduction Targets by 2030 Relative to 2018 Levels: WEM vs. WAM Scenarios



Relative to the ESR, requiring a 42% reduction in national emissions (including transport, agriculture, heating in buildings, and waste), the EPA state:

To achieve the ESR target without the use of flexibilities, Ireland’s ESR emissions must reach 27.7 Mt CO₂ eq by 2030. The latest projections show that under the WAM scenario, Ireland’s ESR emissions will be 35.6 Mt CO₂ eq in 2030; under the WEM scenario Ireland’s ESR emissions will be 43.5 Mt CO₂ eq in 2030. Including the use of flexibilities, Ireland’s ESR emissions are projected to be 33.7 Mt CO₂ eq in 2030 under the WAM scenario and 41.6 Mt CO₂ eq in 2030 under the WEM scenario.

Consequently, any NECP formulated based on either the WEM or WAM scenarios from CAP24 will fail to comply with national carbon budgets and the EU's Annual Emission Allocation totals. Basing the final draft NECP on the CAP24 will go nowhere to ensure near-term and consistent reductions in line with national and EU 2030 targets. Given these facts, the summary assessment in Section 5.1.2 of the current draft, which claims that its “policies and measures ensure that Ireland is on course to achieving our long-term goals towards 2050,” is incorrect. To meet the requirements of the Climate Act and the NECP, Ireland must produce and provide a final NECP that clearly demonstrates how these goals can be met without fail; however, this has not been done.

It is important to emphasise here that the two carbon budgets set for 2030, while challenging, were subject to a “Paris Test” by the Climate Change Advisory Council (CCAC) to assess alignment with Ireland’s fair share obligations under the Paris Agreement. Whilst commending the CCAC’s use of a quantitative test as world-leading, recently published peer-reviewed research (McMullin et al., 2024) found, however, that necessary corrections to the evaluation result in all scenarios underpinning the carbon budgets failing the CCAC Paris Test assessment. These findings are stated as:

*'... likely to prescribe significantly smaller budgets, becoming net negative (in CO₂eq terms) well within the upcoming second cycle of the Irish budget programme (extending to 2040). This already mandates a radically stronger ('emergency' scale) national mitigation response in the immediate term.'*¹⁷

To achieve near-zero emissions by 2050, wealthy countries, such as Ireland, must urgently accelerate their efforts well before this deadline. The budgets set by the Government under the 2021 Climate Act should be seen as the minimum level of ambition. Significantly ramping up efforts now and in the near term is essential for Ireland to contribute its fair share to the global climate mitigation effort. This need for much greater ambition and delivery is not acknowledged or made explicit in the current draft NECP.

Overall, Ireland's present policy approach to emissions reductions mainly focuses on transitions in technology and efficiency improvements, overlooking the need for much broader systemic changes including energy demand reduction and changes in socio-economic development trajectories. This reliance is very much reflected in the final draft NECP. To realise the systemic shift urgently required, the Government needs to deal with indirect emissions catalysts like institutional structures, economic frameworks, urban and infrastructural planning, governance systems, demographic trends, and sociocultural influences.¹⁸ Also needed is an expansion of the range of strategies aimed at reducing emissions, including limiting data centre expansion, and reducing activity in emissions intensive sectors, particularly private car usage and animal agriculture. This requires a fundamental shift and course correction in Ireland's broader economic and industrial development goals, especially in emissions-intensive industries, to overcome the current conflict with climate goals.¹⁹

The final NECP must include:

- Additional policies and measures, particularly in the agricultural and transport sectors, to achieve the national greenhouse gas reduction target of -42% by 2030 (compared to 2005 levels). Clearly define the substantial 26.5 MtCO₂e 'unallocated savings' under the second carbon budget.
- Comprehensive information on these policies and measures, detailing their scope, timeline for delivery, and, where possible, the anticipated impact on greenhouse gas reduction.
- Updated projections to demonstrate how current and planned policies will meet this target, and if needed, outline how the flexibilities under the ESR will be utilised to ensure compliance.

The following section specifically examines the final draft NECP in the context of obligations under targets set by the LULUCF Regulation, the Energy Efficiency Directive, and the Renewable Energy Directive.

Compliance with the targets required under the LULUCF Regulation

¹⁷ Barry McMullin *et al* 2024 *Environ. Res. Lett.* 19 041006. Available at: <https://iopscience.iop.org/article/10.1088/1748-9326/ad3660#erlad3660s4>. Accessed 13 June 2024.

¹⁸ See: Environmental Protection Agency (2023). Ireland's Climate Change Assessment. Synthesis Report. EPA. Available at: https://www.epa.ie/publications/monitoring--assessment/climate-change/ICCA_Synthesis_Report.pdf Accessed 12 June 2024. Accessed 13 June 2024.

¹⁹ O'Dochartaigh, A. and Pringle, A. (2024). Carbon Budgets: Opportunities and Challenges for Irish Business. DCU Business School, Dublin. Available at: <https://business.dcu.ie/wp-content/uploads/2024/06/CB-Report-online-Jun24.pdf>. Accessed 18 June 2024.

Ireland's calculated target for the LULUCF sector is to reduce net LULUCF emissions by 626 kt CO₂ eq by 2030, based on the average emissions from 2016, 2017, and 2018, aiming for a total of 3.7 Mt CO₂ eq. It is highly likely this target will need to be raised during the compliance checks scheduled for 2025 and 2032. Even with the implementation of climate measures in the 2024 Climate Action Plan, total emissions from the sector are increasing (the WEM scenario predicts nearly doubling of LULUCF emissions by 2030, largely due to forest harvesting and the WAM scenario anticipates a 23% increase, resulting in emissions surpassing the target by 1.35 Mt CO₂ eq).²⁰

Emissions reduction measures for the sector are based on what is outlined in CAP 2024 - which purportedly aims to put the LULUCF sector on a pathway which allows for the setting of activity targets and annual key performance indicators, and sectoral accountability. Noted in the final draft NECP is that this pathway will be subject to ongoing refinements and updates based on the evolving science and policy developments at international level. No other detail is provided. This is despite projections showing that measures proposed for the sector (under the WAM scenario) are not aligned with Ireland's implicit LULUCF ceiling.

The current sectoral emission ceilings do not include the LULUCF sector, as confirmation of its ceiling has been deferred (until completion of the Land Use Strategy, which was expected at the end of 2023). This delay creates significant uncertainty for other sectors, as the eventual LULUCF ceiling could impact their emission limits. As Ireland's LULUCF sector is a significant source of emissions, it is crucial to establish a sectoral emission ceiling for the sector without further delay. Without this defined emission ceiling, there is a risk of misperception that it still functions as a carbon sink, and this may potentially minimise the impact of targets on other sectors (that is, it may be perceived that LULUCF flexibilities can be used to allow for the achievement of a target).

