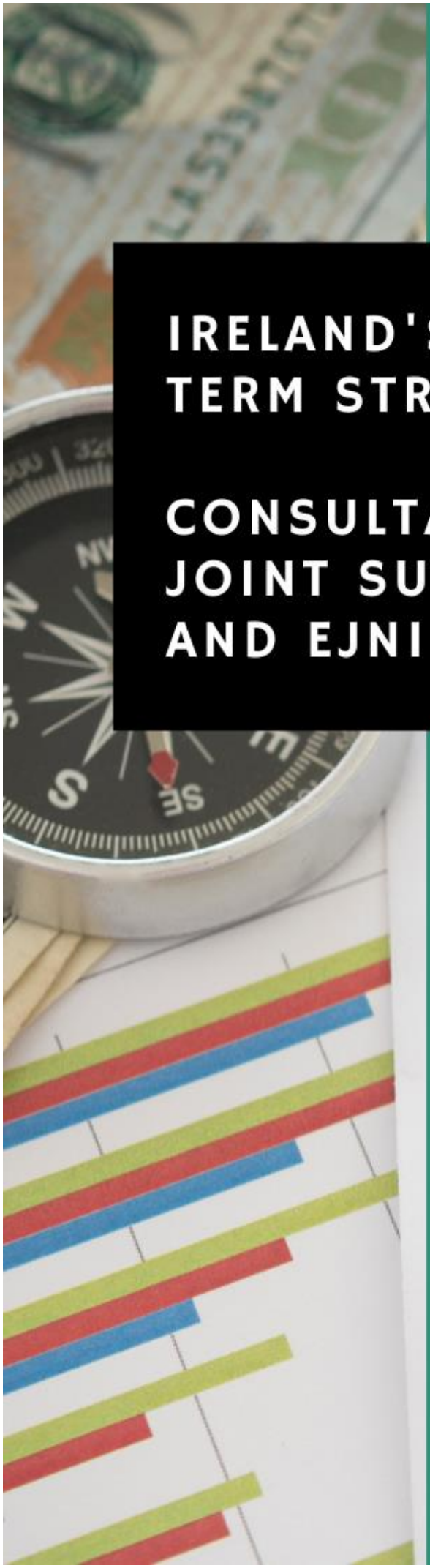

JUNE 2023

IRELAND'S NATIONAL LONG TERM STRATEGY

CONSULTATION RESPONSE: JOINT SUBMISSION BY CLM AND EJNI

It is vital that the National Long-Term Climate Action Strategy (nLTS) demonstrates how Ireland will achieve complete decarbonisation across all sectors of the economy, including transport, housing, aviation and shipping. This submission recommends five key areas to include in the revision of the Long-Term Climate Action Strategy.

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EJNI ENVIRONMENTAL JUSTICE NETWORK IRELAND Community Law & Mediation

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Joint submission by CLM and EJNI on Ireland's national Long-Term Strategy

Summary of Recommendations

It is vital that the National Long-Term Climate Action Strategy (nLTS) demonstrates how Ireland will achieve complete decarbonisation across all sectors of the economy, including transport, housing, aviation and shipping.

This submission recommends five key areas to include in the revision of the Long-Term Climate Action Strategy. These are:

1. **Set, and achieve ambitious, climate targets:** relative to other EU member states, and a good faith interpretation of the Paris Agreement temperature goals, Ireland's net zero by 2050 at the latest target is not sufficiently ambitious. The nLTS should be used as an opportunity to increase ambition. Key areas for inclusion are:
   (a) A commitment to decarbonisation by 2035 and net negative emissions thereafter
   (b) Identification, quantification, and implementation of very substantial new measures to close the emissions gap for carbon budgets 1 and 2
   (c) A commitment to at least a 95% reduction in emissions by 2035 relative to 1990 level to prevent overreliance on removals.

2. **Phase Out Fossil Fuel Importation and Production:** Fossil fuels account for *57% of Ireland's total greenhouse gas emissions*. It is imperative that we aim to phase out both the importation and production of fossil fuels by 2035 in Ireland. Key areas for inclusion are:
   (a) Abide by the Energy Efficiency First Principle;
   (b) Impose a Moratorium on Data Centre Development;
   (c) End the expansion of Ireland's gas network;
   (d) Pass the Planning and Development (Liquefied Natural Gas - LNG) Amendment Bill into law;
   (e) End current licences for fossil fuel exploration;
   (f) Commit to phasing out fossil fuel subsidies and ending energy poverty.

3. **Housing and Climate Justice:** Those without adequate housing and shelter are disproportionately exposed to climate change and other environmental harms, despite least contributing to the issue. The nLTS needs to focus on housing and climate justice. Key areas for inclusion are:
   (a) Address vacant and derelict property sites;
   (b) Increase retrofit ambition within social housing, the private rental sector, community awareness of retrofit opportunities and targeted measures for the Traveller community;
   (c) End the installation of fossil fuel heating boilers.

4. **Transport:** *Only 1% of the global population is responsible for 50% of the emissions from commercial aviation*. Key areas for inclusion are:
   (a) Invest in and upscale the Local Link Services to provide affordable and reliable public transport across the country;
   (b) Ensure public transport is disability-inclusive;
   (c) Set a date for phasing-out sales of CO2-emitting new passenger cars and light commercial vehicles prior to 2035;
   (d) Include all aviation and shipping emissions in the nLTS [and into carbon budgets 3 and 4];
   (e) Mandate corporations with most frequent flyers to set a target to reduce their air travel emissions by 50% by 2030 compared to 2019 levels;
   (f) Include a provision to outlaw private jets and domestic flights;
   (g) Empower Local Authorities to create Low Emission Zones.

5. **Just Transition:** Long-Term Climate Action Strategies must include the "*expected socio-economic effect of the decarbonisation measures, including, inter alia, aspects related to macro-economic and social development, health risks and benefits and environmental protection.*" Key areas for inclusion are:
   (a) Identify the social challenges expected from the nLTS;
   (b) Ireland's revised nLTS must contain proper just transition strategy to address those challenges – within and across all sectors of the economy (such as transport, industry, and construction);
   (c) Accelerate the establishment of a Just Transition Commission.

Introduction

Climate change is one of the greatest threats to human rights, posing a serious risk to life, health, food and an adequate standard of living of individuals and communities across the world. The latest assessment report from the Intergovernmental Panel on Climate Change (IPCC) describes how observed and predicted changes in climate will adversely affect billions of people and the ecosystems, natural resources, and physical infrastructure upon which they depend. These harmful impacts include sudden-onset events that pose a direct threat to human lives and safety, as well as more gradual forms of environmental degradation that will undermine access to clean water, food, and other key resources that support human life. In addition, measures undertaken to reduce greenhouse gas (GHG) emissions and adapt to climate change can themselves adversely affect the enjoyment of human rights. It is critical that the nLTS is revised to provide coherence with Ireland's legal commitments while ensuring full respect for human rights.

