



AN BILLE UM FHREAGAIRT DON ATHRÚ AERÁIDE 2010
CLIMATE CHANGE RESPONSE BILL 2010

Mar a tionscnaíodh
As initiated

ARRANGEMENT OF SECTIONS

Section

- 1 Short title.
 - 2 Interpretation.
 - 3 Effect of Act.
 - 4 Emissions reduction targets.
 - 5 National Climate Change Plan.
 - 6 Annual transition statement to Dáil Éireann.
 - 7 National Climate Change Expert Advisory Body.
 - 8 General functions of Expert Advisory Body.
 - 9 Annual report of Expert Advisory Body.
 - 10 Periodic reviews by Expert Advisory Body.
 - 11 Duties of public bodies.
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AN BILLE UM FHREAGAIRT DON ATHRÚ AERÁIDE 2010
CLIMATE CHANGE RESPONSE BILL 2010

BILL

entitled

5 AN ACT TO MAKE PROVISION FOR THE ADOPTION OF A
NATIONAL POLICY TO REDUCE GREENHOUSE GAS
EMISSIONS IN THE STATE; TO PROVIDE FOR THE
10 MAKING OF PLANS BY THE GOVERNMENT TO
ENABLE THE STATE TO REDUCE GREENHOUSE GAS
EMISSIONS AND ADAPT TO THE EFFECTS OF
CLIMATE CHANGE; TO MAKE PROVISION FOR THE
SETTING, AND ACHIEVEMENT, OF NATIONAL EMIS-
15 SIONS REDUCTION TARGETS TO FURTHER TRAN-
SITION TO A LOW CARBON, CLIMATE RESILIENT
AND ENVIRONMENTALLY SUSTAINABLE ECONOMY;
AND TO PROVIDE FOR MATTERS CONNECTED
THERewith.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—This Act may be cited as the Climate Change Response Act Short title.
20 2010.

2.—(1) In this Act—

Interpretation.

“adaptation” means any adjustment to—

(a) any system designed or operated by human beings, includ-
ing an economic, agricultural or technological system, or

25 (b) any naturally occurring system, including an ecosystem,

that is intended to counteract the effects (whether actual or
anticipated) of climatic stimuli, prevent or moderate environmental
damage resulting from climate change or confer environmental
benefits;

30 “class A greenhouse gas” means—

(a) carbon dioxide,

(b) methane, or

(c) nitrous oxide;

“class B greenhouse gas” means—

- (a) hydrofluorocarbons,
- (b) perfluorocarbons, or
- (c) sulphur hexafluoride;

“emissions” means, in relation to greenhouse gases, emissions of those gases into the earth’s atmosphere attributable to industrial, agricultural or other human activities in the State; 5

“Expert Advisory Body” has the meaning assigned to it by *section 7*;

“greenhouse gas” means—

- (a) carbon dioxide, 10
- (b) methane,
- (c) nitrous oxide,
- (d) hydrofluorocarbons,
- (e) perfluorocarbons, or
- (f) sulphur hexafluoride; 15

“Minister” means the Minister for the Environment, Heritage and Local Government;

“mitigation” means any human intervention aimed at reducing harmful influences on the earth’s climate system, including action aimed at reducing emissions and creating or enhancing sinks; 20

“national plan” has the meaning assigned to it by *section 5*;

“net emissions” means, in relation to a period of time, the amount of emissions of greenhouse gases less the amount of removals of such gases during that period;

“periodic review” has the meaning assigned to it by *section 10*; 25

“removal” means, in relation to greenhouse gases, removal of those gases from the earth’s atmosphere as a consequence of the creation or enhancement of sinks, or a change of land use, in the State;

“sectoral plan” shall be construed in accordance with *subsection (6) of section 5*; 30

“sink” means—

- (a) a process or activity (including photosynthesis), whether natural or man made, that contributes to, or assists in, the removal of one or more greenhouse gases from the earth’s atmosphere, or 35
- (b) an ecosystem or a mechanism (whether natural or man made), or part thereof, that contributes to, or assists in, the removal of one or more of such gases from the earth’s atmosphere.

(2) For the purposes of this Act—

(a) the baseline year applicable to a class A greenhouse gas shall be 1990, and

(b) the baseline year applicable to a class B greenhouse gas shall be 1995.

3.—(1) Nothing in this Act, a national plan or a sectoral plan shall operate to affect— Effect of Act.