This urgency and need for immediate action must be captured and reflected in the final NECP. Although the science is complex and emissions from land sinks can vary over time, it is crucial to implement detailed policies that focus on ecosystem restoration, particularly for forests and wetlands. These policies must ensure that land use strategies effectively contribute to emission reductions.

As per the Commission's recommendations, Ireland's final NECP needs to include:

- A detailed plan to achieve the national LULUCF target as specified in Regulation (EU) 2018/841. This plan should include additional measures to address emissions from the sector, specifying their timing for implementation, scope, and expected impact to ensure alignment with the 2030 EU net removal target of -310 MtCO₂eq and Ireland's country-specific target of -626 ktCO₂eq.
- A clear outline of how public funds (including EU funds and State aid) and private financing will be used effectively to meet the national target. Additionally, updates are needed on the progress of enhancing monitoring, reporting, and verification systems using higher-tier, geographically explicit datasets as required by Part 3 of Annex V to Regulation (EU) 2018/1999.

Compliance with targets expected under the Energy Efficiency Directive (EED)

The initial draft NECP provided a very preliminary update of the 2020 plan for energy efficiency, and lacked several key elements, such as national contributions to the 2030 energy efficiency targets and the expected impact of measures in terms of energy savings. In the current draft, although energy efficiency

²⁰ Environmental Protection Agency (2024).

measures are included across various sectors, the quantification of energy savings and the financial needs of these measures is incomplete. While there is commitment to the energy efficiency first principle, there is a lack of sufficient detail and absence of urgency on its application. To assess the NECPs ambition and coherence, this missing information needs to be included in the final Plan.

This final draft refers to Ireland's indicative national energy efficiency contribution (10.451 Mtoe in Final Energy Consumption & 11.294 Mtoe in Primary Energy Consumption in 2030). These targets - missing in the initial draft - are described as 'ambitious', with population and economic growth and an increase in public services mentioned as likely to lead to increased primary and final energy consumption in the coming years. Ambition needs to be framed here as presenting an opportunity for Ireland to go further on meeting its Paris Commitments, rather than an unattainable and potentially problematic goal. Acknowledged in the draft is that 'unidentified energy efficiency policies and measures' will be needed even with full implementation of the WAM scenario. Given these challenges, there is an urgent need for a much greater focus on demand management and reduction is needed, as is the need, other than seeking flexibilities, to address the outpacing of energy efficiency gains by a growth in demand. Reducing demand growth from large and extra-large energy users and data centres will be critical to meeting Ireland's 2030 targets.²¹

These considerations need to be prioritised by the recently established cross-government Interdepartmental Working Group on the Energy Efficiency Directive. Compliance with the Energy Efficiency Directive is very much tied to an increase in electricity generated from renewable sources to 80%, with expected gains for energy efficiency gains from the electrification of heat and transport. This target is now unlikely to be achieved unless dedicated resources are placed in key agencies, and grid barriers and planning/ regulatory delays are addressed as a matter of urgency.

Amongst other measures, the final NECP should include the following:

- The specific energy consumption reduction goals for all public bodies and categorised by sector; the total cumulative energy savings expected to be achieved between January 2021 and December 2030; and an explanation of the method used to establish the baseline for calculating energy savings.
- A commitment and a target-based action plan to review progress and accelerate the pace of retrofitting and heat pump deployment in line with the delivery of the National Retrofit Plan. This needs to be extended to include formal retrofitting milestones and targets for the residential sector for 2040, as well as a much greater effort to address skills gaps, and barriers to availing of retrofit schemes.
- A greater sense of urgency and detail on the implementation of the Energy Efficiency First Principle
- A commitment and plan to expedite the development of skills programmes to resource the build-out of renewables and energy efficiency measures. Government should prioritise the development of a deployment and innovation skills roadmap.
- Clarification on the role of the National Energy Efficiency Fund in meeting EU targets.

Compliance with targets expected under the Renewable Energy Directive (RED)

²¹ See: Friends of the Earth Ireland. 2023. Data centres and energy demand in Ireland. Available at: https://www.friendsoftheearth.ie/assets/files/pdf/foe_data_centre_resource.pdf. Accessed June 13, 2024.

Accelerating grid development, expanding onshore and offshore renewable energy, and phasing out coal for power production are crucial. Although this is acknowledged in the final draft, no explicit date or timeline is given for the phase out of burning coal for power generation.

Ireland has established an objective of achieving a 43% share of renewable energy by 2030 - this raise in ambition is in line with the Commission's recommendations on the initial draft NECP and is to be welcomed. Initiatives outlined in the final draft to expedite the necessary policy actions to achieve the 80% renewable electricity target by 2030 are also to be welcomed.

It is improbable that sufficient renewable energy will be developed in time to meet the 2021-2025 carbon budget requirements. There remain significant delays that need to be addressed, in planning permissions and grid connections. The development of offshore wind, for example, is also hampered by the lack of designated Marine Protected Areas. Additionally, there is growing community opposition to large-scale solar PV projects, highlighting the need for clear and consistent planning guidelines. Scaling up renewable energy remains the most cost-effective strategy for reducing emissions in the electricity sector, and a project-management approach with properly sequenced measures is essential to achieve the maximum mitigation impact. This must be done without exacerbating the biodiversity loss crisis. The final NECP will need to provide estimated trajectories and long-term plans for the deployment of renewable energy technologies through 2040 and include detailed and quantified policies and measures to ensure the timely and cost-effective achievement of Ireland's renewable energy targets. It will also need to ensure that the expansion of large-scale renewable energy projects and their infrastructure should be approached as a collaborative societal initiative, not just a developer-driven venture. Failing to involve the public through active engagement and shared ownership could impede the critical infrastructure rollout needed by both the Government and developers.

As renewable energy penetration and grid development progress, the DECC, CRU, and EirGrid should perform the necessary analyses to raise the 80% target, aiming for 90% by 2030 and 100% by 2035. However, the wide scale deployment of renewable energy must take place alongside reducing energy demand and ensuring the protection of biodiversity. Too many proposed measures in the current draft NECP are overly dependent on the rapid deployment of renewable electricity. The progress towards renewable energy targets is being significantly compromised by the rapid increase in high energy demand developments, particularly data centres. As total electricity demand rises, more renewable capacity is required. Thus, with the addition of energy-intensive developments like data centres, less renewable energy is available for other sectors. In addition, increasing energy and transportation demands, along with the embedded carbon in construction driven by the National Development Plan and Housing for All, are expected to counterbalance the benefits of new renewable electricity projects.²² This highlights the urgent need for accelerated energy efficiency, transport-oriented development, stringent land-use planning controls, and robust demand management measures.