Ireland's emissions remain among the highest per capita in the EU, and are continuing to rise. As noted by An Taisce, "*Economic growth or hopes for technical solutions cannot continue to be used as an excuse for failure by Government departments or agencies.*"[1] The Long-Term Climate Action Strategy must be revised to ensure that quantified measures are provided to demonstrate how Ireland will achieve complete decarbonisation, across all sectors of the economy, including aviation and shipping. In addition, it is essential that all departments, local authorities and public bodies are effectively trained and resourced to enable the full implementation of the Long-Term Climate Action Strategy. This is essential to enable these relevant bodies to perform their public sector duties under the Climate Action and Low Carbon Development (Amendment) Act 2021. Section 15 requires all relevant bodies (like departments, local authorities and most public bodies) to perform their functions, in so far as practicable, in a manner consistent with *inter alia* the furtherance of the national climate objective (discussed below). Almost a quarter of the targets under CAP21 were not met[2] due to "capacity and capability constraints" across the public sector. According to the Climate Action Plan 2023 Q1 Progress Report, a quarter of the Climate Action Plan 2023 Q1 measures have been delayed (25%). No proposals are made within the progress report to demonstrate how implementation shortfalls will be compensated by additional policies or measures to ensure compliance with the carbon budget program or the National Transition Objective.

The need for consistency with biodiversity objectives

Scientists say the planet is experiencing a sixth mass-extinction, driven by climate change, pollution, exploitation of land and sea, and the spread of invasive species. Wildlife populations fell by 69% between 1970 and 2018,[3] and according to the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), by 2050, it is estimated that up to 46% of all biodiversity will have been lost.[4] Conservation initiatives have not successfully curtailed the scale of biodiversity

[1] https://www.antaisce.org/news/irelands-carbon-budgeting-situation-is-far-more-pressing-than-the-epa-projections-report-has-indicated
[2] https://www.independent.ie/irish-news/politics/almost-a-quarter-of-the-governments-targets-under-the-climate-action-plan-have-been-missed-42165230.html
[3] https://livingplanet.panda.org/en-US/
[4] https://www.ipbes.net/news/media-release-worsening-worldwide-land-degradation-now-%E2%80%98critical%E2%80%99-undermining-well-being-32#:~:text=Biodiversity%20loss%20is%20projected%20to,urban%20encroachment%20and%20climate%20change.

loss; since the 1970s, there has been a 660% increase in protected area coverage, but a 60% decline in most, if not all, major animal groups.[5] The human risks posed by our vanishing wild are vast. For example, IPBES has warned that medicine, energy, and materials are under threat because of biodiversity loss.[6]

A wide range of human rights, such as the right to life, food, water, sanitation, health, culture, and the recently recognised right to a clean, healthy, and sustainable environment,[7] directly depend on thriving biodiversity and healthy habitats. The loss and degradation of critical habitats and species present a significant threat to the enjoyment of such rights. As noted by the UN, *"States therefore have the duty to take meaningful, effective and urgent action to transform humanity's relationship with nature and address the direct drivers of biodiversity loss."*[8] Indeed, Ireland became the first country in 2019 to declare a joint climate and biodiversity emergency, and the Citizens' Assembly on Biodiversity Loss emphasised that the dual climate and biodiversity crises cannot be addressed separately.[9] While the Long-Term Climate Action Strategy (nLTS) references measures that may produce co-benefits for biodiversity, it is CLM and EJNI's contention that biodiversity must be embedded within the heart of a revised Strategy to ensure that climate action in Ireland benefits biodiversity. Ireland's finalised Long-Term Climate Action Strategy must be consistent with :

- The National Biodiversity Action Plan
- The EU's Biodiversity Strategy 2030
- The UN Convention on Biological Diversity

Legal framework

EU law

In 2019, the European Council endorsed the objective of achieving a climate-neutral EU by 2050.[10] In 2021, the European Climate Law (ECL) entered into force and enshrined in law this objective of carbon neutrality, that is a balance between GHG emissions and removals by 2050 at the latest and net-negative emissions thereafter.[11] This means that EU Member States must collectively reduce their emissions to a level where remaining emissions can be offset either through natural sinks or carbon removal technologies by 2050 at the latest. The collective goal in the ECL, coupled with a good faith interpretation of the 1.5°C/well below 2°C temperature goals in the Paris Agreement, require richer EU Member States to reach net zero emissions *before* 2050 with remaining EU Member States achieving climate neutrality by 2050 at the latest. As one of the wealthier EU Member States, Ireland should therefore be reaching climate neutrality *well before* 2050.

The Governance Regulation creates integrated structures for planning, reporting and reviewing EU climate and energy policy.[12] It requires Member States to prepare two plans, national energy and climate plans (NECPs) and national long-term strategies (nLTS). An nLTS is a decarbonisation plan with a perspective of at least 30 years. An NECP is 10-year decarbonisation plan setting out policies, measures & financing to deliver national share of EU's climate and energy 2030 objectives and target – including supporting social policies.
Article 15(1) of the Governance Regulation requires Member States to produce a nLTS with a 30-year horizon every ten years; where necessary, a nLTS should be updated every five years. Member States were required to prepare and submit the first iteration of their nLTS by 1 January 2020. Article 15(3) states that the long-term strategies shall contribute to fulfilling the EU and Member States' commitments

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[5] Watson JEM, Shanahan DF, Di Marco M, Allan J, Laurance WF, Sanderson EW, Mackey B, Venter O. Catastrophic Declines in Wilderness Areas Undermine Global Environment Targets. Curr Biol. 2016 Nov 7;26(21):2929-2934. doi: 10.1016/j.cub.2016.08.049. Epub 2016 Sep 8. PMID: 27618267.
[6] https://www.ipbes.net/news/media-release-worsening-worldwide-land-degradation-now-%E2%80%98critical%E2%80%99-undermining-well-being-32#:~:text=Biodiversity%20loss%20is%20projected%20to,urban%20encroachment%20and%20climate%20change.
[7] https://digitallibrary.un.org/record/3982508?ln=en
[8] Human Rights and Biodiversity. 2021. UNEP & UN Human Rights. Available at : https://wedocs.unep.org/bitstream/handle/20.500.11822/35407/KMBio.pdf
[9] https://citizensassembly.ie/wp-content/uploads/Report-on-Biodiversity-Loss_mid-res.pdf
[10] https://www.consilium.europa.eu/media/41768/12-euco-final-conclusions-en.pdf
[11] Article 2 of Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality ('European Climate Law').
[12] Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action

under the UNFCCC and Paris Agreement including the 1.5°C/well below 2°C temperature goals and to achieving long-term GHG emission reductions and enhanced removals by sinks in *all* sectors.

