

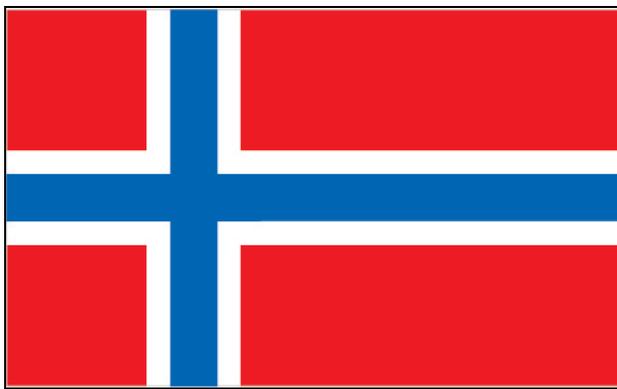
# CLIMATE CHANGE LEGISLATION IN

# NORWAY

*AN EXCERPT FROM*

## The 2015 Global Climate Legislation Study

A Review of Climate Change Legislation in 99 Countries



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# Norway

## Legislative Process

Norway is a constitutional monarchy, with legislative power being vested in its unicameral parliament. The Parliament's 169 members are directly elected by a system of proportional representation for four-year terms. It is led by a presidium consisting of a President and five vice-presidents. This system replaced a bicameral one during the country's 2009 election. The most recent election was held in 2013, with the next scheduled for 2017.

Draft bills or resolutions, respectively proposing either new laws or revisions to existing legislature, are introduced to Parliament either (most commonly) upon the proposal of the government, or by individual Members of Parliament. Propositions made by the government undergo a lengthy initial process of inter-agency input and debate, being formally prepared by the relevant ministry and presented to the monarch for approval before being sent to Parliament. The Parliament in turn refers bills and resolutions to the relevant standing committee (of which there are 12). These committees consider each bill and resolution in detail and often make changes to them before presenting any recommendations on legislative matters to Parliament for a vote. A bill can be read to Parliament and voted on up to three times before a final decision is reached. In order for an approved bill to be enacted, it must be signed by the monarch, in a process known as 'Royal Assent', and counter-signed by the Prime Minister. The constitution technically grants the monarch the right to withhold Royal Assent, though this has never occurred in modern history and the constitution allows for any royal veto to be ultimately overridden by Parliament.

As well as proposing bills and resolutions, the government may also submit White Papers to the Parliament, which either report on an issue within a particular field or outline future government policy. They are drawn up when the government wishes to present matters to the Parliament that do not require a decision. These documents, and the subsequent discussion of them in the Parliament, often form the basis of a draft resolution or bill at a later stage.

Any administration requires the support of the Parliament to have its bills passed by Parliament and minority governments often adjust their proposals in order to remain in office. Having experienced over 30 years of coalition or minority governments, a result of the proportional representation voting system, an emphasis on consensus is well entrenched in the legislative process.

## Approach to Climate Change

The government is tackling climate change directly through a number of national and international plans and policies. The key government agency responsible for climate change policy is the Ministry of Climate and the Environment. Other agencies directly involved are the Norwegian Environment Agency (responsible for co-ordinating and providing advice to the Ministry of Climate and the Environment to support policy decision-making); the Public Roads Administration (responsible for planning, building, operating and maintaining national and county roads, as well as carrying out inspections of vehicles and road users); and the Ministry of Petroleum and Energy in conjunction with the Water Resources and Energy Directorate (responsible for floods and landslides).

The government's latest steps to reduce GHG emissions and promote technological advances to combat climate change took the form of a recommendation from the Energy and Environment Committee, also called the 2012 Climate Settlement which was later adopted in Parliament. The Climate Settlement is based on broad political agreement and builds on the goals adopted under the ambitious 2008 White Paper on Climate Efforts. The country is also considering implementing a climate change act, and recently issued an initial public consultation paper ("Perspectives on Climate Law") on the matter.