²² It is concerning that the Department of Enterprise, Trade and Employment (DETE) has only recently sought expert advice on low-carbon cement and alternatives in construction. Academic research by O'Hegarty et al. indicates that the *Housing for All* targets could produce enough embodied carbon to exceed the 2030 climate goals unless new housing is built efficiently and sustainably with low-carbon materials. However, the construction industry has yet to receive guidance on utilizing these materials, and adopting new construction techniques will require significant upskilling and familiarity with innovative technologies and approaches. Although such advice has been referenced in previous Climate Action Plans, the ongoing absence of expert guidance on cement alternatives suggests that implementing any measures or recommendations may take years and is unlikely to impact the first carbon budget.

Progress on achieving Ireland's renewable energy targets needs to happen in tandem with demand reduction and management, policy coherence, and the phasing out of fossil fuel use. This imperative must be reflected in the final NECP.

2. Does the final draft NECP include a detailed plan and timeline to phase out of fossil fuel subsidies?

No, the final draft does not include a detailed plan and timeline to phase out fossil fuel subsidies. The Central Statistics Office estimates that fossil fuel subsidies in Ireland amount to approximately €3 billion annually. These subsidies are incompatible with Ireland's climate and energy commitments. The Commission recommended that the final NECP comply with Ireland's commitments made under the Paris Agreement by providing a detailed explanation of Ireland's timeline and strategy for phasing out fossil fuel subsidies. The final draft NECP includes a description of energy subsidies, including for fossil fuels, and an acknowledgement of the need for reform of fossil fuel subsidies as part of Ireland's commitment to reducing greenhouse gas emissions. It appears however, that only preliminary steps are being taken by the Government to identify, track, and report on these subsidies. Despite commitments made at COP27 and COP28, no explicit commitment is made to phase out fossil fuel subsidies. No detailed plan, timeline, is provided for the reform of fossil fuel subsidies. This is despite the Climate Change Advisory Council 2022 analysis which recommended using a 'sequential approach' for gradual elimination to minimise macroeconomic impacts, prioritising stakeholder engagement and transparent reporting, and directing revenues from subsidy reforms towards supporting the transition and investing in sustainable alternatives.²³ Needed in the final NECP is an ambitious yet credible plan for phasing out fossil fuel subsidies and fossil fuels in a manner that is fair and socially just, ensuring it does not worsen energy poverty in Ireland.

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

No, the final draft fails to meet the carbon budget programme pathway set out by the Climate Change Advisory Council (CCAC) to achieve a net zero pathway "consistent with" Article 2 of the Paris Agreement and its subsidiary Article 4(1), as required by the Climate Act. Moreover, preliminary findings from recent research informing the CCAC toward updating of the carbon budgets state that "Net-zero by 2050 is (far) too late for consistency with Paris Agreement goals".²⁴ Furthermore, the presentation of this finding stated that Ireland's "failure to curb GHG emissions now is already threatening ability to meet later carbon budgets", such that "there is an urgency to accelerate the energy transition" that requires an "approach to 'sufficiency' - moderating final energy demands through structural change - is necessary". As noted above this is also shown in recently published peer-reviewed research, and therefore, this information needs to be referenced in the final NECP.

4. Does the final draft NECP identify in sufficient depth the relevant social, employment and skills impacts of the climate and energy transition and outlines adequate policies to enable a just transition?

²³ Climate Change Advisory Council. (2024). *Working Paper No. 15. Analysis on Reform of Fossil Fuel Subsidies 2022*. Available at: <https://www.climatecouncil.ie/councilpublications/councilworkingpaperseries/Working%20Paper%20No.%2015.pdf> Accessed 16 June 2024.

²⁴ Daly, H., et al. (2024). *ESRI-MaREI Report*. Economic and Social Research Institute (ESRI). Available at: <https://www.esri.ie/sites/default/files/media/file-uploads/2024-06/4.%20Hannah%20ESRI-MaREI%20Daly%20June24.pdf>. Accessed 16 June 2024.

No. The final draft NECP does not identify in sufficient depth the relevant social and employment skills impacts of the transition and nor does it outline adequate policies to enable a just transition. Additionally, both the final draft NECP and its impact assessment (SEA Report) ignore the differentiated impacts of both climate change, climate mitigation and adaptation measures on minorities such as people with disabilities, members of the Traveller community, women, LGBTQ+ communities, older people, youth, economically and racially marginalised groupings, and religious minorities. In this way there is a failure to adequately assess impact on a whole of society basis.

In their 2023 Climate Change Assessment, the EPA emphasises that:

Equity, social inclusion and just transition are crucial considerations in climate policy. Fairer and more equal societies are more resilient to impacts and are more likely to adopt progressive transformative policies. Prioritisation of wellbeing and equity in development and climate policy could bolster the democratic social contract in support of transformation, including improved quality of life, decent work and the value of care. Emissions-intensive activities are likely to face growing pressures to change or contract, increasing the need for a just transition, which would enable opportunities for economic diversification. Just transition requires inclusive planning and decision making... A focus on enhancing equity when designing emissions reduction supports can contribute to securing just transition.²⁵

As per NECP update guidelines published by the Commission, plans for a fair and just transition need to include information on the protection of human rights and promotion of social inclusion; enhancement of wellbeing and equality; balanced regional development; and universal economic benefits. The initial draft Plan only partially addressed some of these aspects.

The current draft's framing around a just transition, similarly, to framing within the Government's current Climate Action Plan 2024, is based around employment²⁶ and economic dimensions. Current definitions and understanding of a just transition within the current draft NECP are limited and narrow, and as a result are not attuned to the inequalities and injustices marginalised communities face. The Climate Change Advisory Council (CCAC) has been critical of this narrow framing and has encouraged an approach that incorporates social justice and vulnerable groups as well as integrating social policies into climate policy.²⁷ Government planning tends to focus narrowly on people deemed most at risk of employment instability during the transition to a greener economy, excluding meaningful consideration of marginalised groups at risk such as the Traveller community and the migrant community in Ireland who face vulnerabilities due to existing identity-based disadvantage and social exclusion. This is also partially due to a transition approach that focuses heavily on place-based analysis at the expense of also incorporating an identity-based analysis.

