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GAELTACHT**

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**JOINT COMMITTEE ON THE ENVIRONMENT, CULTURE AND
THE GAELTACHT**

31ST DÁIL ÉIREANN / 24TH SEANAD ÉIREANN

**Report on the Outline Heads of the Climate Action and Low Carbon
Development Bill 2013**

November 2013

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1. INTRODUCTION – CLIMATE CHANGE AND THE NEED FOR EFFECTIVE LEGISLATION

1.1 Kyoto Protocol – Phase 1

National climate policy in Ireland is currently shaped by obligations entered into under the 1992 United Nations Framework Convention on Climate Change. This remains the only international agreement with global reach, and, for Member States of the European Union (EU), manifested itself in terms of the Kyoto Protocol, which was adopted by Parties to the United Nations Framework Convention on Climate Change in 1997, though only entered into force in 2005. Under the terms of the Kyoto Protocol, Ireland's total emissions for the five-year commitment period 2008 to 2012 were limited to 314.18 million tonnes of CO₂ equivalent. This is an average of 62.84 million tonnes of CO₂ equivalent per annum, some 13% above the corresponding figure for 1990. In addressing this challenge, two National Climate Change Strategies have been published in 2000 and 2007. These contained indicative sectoral allocations designed to achieve the required Kyoto objectives. Despite widespread exceedances of these targets, Ireland is nonetheless on track to meet its Kyoto commitments, though this is will be achieved mainly due to the economic contraction since 2008.

1.2 Kyoto Protocol – Phase 2

Commencement of a second phase of the Kyoto Protocol occurred in January 2013. 'Increased ambition' is required from signatory countries for this second commitment period which runs from 2013 to 2020. Details at national level remain to be finalised, but will likely form a background to the intended comprehensive global agreement envisaged under the United Nations Framework Convention on Climate Change to be finalised in 2015 for a commencement in 2020.

1.3 Meeting Ireland's 2020 Targets

In January 2008 the European Commission published proposals for a 20% reduction in emissions by 2020 compared with 1990, a 20% increase in the share of renewable energy, and a 20% improvement in energy efficiency. A portion of these emission reductions would be handled by the Europe-wide Emissions Trading Scheme. However, for the non-traded sector, a national burden-sharing arrangement was finalised in March 2013. This involved annual emission targets for each Member State. For Ireland a reduction of 20% in its non-traded emissions is required by 2020 relative to its 2005 level. Existing policies and mitigation measures are seen as inadequate by the Environmental Protection Agency to enable this target to be attained and Ireland is expected to fail to meet its annual targets from the period 2015/16 onwards. Monitoring of Member States' progress in meeting their annual reduction requirements commences from 2013, and, from 2015, data for this period onwards is likely to be available. Penalties are proposed for Member States not in compliance with their national requirements for a particular year, and a tightening of national limits for subsequent years is envisaged.

**Extract from Regulations: DECISION No 406/2009/EC OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL of 23 April 2009)**

If the greenhouse gas emissions of a Member State exceed the annual emission allocation specified pursuant to Article 3(2), taking into account the flexibilities used pursuant to Articles 3 and 5, the following measures shall apply:-

- (1) A deduction from the Member State's emission allocation of the following year equal to the amount in tonnes of carbon dioxide equivalent of those excess emissions, multiplied by an abatement factor of 1,08;
- (2) The development of a corrective action plan in accordance with paragraph 2 of this Article;
- (3) The temporary suspension of the eligibility to transfer part of the Member State's emission allocation and Joint Implementation / Clean Development Mechanism rights to another Member State until the Member State is in compliance with Article 3(2).

Please Note:-


Joint Implementation allows a country (principally a developed country) with an emission reduction commitment under the Kyoto Protocol to earn emission reduction units from an emission-reduction or emission removal project in another (developed) country.

Clean Development Mechanism allows a country (principally a developed country) with an emission-reduction commitment under the Kyoto Protocol to implement an emission-reduction project in developing countries and count the reduction achieved as if it were its own.

Since Ireland is currently at risk of breaching these requirements, particularly if economic growth resumes, national measures, enforceable by legislation, are therefore urgently required.