(a) existing or future obligations of the State under the law of the European Union, including, in particular—

(i) Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001¹ on the assessment of the effects of certain plans and programmes on the environment,

(ii) Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003² establishing a scheme for greenhouse gas emission allowance and trading within the Community and amending Council Directive 96/61/EC, or

(iii) Decision No. 406/2009/EC of the European Parliament and of the Council of 23 April 2009³ on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020, or

(b) existing or future obligations of the State under any international agreement,

(c) any Act of the Oireachtas or instrument made thereunder that gives effect, or further effect, to any such obligation, or

(d) existing or future entitlements of the State or any person under the said law, any such agreement or any such Act of the Oireachtas or instrument.

(2) The emissions reduction targets specified in *section 4* shall not be justiciable and no proceedings shall be brought in respect of a contravention of a national plan other than a contravention consisting of a failure by a Minister of the Government to comply with *subsection (16)* of *section 5* or a failure by a public body to comply with *subsection (1)* or *(4)* of *section 11*.

4.—(1) For the purposes of this Act, the emissions reduction target in respect of the period commencing on 1 January 2008 and ending on 31 December 2020 shall be such amount as would represent an annual reduction in net emissions of 2.5 per cent during that period. Emissions reduction targets.

(2) For the purposes of this Act, the emissions reduction target in the year 2030 shall be 40 per cent of the aggregate of—

¹OJ No. L197 of 21.7.2001, p.30

²OJ No. L275 of 25.10.2003, p.32

³OJ No. L140 of 5.6.2009, p.136

(a) net emissions of class A greenhouse gases during the base-
line year applicable to those gases, and

(b) net emissions of class B greenhouse gases during the base-
line year applicable to those gases.

(3) For the purposes of this Act, the emissions reduction target in 5
the year 2050 shall be 80 per cent of the aggregate of—

(a) net emissions of class A greenhouse gases during the base-
line year applicable to those gases, and

(b) net emissions of class B greenhouse gases during the base-
line year applicable to those gases. 10

(4) The Government may, on the request of the Minister and after
consultation with the Expert Advisory Body, make an order amend-
ing a percentage amount specified in *subsection (1), (2) or (3)*.

(5) The Government shall, when performing functions under *sub-*
section (4), take account of the matters specified in *subsection (9) of* 15
section 5.

(6) Whenever an order is proposed to be made under this section,
a draft of the order shall be laid before each House of the Oireachtas
and the order shall not be made until a resolution approving of the
draft has been passed by each such House. 20

National Climate
Change Plan.

5.—(1) The Minister shall—

(a) not later than 12 months (or such longer period as the
Government may direct not exceeding 24 months) after
the passing of this Act, and

(b) not less than once in every period of 7 years, 25

make, and submit to the Government, a plan, which shall be known
as a National Climate Change Plan (in this Act referred to as a
“national plan”).

(2) The Minister may, after the submission to the Government of
a report under *section 10* consequent upon a periodic review, make, 30
and submit to the Government, a plan which shall also be known as
a National Climate Change Plan (in this Act also referred to as a
“national plan”) varying, revising or replacing an existing national
plan.

(3) A national plan shall specify the policy measures that, in the 35
opinion of the Government, would be required in order to—

(a) achieve the emissions reduction targets specified in *section*
4 aimed at furthering transition to a low carbon, climate
resilient and environmentally sustainable economy, and

(b) enable the State to adapt to the effects of climate change. 40

(4) The Government may—

(a) approve, or

(b) approve, subject to such modifications as they consider appropriate,

a national plan submitted to them under this section.

5 (5) The Government may vary or revise a national plan approved by them under this section.

(6) The Government shall request such Ministers of the Government as they consider appropriate to make, and submit to the Government, plans (in this Act referred to as “sectoral plans”) specifying the measures, in relation to the matters for which they have responsibility, that they propose to adopt for the purpose of—

(a) achieving reductions in emissions aimed at furthering transition to a low carbon, climate resilient and environmentally sustainable economy, and

15 (b) enabling the State to adapt to the effects of climate change.

(7) Where the Government make a request under *subsection (6)*, the Minister to whom the request is made shall, not later than the expiration of such period as the Government specify, make, and submit to the Government, a sectoral plan, and a Minister of the Government shall, in the preparation of a sectoral plan take account of the matters referred to in *subsection (9)*.