The Government commissioned NESC report *Addressing Employment vulnerability as Part of a Just transition in Ireland* states that those most vulnerable to the transition to a low carbon economy, "are those employed in the supply of fossil fuels and generation of electricity from peat and coal, transport,

²⁵ Environmental Protection Agency. (2023). *ICCA Synthesis Report*. Available at: https://www.epa.ie/publications/monitoring--assessment/climate-change/ICCA_Synthesis_Report.pdf. Accessed 15 June 2024.

²⁶ Middlemiss et al. (2023) Conceptualising socially inclusive environmental policy: a just transition to Net Zero, *Social Policy & Society*, 22(4) pp.763-783.

²⁷ Dukelow, F., Forde, C. and Busteed, E. (2024) *Feminist Climate Justice Report*, p. 41

parts of manufacturing and agriculture.”²⁸. This approach assumes that those already in employment are the most vulnerable and again lacks an identity-based analysis of the transition. Barriers faced by the Traveller community are far more likely to result from high levels of unemployment rather than employment in sectors which will be rendered obsolete.²⁹ Migrant, refugee and asylum-seeking communities are vulnerable in that they often face precarious employment and poor working conditions, when they have the right to work at all. Sociocultural barriers also create impacts, such as economic inactivity amongst women due to caring duties in the home which create gender pay and pension gaps.³⁰

Such a viewpoint also presumes that the only impact of the eventual transition to net-zero is employment-based, leaving out other transition issues such as energy poverty, transport poverty, environmental injustice and existing socioeconomic disadvantage acting as a barrier to full participation in the transition. A just transition cannot be fully realised without enabling the participation of marginalised communities and addressing the structural causes which result in unequal participation - gender inequality, ableism, racism, and wealth inequality, to name only a few. Those who are already vulnerable in societies throughout the globe will be the most impacted by the climate crisis, and eliminating those vulnerabilities needs to be incorporated into all just transition assessments and responses.

In May 2024, the Government approved the establishment of a new Just Transition Commission to provide advice on ensuring a just transition to climate neutrality in Ireland. This initiative builds on the findings of the Just Transition Taskforce. Although the current draft NECP mentions the Taskforce report and the establishment of the Commission, it lacks a detailed integration and assessment of the Taskforce recommendations within the context of the NECP. Also absent is emphasis on a Just Transition with the context of adaptation to climate impacts - such as through the National Adaptation Framework.

The Government is in receipt of substantial EU funding for just Transition activities, with €169m in total allocated for implementation and research and needs to show leadership on this issue. The final NECP should commit to building on the commitments made in the Climate Action Plan 2024 and Ireland’s Territorial Just Transition Plan. Ireland’s final NECP must better integrate strategies for a socially just transition that extends beyond developing employment skills to address the full spectrum of social and employment impacts. This includes shifts in sectors and industries, skills impacts, distributional effects, and revenue recycling, particularly concerning the transition for carbon-intensive regions.

A more comprehensive and strategic national approach was recommended by the European Commission to address just transition aspects, including a thorough assessment and incorporation of policies that address the employment and social impacts of the transition at the national level. The establishment of the Just Transition Commission is a positive step forward, but its mandate must be implemented promptly to empower and prepare communities and households for the opportunities of a net-zero transition and to address specific just transition challenges by providing potential solutions to mitigate these challenges.

²⁸ NESI (2020) *Addressing Employment vulnerability as Part of a Just transition in Ireland*, Report no. 149, March 2020, p. 9

²⁹ O’Neill et al (2022) *Environmental Justice in Ireland: Key dimensions of environmental and climate injustice experienced by vulnerable and marginalised communities*.

³⁰ Dukelow, F., Forde, C. and Busteed, E. (2024) *Feminist Climate Justice Report*, p. 43.

- The final NECP must reflect this urgency, supported by a comprehensive and detailed approach to ensuring an equitable and just transition for all. At the basis of this approach is the need for a national vulnerability analysis and an analysis and monitoring of the distributional effects of policy implementation.
- Required also is a more comprehensive assessment of where policy needs to be targeted, skills requirements and social and employment and equity impacts on the areas most impacted and at national level, additional detail on the development of Ireland's Social Climate Plan and how consistency between the Social Climate Plan and the final NECP will be achieved. The involvement of communities in shaping climate policy and subsequently, their future, is imperative to ensuring a just and fair transition. It is unfortunate therefore, that as outlined below, public participation in the NECP update process has been less than optimal.
- Finally, if just transition strategies are to mitigate uneven impacts, Irish climate policy inclusive of the NECP must go beyond place-specific analysis to incorporate identity-based analysis. Broader approaches such as those encouraged by the Climate Change Advisory Council should be incorporated into the final NECP to ensure that the just transition goes beyond solely employment-based and cost effective in its aims, and that mitigation and adaptation measures are adequately impact assessed for nuanced impacts on intersectional communities/identities.

5. Does the final draft NECP include assessments and policies that adequately addresses energy poverty?

The final draft only partially includes assessments and policies that adequately addresses energy poverty. The need for comprehensive assessments and policies in the final draft are only partially addressed. Member States must establish focused, attainable, and time-bound objectives for reducing energy poverty, considering legislative developments, such as the definition of energy poverty in the Energy Efficiency Directive and the European Council's recommendations on ensuring a fair transition towards climate neutrality.

Member States, while drafting their NECPs, must assess the number of households in energy poverty. Required as part of this assessment is a consideration of the necessary domestic energy services needed to ensure basic living standards within the relevant national context, considering existing social policies and other pertinent policies, along with the Commission's indicative guidance on relevant indicators, including geographical dispersion. If a Member State identifies a significant number of households in energy poverty, it must include a national indicative objective to reduce energy poverty in the final NECP. Overall, there exists a close link between efforts to tackle energy poverty (such as retrofit support schemes) and Just Transition.

In the Commission's Recommendation it stated that Ireland's final NECP should indicate a specific measurable reduction target for energy poverty as required by Regulation (EU) 2018/1999. DECC acknowledged the Commission's recommendations to tackle energy poverty and intends to use it as a "measurement framework". However, the current draft does not indicate a specific measurable reduction target. Whilst the draft acknowledges that long-term measures are necessary to tackle the root and structural causes of energy poverty and to ensure an inclusive and just transition, the key focus is on short term measures.

The current methodology for measuring energy poverty in Ireland, as noted within the current draft NECP and the Energy Poverty Action Plan (EPAP)³¹, is insufficient for capturing the multidimensional nature of energy poverty. A household in Ireland is experiencing energy poverty if it is spending more than 10% of its income on energy. From this definition, there are three dimensions to energy poverty denoted within the final draft NECP:

- Total household income.
- Current cost of energy.
- Energy efficiency of the home.

