

ABSTRACT: ASSESSMENT OF THE NEED AND OPTIONS FOR A CLIMATE ACT

This report examines the need for a Climate Act and explores its various options. Current climate regulation reveals significant weaknesses and deficiencies, particularly in planning and coordinating the guidance activities of public authorities in the area of climate change mitigation and adaptation. The weaknesses and deficiencies are aimed to correct by using the regulation of monitoring, reporting and planning under one of the options for a Climate Act. In addition to presenting the current model and the model of a framework act (2+), this report describes the British climate act model (1) and the model outlined in a preliminary report by Ekroos and Warsta (2). Moreover, the report includes an assessment of the strengths, weaknesses, opportunities and threats of the different models. In the current model, climate regulation that guides the activities of public authorities is not only strategy-driven, but also, with regard to substantive climate regulation that guides private stakeholders, disintegrated and not always robust enough. The climate policy measures of Finnish public authorities contain gaps that should be filled with a government-coordinated Climate Act. The Act should set binding long- and short-term objectives for climate change mitigation and adaptation, and the objectives should translate into efficient public action through particularly designed policy programmes. In addition, monitoring both the achievement of these objectives and greenhouse gas emissions could benefit from regulation, and parliamentary scrutiny could be increased in the area of climate policy.

The Climate Act and the objectives enshrined in it will increase the predictability of climate policy as well as harmonise and assemble disparate regulations. Recording the guiding principles in a separate section of the Act would reinforce their role in decision-making based on the Act. The Climate Act should apply not only to the emissions trading sector and non-ETS (emissions trading scheme) sectors, but also to land use in the LULUCF (land use, land use change and forestry) sector. The objectives and scope of the Climate Act must be defined precisely in relation to specific laws, and flexibly with a view to the obligations that will arise from international and EU legislation. Constitutional problems can be avoided if the objectives and policy programmes associated with the Climate Act apply only to public authorities. The ideal solution would be a framework act (2+) with chapters providing links to substantive regulation, i.e., specific laws. The regulatory mechanisms of the framework act would focus on information guidance by public authorities, and current or, if necessary to fill the current legislative gaps, new specific environmental laws would include provisions applying to private players, such as the present Emissions Trading Act and possibly new laws on national adaptation measures.

A Climate Act based on the framework act model would provide the most efficient means of coordinating climate change legislation and would address current knowledge gaps in climate policy. This would provide public authorities with an overview of the key sectors and measures of climate change mitigation and adaptation. Linking to specific laws and designating responsible authorities in the framework act would thus make it easier to take into account different sectors and to proportion their scale to each other as well as to implement measures in areas of climate change.

The participation opportunities associated with the Climate Act would considerably enhance the transparency of national climate policy to the public, thereby increasing the acceptance of political actions. The role of the Finnish climate panel as an advisory body should continue, but its status and secretariat should be strengthened through the Climate Act. Lastly, it is worth pointing out that adaptation to climate change should not be treated separately from its mitigation; rather, planning, reporting and monitoring, which help us to adapt to climate change, should be linked to the same legislative system as mitigation measures.