The Climate Settlement, although not legislation *per se*, guides and sets the framework for political discussions around climate change. It contains a number of political, non-binding goals, including that the country aims to be carbon neutral by 2050, or 2030 if an ambitious climate agreement is entered into through which other industrialised countries commit to undertake large reductions in GHG emissions. It also outlines the country's principles of fair distribution, international solidarity and sustainable development, as well as the precautionary principle and the 'polluter pays' principle. Another key target is that the country intends to reduce its GHG emissions to an equivalent of 30-40% of 1990 emissions levels by 2020 (the higher figure conditional on global action). Norway will encourage other countries to set ambitious climate goals and will fund emission reduction measures in other (mainly developing) countries as part of its effort to meet these commitments. In late 2014, Norway pledged USD258m over four years to the United Nation's Green Climate Fund.

A public enterprise, Enova SF, was established in 2001 to promote environmentally-friendly energy production. The enterprise also administers the Energy Fund, established in 2002, which is financed by government funds and a small charge added to electricity bills. In 2005, Gassnova SF (the government-established enterprise for carbon capture and storage (CCS)) implemented its CCS research, development and deployment programme, CLIMIT, in collaboration with the Research Council of Norway, with a view to accelerating the commercialisation of CCS technologies through the financial stimulation of RD&D. CLIMIT promotes and funds CCS projects at fossil fuel power plants and

large industrial point emission sources, as well as promoting active international collaboration in CCS RD&D.

The 2008 White Paper on Climate Efforts concluded that a realistic target is to reduce emissions by 15–17m tonnes CO<sub>2</sub>-equivalent relative to the reference scenario presented in the National Budget for 2007, when CO<sub>2</sub> uptake by forest is included in line with existing rules. In the 2012 Climate Settlement, the emissions reduction target at a national level is to reduce emissions from 50m tCO<sub>2</sub>e in 1990 to between 42m tCO<sub>2</sub>e and 44m tCO<sub>2</sub>e in 2020.

In March 2015, the legislators agreed to draft the country's first flagship climate change law by 2017. It should set binding GHG emission reduction targets for 2020, 2030 and 2050, regulations for reporting emissions and a series of carbon budgets.

Norway has also pledged to play a leading role in negotiations towards a more ambitious international climate agreement, using as a starting point the aim of limiting the average rise in global temperature to no more than 2°C above the pre-industrial level. Norway invests heavily in climate commitments as part of its co-operative schemes with developing countries – focusing on clean, renewable energy resources, climate change adaptation and food security – primarily through the Norwegian Clean Energy for Development initiative launched in 2007 and the international energy and climate change initiative Energy+ (launched in 2011). In February 2015, the government also announced it would match the EU's 2030 carbon emissions reduction goal of 40% from 1990 levels by 2030.

### **Energy Supply**

Hydropower accounts for 97% of electricity supply, with the remainder generated from fossil fuels, thermal or wind. The country is Europe's largest exporter of oil (and the 12<sup>th</sup> largest in the world) at 1.8bn barrels per day in 2013, and is the third largest global exporter of gas (4.16trn cubic feet in 2012). Oil, gas and transport services account for approximately 23% of gross domestic product and 30% of government revenues.

Norway has a plethora of policies and measures to promote the use of energy from renewable resources. These include the 2010 Offshore Energy Act, subsidy programmes for heating infrastructure and energy efficient buildings, support for extracting forest raw materials for energy purposes, and an obligation for all socioeconomically profitable renewable power facilities to be connected to the grid.

In 2013, Norway established its large-scale programme for energy research (ENERGIX), which evolved out of Clean Energy for the Future (RENERGI) – established in 2004. ENERGIX is designed to provide support for the long-term, sustainable restructuring of the energy system in order to accommodate a greater supply of new renewable energy, improve efficiency and flexibility, and

facilitate closer energy integration with Europe, with due consideration given to environmental perspectives. It funds research aimed at achieving the sustainable use and consumption of renewable energy resources, the reduction of Norwegian and global emissions of GHGs, ensuring the security of Norway's energy supply, strengthening innovation in trade and industry and further developing Norway's research communities.

The EU Renewables Directive was implemented into the EEA Agreement at the end of 2011 and was implemented by Norway in 2012 by the National Renewable Energy Action Plan. The Norwegian goal for the share of renewable energy in 2020 is 67.5%, an increase from 60.1% in 2005 (and beyond the EU target of 20% by 2020). The governments of Sweden and Norway have agreed on a common market for green certificates to promote new renewable energy projects until 2020. The new market mechanism is expected to annually generate 26.4TWh electricity by 2020, where each country is financing 13.2TWh. However, as it is a market mechanism, the market decides where and when investment into new production will take place. According to an annual report for 2012 issued by the Norwegian Water Resources and Energy Directorate, 0.4m certificates were issued in Norway compared to 4.1m in Sweden. Different taxation legislation in the two countries is believed to be the main reason.