The current methodology therefore assumes that all energy use in the household is directly tied to income; and that energy poverty is experienced within a traditional household unit only. There are experiences of energy poverty that are not accurately captured by existing methodology which intersect with existing deprivation and social exclusion in Ireland, and there is a risk under the current timeline for NECP submission that these experiences will be excluded from Ireland's climate and energy objectives, targets, policies, and measures presented to the European Commission in NECP until 2030 at the earliest. It would be unwise for the Government to lock in, into Ireland's final NECP until 2030, a methodology and measurement of energy poverty that it has itself admitted is insufficient.

Groups that are more vulnerable to experiencing energy poverty in addition to those living with low incomes include women, disabled people, migrants, people seeking refuge and asylum, Travellers and lone parents.^{32 33} Barriers to accessing sufficient energy levels for these groups go beyond merely income-based issues, and some aspects of their energy use cannot be accurately captured by an all-of-household unit of measurement with all energy use tied to income.

For example, the cultural and gendered associations that see women carrying out most caring work in the home has implications for gendered vulnerability to energy poverty. Robinson notes that both exclusion from the economy and unpaid caring or domestic roles have impacts on energy use and vulnerability to energy poverty for women, connecting energy poverty to wider income and material poverty associated with gender inequality as opposed to solely income related barriers that are noted in EPAP and NECP.³⁴ Gendered energy use for care work is also often shaped by context-specific gender dynamics rather than economic activity, which cannot be captured by measurements of energy poverty that rely solely on quantitative data.³⁵

The Traveller community's disproportionate vulnerability to energy poverty cannot be attributed solely to income-related barriers either.³⁶ Social exclusion of the Traveller community in relation to adequate housing, employment, and access to retrofitting schemes for those living in caravans, trailers or mobile homes are the result of policy that has not responded appropriately to differences in cultural ways of life. This oversight was seen when many members of the Traveller community could not access energy

³¹ Energy Poverty Action Plan 2022, p. 38

³² Energy Poverty Action Plan 2022, p. 4 & 5.

³³ Dukelow, F., Forde, C., & Busteed, E. (2024). *Feminist Climate Justice Report*. p. 63.

³⁴ Robinson, C. (2019) Energy poverty and gender in England: A spatial perspective. *Geoforum*, vol. 104, August 2019, pp. 222- 233

³⁵ Dukelow, F., Forde, C. and Busteed, E. (2024) *Feminist Climate Justice Report*, p. 62 & 63.

³⁶ National Traveller MABS. (2019). *Energy report factsheet*. Available at:

https://www.ntmabs.org/publications/development/2019/nt-mabs-energy-report-factsheet_.pdf. Accessed 17 June 2024.

credits rolled out by the Government in Budgets 2023 and 2024 due to not having individual electricity meters.³⁷

Household-based measurements cannot capture the experiences of energy poverty for those in emergency accommodation, direct provision, or who are living in institutions. Information on the energy use of those living outside of household structures is virtually unknown in an Irish context, and they have little to no ability to choose their energy supplier. Women are overrepresented in the numbers of lone parent households living in emergency accommodation, adding another gendered concern to the current household-based unit of measurement, and underlining the vulnerability of lone parent households headed by women to energy poverty.³⁸

Ireland's NECP cannot effectively address energy poverty if it is using a methodology, definition and unit of measurement which are not fit for purpose.

The Government has put the Energy Poverty and Action Plan (EPAP) out for public consultation as recently as March 13th, 2024, with submissions to this consultation closing on May 15th, and a stakeholder forum due to take place on June 24th to finalise a revised version of EPAP. Ireland's final NECP is due to be submitted less than a full week after this stakeholder forum has taken place, with no guarantee that a revised EPAP or methodology for measuring energy poverty will be complete for inclusion in the final NECP.

- A revised version of EPAP, inclusive of a new standard of assessing energy poverty, must be included within the final submitted version of the NECP to ensure that all experiences of energy poverty are accurately captured – particularly for those in Irish society who are already marginalised or socially excluded.
- Overall, it is imperative that the final NECP apply Just Transition principles and practices to protect the most vulnerable communities – including the allocation of public funds and in the phase-out of fossil fuel heating systems. To reflect this commitment, for example, the final NECP should include a significant increase in the target set for the Local Authority Retrofit Programme, with a view to ensuring all social housing reaches a minimum B2 BER by 2030.
- Other measures include explaining how the use of energy efficiency measures within the framework of Energy Efficiency Obligations Scheme to alleviate energy poverty will be deployed, as well as a commitment to amend the Building Regulations to mandate district heating where feasible (instead of the current individual household heating solutions in Ireland).

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

The final draft includes incomplete details on how the climate, energy and socio-economic policies will be financially supported. 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. Meeting ambitious targets through revised national contributions and

³⁷ Department of the Environment, Climate and Communications. (2023). *National Energy & Climate Plan 2021-2030: Final Draft*. Available at: <https://assets.gov.ie/264547/a9c8b5a0-4455-4214-85da-5e80f7b6ceae.pdf>. Accessed 17 June 2024.

³⁸ Dukelow, F., Forde, C. and Busteed, E. (2024) *Feminist Climate Justice Report*, p. 67

ensuring a swift transition away from fossil fuels will require a significant mobilisation of transition investment. Despite this acknowledgement being made in the final draft NECP, not included is the required comprehensive outline of investment needs and funding sources.

As per recommendations from the European Commission, the final NECP will need to provide detailed and complete information on investment needs and funding sources for the various specific policies and measures contained within the Plan. The final NECP will need to provide a detailed financing plan that:

- Addresses, in detail, 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.

7. Does the final draft NECP adequately address agricultural emissions?

No, the final draft does not adequately address agricultural emissions. Achieving the required emission reductions in the agriculture sector by 2030 will necessitate policy changes away from intensive dairy farming and livestock production. Although the current draft now notes that “Sustainable agriculture and reduced meat consumption can lead to more resilient food systems and healthier diets”, it fails to set out any roadmap for the Irish agri-food system to transition away from intensive cattle and dairy production toward alignment with that future. Most of the policies and measures included in the current NECP to address agriculture emissions focus on the voluntary uptake of measures focused on improvement of on-farm efficiency rather than addressing the sector’s unsustainable reliance on dairy and livestock production, which has increased substantially since 2010. These measures require financial incentives and advisory support for adoption and this approach has proven an abject failure in reducing emissions.