Article 15(4) provides a list of elements that Member States must include in their nLTS:

(a) total greenhouse gas emission reductions and enhancements of removals by sinks;
(b) emission reductions and enhancements of removals in individual sectors, including electricity, industry, transport, the heating and cooling and buildings sector (residential and tertiary), agriculture, waste and land use, land-use change and forestry (LULUCF);
(c) expected progress on transition to a low greenhouse gas emission economy, including greenhouse gas intensity, CO2 intensity of gross domestic product, related estimates of long-term investment, and strategies for related research, development and innovation;
(d) to the extent feasible, expected socio-economic effect of the decarbonisation measures, including, inter alia, aspects related to macro-economic and social development, health risks and benefits and environmental protection;
(e) links to other national long-term objectives, planning and other policies and measures, and investment.

Annex IV suggests a template for the content/structure of nLTS. In relation to total GHG emission reductions and enhancement of sinks, an nLTS should include 2050 projects; 2030 targets; and indicative milestones for 2040 and 2050. An nLTS should also include likely share of renewable energy in final energy consumption and likely energy consumption by 2050. Sector specific content should include things like intended/likely emissions in the energy sector and the drivers for energy efficiency, demand-side flexibility and energy consumption and expected emissions and energy sources by transport type and decarbonisation options. The nLTS should also include details about financing including estimates of the investment needed to decarbonise the economy. Recital 20 states that in view of the international commitments in the Paris Agreement, Member States should report on actions they are undertaking to phase out fossil fuel subsidies.

The NECPs are expected to assess levels of energy poverty and, where there are a significant number of households in energy poverty, a Member State is expected to include a plan to reduce energy poverty. The NECP and nLTS are closely connected as there is a requirement, under article 15(6), for the NECPs to be consistent the nLTS. The significance of this consistency requirement is that it seems reasonable to expect that the nLTS would also contain *consistent* supporting social policies – for example in relation to tackling energy poverty – with the NECP.

The Governance Regulation does not specify in concrete terms the depth or type of information (e.g., quantitative or qualitative) that Member States must include to illustrate what they are planning up to 2050. Article 15(9) imposes an obligation on the Commission to assess whether the nLTS are adequate for the collective achievement of the EU's 2050 climate neutrality objective and requires the Commission to provide information on any remaining collective gap. It might therefore be inferred that, at a minimum, the level of detail contained in Member States' LTS should enable the Commission to complete this assessment.

Irish law

In Ireland, the LTS has also been integrated into national climate law. It is therefore not just a document the government must submit to the European Commission, but also the centrepiece of the government's climate mitigation plans out to 2050 under the Climate Action and Low Carbon Development Act 2015 (as amended).[13] It seems to be the intention of government to produce one single long-term strategy to satisfy the requirements of the Governance Regulation and the Climate Act.

The Climate Act imposes some overlapping but also additional obligations on the minister/government in preparing and approving the 'long-term climate action strategy,' compared with the Governance Regulation. Section 3(3) of the Climate Act enshrines Ireland's long-term climate objective, referred to as the 'national climate objective'. The national climate objective stipulates that '[t]he State shall, so as to reduce the extent of further global warming, pursue and achieve, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy'. 'Climate neutral economy' is defined a 'sustainable economy and society where greenhouse gas emissions are balanced or exceeded by the removal of greenhouse gases'. This

[13] Hereinafter the 'Climate Act'.

is essentially a 'net zero' by 2050 at the latest target. As the definition makes clear, a net-zero target combines two concepts: emission reductions and the removal of GHGs through natural carbon sinks or negative emissions technologies.

The Climate Act establishes a system of carbon budgeting. The first carbon budget programme covers 2021-2025, 2026-2030 and 2031-2035. Section 6A(5) creates a *de facto* interim 2030 target by providing an instruction to the CCAC that the first two carbon budgets provide for a 51% reduction in GHG emissions by 2030 relative to 2018 levels.
The 'long-term climate action strategy' replaces the requirement to produce a 'national mitigation plan.' In 'Climate Case Ireland,' the Supreme Court quashed Ireland's first national mitigation plan in 2020 on the basis that it fell afoul of section 4(2)(a) of the Climate Act. Section 4(2)(a) required that the plan 'specify the manner in which [the government] proposed to achieve the national transition objective.'[14] According to the Supreme Court, the test for a compliant decarbonisation plan is whether a reasonable and interested member of the public could know enough about how the government currently intends to achieve the 2050 target from reading it to decide if the government's policies were 'effective and appropriate.' The government had not produced any sort of long-term climate plan in response to the judgment until now.

Section 4(1)(b) now provides that to enable the State to pursue and achieve the national transition objective, the Minister shall prepare not less than once every 5 years, a national long term climate action strategy. Section 4(3) stipulates that this 'roadmap of actions… shall a) specify measures that, in the Minister's opinion, will be required for the first budget period in a carbon budget programme; b) set out an overview of the policies and, to the extent feasible, measures, that, in the Minister's opinion, will be required for the second budget period in a carbon budget programme; and c) outline potential policies that, in the Minister's opinion, may be required for the third budget period in a carbon budget programme'. Mirroring the language of the original section 4(2)(a) (the 'winning' provision in Climate Case Ireland (CCI)), section 4(5) requires that the long term strategy 'specifies the manner in which it is proposed to achieve the national climate objective'. The strategy must also include projected reductions in GHG emissions and the enhancement of sinks, for a minimum period of 30 years. Per section 4(6), when preparing the long-term strategy the Minister shall ensure the strategy is consistent with the carbon budget programme and have regard to article 15 of the Governance Regulation.

There are two additional types of duties on the Minister and Government when preparing/approving long-term strategy: 'consistency' duties and 'have regard to' duties. Section 3(3) imposes an obligation on the Minister and Government when performing their functions in relation to making climate plans in a manner that is consistent with article 2 of the UNFCCC, EU climate commitments, and article 2 and 4(1) of the Paris Agreement. Broadly speaking, this translates into a requirement to illustrate the strategy's consistency with the 1.5°C/well below 2°C temperature goal but also the climate justice principles of equity and common but differentiated responsibilities and respective capacities (CBDR-RC) underpinning the temperature goals. There is also a 'have regard to' obligation under section 4(8), which requires the Minister/government to have regard to a wide-ranging list of 18 matters when preparing/approving the long term strategy. These matters include the need to deliver best possible value for money; the need to promote sustainable development and restore, and protect biodiversity; climate justice; the social and economic imperative for early and cost-effective action; the requirements of a just transition; the protection of public health; and the special economic and social role of agriculture.