In 2014, state-owned electricity company Statkraft announced plans to invest USD8.1bn in renewable energy projects both domestically and abroad. These include an 840GWh hydropower plant in Peru, a 420MW hydropower plant in India, and further wind and hydropower projects in Norway and Turkey.

### **Carbon Pricing**

A carbon tax was introduced in 1991 and applied to petrol, auto diesel oil, mineral oil and the offshore petroleum sector. While regulation is considered to be the main policy instrument to abate environmental damage, the carbon tax is intended to provide an important incentive for cleaner production and consumption patterns.

A Norwegian emissions trading scheme (ETS) was established in 2005. Norway joined the European Union Emissions Trading Scheme (EU ETS) at the start of phase two (2008-2012), and fully harmonised its domestic scheme with the EU ETS in 2013. As of 2015, over 80% of domestic emissions are subject to the EU Emission Trading Scheme or a CO<sub>2</sub> tax or both.

The petroleum sector must surrender allowances in accordance with the GHG Emissions Trading Act (the legislative framework for the ETS in Norway). In 2013, the government raised the carbon tax on offshore petroleum production by NOK200 (USD29.47) per tonne. The government has stated that the tax may be reduced if the price of EU allowances rises. The government will promote the development of the value chain for second-generation biofuel and contribute to the production of biogas, through farm-based installations and large facilities for

the treatment of manure and waste. The government also plans to oversee an increase in the offshore industry's use of electricity generated onshore – increasing incentives for petroleum companies to do so by almost doubling the carbon tax for the sector to almost USD34 per tonne emitted.

### **Energy Demand**

The government is introducing measures to reduce energy consumption and GHG emissions from buildings, as well as tightening energy use requirements in building regulations, with an aim to achieve a 'zero-energy' standard by 2020. It will continue its work on a number of national collaboration programmes in order to increase and spread knowledge about energy requirements and energy-efficient buildings. Enova will use the money in the Energy Fund to finance a special subsidy scheme to replace inefficient oil-fired boilers in households and as the base load in public buildings.

### **Transportation**

Norway will take measures to increase public transportation, cycling and walking facilities, particularly in urban areas. It will also increase both the CO<sub>2</sub> and the NO<sub>x</sub> elements in the non-recurring tax on the purchase of cars and introduce a new class for heavy vehicles in line with new tighter European emissions requirements, while using the incentive of tax-reliefs for electric vehicles.

Transnova (a funding programme established by the government in 2009 to develop policy instruments and measures to reduce environmental pollution caused by the transportation sector) will support the continuing development of rapid charging for electric vehicles and climate-friendly transportation of goods. A National Transport Plan for the period 2014-2023 was released in 2012 which outlines funding of NOK606bn (USD89bn) over the 10-year period. Priority is given to increasing the focus on renewal, operation and maintenance to improve reliability and operational safety, as well as increasing the average investment level for railways by more than 50%. NOK 26.1bn (USD3.8bn) is allocated for urban environment objectives to help to achieve climate-related objectives. It also notes that growth in passenger transport in urban areas must be absorbed by public transport, cycling and walking, and that freight transport is to be shifted from road to sea and rail.

### **REDD+ and LULUCF**

The government will maintain or increase the carbon pool through an active, sustainable forest policy, including tree breeding, increased and denser planting, reintroduction of the ban on felling young trees and a general strengthening of forest conservation. It will also fund efforts to reduce deforestation and forest degradation in developing countries, with a view to reduce their GHG emissions and promote sustainable development and poverty reduction. Norway's International Climate and Forest Initiative (NICFI) began operating in 2008. NICFI supports the development of the REDD+ international agenda and architecture and aims to work towards the inclusion of emissions from deforestation and forest degradation in a new international climate regime, take early action to

achieve cost-effective and verifiable reductions in GHGs and promote the conservation of natural forests in order to maintain carbon storage capacity.