A recent EULIFE-funded research report showed total agri-methane increased by 20% from 2010 to 2022, primarily due to a very concerning 61% increase in dairy methane since 2010 within which minor efficiency improvement has been far outstripped by increased dairy farm production.³⁹ Organic farm area has recently increased but, this will not have any substantial impact in reducing total emissions or nitrate water pollution unless milk and meat production from the intensive dairy and livestock farming sector is reduced in favour of tillage and horticulture. By redirecting current financial and policy supports, efforts could be directed toward a viable transition for farming and the agri-food system to align with climate commitments, food security, pollution reduction, and biodiversity strategies. However, the draft final NECP lacks detailed proposals to enhance these areas and does not quantify the emission reduction potential of diversification strategies, by reducing livestock numbers and limiting production within watershed-based limits on nutrient water pollution aligned with meeting the Water Framework Directive.

³⁹ An Taisce. (2024). *National Biomethane Strategy: Public Consultation Response*. Available at: <https://www.antaisce.org/Handlers/Download.ashx?IDMF=340fe15d-df75-45e9-86ba-341762616638>. Accessed 18 June 2024.

The Commission review of the draft Plan highlighted that it paid “insufficient attention to mitigating non-CO₂ emissions, in particular agricultural methane and N₂O emissions” and strongly critiqued the stated measures saying:

this list remains vague and does not provide any information on implementation or on the mitigation potential of individual measures. Moreover, the quantified projections show that agricultural greenhouse gas emissions will almost stagnate in this decade, followed by an increase after 2030. These shortcomings are problematic, because agricultural methane and N₂O emissions accounted for 35% and 12% of all greenhouse gas emissions within the Effort Sharing sectors in 2021, respectively, and in the context of the gap towards the ESR target outlined earlier in this section.

The final draft NECP does include Table 23 with some quantification of agricultural mitigation measures, but the quantification of emission reductions fails to show the five-year totals necessary to compare with the sector’s Sectoral Emission Ceilings under the carbon budgeting programme. Moreover, research by and funded by the CCAC shows that early, deep, and sustained cuts in agri-methane emissions are essential to meeting Ireland’s climate goals, but minimal methane mitigation is projected to be achieved by the stated technical measures; additionally, it is very possible that the projected methane mitigation may not be accepted under emissions accounting without strong verification. Precautionary policy is advisable to limit emissions intensive milk and livestock production to ensure that mitigation is confirmed in emissions accounting and water pollution outcomes.

The final draft NECP also lacks several critical elements, including a comprehensive plan for a low-carbon transition by 2030 and 2050, a strategy for a just transition, and alignment with national emissions reduction targets. Additionally, it fails to address bioenergy sustainability issues arising from poor forest management and methane losses in the planned upscaling of anaerobic digestion by 2030. The NECP update offers a vital opportunity to implement a transition to a low-carbon, balanced agroecological system by 2030 and 2050 that reduces emissions, supports biodiversity, and ensures a fair transition for farmers. Shifting to agroecological methods and enhancing biodiversity will socio-economically benefit farmers, reduce pollution, and improve food production efficiency with less waste.

The final NECP must outline a comprehensive roadmap for the agri-food sector that:

- Aligns all agricultural plans with Ireland’s legally binding carbon budgets and the 42% national emissions reduction target for agriculture, waste, and transport, while quantifying the need for further cuts in Sectoral Emission Ceilings from 2026-2030 and beyond across all sectors.
- Targets early, deep, and sustained reductions in annual methane emissions from cattle and sheep, using production and ecological quotas as effective mitigation measures.
- Allocates significantly more resources towards diversification and provide enhanced support for land-efficient on-farm renewable energy production.
- Prioritises support for ecosystem services over production.
- Incorporates principles of just transition and adaptation planning to ensure environmental and socio-economic sustainability, fostering a fairer and greener society.
- Ensures alignment between energy, agriculture, and land use planning with national policy objectives, including adherence to the ammonia ceiling and the Water Framework Directive, to safeguard nature and establish a path towards a sustainable, biodiverse, and resilient agri-food system.

8. Does the final draft NECP improve Ireland's energy security?

In their assessment of Ireland first draft NECP, the European Commission noted that “fossil fuels comprise a very significant share of Ireland’s energy mix and domestic extraction is decreasing, resulting in a high dependence on energy imports from third countries, with few detailed measures in the plan, e.g. to reduce gas demand”.⁴⁰

Ireland is in the top five EU countries in terms of reliance on fossil fuels, which in 2021, were still accounting for 88% of the country’s gross available energy. The country is increasingly dependent on the UK for its energy supply and is still very reliant on natural gas (the second largest overall energy source at 30.6%, and the largest one in the electricity mix (48%) in 2021). Ireland's energy insecurity and high prices are largely due to its heavy reliance on fossil fuels.

The energy security strategy of the current draft NECP focuses on increasing renewable generation, demand-side flexibility, electricity interconnection, and energy storage. Also mentioned are new gas-fired backup generation and the potential commissioning of a floating storage regasification unit (FSRU). This is despite such a unit not being in line with climate, public safety, and national security risks. No assessment is provided on the expected demand for oil by 2030 and beyond.

Missing from the final draft is an acknowledgement that a substantial increase in data centre electricity demand will significantly complicate the achievement of Ireland’s legally binding sectoral emissions ceilings. If data centres consume a large share of the expanding renewable electricity generation, it will limit the capacity of the transport, buildings, and industry sectors to meet their decarbonisation goals.⁴¹ The current draft NECP also fails to clearly state that Ireland's carbon budget obligations necessitate a 40% reduction in fossil methane gas demand this decade, followed by an additional 80% reduction in the 2030s. By 2040, this would result in a 93% decrease in gas demand in the power sector, an 85% reduction in the residential sector, and a 67% reduction in the enterprise sector.⁴² Overall, it is unclear why reducing energy demand is not given higher priority. With electricity demand expected to double by 2030 under a high demand scenario, explicit measures should be in place to reduce consumption at both household and industry levels to avoid increased emissions.⁴³

The current draft NECP, drawing on plans and proposals outlined in CAP24, shows a concerning dependence on uncertain and potentially risky technologies, such as hydrogen and biomethane, to achieve energy security and decarbonisation objectives. Hydrogen is expected to be significantly more expensive than demand reduction measures. Experts argue that it is unlikely hydrogen can be cost-effectively deployed at scale by 2030, especially if offshore wind deployment faces delays, making it an unrealistic solution for meeting carbon budgets. Without substantial additional renewable capacity, using hydrogen could increase GHG emissions by diverting renewable electricity from directly replacing fossil fuels usage.

⁴⁰ European Commission (2024).

⁴¹ Friends of the Earth Ireland. (2023). *UCC MaREI Research Report*. Available at: https://www.friendsoftheearth.ie/assets/files/pdf/ucc_marei_-_research_report_-_final.pdf. Accessed June 12, 2024.