Decarbonisation date

Long term target

As outlined above, it is implicit under the European Climate Law and Ireland's Climate Act that Ireland, as a rich country with a GDP above the European average, should aim to reach climate neutrality/net zero *well before* 2050. The LTS describes Ireland's climate neutrality target by 2050 as 'extremely ambitious'. Relative to other EU Member States, Ireland's target is not ambitious - especially as Ireland's emissions increased by ~6% between 1990-2020 when many other Member States reduced their emissions significantly in this timeframe. Several EU Member States have already set net-zero targets before 2050 e.g., Finland (2035), Austria (2040), Germany (2045) and Sweden (2045 and

[14] *Friends of the Irish Environment v Government of Ireland* [2020] IESC 49.

net negative emissions thereafter). To comply with its section 3(3) obligation to perform its function in a manner consistent with the Paris Agreement temperature goals, the government should use the LTS revision process as an opportunity to commit to an earlier decarbonisation date of 2035 and net negative emissions thereafter.

Interim target

Ireland's 2030 target of a 51% reduction by 2030 relative to 2018 levels (≈ a 45% reduction by 2030 relative to 1990 levels) is not ambitious relative to other countries nor is it compatible with making a fair share contribution toward the Paris Agreement temperature goals. For example, Germany has set an interim target of at least a 65% reduction by 2030 and at least an 88% reduction by 2040 relative both to 1990 levels and Denmark has enshrined in law a 70% reduction by 2030 relative to 1990 levels.

Not only is Ireland's 2030 target relatively unambitious, we are also set to significantly miss this target. In June 2022, the EPA warned that if planned climate policies and measures are fully implemented, this would only result in a 29% reduction in emissions by 2030 relative to 2018 levels.[15] As a result, the 'first two carbon budgets will not be met, and by a significant margin'. As An Taisce has correctly highlighted section 6D(5) requires any underperformance in meeting a carbon budget to be carried over from one budget period to the next. The likely overshoot from the first carbon budget will require 'a correction of the second carbon budget for 2026-2030, reducing it between 37 and 45 million tonnes of CO2eq, in the form of more stringent emission limits across all sectors.'[16] This will make it much more difficult for the next government to stay within the second carbon budget. An Taisce has therefore called for 'highly effective emergency course-correction measures [to] be immediately enacted by the present Government to limit the overshoot'. In response to the EPA's emissions projections, Mary Donnelly, the chair of the CCAC, warned that 'each sector needs detailed emissions trajectory now, setting out how the sectoral emissions ceilings will be achieved including resolution of the outstanding issues regarding unallocated savings and the Land Use Sector'.[17] She also stated that actions that will have an immediate impact include: an accelerated roll out of solar power; a rapid increase in the use of new fertilisers; and a continued reduction in public transport fares.

CLM and EJNI are concerned that the LTS does not give 'any real or sufficient detail,' to use the language of the Supreme Court in CCI, as to how the government is planning to correct course to stay within its first carbon budget and prevent overshoot. We therefore echo the CCAC's call on the government to identify, *quantify* and implement very substantial new measures[18] both in the updated Climate Action Plan, but also in the LTS, to close the emissions gap.

Emission reductions v removals

The IPCC has described the extensive deployment of negative emissions technologies as 'subject to multiple feasibility and sustainability constraints'.[19] There is a danger that GHG removals will be seen as a substitute (rather than in addition) to immediate and significant emission reductions. The problem with an overreliance on GHG removals include the risk that carbon could leak back into the atmosphere; the risk of heightened competition for land; and the fact that most technologies are still only prospective and do not yet exist at scale.[20] It is for this reason that scholars call for separate emissions reductions and GHG removals targets[21] and for the urgent prioritisation of 'much more ambitious, near term [emissions] reductions'.[22]

[15] https://www.epa.ie/news-releases/news-releases-2023/ireland-projected-to-fall-well-short-of-climate-targets-says-epa.php.
[16] https://www.irishtimes.com/environment/climate-crisis/2023/06/10/ireland-further-off-track-on-climate-targets-than-epa-calculations-experts-warn/
[17] https://www.climatecouncil.ie/media/climatechangeadvisorycouncil/contentassets/documents/news/Chair%20Statement%20on%20EPA%20Projections%202nd%20June%202023%20Final.pdf
[18] Climate Change Advisory Council, *Annual Review 2022* (December 2022), 28
[19] https://www.ipcc.ch/site/assets/uploads/sites/2/2022/06/SPM_version_report_LR.pdf, 17
[20] https://www.carbonbrief.org/guest-post-the-problem-with-net-zero-emissions-targets/
[21] Ibid.
[22] https://www.epa.ie/publications/research/climate-change/Research_Report_354.pdf, x.

Because the nLTS contains mostly qualitative rather than quantitative information about Ireland's decarbonisation pathway to 2050, the extent to which Ireland will rely on removals over emission reductions remains unclear. The nLTS recognises that achieving climate neutrality will require Ireland's carbon dioxide emissions from fossil fuel energy use in power generation, heating, industry, and transport to reduce to effectively zero. Remaining emissions from agriculture will require removals to reach climate neutrality by 2050.
In the absence of more quantitative information in the nLTS though (i.e. how much of each policy or measure will be needed), it is difficult to assess whether the government's proposed policies are 'appropriate and effective'. The LTS does make reference to the development of 'a strategy for negative emissions technologies: to provide for the development of a coherent policy and legislative framework for the introduction of such technologies, including carbon capture and storage and direct air capture, in Ireland'. However, it does not provide a date by which such a strategy will be prepared.

One way to ensure reliance on negative emissions technologies does not delay emissions cuts would be to include a minimum target for how much of the net-zero target would be achieved through actual emissions reductions in the nLTS and/or the Climate Act. An example of this type of approach can be seen in the Dutch nLTS stipulates that the Netherlands will reduce its emissions by 95% by 2050 compared to 1990.[23] This emissions reduction target has also been enshrined in the Netherland's climate law and represents one of the highest emission reduction targets of EU Member States.

The government has a major opportunity before it finalises the nLTS at the end of this year to learn from other Member States like the Netherlands and include a minimum target of for how much of the net-zero target will be achieved through actual emission reductions in Ireland. As a 95% emission reduction is generally considered to be an 'ambitious benchmark,'[24] CLM and EJNI call on the government to use the nLTS revision to announce a commitment to at least a 95% reduction in emissions by 2035 relative to 1990 level. The government should also revise the Climate Act to enshrine this commitment in law.