(8) The Government may—

(a) approve,

25 (b) approve, subject to such modifications as they consider appropriate, or

(c) refuse to approve,

a sectoral plan submitted to them under this section.

(9) The Minister and the Government shall take account of the following matters when performing functions under this section:

30 (a) the need to take a longterm view having regard to—

(i) likely future commitments of the State, and

(ii) the requirement to be able to act quickly in response to economic occurrences and circumstances;

(b) the need to promote sustainable development;

35 (c) the likely economic impact of a national plan or sectoral plan, as the case may be;

(d) the need to secure and safeguard the economic development and competitiveness of the State;

40 (e) the need to take advantage of economic opportunities both within and outside the State;

- (f) that the objectives of a national plan are achieved at the least cost to the national economy and that any measures adopted to achieve those objectives are cost effective;
- (g) the need to maximise economic efficiency at a national level and within particular sectors of the economy; 5
- (h) that a policy should be based on such scientific evidence as would tend to indicate that its implementation will result in the achievement of its purpose;
- (i) the findings of any research that supports the development of suitable and effective mitigation and adaptation 10 measures;
- (j) any sectoral plans approved by the Government; and
- (k) any recommendations or advice of the Expert Advisory Body.

(10) A national plan shall be laid before Dáil Éireann as soon as 15 may be after it is approved by the Government.

(11) The Minister may, for the purposes of *subsection (1) or (2)*, make two separate plans—

- (a) one of which shall specify the policy measures to which *paragraph (a) of subsection (3)* applies, and may be 20 referred to as a greenhouse gas national mitigation plan, and
- (b) one of which shall specify the policy measures to which *paragraph (b) of that subsection* applies, and may be 25 referred to as a climate change national adaptation plan,

and references in this Act to a national plan shall be construed as including a reference to a plan referred to in *paragraph (a) or (b)*.

- (12) (a) The Government may consult with the Expert Advisory Body for the purpose of the performance by them of their functions under this section. 30
- (b) The Minister may consult with the Expert Advisory Body for the purpose of the performance by him or her of his or her functions under this section.
- (c) A Minister of the Government may consult with the Expert Advisory Body for the purpose of the making by 35 him or her of a sectoral plan.

(13) The Minister shall, before making a national plan—

- (a) publish, in such manner as he or she considers appropriate, a draft of the national plan that he or she proposes to make, 40
- (b) publish a notice on the internet and in more than one newspaper circulating in the State inviting members of the public and any interested parties to make submissions in writing in relation to the proposed national plan within such period (not exceeding 2 months from the date of 45 the publication of the notice) as may be specified in the notice, and

(c) have regard to any submissions made pursuant to, and in accordance with, a notice under *paragraph (b)*.

(14) A Minister of the Government shall, before making a sectoral plan—

5 (a) publish, in such manner as he or she considers appropriate, a draft of the sectoral plan that he or she proposes to make,

10 (b) publish a notice on the internet and in more than one newspaper circulating in the State inviting members of the public and any interested parties to make submissions in writing in relation to the proposed sectoral plan within such period (not exceeding 2 months from the date of the publication of the notice) as may be specified in the notice, and

15 (c) have regard to any submissions made pursuant to, and in accordance with, a notice under *paragraph (b)*.

(15) Neither a national plan nor a sectoral plan shall be implemented unless it has been approved by the Government in accordance with this section.

20 (16) A Minister of the Government shall, in the performance of his or her functions, have regard to a national plan approved by the Government under this section.

25 **6.—**(1) The Minister shall, not later than 31 December in each year following approval by the Government, present a statement in writing (in this Act referred to as an “annual transition statement”) to Dáil Éireann which shall—

Annual transition statement to Dáil Éireann.

30 (a) record the policy measures adopted to achieve emissions reductions targets aimed at furthering transition to a low carbon, climate resilient and environmentally sustainable economy,

(b) contain an assessment of the effectiveness of the measures referred to in *paragraph (a)* in the achievement of their purpose,

35 (c) record the policy measures adopted to enable the State to adapt to the effects of climate change, and

(d) contain an assessment of the effectiveness of the measures referred to in *paragraph (c)* in the achievement of their purpose.

(2) An annual transition statement shall—

40 (a) include a record of emissions in respect of the year immediately preceding the presentation of the statement to Dáil Éireann, and

45 (b) where an assessment referred to in *subsection (1)* is that the measures concerned have not been effective or sufficiently effective in the achievement of their purpose, include a statement of additional measures that, in the opinion of the Government, are required to achieve that purpose.