⁴² Ibid.

⁴³ Irish Academy of Engineering. (2018). *Natural Gas Energy Security*. Available at http://iae.ie/wp-content/uploads/2018/08/IAE_Natural_Gas_Energy_Security.pdf. Accessed 12 June 2024.

The objective to expand the production of domestically produced biomethane to an annual level of 5.7 TWh by 2030, and the broad plans for reaching this goal as referred to in the current draft, are fraught with significant environmental and economic risks. A finalised National Biomethane Strategy (NBS) was released by the Government at the end of May 2024. However, environmental NGO, An Taisce has stated that, contrary to the public consultation requirements of the Aarhus convention, “it abjectly fails to address the multiple and very serious issues raised by An Taisce and by the Environmental Protection Agency (EPA) during the public consultation [regarding the prior draft]”. An Taisce asserts that “It is likely that this NBS will primarily act to support greenwashing of fossil carbon “natural gas” delivery and increase the economic viability of emissions-intensive milk and meat production”.⁴⁴

The current draft NECP also refers to plans in CAP2024 for carbon capture and storage (CCS). This includes deploying CCS to address unallocated emissions savings in the second carbon budget. Relying on CCS runs the risk of overshadowing and delaying solutions that focus on renewable energy, energy efficiency, and reducing energy demand. Given the challenges and uncertainties surrounding this technology, its role before 2030 is unclear. CCS should not be listed as an additional measure in the draft Plan unless it can deliver quantifiable emission reductions within this timeframe and is not used to support continued fossil fuel use.⁴⁵

The reliance and expansion of fossil fuel assets and ongoing fossil fuel subsidies constitute a major risk which must be explicitly addressed in the final NECP update. Energy security measures outlined in the final NECP must align with climate policy. This will necessitate rapid and near-term reductions in fossil fuel consumption this decade, and the near-term expansion of renewable energy, phasing out of fossil fuels across all sectors, energy demand reduction and management, and improvements in energy efficiency across all sectors to support energy security and climate goals.

9. Has the process for producing the final draft NECP fully complied with public participation requirements?

No, the process for producing the final draft NECP has not fully complied with public participation requirements. Public participation is crucial for effective climate and energy governance as it leads to better policy, enhances public support, and reinforces democratic legitimacy. It also acts as a safeguard against the disproportionate influence of lobbying aiming to maintain the status quo. The transition to clean energy impacts everyone's way of life and must therefore consider public concerns in its implementation. Additionally, the public has a right to well-informed and effective participation in the development of the NECP update, as stipulated by national law, EU law (the Governance Regulation and the SEA Directive), the ECHR, the Espoo Convention and the UNECE Aarhus Convention.

As required by the Governance Regulation (Art. 10) and the Aarhus Convention (Article 6 & 7), Member States are obliged to facilitate timely, wide, and inclusive opportunities for public consultation prior to the submission of draft and final NECPs. This should happen early in the process when all options are open. The Aarhus Convention Compliance Committee has repeatedly emphasised that public

⁴⁴ An Taisce. (2024). *An Taisce reaction to National Biomethane Strategy: Costly strategy fails to deliver credible climate action*. Available at: <https://www.antaisce.org/news/an-taisce-reaction-to-national-biomethane-strategy-costly-strategy-fails-to-deliver-credible-climate-action>. Accessed June 15, 2024.

⁴⁵ In the UK, leading academics have criticised the government for over relying on CCS, noting that there is no evidence suggesting that deployment costs will fall similarly to those of renewables. They recommend that governments should scale up CCS rapidly but reserve it for essential applications only.

participation requirements be respected and implemented in the development of NECPs.⁴⁶ Citizens must be provided with a reasonable period to participate in the different stages of the update cycle, and have access to all relevant information and documents, assumptions, and scenarios. Member States are expected to establish multi-level stakeholder dialogues that include local authority officials, civil society organisations, social partners, and sectoral business and community stakeholders (Governance Regulation (Art. 10)). Also required is an explanation on how citizens' views are considered during the NECP update. To date, there exists widespread deficiencies, including in Ireland, in the application of these requirements. For example, the very extensive annual National Climate Dialogues have not been carried out with a focus on the draft NECP, and the outputs do not appear connected in any meaningful way to the policy pipeline, despite the huge financial investment they represent, and the fact that they would be an ideal vehicle for nuanced climate dialogue on the measures contained in the NECP. Given the considerable changes in Irish climate governance and policy since the drafting and publication of Ireland's initial NECP in 2019/2020, a substantially improved public participation during the update process was necessary and expected.

In June 2023, EJNI communicated through a detailed briefing to DECC, the requirements and best practice for effective public participation in the NECP update.⁴⁷ The first public consultation (held in February 2024) did not follow best practice or comply with the requirements of the Governance Regulation. There was a breach of the obligation under the EU's Governance Regulation & SEA Directive, and under the international law instruments of the Aarhus & Espoo Conventions, to engage citizens on the draft NECP early in the process when all options were open, and prior to filing the draft with the EU Commission. Basic requirements for access to information to support public consultation under these instruments were also breached even during the consultation process. Further, these laws required that draft versions of the NECP be accompanied by a Strategic Environmental Assessment Report (SEA-R) that outlined the impacts of the pathways chosen to achieve the targets, the alternative pathways to meeting those targets, and the reasons for preferring one option over another. The current draft NECP notes that (just) in February 2024, DECC commissioned an SEA of the draft NECP (which will inform the final NECP).

The initial public consultation on the draft NECP (in February 2024) did not provide the public with any accompanying or supporting materials. Only the draft NECP document was provided, and responses were gathered using a restrictive questionnaire/survey focused mainly on public perceptions rather than the substantive measures in the draft.

No SEA-R was provided with it, none of the data underpinning the modelling or the assumptions in the draft. No plain English summary or alternative language versions were provided, nor were accessible versions for individuals with visual impairments. Additionally, no explanatory webinars were offered. These omissions meant that alternatives were not genuinely considered early in the process, rendering the first consultation essentially meaningless as the public lacked sufficient information to engage with

⁴⁶ European Environmental Bureau (2023). Legal obligations for public participation during the updating of NECPs. Available at: <https://eeb.org/library/legal-briefing-legal-obligation-for-public-participation-during-the-updating-of-the-necps/>. Accessed June 15, 2024.