Energy Emissions/Security of Supply

Fossil fuels are the largest source of greenhouse gas emissions globally and the primary contributor to climate change. In 2021, Ireland's energy-related carbon emissions (excluding international aviation (34.9 MtCO2)), increased by 5.4% and accounted for 57% of Ireland's total greenhouse gas (GHG) emissions (61.8 MtCO2e).[25] Energy emissions represent the largest share of Ireland's overall emissions profile and are embedded across multiple sectors. According to the Sustainable Energy Authority of Ireland (SEAI), practically 100% of emissions from the electricity, transport, residential and commercial sectors are energy-related, while 3% of agricultural emissions are energy-related.[26] The SEAI warned in December 2022 that Ireland's energy emissions are "*heading in the wrong direction*," as provisional estimates projected a further 6% in energy emissions in 2022.[27] As emphasized by the SEAI, "*a timeline and plan for fossil-fuel phase-out must urgently be put in place if we are to reach net zero by 2050*."[28]

Expansion of Ireland's gas grid

The nLTS provides no phase-out date for the importation and/or production of fossil fuels. The nLTS furthermore notes the need to "define the future of the gas grid" and references the potential use of "zero-emissions gas," including biogas and biomethane. Scientists and civil society organisations have raised concerns about the feasibility of alternative gases, such as biomethane, to meet decarbonisation objectives - see for example, here and here. In particular, there is a risk that the continued reliance on and expansion of Ireland's gas network will delay the transition by creating a carbon "lock-in" effect.

[23] https://europeanclimate.org/wp-content/uploads/2022/11/ltss-full-report.pdf, 19.
[24] Ibid at 19.
[25] https://www.seai.ie/publications/Energy-in-Ireland-2022.pdf
[26] Sustainable Energy Authority of Ireland. 2022. 'Energy in Ireland: 2022 Report.' Available at: https://www.seai.ie/publications/Energy-in-Ireland-2022.pdf
[27] https://www.seai.ie/data-and-insights/seai-statistics/key-publications/energy-in-ireland/
[28] www.seai.ie/publications/National-Heat-Study-Summary-Report.pdf

Security of energy supply

With respect to the security of Ireland's energy and electricity supply, the nLTS mentions the consideration of "gas importation infrastructure (LNG)." CLM & EJNI emphasize that there is no energy security without climate security. Any planned energy infrastructure must align with Ireland's obligations under the Climate Act. Moreover, the International Energy Agency defines energy security as the "uninterrupted availability of energy sources at an affordable price." The International Monetary Fund has warned that the price of fossil fuels is likely to remain high for some time.[29] The Climate Change Advisory Council further note in their carbon budget analysis of measures to 2030 that *"ambitious mitigation aiming towards net zero by 2050 entails a significant shift away from fossil fuels towards renewable energy. This brings significant reduction in fuel costs."*[30] Increased fossil gas prices have been the primary cause behind higher wholesale electricity prices, which in turn, have been the primary factor in the cost of living crisis.[31] New fossil fuel infrastructure could lock households into high gas and electricity prices for decades to come.[32]

Energy Efficiency

While pursuing renewable energy is essential – CLM & EJNI welcome efforts to scale-up Ireland's renewable energy sources - it is vital that the nLTS abides by the Energy Efficiency First Principle. The prioritisation of energy development to meet the needs of the industrial and commercial sectors should be reviewed within the nLTS. With respect to data centres in particular, the nLTS notes that *"Energy demand, including data centres, will be expected to operate within sectoral emissions ceilings and further signals will be required to locate demand where existing or future electricity grid is available and close to renewable energy generation. Research and development in energy storage and flexibility (such as a science challenge to industry) will be required to put Ireland on a pathway to net zero-carbon data centres."* Greater transparency is needed concerning the development of data centres and alignment with the carbon budget program and the National Transition Objective. We note, for example, Eirgrid's concern that data centres could account for 70% of Ireland's electricity use by 2030.[33] Data centres already account for 14% of Ireland's electricity use, while rural households collectively account for 12%.[34] Analysis from UCC's MAREI shows that imposing a moratorium on data centre development is the most impactful action the Government can take to reduce Ireland's use of fossil fuels. Pausing new data centre connections would reduce fossil fuel in the power system and avoid the equivalent of 750,000 barrels of oil.[35] The nLTS should therefore be revised to detail how Ireland's energy system will be transitioned in a way that is fast and fair, provides energy security, delivers public value, and social and ecological benefit.[36]

Fossil Fuel Subsidies

The Paris Agreement (Art. 2.1.c) requires financial flows to be made 'consistent with a pathway towards low greenhouse gas emissions and climate-resilient development.' The IPCC's AR6 Synthesis Report further recommended with "high confidence" that *"removing fossil fuel subsidies would reduce emissions, improve public revenue and macroeconomic performance, and yield other environmental and sustainable development benefits such as improved public revenue, macroeconomic and sustainability performance."*[37] However, almost 40% of Ireland's population is estimated to have experienced energy poverty in winter 2022, a record high. Access to adequate levels of energy is a precondition to the realisation of many rights, impacting our lives, health and living standards. It is furthermore

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[29] https://www.ft.com/content/157a64db-46b6-4cac-a939-95a4541424f2

[30] https://www.climatecouncil.ie/media/climatechangeadvisorycouncil/Technical%20report%20on%20carbon%20budgets%2025.10.2021.pdf

[31] Climate Action Network Europe. 2022. 'High electricity prices, the links to fossil gas and the need to shift to 100% renewables and reduce energy demand.' Available at: https://caneurope.org/high-electricity-prices-linksfossil-gas-need-shift-to-renewables/

[32] Institute for European Energy and Climate Policy. 2022. 'A Socially Just EU Renovation Wave.' Available at: https://ieecp.org/wpcontent/uploads/2022/05/summary-IEECP-SociallyJust-homes.pdf

[33] https://www.irishtimes.com/news/politics/data-centres-could-use-70-of-ireland-s-electricity-by-2030-committee-to-hear-1.4685589

[34] Central Statistics Office. 2022. 'Data Centres Metered Electricity Consumption 2020.' Available at: https://www.cso.ie/en/releasesandpublications/ep /pdcmec/datacentresmeteredelectricityconsumption 2020/

[35] https://www.marei.ie/10-actions-that-will-reduce-irelands-use-of-fossil-fuels/

[36] Mercier, S. 2021. 'Ireland's Energy System: The Historical Case for Hope in Climate Action.' *New Labor Forum*, available at: https://newlaborforum.cuny.edu/2021/05/17/irelands-energy-system-the-historical-case-for-hope-in-climate-action/

[37] https://www.ipcc.ch/report/ar6/syr/

essential to social inclusion and is increasingly connected to employment opportunities in Ireland, with many workplaces opting for a remote or hybrid approach, reducing the need for employees to relocate from rural to urban areas. It is essential therefore that the nLTS is revised to ensure fossil fuel subsidies are phased out, while providing adequate access to affordable energy for all. Public financing should be allocated towards the development of efficient, renewable energy as a public good.