7.—(1) There shall stand established on the establishment day a body, which shall be known as the National Climate Change Expert Advisory Body (in this Act referred to as the “Expert Advisory Body”) to perform the functions assigned to it under this Act.

(2) The Expert Advisory Body shall consist of— 5

(a) a chairperson, and

(b) not fewer than 5 and not more than 7 ordinary members (including ordinary members to whom *subsection (3)* applies).

(3) Each of the following shall, *ex officio*, be ordinary members 10
of the Expert Advisory Body:

(a) the Director General of the Environmental Protection Agency; and

(b) the Chief Executive Officer of the Sustainable Energy 15
Authority of Ireland.

(4) The chairperson and ordinary members (other than an ordinary member to whom *subsection (3)* applies) of the Expert Advisory Body shall be appointed by the Government, on the nomination of the Minister.

(5) (a) The chairperson of the Expert Advisory Body shall hold 20
office for such period (not exceeding 3 years) from the date of his or her appointment as shall be prescribed by order made by the Minister.

(b) An ordinary member (other than an ordinary member to 25
whom *subsection (3)* applies) of the Expert Advisory Body shall hold office for such period (not exceeding 3 years) from the date of his or her appointment as shall be prescribed by order made by the Minister.

(6) A member (other than an ordinary member to whom *subsection (3)* applies) of the Expert Advisory Body whose term of office 30
expires by the efflux of time shall be eligible for reappointment to the Expert Advisory Body.

(7) A member of the Expert Advisory Body shall hold office upon such terms and conditions as may be determined by the Minister, with the consent of the Minister for Finance. 35

(8) A member of the Expert Advisory Body may resign from office by giving notice in writing to the Minister of his or her resignation and the resignation shall take effect on the day on which the Minister receives the notice.

(9) The Government may, at any time, remove the chairperson 40
of the Expert Advisory Body from office if, in the opinion of the Government, the chairperson has become incapable through ill-health of effectively performing his or her functions, or has committed stated misbehaviour, or his or her removal appears to the Government to be necessary for the effective performance by the 45
Expert Advisory Body of its functions.

5 (10) The Minister may, at any time, remove an ordinary member (other than an ordinary member to whom *subsection (3)* applies) of the Expert Advisory Body from office if, in the opinion of the Government, the ordinary member has become incapable through ill-health of effectively performing his or her functions, or has committed stated misbehaviour, or his or her removal appears to the Government to be necessary for the effective performance by the Expert Advisory Body of its functions.

10 (11) The Expert Advisory Body may act notwithstanding one or more than one vacancy among its members.

15 (12) In appointing ordinary members (other than ordinary members to whom *subsection (3)* applies) of the Expert Advisory Body, the Minister shall have regard to the range of qualifications, expertise and experience necessary for the proper and effective performance of the functions of the Expert Advisory Body.

(13) The Expert Advisory Body may establish committees consisting, in whole or in part, of persons who are members of the Expert Advisory Body to—

20 (a) assist and advise it in relation to the performance of any or all of its functions, and

(b) perform such functions of the Expert Advisory Body as it may, with the consent of the Minister, delegate to the committee.

25 (14) The chairperson of a committee established under *subsection (13)* shall be a member (other than an ordinary member to whom *subsection (3)* applies) of the Expert Advisory Body.

(15) The Environmental Protection Agency shall—

30 (a) provide the Expert Advisory Body with such services of a secretarial, administrative and research nature as the Environmental Protection Agency considers necessary, and

35 (b) permit the Expert Advisory Body to avail of the use of its premises, or such part of its premises as the Environmental Protection Agency considers appropriate, for the purposes of the performance by the Expert Advisory Body of its functions.

8.—(1) The functions of the Expert Advisory Body shall be to advise and make recommendations to—

General functions
of Expert Advisory
Body.

40 (a) the Minister in relation to the preparation of a national plan,

(b) a Minister of the Government in relation to the making by him or her of a sectoral plan,

(c) the Government in relation to the approval of a national plan, or

45 (d) the Government in respect of any policy of the Government relating to—

(i) the reduction of greenhouse gas emissions, or

(ii) adaptation to the effects of climate change in the State.