⁴⁷ Environmental Justice Network Ireland. (2023). *Public Participation and the NECP Revision: Briefing Paper*. Available at: <https://ejni.net/wp-content/uploads/2023/03/EJNI-Briefing-Paper-Public-Participation-and-the-NECP-Revision.pdf> Accessed June 16 2024.

or assess the document. These issues were highlighted in the EJNI guide to the public consultation on the draft NECP, which was submitted to the Department at the time.⁴⁸

The SEA-R was made available for the current consultation but appears inadequate as it fails to sufficiently scope actual alternative pathways to achieving the climate targets in the draft NECP. Instead, it focuses on alternative approaches to public consultation and even considers not doing the NECP at all. Furthermore, the SEA-R often fails to justify the chosen alternatives that proceed. For instance, it briefly outlines a preferable alternative scenario for public consultation, which would involve breaking the NECP into different elements to allow for more detailed public engagement. However, this scenario was not chosen, and no reason was provided for its exclusion.

The current consultation survey follows the format of the initial consultation, using a limited survey approach with tick-boxes and restricting responses to open questions to 300 words. This lack of engagement may undermine support for the measures in the NECP, leading to confusion and potential backlash against climate policy measures.

The current draft notes that the Government has built on the first (2019) NECP by engaging and consulting widely with citizens and key stakeholders on energy and climate change policy, and that no new policies or measures are being introduced in the final NECP unless the component parts of the Plan have been previously consulted on. Given the significant changes in Irish climate governance and policy since the initial NECP was drafted in 2019/2020, along with the substantial emissions gap that now exists and concerning projections for 2030 and beyond (as outlined earlier in this document), previous consultations cannot substitute for the necessity of proper and effective engagement in this NECP update.

Various citizen engagement initiatives (such as consultations and workshops) – such as the National Dialogue on Climate Action, and Climate Conversations – are described in the draft. However, no detail is provided on how outputs and recommendations from these initiatives, research, prior consultations on climate and energy policy, and submissions made to the draft NECP earlier in 2024, have been incorporated into the current draft. Despite playing an important role in implementing climate measures, absent also is any evaluation of the role, engagement of, and impact of local authorities. The DECC website explains that feedback received from the first and second consultation will be sent to the relevant Government departments and fed into domestic policy making. This raises the serious question about whether submissions made as part of the current consultation will be integrated into the final NECP, due to be submitted to the Commission just three days after the consultation closes. Given Ireland's history of delays in submitting plans like the NECP and the Long-Term Strategy, it is anticipated that there will be a delay in submitting the final Plan. It is hoped that this delay will be due to the thorough consideration of Commission recommendations and consultation submissions in the final NECP.

10. Does the final draft NECP draw on cross-border or transboundary public consultations?

It is unclear to what extent the final draft draws on cross-border or transboundary public consultation. Article 12 of the Governance Regulation obliges Member States to consult with its regional neighbours

⁴⁸ Environmental Justice Network Ireland. (2023). *Public Participation and the NECP Revision*. Available at: <https://ejni.net/wp-content/uploads/2023/03/EJNI-Briefing-Paper-Public-Participation-and-the-NECP-Revision.pdf>. Accessed 19 June 2024.

on both the draft and final NECP prior to filing with the EU Commission and set out a detailed account of these consultations and their outcomes in the final NECP. Required are transboundary consultations on environmental plans of strategic importance under EU and international law, specifically under the Aarhus and Espoo Conventions and Article 7 of the European SEA Directive (Strategic Environmental Assessment). The SEA Directive mandates public participation on all plans and programmes with significant environmental effects, which includes an obligation to notify the competent authority in the other jurisdiction about any plan or programme with transboundary implications, and to provide details of the relevant consultation period. This includes any country conceivably impacted by Ireland's emissions and industrial decisions to address the green transition.

Additional and transboundary participation obligations arise in respect of Northern Ireland. The 1998 Peace Agreement (Good Friday/Belfast Agreement) incorporated the European Convention on Human Rights into Irish Constitutional Law, and the ECHR guarantees environmental transboundary participation. More recently, Art. 2 of the Windsor Framework made these 1998 Agreement rights domestically enforceable. Any diminution of the environmental governance arrangements resulting from Brexit represents an actionable breach of the Windsor Framework. This post-Brexit governance arrangement entitles NI residents to the same level of protection of environmental participatory rights as they had prior to Brexit.

The 1998 Agreement itself exists for the very purpose of creating a framework for all-island cooperation and political and social participation including explicitly in the environment. Given the shared environmental and energy concerns between our jurisdictions, it is crucial to understand the extent of collaborative efforts and mutual engagement to ensure that strategies are harmonised and effectively address regional challenges. Such consultations are vital for aligning policies, enhancing regional cooperation, and achieving our collective climate and energy goals. This should be done through the relevant regional fora. The relevant regional fora for Northern Ireland and the UK are the North South Ministerial Council (NSMC), the British Irish Council, and the British-Irish Intergovernmental Conference. These avenues should be used to consult on a regional basis prior to finalisation, in addition to any other relevant regional fora.

The SEA-R of the current draft identifies as "cross-border consultation" the inputs received from NIEA (Northern Ireland Environment Agency), DAERA (Department of Agriculture, Environment in Northern Ireland) and other NI based bodies. No other country's State bodies appear to have contributed. Additionally, no evidence is presented that cross-border consultation has taken place with citizens in Northern Ireland or any other jurisdiction. There is no evidence that any formal consultation has been requested using the formal mechanisms for doing so. The NECP includes a section on 'key issues of cross-border relevance,' mainly concerning energy security, trade, and joint cross-border energy infrastructure. However, the current draft does not clearly indicate any substantial public engagement in a transboundary context, which would contravene the requirements of the Governance Regulation and other relevant legal obligations.

11. Does the final draft NECP address the recommendations of the European Commission's assessment?

The final draft NECP does not fully address the recommendations of the COMM assessment. Member States are required to duly consider, in the final NECP, country-specific recommendations issued by the

European Commission. If any recommendations are not considered or integrated, the rationale for their omission must be clearly explained.

The current NECP states that "extensive efforts have been made to ensure that the various points raised by the Commission in its assessment of the draft have been addressed in the final version of the NECP." However, it remains unclear how these recommendations have been integrated or considered in key areas of the NECP, such as energy efficiency, renewables, emissions reductions, and research and innovation, as no comprehensive details are provided. The current draft is described as a "whole-of-Government 'umbrella' plan," which consolidates "the policies, targets, tools, and associated material from various government bodies and departments into one document." However, it is unclear how the Commission's current recommendations have been integrated into a Plan that already incorporates previous plans and policies.

The final NECP must provide clear and accessible information on how the full set of Commission recommendations across all relevant areas have been addressed. If any recommendations have not been addressed, the rationale for this should be clearly outlined.

END

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