1.4 Cost of not Meeting Ireland's Obligations

The direct economic cost (i.e. not counting damage costs) of not positioning Ireland to meet its international obligations is considerable. In the National Development Plan 2007 – 2013 the Government designated €270 million for the purchase of carbon credits in the Kyoto commitment period 2008 – 2012. While the subsequent recession meant that almost all of this expenditure was not ultimately required (a commitment to buy €74 million was entered into), it does indicate the scale of potential costs involved should legislation fail to deliver the greenhouse gas mitigation which will be required for the remainder of the decade.



Michael Mc Carthy TD
Cathaoirleach an Choiste

20 November 2013

2. PUBLIC CONSULTATIONS AND COMMITTEE HEARINGS

2.1 Background to the Current Proposed Legislation

A commitment to publishing a Climate Change Bill ‘which would provide certainty surrounding government policy and provide a clear pathway for emissions reductions, in line with negotiated EU [European Union] 2020 targets’ was contained in the Programme for Government. As part of this process, a review of national climate policy was published in November 2011 and a roadmap for the legislative process was issued in January 2012. This followed a number of failed attempts at passing legislation in this area over recent years, despite all party agreement to one proposed Bill published in 2009 by the Joint Committee on Climate Change and Energy Security.

Public consultation on the form which the proposed new Bill should take attracted 623 submissions. Approximately 90% of these emphasised as desirable:-

- (1) Emission targets enshrined in legislation;
- (2) An Expert Advisory Body which was independent;
- (3) An emphasis on forward looking, progressive approaches based on sustainable socio-economic and environmental considerations.

A majority of submissions also disapproved of the principle of achieving domestic targets by international purchasing of credits. On-going monitoring of progress via a carbon budget based approach was also favoured.

2.2 The Climate Action and Low Carbon Development Bill 2013

The outline Heads of the Climate Action and Low Carbon Development Bill 2013 (the Bill) was published in February 2013. These Outline Heads were referred, by Mr Phil Hogan TD, Minister for Environment, Community and Local Government to the Joint Committee on Environment, Culture and the Gaeltacht (the Joint Committee) for its consideration.

These Outline Heads were informed by a Report commissioned from the Secretariat of the National Economic and Social Council entitled:-

“Ireland and the Climate Change Challenge: Connecting ‘How Much’ with ‘How To’”.

In response to its invitation for public submissions, the Joint Committee received 45 written submissions. Public Hearings commenced on 21 May with the Department of Environment, Community and Local Government (Government Department sponsoring the proposed legislation), the authors of the National Economic and Social Council Report, and the Environmental Protection Agency. Other Departments central to the process followed on 20 June 2013 (Agriculture, Food and the Marine; Transport, Tourism and Sport; Communications, Energy and Natural Resources). The Joint Committee also met with Minister Hogan on 10 July 2013.

Further Public Hearings were held over four days in July 2013 and involved approximately 30 witnesses. In addition to 22 selections from those who made submissions, invitations were also issued to the following organisations and individuals:-

- (1) Irish Farmers' Association;
- (2) Dr Roderick O'Gorman, Dublin City University;
- (3) Mr Stewart Stevenson, Member of Scottish Parliament and former Minister for Environment and Climate Change in the Scottish Parliament;
- (4) Sustainable Energy Authority of Ireland (SEAI);
- (5) Teagasc – the Irish Agriculture and Food Development Authority.

3. PRINCIPAL ISSUES EXPLORED

3.1 Extent to which Existing European Union Annual Targets pertaining to 2020 require to be explicitly specified in the Climate Action and Low Carbon Development Bill 2013

The Effort Sharing Decision places binding annual greenhouse gas reduction targets on Member States for the period 2013 – 2020. These relate to sectors not in the European Union Emissions Trading System and include:-

- (1) Agriculture;
- (2) Buildings;
- (3) Transport;
- (4) Waste.

National emission targets were adopted in March 2013 for each of the years 2013 – 2020. These were set on the basis of relative wealth as expressed in Gross Domestic Product per capita. Three countries (Denmark, Ireland and Luxembourg) received the maximum 20% reduction requirement while one country (Bulgaria) was allowed a 20% increase in emissions over the period.

Ireland's annual targets (in tonnes of CO₂ equivalent) are as follows:-

2013	45,163,667
2014	44,066,074
2015	42,968,480
2016	41,870,887
2017	40,773,293
2018	39,675,700
2019	38,578,106
2020	37,480,513

The Joint Committee heard from several witnesses who urged going beyond these values. It also noted the evidence of Mr Stewart Stevenson MSP in respect of the Scottish target of a 42% reduction relative to 1990 – with a mandatory requirement for an annual reduction – and that such a target was enshrined in the Climate Change (Scotland) Act 2009. The Joint Committee was also mindful of the likelihood that annual targets would likely emerge for the

period beyond 2020 to 2030 as a result of current discussions within the European Union and the likelihood of a comprehensive global climate agreement commencing in 2020.