(2) For the purposes of the performance of its functions, the Expert Advisory Body may, having regard to any advice given to it by the Director General of the Environmental Protection Agency— 5

(a) gather such information, or request the Environmental Protection Agency to gather such information, as the Expert Advisory Body considers necessary or appropriate,

(b) request the Environmental Protection Agency to conduct such research as the Expert Advisory Body considers necessary or appropriate, or to arrange for such research to be conducted, and 10

(c) meet and consult with such persons (including members of the public) as it considers appropriate. 15

Annual report of Expert Advisory Body.

9.—(1) The Expert Advisory Body shall, not later than 30 June each year, prepare, and submit to the Government, a report (in this section referred to as the “annual report”) on progress made in achieving emissions reductions and furthering transition to a low carbon, climate resilient and environmentally sustainable economy. 20

(2) The annual report shall contain—

(a) a summary of the findings and recommendations (if any) set out in the most recent national inventory prepared by the Environmental Protection Agency and communicated, in accordance with Article 12 of the United Nations Framework Convention on Climate Change done at New York on 9 May 1992, to the Parties of the Conference established under Article 7 of that Convention, 25

(b) a projection of future emissions, 30

(c) recommendations as to the most cost effective ways of achieving the emissions reduction targets specified in *section 4*,

(d) such other recommendations or advice as the Expert Advisory Body considers necessary or appropriate for the purposes of achieving those emissions reduction targets, and 35

(e) a summary of—

(i) the activities of the Expert Advisory Body under *subsection (2) of section 8*, 40

(ii) the activities of the Environmental Protection Agency pursuant to a request under that subsection,

(iii) any information gathered in accordance with that subsection, and

(iv) the findings made as a consequence of any research conducted in accordance with that subsection. 45

(3) The Expert Advisory Body shall, subject to the consent of the Government, publish an annual report in such manner as the Government determines.

5 **10.**—(1) The Expert Advisory Body shall not later than 12 months after the publication of the 5th Assessment Report of the Inter-governmental Panel on Climate Change conduct a review (in this Act referred to as a “periodic review”) of—

Periodic reviews by Expert Advisory Body.

10 (a) progress made in furthering transition to a low carbon, climate resilient and environmentally sustainable economy,

(b) the emissions reduction targets specified in *section 4*, and

(c) the most recent national plan and its implementation.

(2) The Expert Advisory Body may, at any time that it considers appropriate having regard to—

15 (a) any significant developments relating to scientific knowledge in relation to climate change,

(b) any significant developments in the law of the European Union or international law relating to the control and reduction of emissions, or

20 (c) the need to maintain progress in achieving the purposes of this Act,

25 conduct a review (in this Act also referred to as a “periodic review”) of progress made in furthering transition to a low carbon, climate resilient and environmentally sustainable economy, the emissions reduction targets specified in *section 4*, and the most recent national plan and its implementation.

(3) The Minister may request the Expert Advisory Body to conduct a periodic review in accordance with *subsection (2)*.

30 (4) The Expert Advisory Body shall, not later than 30 days after receiving a request under *subsection (3)*, either—

(a) initiate a periodic review, or

35 (b) where it is of the opinion that a periodic review is not necessary having regard to *paragraphs (a), (b) and (c) of subsection (2)*, notify the Minister of its opinion and the reasons therefor.

(5) The Expert Advisory Body shall, not later than 30 days after the conduct of a periodic review, prepare and submit to the Government a report of its findings and recommendations consequent upon that review.

40 (6) A report under *subsection (5)* shall include—

(a) where the report is prepared consequent upon a periodic review (other than a periodic review to which *subsection (1)* applies), a statement of the reason for the periodic review,

- (b) a consideration of the emissions reduction targets specified in *section 4* and any matters relating thereto that the Expert Advisory Body considers appropriate,
- (c) such advice or recommendations in relation to the emissions reduction targets specified in *section 4* as the Expert Advisory Body considers necessary or appropriate, 5
- (d) such advice or recommendations in relation to the national plan as the Expert Advisory Body considers appropriate, and
- (e) such other advice or recommendations as the Expert Advisory Body considers necessary or appropriate for the purpose of the development and implementation of national policy regarding climate change. 10

(7) The Expert Advisory Body shall, subject to the consent of the Government, publish a report under *subsection (5)* in such manner as the Government determines. 15

Duties of public bodies.

