

Torys on Climate Change

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Recent Developments

By [Patricia Koval](#), [Dennis Mahony](#), [Michael Pickersgill](#) and [Tyson Dyck](#)

International

UN conference “takes note” of Copenhagen Accord

December 18, 2009 marked the conclusion of the United Nations Climate Change Conference in Copenhagen. As widely expected in the months leading up to the conference, the parties did not reach a legally binding agreement to succeed the Kyoto Protocol, which expires after 2012. Instead, the Parties “took note” of a non-binding political deal negotiated by the United States, China, Brazil, India and South Africa.

The following are key elements of this Copenhagen Accord:

- The Parties recognized that to avoid “dangerous anthropogenic interference” with the climate, the increase in the global temperature should be kept below 2 degrees Celsius, with countries taking equitable action to make the deep emission cuts necessary to achieve this objective.
- Perhaps the most tangible outcome of the negotiations, developed countries committed to providing nearly US\$30 billion in new funding to developing countries between 2010 and 2012, the amount to be allocated both to adaptation and to mitigation activities. The United States, the European Union and Japan have pledged to provide the bulk of this funding. In addition, developed countries committed to the goal of mobilizing US\$100 billion annually by 2020 to address the needs of developing countries.
- The Parties agreed that a significant portion of this funding would flow through a Copenhagen Green Climate Fund, which would support mitigation, adaptation, capacity-building and technology development and transfer activities. However, important details of the funding mechanics remain subject to debate.
- Developed countries committed to implementing 2020 emissions-reduction targets, which they are to set out by January 31, 2010. In this regard, the Canadian federal government has reiterated its commitment, at least on paper, to reducing Canada’s greenhouse gas emissions by 20% below 2006 levels by 2020.
- Developing countries committed to implementing nationally appropriate mitigation actions (NAMAs), which they are to set out by January 31, 2010. The international verification of any developing country’s NAMAs remains a contentious issue.
- The Parties decided to establish a Technology Mechanism to accelerate technology development and transfer activities.
- The Parties agreed to establish a mechanism that would enable efforts to reduce emissions from deforestation and forest degradation (REDD-plus), particularly by mobilizing investments in REDD-plus projects from developed countries.

To discuss these issues, please contact the authors.

For media calls, please contact [Stuart Wood](#), Chief Marketing Officer, 416.865.8205.

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- The Parties called for an assessment of the implementation of the Copenhagen Accord to be completed by 2015. Notably, the Accord did not contain any commitment to reach a legally binding agreement in 2010, an outcome for which many commentators had hoped.

For further information, please see the [Conference website](#).

Canada

Environment Canada releases draft vehicle-emissions regulations

On December 7, 2009, Environment Canada published draft *Passenger Automobile and Light Truck Greenhouse Gas Emissions Regulations*. These draft regulations, developed under the *Canadian Environmental Protection Act, 1999*, would establish progressively more stringent limits on greenhouse gas emissions from new passenger automobiles and light trucks in Canada, beginning with the 2011 model year. The draft regulations would also align with U.S. national standards for vehicles of the 2011 to 2016 model years. According to Environment Canada, through the implementation of the draft regulations, the average greenhouse gas emission performance of the 2016 Canadian fleet of new cars and light trucks would be approximately 20% better than the emissions performance of the 2007 fleet.

Environment Canada is accepting comments on the draft regulations until January 15, 2010. For further information, please see [Environment Canada's background information](#).

Manitoba

Ministry of the Environment releases climate change progress report

On December 15, 2009, Manitoba Premier Greg Selinger indicated that the provincial government would soon publish draft legislation enabling the creation of a cap-and-trade system to reduce greenhouse gas emissions in Manitoba. According to Selinger, the system will be subject to public consultations in 2010. Manitoba – like Ontario, British Columbia and Quebec – is a partner in the Western Climate Initiative, a group of several Canadian provinces and U.S. states working to establish a common cap-and-trade system for greenhouse gases by January 1, 2012.

For further information, please see the [province of Manitoba's news release](#).

Quebec

Quebec adopts new vehicle emissions standard and mitigation target

On December 29, 2009, the Quebec government published new regulations that will adopt California's vehicle emissions standards. The regulations will take effect on January 14, 2010, imposing increasingly stringent fleet-average emissions standards on cars and light trucks made between 2010 and 2016 that are sold, leased or marketed in the province. As designed, the regulation will, by 2016, require light vehicles to produce no more than 127 grams of greenhouse gas per kilometre. This announcement follows commitments by the U.S. and Canadian federal governments to bring into force new nationwide vehicle emissions standards, beginning with the 2011 model year.

The announcement also follows Quebec's recent pledge, made in the weeks leading up to the Copenhagen conference, to cut its greenhouse gas emissions by 20% below 1990 levels by 2020, the same basic target proposed by the European Union.

For further information, please see [Quebec regulation](#) and [GHG Emissions Reduction Target](#).

United States

U.S. EPA releases endangerment finding

On December 7, 2009, the U.S. Environmental Protection Agency (EPA) issued two findings regarding greenhouse gases under the federal *Clean Air Act*:

- **Endangerment finding:** The EPA found that current and projected atmospheric concentrations of the six key greenhouse gases threaten the public health and welfare of current and future generations.
- **Cause or contribution finding:** The EPA also found that the combined emissions of these greenhouse gases from new motor vehicles and engines contribute to the greenhouse gas pollution, which threatens public health and welfare.

Although they do not impose any requirements on industry or other entities, these findings enable the EPA to finalize the [greenhouse gas emission standards for light-duty vehicles](#), which it jointly proposed with the Department of Transportation on September 15, 2009.

These findings follow the important 2007 U.S. Supreme Court decision, *Massachusetts v. EPA*, in which the Court found that greenhouse gases are air pollutants covered by the *Clean Air Act*. It remains to be seen whether the EPA will build on its recent endangerment finding to regulate greenhouse gas emissions from stationary sources, should Congress prove unwilling or unable to pass comprehensive legislation in this regard.

For further information, please see the [EPA's website](#). 