CLM & EJNI recommend that the nLTS is revised to reflect the following:

- **Commit to phasing out fossil fuels entirely fully by 2035**[38]: A clear phase-out date for the importation and production of all fossil fuels (including gas) must be prioritised to enable the government, energy companies, and unions to negotiate a just transition for impacted workers and communities.
- **Abide by the Energy Efficiency First Principle:** The nLTS must focus on energy efficiency solutions which will permanently enhance our energy security, reduce emissions and protect households from rising energy costs. As the International Energy Agency has highlighted, the most secure gas molecule is the one you do not need.
- **Impose a Moratorium on Data Centre Development**: Adopt Not Here Not Anywhere's recommendations to:
    - **cap the level of electricity energy demand that can be accommodated by the grid, and**
    - **place a moratorium on data centre development until this policy is developed.**
- **End the expansion of Ireland's gas network**
- **Pass the Planning and Development (Liquefied Natural Gas - LNG) Amendment Bill into law:** Make the current moratorium on LNG and fracked gas imports permanent through legislation. An LNG import terminal, such as Shannon LNG, would likely result in the importation of fracked gas, create high emissions, and would not guarantee security of energy supply.[39]
- **End current licences for fossil fuel exploration**: exploration for additional gas reserves from existing exploration licences, such as from Providence or Corrib should not be supported as "[a]dditional domestic production of natural gas could lock Ireland into a high-gas energy market…Unknown volume of any potential additional natural gas discoveries."[40]
- **Commit to phasing out fossil fuel subsidies & ending energy poverty**: the nLTS must be revised to ensure fossil fuel subsidies are phased out, while providing adequate access to affordable energy for all.

The Built Environment

While the nLTS reports that Ireland's Built Environment accounts for 12.3% of Ireland's emissions, the Irish Green Building Council have found that the construction and built environment sector accounts for 37% of the State's carbon emissions - the same proportion as agriculture.[41] Approximately 23% of emissions are attributed to operational emissions from heating, cooling, and lighting buildings, while 14% represent "embodied carbon," – in other words, the lifecycle emissions of a building, including those created from quarrying, transporting and manufacturing building materials, combined with construction of the building itself.[42] Delivering on Ireland's housing commitments within the constraints of Ireland's Climate Act represents a significant challenge for the state.

The nLTS must therefore be revised to detail how Ireland's Built Environment will be fully decarbonised to enable housing commitments to be met. Decarbonising the Built Environment is central to a Just Transition. Those without adequate housing and shelter are disproportionately exposed to climate

[38] A factor of two: how the mitigation plans of 'climate progressive' nations fall far short of Paris-c (tandfonline.com)
[39] CEPA. 2022. Technical Analysis of the Security of Energy Supply of Ireland's Electricity and Natural Gas Systems NonTechnical Report. The Department of the Environment, Climate and Communications
[40] CEPA. 2022. Technical Analysis of the Security of Energy Supply of Ireland's Electricity and Natural Gas Systems NonTechnical Report. The Department of the Environment, Climate and Communications
[41] https://www.igbc.ie/building-a-zero-carbon-ireland/
[42] https://www.igbc.ie/building-a-zero-carbon-ireland/

change and other environmental harms,[43] despite having contributed least to the problem.[44] In addition, sea levels are rising at twice the global rate in Dublin,[45] and more than 40% of Ireland's population lives within 5km of the coast.[46] Approximately 350Km2 of land in Ireland is vulnerable to flooding if sea levels rise by 1 metre, which increases to 600Km2 under a sea level rise scenario of 3 metres.[47] The erosion of Ireland's soft coastline means that, over time, a significant number of people may be displaced and forced to move inland. It is also likely that Ireland will welcome climate migrants from countries and regions devastated by the impacts of the climate crisis over the coming decades. There is therefore a need to ensure scalability and sufficient capacity to provide adequate housing to a (potentially) mobile and growing population.

- **Address Vacant & Derelict Properties Sites:** Vacancy levels in Irish towns are much higher than our EU counterparts; Tipperary Town had a ground-floor retail vacancy rate of 26% (in 2019), for example, compared to 5% in Denmark and 6.8% in the Netherlands. It is estimated that 80% of upper-floor retail space is vacant in Ireland.[48] As noted by the Irish Green Building Council, vacant homes and derelict sites (often found in town and city centres) can lead to urban sprawl and the development of one-off housing in rural areas. As people may need to move further away from urban centres to find suitable and affordable housing, increased distances between homes, workplaces, and public services increase private transport emissions and car dependency.
- **Increase Retrofit Ambition:** in relation to the objective of reaching the "target scale of annual building retrofits," we provide the below recommendations:
    - *Social Housing:* The commitment within Ireland's current National Retrofit Plan to retrofit 36,500 social homes over the decade amounts to approximately 20% of Ireland's social housing stock. If we are to reach the furthest behind first and undertake a national retrofit programme in accordance with the principles of a Just Transition, Ireland's entire social housing stock should be retrofitted to a minimum B2 BER this decade.
    - *The Private Rental Sector:* Tenants, unlike homeowners, have fewer options regarding investments and legal decision-making power to make their homes more sustainable, and are more likely than homeowners to experience energy deprivation and inadequate home heating. While a Building Energy Rating (BER) is required to lease a residence, there is no minimum BER threshold below which a residence is considered unfit for letting. More than half - 55% - of privately rented properties have a BER rating of D or less, with 20% rated F or G. Children in the private rental sector are twice as likely to experience energy poverty than those in owner-occupied homes. Expand the Fully Funded Energy Upgrade Scheme to ensure all low-income households in low BER homes are eligible, regardless of home ownership status. This should include [low-income tenants/tenants receiving HAP], on the condition of a long-term lease being offered. This would be a step towards addressing the "split-incentives" issue between landlords and tenants. To avoid "renovictions," this provision of funding must be contingent upon the provision of a long-term lease and rent-control by the landlord.[49] In addition, the Government should consider the provision of grants to landlords of households not reliant on HAP on the condition that long-term leases are provided to tenants.