The 2012 Climate Settlement pledges that, by 2020, ecosystem resilience in Norway and the contribution of biodiversity to carbon stocks will have been significantly enhanced through conservation and restoration, including the restoration of at least 15 % of degraded ecosystems, thus contributing to climate change mitigation and reducing vulnerability to climate change.

### **Adaptation**

An inter-ministry working group was established in 2007 to facilitate climate change adaptation initiatives. Headed by the Ministry of Climate and Environment, the working group led to the launch in 2008 of an initial five-year work programme focusing on enabling adaptation under three pillars: identifying vulnerabilities and integrating climate change adaptation in key policy areas; developing the knowledge base, including research and a national vulnerability and adaptation assessment; and information and co-ordination, including a national clearing house and other capacity building efforts.

Subsequently, a recommendation by the Energy and Environment Committee was adopted by Parliament in 2013 based on the White Paper on Climate Change Adaptation. It identifies a common responsibility for climate change adaptation and includes a focus on expanding the country's knowledge base, including regular assessments of vulnerability and adaptation need. As of 2014, the Norwegian Environment Agency supports the Ministry of Climate and Environment in its climate change adaptation work by providing relevant scientific knowledge. It also maintains an online Norwegian Climate Change Adaptation Portal to provide relevant adaptation information.

Launched in 2014, KLIMAFORSK is the Norwegian Research Council's new programme for climate research and will run from 2014 to 2023. It replaces the previous programme NORKLIMA which expired in 2013. Among other activities, KLIMAFORSK will provide support for research that enhances knowledge about climate change adaptation.

## **Norway: Legislative portfolio**

<b>Name of law</b>	<b>Electricity Certificates Act, No. 39 of 2011</b>
<b>Date</b>	24 June 2011
<b>Summary</b>	The purpose of the Act is to contribute to increased generation of electrical energy from renewable energy sources. It establishes a system of green certificates in Norway which are issued by the Norwegian state to renewable energy producers. Green certificates may be traded and they are subject to a quota obligation.

<b>Name of law</b>	<b>Offshore Energy Act, No. 21 of 2010</b>
<b>Date</b>	04 June 2010, amended 2014
<b>Summary</b>	Offshore renewable energy production in Norway is governed by the Offshore Energy Act. Under this act, the construction of offshore wind power and other renewable energy production units/facilities at sea can only take place after the Norwegian Government has opened specific geographical zones for licence applications. The opening of zones requires that a strategic environmental assessment (SEA) is carried out.

<b>Name of law</b>	<b>Value Added Tax (VAT) Act No. 58 of 2009</b>
<b>Date</b>	19 June 2009, most recently amended 2014
<b>Summary</b>	Under the previous VAT Act of 1969, zero VAT rating for the supply and import of electric vehicles was adopted by the Norwegian Parliament in 2001. In 2013, the Norwegian Parliament adopted amendments to the current VAT Act and the VAT Regulation concerning electric vehicles, which involve an extension of the zero rating to the leasing of electric vehicles and to the sale and import of batteries for electric vehicles.

<b>Name of law</b>	<b>Planning and Building Act No. 71 of 2008</b>
<b>Date</b>	27 June 2008
<b>Summary</b>	This act aims to promote sustainable development in the best interests of individuals, society and future generations. All plans made under the act are to take the climate into account in energy supply and transport solutions.

<b>Name of law</b>	<b>Greenhouse Gas Emission Trading Act, No. 99 of 2004</b>
<b>Date</b>	17 December 2004
<b>Summary</b>	<p>The Act aims to limit emissions of GHGs in a cost-effective manner by means of a system involving the duty to surrender GHG emission allowances and freely transferable emission allowances.</p> <p>It establishes government authority over the number of allowances to be allocated and which of these allowances will be issued free of charge. It regulates reporting and control related to emissions and allowances and sets out penal measures for those operators not complying with reporting obligations.</p> <p>It authorises the Norwegian Emissions Trading Registry to contain information on the allocation, issue, holding, transfer, surrender and cancellation of allowances. The pollution control authorities will control and verify the reports on GHG emissions submitted by each operator.</p>