11.—(1) A public body shall, in the performance of its functions, have regard to—

- (a) the most recent national plan approved by the Government, 20
- (b) any sectoral plan that has a bearing on such performance,
- (c) the objective of furthering transition to a low carbon, climate resilient and environmentally sustainable economy, and
- (d) the objective of mitigating emissions and adapting to climate change in the State. 25

(2) The relevant Minister may, from time to time, give a direction to a public body requiring it to prepare, and submit to him or her, within such period as may be specified in the direction, a report specifying— 30

- (a) the measures that the public body has adopted for the purposes of compliance by the public body with *subsection (1)*, and
- (b) the progress made by the public body in the performance of its functions in the manner referred to in that subsection. 35

(3) The relevant Minister may, from time to time, give a direction to a public body requiring it to adopt such measures as are specified in the direction for the purposes of compliance by the public body with *subsection (1)*. 40

(4) A public body shall comply with a direction under this section.

(5) In this section—

“Act of 1997” means the Freedom of Information Act 1997;

“public body” has the same meaning as it has in the Act of 1997;

“relevant Minister” means, in relation to a public body—

- (a) in the case of a Department of State, the Minister of the Government having charge of that Department of State,
- 5 (b) in the case of a public body to which subparagraph (2) of paragraph 1 of the First Schedule to the Act of 1997 applies, such Minister of the Government as the Government may designate in relation to that public body,
- (c) in the case of a public body to which subparagraph (3) of that paragraph applies, the Minister,
- 10 (d) in the case of a public body to which subparagraph (4) of that paragraph applies, the Minister for Health and Children,
- (e) in the case of a public body to which subparagraph (5) of that paragraph applies—
 - 15 (i) the Minister of the Government whose consent to the prescribing of that public body was required under that subparagraph, or
 - (ii) where no such consent was required, such Minister of the Government as the Government may designate
 - 20 in relation to that public body.



**AN BILLE UM FHREAGAIRT DON ATHRÚ AERÁIDE 2010
CLIMATE CHANGE RESPONSE BILL 2010**

EXPLANATORY AND FINANCIAL MEMORANDUM

The main purpose of the Bill is to provide for the adoption of a national policy for reducing greenhouse gas (GHG) emissions; to support this through the making of mitigation and adaptation action plans; and to make provision for emission reduction targets to support the objective of transition to a low carbon, climate resilient and environmentally sustainable economy.

Key provisions in the Bill include:

- a core objective on transition to a low carbon, climate resilient and environmentally sustainable economy;
- a short-term target to reduce greenhouse gas emissions by an average 2.5% per year, compared to 2008 emissions, by 2020;
- a medium-term target to reduce emissions by 40% by 2030 and a long-term target of 80% by 2050, both compared to 1990 emissions, to act as additional milestones on the transition pathway;
- the requirement for the Minister, with the approval of the Government, to produce a National Climate Change Plan which will address both GHG mitigation, and adaptation to the impacts of climate change;
- the power for the Government to require such Ministers as it considers appropriate to produce Sectoral Climate Change Plans to address mitigation and adaptation in their areas of responsibility;
- the establishment of an Expert Advisory Body (EAB) to advise Ministers and the Government in relation to functions under the Bill, including National Mitigation and Adaptation Plans, Sectoral Plans and Annual Transition Statements; and
- the placing of obligations on public bodies in relation to climate change mitigation and adaptation.

Overview

The Bill comprises 11 sections, the main elements of which are as follows:

Sections 1 to 3 (Title, Interpretation and Effect of the Act)

Sections 1 and 2 are the standard title and interpretation provisions.

Section 3 clarifies that the Bill does not affect obligations under the Strategic Environmental Assessment and Emissions Trading Scheme Directives, the Effort Sharing Decision setting out the obligations of EU Member States to reduce their GHG emissions in the sectors of the economy not covered by the EU Emissions Trading Scheme, any international agreements or any associated domestic legislation. Section 3(2) of the Bill addresses the issue of the justiciability of the Bill's provisions.

Section 4 (Targets)

This section sets out national GHG emission reduction targets. A short-term target based on an annual average reduction in net emissions of 2.5% p.a. in the period 2008 to 2020. In the medium and longer-term, targeted reductions on the baseline (1990 or 1995, depending on the GHG involved) for 2030 and 2050 are set at 40% and 80%, respectively. Provision is also made for these targets to be revised by Order made by the Government and confirmed by positive resolution of both Houses of the Oireachtas.