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[43] Every, D., Richardson, J., Osborn, E. 2019. 'There's nowhere to go: counting the costs of extreme weather to the homeless community.' Disasters ODI 43:4, pp.799-817. Available at: https://doi.org/10.1111/disa.12400

[44] According to Oxfam, the top 10 percent of the Irish population contributed about a third of the cumulative carbon emissions between 1990 and 2015 - almost as much as the bottom 50 percent (28 percent compared to 29 percent). See: Oxfam. 2020. 'Confronting Carbon Inequality in Ireland.' Available at: https://www.oxfamireland.org/blog/governments-must-confront-extreme-carboninequality#:~:text=Oxfam%20is%20calling%20on%20governments,emissions%20than%20lower%20income%20groups

[45] Nejad, A.S., Parnell, A.C., Greene, A., Thorne, P., Kelleher, B.P., Devoy, R., McCarthy, G. 2022. A newly reconciled dataset for identifying sea level rise and variability in Dublin Bay. Ocean Sci., 18, pp. 511–522 https://doi.org/10.5194/os-18-511-2022.

[46] https://www.cso.ie/en/releasesandpublications/ep/p-cp2tc/cp2pdm/pd/

[47] Stori, F. T., O'Mahony, C. 2021. 'Coastal Climate Adaptation in Ireland: The Effects of Climate Change in Portrane (Fingal, Co. Dublin) and Future Perspectives.' MaREI the SFI Research Centre for Energy, Climate and Marine; Environmental Research Institute; University College Cork. Coastal Communities Adapting Together – CCAT Project. 202p. https://www.marei.ie/wp-content/uploads/2021/11/Stori-and-OMahony-2021_CoastalClimate-Adaptation-Ireland-Portrane.pdf

[48] https://www.heritagecouncil.ie/content/files/Policy-Paper-on-the-Collaborative-Town-Centre-Health-Check-CTCHC-Programme.pdf

[49] https://docs.google.com/document/d/1yXkwtG-Fe0NcP8Wdjlv2twsibyWnrXyicxks1bCrez4/edit

- *Community Awareness of Retrofit Opportunities*: Allocate funding for a well-resourced community energy advice service in each local authority. This service would provide a local, tailored service to support people to access the financial advice they need, to install 'quick win' measures, and to apply for appropriate retrofitting grants.[50]
- *Targeted Measures for the Traveller Community*: 77% of Travellers experience energy poverty, spending 26.1% of their income on energy - approximately six times more than the national average (as of 2019). Travellers who live in mobile homes are nine times more likely to go without heat and fourteen times more likely to be unable to keep their homes warm than the general population. The current caravan loan scheme for Travellers should be replaced with a new caravan rental scheme to ensure increased financial support, better account taken of family size, and measures to ensure a better standard of caravan can be purchased. Rental Scheme and Rent to Buy options should be provided.58 Mobile homes should be built to a residential standard in terms of heating and insulation, with a rating system similar to BER being adopted.

- **End the installation of fossil fuel heating boilers as part of the Fully Funded Energy Upgrades Scheme.** The Netherlands banned the installation of fossil fuel heating systems from 2026, which is notable as gas met 71% of residential energy demand in 2018. Germany also announced that it will develop district heating and make heat pumps mandatory from 2024.[51]

Transport

Transport is the primary driver of energy-related carbon emissions in Ireland, and accounted for 34% of energy-related emissions in 2021. Between 1990-2021, transport emissions increased by 113.7% (the greatest overall sectoral increase in GHG emissions, from 5,143.5 kt CO_2 eq in 1990 to 989.4 kt CO_2 eq in 2021). The Environmental Protection Agency has warned that *"Significant challenges remain within the transport sector, given that population and the overall transport fleet is projected to grow."*[52] Road transport accounts for 94% of transport emissions, and in 2019 cars accounted for almost 74% of journeys on Irish roads, with active travel and public transport accounting for 15% and 6.5%, respectively. As noted in the *Environmental Justice in Ireland* report, prioritising private car-use over public transport creates and increases social inequalities. Those who cannot afford a car have difficulty accessing employment, public services and amenities, and community and social activities.

However, aviation represents a growing portion of Ireland's transport emissions. Between the last quarter of 2021 and 2022, Ireland's emissions increased by over 2 million tonnes, with 1.5 million driven by air transport. While 75% of Ireland's 2 million tonne increase in emissions is due to aviation, emissions from aviation & shipping remain excluded from Ireland's carbon budget regime and the Long-Term Climate Action Strategy. Yet emissions in the aviation and shipping sectors are clearly included within the scope of the Paris Agreement[53] and the Climate Action and Low Carbon Development (Amendment) Act 2021. It cannot be said that the "economy" or "society," as referred to in the Climate Act, can be described as carbon neutral where emissions from these industries are entirely excluded. Similarly, the emissions targets for 2030 cannot be met by the exclusion of these industries. If all Parties to the Paris Agreement did nothing else other than balance emissions and mitigation concerning all areas of their economies but excluded international aviation and shipping, global GHG neutrality will not be achieved as neither the International Civil Aviation Organisation nor the International Maritime Organisation are carbon-neutral schemes. Mitigation of these sectors must be fully and transparently integrated into the national carbon budgets 3 and 4 and Ireland's Long-Term Climate Action Strategy.

The Supreme Court quashed the National Mitigation Plan in Friends of the Irish Environment v Government of Ireland [2020] IESC 49 for the primary reason that there was a lack of detail as to how the National Transition Objective would be met (see paras 6.20 and 6.21). Similar or identical

[50] https://docs.google.com/document/d/1yXkwtG-Fe0NcP8Wdjlv2twsibyWnrXyicxks1bCrez4/edit
[51] https://www.euractiv.com/section/energy-environment/news/netherlands-to-ban-fossil-heating-by-2026-make-heat-pumps-mandatory/
[52] https://www.epa.ie/our-services/monitoring--assessment/climate-change/ghg/transport/
[53] https://www.transportenvironment.org/wp-content/uploads/2021/10/Briefing-paper-NDCs-legal-advice-Aviation-Shipping-Final-2021-2.pdf

principles apply to the Long-Term Strategy. Similar or identical principles apply to the Long-Term Strategy. The Long-Term Strategy fails to explain how Ireland will achieve the national climate objective of carbon neutrality where international aviation and shipping emissions are excluded from national-level consideration. The passing references in the present Long Term Strategy to EU-level schemes do not provide detail as to how national objectives shall be achieved.