<b>Name of law</b>	<b>The Energy Act, No. 50 of 1990</b>
<b>Date</b>	29 June 1990
<b>Summary</b>	<p>The Act covers the generation, conversion, transmission, trading, distribution and use of energy in Norway. It regulates exports and imports, the licensing, metering and settlements of power trading, energy pricing, and responsibilities for energy system operations, rationing and supply quality. It also includes provisions for energy efficiency.</p> <p>It establishes the role of the Power Supply Preparedness Organisation in controlling power supplies in states of emergency, as well as taking on some responsibilities during peacetime. It confirms the authority of the government to make decisions regarding the protection of power supply installations against damage, as well as to set out contingency measures and orders to this end.</p>

<b>Name of law</b>	<b>The Product Control Act, No. 79 of 1976</b>
<b>Date</b>	11 June 1976
<b>Summary</b>	The purpose of the act is to prevent products from causing environmental disturbance, for example in the form of disturbance of ecosystems, pollution, waste, noise and the like, and to prevent environmental disturbance by promoting effective energy use in products and to prevent products or consumer services from causing damage to health; this includes ensuring that consumer products and services are safe,

## ***Norway: Executive portfolio***

<b>Name of policy</b>	<b>White Paper on Climate Adaptation in Norway, Meld. St. 33 (2012-2013)</b>
<b>Date</b>	2013
<b>Summary</b>	<p>The White Paper states that everyone is responsible for climate change adaptation – individuals, business and industry and the authorities. It provides an account of what Norwegian authorities are doing to enable everyone to assume responsibility for climate change adaptation as effectively as possible, and establish a common framework for climate change adaptation across sectors and administrative levels.</p> <p>The White Paper states that projections on future climate and knowledge are essential for effective climate change adaptation. Adaptation work must always be based on the best available knowledge about climate change and how changes can be addressed. The government intends to ensure that the knowledge base for climate change adaptation is strengthened through closer monitoring of climate change, continued expansion of climate change research and the development of a national centre for climate services.</p> <p>According to the White Paper, adaptation policies and measures should build on the best available knowledge. Thus, the government plans for regular assessments of vulnerability and adaptation needs in Norway. Such assessments will be made if substantial new knowledge is available, related e.g. to the release of the assessment reports of the IPCC.</p>

<b>Name of policy</b>	<b>Climate Settlement, Innst. 390 S (2011–2012)</b>
<b>Date</b>	2012
<b>Summary</b>	<p>The Climate Settlement is officially known as “Recommendation of the Energy and Environment Committee: Climate Settlement, Innst. 390 S (2011-2012), based on the White Paper on Climate Efforts, Meld. St. 21 (2011-2012)”. This document reinforces the targets set out in the 2008 agreement on climate policy on transportation; construction; agriculture and carbon uptake by forests; and mainland industry and petroleum activities. Some of the core measures the document recommends to be adopted within these areas include:</p> <ul style="list-style-type: none"><li>• Create a climate and energy fund for development of technology and industrial transformation;</li><li>• Increase the offshore supply of electric power from the mainland, while safeguarding biological diversity;</li><li>• Increase state subsidies for investment in, and operation of, municipal public transportation and other environmentally-friendly forms of transportation;</li><li>• Adopt climate measures in agriculture and carbon removals in forests through active forest management;</li><li>• Maintain or increase the forest carbon stock through active, sustainable forest policies;</li><li>• Improve incentives for the use of bio-energy derived from wood (with emphasis on forest residues);</li></ul>

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- Increase the mandatory sale of bio-fuels to 5%;
  - Tighten the energy requirements in the building code to passive house level in 2015 and nearly zero energy level in 2020.

The settlement includes three main targets:

- In relation to the first commitment period of the Kyoto Protocol, Norway plans to exceed its commitment by 10%
- Norway plans to become carbon neutral by 2050. However, if an ambitious global climate agreement is entered into through which other industrialised countries commit to undertake large reductions in GHG emissions, Norway will bring forward this target to 2030
- By 2020 Norway plans to commit to reducing its GHG emissions to an equivalent of 30% of the 1990 emissions level (and up to 40% contingent on global action)

While emissions reductions can be carried out in Norway or abroad, the paper states that Norway will have a domestic reduction goal of two-thirds of GHG emissions.

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