Section 5 (National Climate Change Plan)

Under this section, the Minister is required to prepare and submit to Government a National Climate Change Plan within 12 months of the passing of the Act (or within an extended period of a maximum of 24 months), and at least once every 7 years. The Minister may also prepare and submit an updated plan to Government within 12 months of any periodic review of progress carried out under section 10 of the Bill by the Expert Advisory Body to be established under section 7. The national plan must address climate change mitigation and adaptation issues and separate plans may be prepared for these purposes which, when taken together, will constitute the overall national plan.

The Government shall request such Ministers of the Government as they consider appropriate to prepare sectoral plans for their individual areas of responsibility, setting out the measures they propose to adopt for the purposes of achieving emission reductions and to support the national effort to adapt to the impacts of climate change. The matters to be taken into account in preparing the national plan and sectoral plans are set out in section 5(9) and the Government, the Minister or any Minister of the Government may consult with the Expert Advisory Body in performing their respective functions under section 5. A national plan approved by the Government must be laid before the Dáil. The making of national and sectoral plans will be the subject of a public consultation process, as set out in subsections (13) and (14).

All Ministers of the Government will, in performing their functions, be required to have regard to the National Climate Change Plan.

Section 6 (Annual Transition Statement)

This section provides for the presentation by the Minister of an Annual Transition Statement, following approval by the Government, setting out the policy measures adopted for the purposes of supporting transition to a low carbon economy and of adapting to climate change, an assessment of the effectiveness of these measures and, where appropriate, additional measures required. The Annual Transition Statement is intended to replace the current Carbon Budget process.

Sections 7 to 10 (National Climate Change Expert Advisory Body)

Sections 7 to 10 provide for the establishment of a National Climate Change Expert Advisory Body. Under section 7, the Body is to comprise a Chair and between 5 and 7 ordinary members, two of whom are to be, ex officio, the Director General of the Environmental Protection Agency (EPA) and the Chief Executive of the Sustainable Energy Authority of Ireland. Appointments to the Expert Advisory Body are to be made by the Government, on the nomination of the Minister, for terms of up to 3 years (with eligibility for reappointment). In appointing ordinary members, regard must be had to the range of qualifications, expertise and experience necessary for the proper and effective performance by the Expert Advisory Body of its functions; administrative support is to be provided by the EPA.

Section 8 sets out the functions of the Expert Advisory Body which are to advise and make recommendations to the Minister, any Minister of the Government, the Government itself on their functions in relation to, respectively, the preparation of a national plan, the making of sectoral plans, and the approval of a national plan. Provision is also made for the Body to advise and make recommendations in relation to Government policies on GHG emission reductions and climate change adaptation.

Section 9 provides for the preparation of an annual report by the Expert Advisory Body, and its submission to Government by no later than 30 June each year, setting out progress made in achieving GHG emission reductions and in making the transition to a low carbon economy.

Section 10 provides for the Expert Advisory Body to prepare periodic reports; there will be a mandatory requirement to carry out such a review within 12 months of the 5th Assessment Report of the Intergovernmental Panel on Climate Change (expected in 2014) and a power for the Expert Advisory Body to carry out reviews, either at its own initiation or on foot of a request from the Minister, having regard to significant developments in scientific knowledge or in EU/international law, or the need to maintain progress in achieving the purposes of the Act. Annual reports and reports on foot of periodic reviews shall be published by the Expert Advisory Body, subject to the consent of the Government.

Section 11 (Duties of Public Bodies and Reporting Requirements)

Under this section, public bodies will, in performing their functions, be required to have regard to the national plan and relevant sectoral plans adopted under section 5, as well as the objectives of transition to a low carbon, climate resilient and environmentally sustainable economy, mitigating emissions and adapting to climate change. Power is also provided to Ministers to give a direction to public bodies in their areas to prepare and submit a report setting out the measures that the body has adopted in complying with the duties imposed by this section. Provision is also made for relevant Ministers to direct public bodies to adopt specified measures.

Financial Implications

This Bill does not have immediate significant financial implications for the Exchequer. There may be staff resourcing implications arising from the implementation of the Bill, including in connection with the establishment of the Expert Advisory Body, but these will be met from within existing staff complements.

*Department of the Environment, Heritage and Local Government,
December, 2010.*