The inclusion of aviation and shipping emissions within the Long-Term Strategy is furthermore essential to a Just Transition. Only 1% of the global population is responsible for 50% of emissions from commercial aviation.[54] While comparable data is not available for Ireland, in the UK, 70% of flights are taken by just 15% of the population.[55] In addition, CLM and EJNI recommend that the nLTS is revised to include a provision to outlaw the use of private jets. Private jets emit more than 33m tonnes of greenhouse gases each year – more than the country of Denmark. Their slight passenger loads mean that they are five to 14 times more polluting than commercial planes per passenger, and 50 times more polluting than trains.[56] Finally, the nLTS should include a provision to ban domestic flights, as France has recently done.[57]

CLM & EJNI provide the below recommendations in relation to transport:

- Invest in and upscale the Local Link Services to provide affordable and reliable public transport across the country.
- Ensure public transport is disability-inclusive by providing appropriate access and space for wheelchairs and other mobility supports, and ensuring that streets, footpaths and cycle lanes are designed to ensure that people with disabilities can move about safely.[58] The Government should consult, engage and collaborate with disability organisations to promote inclusive and sustainable transport policy on an ongoing basis.
- Set a date for phasing-out sales of CO2-emitting new passenger cars and light commercial vehicles prior to 2035
- Include all aviation and shipping emissions in the nLTS [and into carbon budgets 3 and 4].
- Mandate corporations with most frequent flyers to set a target to reduce their air travel emissions by 50% by 2030 compared to 2019 levels[59]
- Include a provision to outlaw private jets and domestic flights
- Empower Local Authorities to create Low Emission Zones. The Department of Transport's Five Cities Demand Management Study found that introducing LEZs in Irish urban centres could reduce nitrogen dioxide emissions from transport by 60 to 71 percent. The reduction of speed limits would yield multiple benefits at the local and national levels including the reduction of localised air pollution but also for climate change mitigation, safer roads for vulnerable road users, as well as reduced fuel consumption for drivers in the midst of a cost-of-living crisis.

Just Transition

A just transition is a '*vision led, unifying set of principles, processes and practices that build economic and political power to address climate change in a way that is just and equitable.*'[60] The policies must respect, promote and realize fundamental principles and rights at work; the International Labour Organisation suggests this should include taking into account gender-specific dimensions of environmental issues,[61] whilst IHREC highlights that a just transition should take into account the needs of vulnerable groups, including those living in poverty, disabled people, older people and ethnic minorities.[62]

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[54] Gössling, S., Humpe, A. 2020. 'The global scale, distribution and growth of aviation: Implications for climate change.'
[55] Campaign for Better Transport. 'Air Traffic Controls: the Hidden Costs of a New London Runway.' Available at : https://bettertransport.org.uk/wp-content/uploads/legacy-files/pdfs/Air%20Traffic%20Controls%20report.pdf
[56] https://www.theguardian.com/music/2022/aug/02/taylor-swift-private-jet-carbon-emissions-blatantly-incorrect
[57] https://www.euronews.com/green/2022/12/02/is-france-banning-private-jets-everything-we-know-from-a-week-of-green-transport-proposals
[58] https://www.transformative-mobility.org/wp-content/uploads/2023/03/HVT-Disability_STANDARD_ONLINE_v2A-E49nOR.pdf
[59] https://www.transportenvironment.org/discover/85-of-global-companies-dont-have-credible-plans-to-reduce-corporate-flying-emissions/
[60] Policy Statement on a Just Transition - IHREC - Irish Human Rights and Equality Commission at page 4
[61] Guidelines for a just transition towards environmentally sustainable economies and societies for all (ilo.org) at page 6
[62] Policy Statement on a Just Transition - IHREC - Irish Human Rights and Equality Commission at page 10

The Regulation on the governance of the energy union and climate action (EU/2018/1999) (the 'Governance Regulation') requires Long-Term Climate Action Strategies to include the "*expected socio-economic effect of the decarbonisation measures, including, inter alia, aspects related to macro-economic and social development, health risks and benefits and environmental protection.*" According to the European Trade Union Confederation, the socio-economic consequences of the transition on fuel-dependent populations have not been adequately addressed or dealt with. It is noted particularly that climate policies will more often than not have '*strong regressive distributional effects and affect proportionally more low and middle-income households.*'[63]

The general experience and perception of the transition in Ireland has not been positive thus far.[64] The demands being made to workers in some scenarios has not been matched by the requisite support to back up such demands. Traditionally, in Ireland and further afield, power generation industries have been considered hugely significant sources of pride, therefore trust-building will be imperative. It has been highlighted that often the regions most heavily impacted were net contributors to the state until suddenly they became the "*recipients of a begging bowl form of support in the form of subsidies or social welfare transfers.*"[65] If there have been poorly-handled transitionary periods in the past, this will impact upon the community and their likelihood to be willing to participate in any future transitions – this will need to be considered when looking at what approaches to take to transitions in areas which have been poorly impacted upon in the past.

A just transition framework must be sufficiently large to target a number of key areas. These will include transitions to new jobs, alternative quality job creation, training, upskilling and reskilling. As the transition will likely not be quick, long-term, secure and sustainable funding will be necessary. The State is receiving substantial funding from the EU and therefore it is important that the State is accountable in the management of such funds, ensuring that it is used to guarantee that the necessary resources are provided to those who are most in need of assistance. This will also include co-ordination of policy across economic, environmental, social, educational and labour sectors. A just transition plan should be coupled with reactive and supportive policy across a governmental, regional and local level.

- Identify the social challenges expected from the nLTS, such as indentifying those most vulnerable to climate change and climate action, as well as detailed measures and resources that will be necessary to manage them. This should include not only investment measures, but income support and broad social services.
- Ireland's revised nLTS must contain proper just transition strategy to address those challenges – within and across all sectors of the economy (such as transport, industry, and construction).
- Accelerate the establishment of a Just Transition Commission: the establishment of a Just Transition Commission has been long promised, but has not yet been fulfilled after numerous delays. It may prove useful to look at other successfully transitioned jurisdictions in this regard – the German Coal-Exit Commission and Scottish Just Transition Commission headed inclusive discussions and upheld the fundamental underlying principles of the transition. IHREC suggest that the Just Transition Commission should include human rights and equality explicitly in its mandate.[66]

[63] ETUC position for A Just Transition Legal Framework to complement the Fit for 55 package | ETUC
[64] Just Transition Alliance Joint Declaration | ICTU
[65] Four Case Studies on Just Transition: Lessons for Ireland | The National Economic and Social Council - Ireland (nesc.ie) at page 14
[66] Policy Statement on a Just Transition - IHREC - Irish Human Rights and Equality Commission at page 1