Explicit inclusion of targets in the Bill was supported by several business and Non-Governmental Organisation submissions. The rationale for this was principally that such an explicit statement would underpin business and investor confidence. A contrary perspective was also advanced by employer and agricultural organisations that the existing target regime is sufficiently robust.

In summary, existing emission reduction targets for the period to 2020 are binding already and any further explicit inclusion in the Bill would either reflect a wish to pursue more stringent reductions, or provide a symbolic affirmation of existing commitments.

The Joint Committee heard compelling evidence that the achievement of the existing targets constituted a significant obstacle in themselves and some members were reluctant to introduce additional targets for the period to 2020.

3.2 Extent to which the Climate Action and Low Carbon Development Bill 2013 should specify a Reduction Target for 2050 in line with the European Union Roadmap figure of 80 – 95%

In July 2009, the leaders of the European Union and the G8 (Group of Eight – Canada, France, Germany, Italy, Japan, Russia, United Kingdom and United States of America) agreed an objective to reduce greenhouse gas emissions by at least 80% below 1990 levels by 2050. In October 2009 the European Council set the appropriate abatement for Europe and other developed countries at 80 – 95% below 1990 levels by 2050. To elaborate on the steps necessary to achieve this goal, the European Climate Foundation commenced a study which ultimately led to the publication of *‘Roadmap 2050: a practical guide to a prosperous, low-carbon Europe’*. The Roadmap is founded on the principle that the transition to a low carbon society would boost economic activity by providing a stimulus to innovation and investment in clean technologies and renewable energy. To make the transition, the Commission estimates that an annual investment level of 1.5% of Gross Domestic Product would have to be made up to 2050. For Europe as a whole, the Commission believes that 1.5 million new jobs could be created if revenues from carbon taxes and emission trading were used to lower labour costs.

A reduction of the magnitude suggested, constitutes the European Union contribution to the international effort to keep global warming below the level of 2° Centigrade above pre-industrial levels. This is now accepted internationally as the level at which ‘dangerous climate change’ as stated in the United Nations Framework Convention on Climate Change occurs. The 5th Assessment Report of the Intergovernmental Panel on Climate Change has further reinforced the critical need to commence global emission reductions not later than 2020 to offer a reasonable chance of avoiding this threshold. Ireland has been a signatory to each Intergovernmental Panel on Climate Change Assessment Report from 1990 and also to the agreements emanating from Cancun and Doha which reaffirmed this strategic objective.

Specific inclusion of this target reduction occurred in previous legislative attempts.

(1) The Climate Change Response Bill 2010:

“For the purposes of this Act, the emissions reduction target for the year 2050 shall be 80 per cent.”

(2) The Labour Party Bill 2009, and the All Party Bill 2010

“It is the duty of the [Minister] to ensure that the State’s net carbon account for the year 2050 is at least 80 per cent lower than the 1990 baseline.”

No constitutional impediment was apparent during the debate on the above three Bills.

The Joint Committee heard legal arguments to the effect that a specified target for 2050 represented an aspiration to be achieved, and would not expose a Minister to legal challenges in the event a target was not achieved.

A legislative commitment to an 80% reduction is contained in the British Climate Change Bill.

The absence of a strategic target for 2050 was considered by many witnesses to militate against principles of climate justice, especially when viewed from the Developing World.

Intermediate targets are incorporated in the European Union Roadmap 2050. Reductions of 40% by 2030 and 60% by 2040 are proposed. Like the Roadmap itself, these are not agreed by all Member States and discussions on the 2030 target commenced under the Irish Presidency. The European Union Commission completed a consultation exercise in July 2013 and, based on views expressed by Member States, intends to table a 2030 framework for climate and energy policies by the end of 2013. Since it is unclear what burden sharing arrangement might be put in place for individual Member States, and what new reductions might be agreed after Kyoto Phase 2 is complete, some members of the Joint Committee considered it premature to specify targets for these two intermediate periods at this stage. Responsibility for this may possibly be considered part of the future duties of the Expert Advisory Group.

Some members of the Joint Committee considered that it is desirable, however, to express the long-term objectives of a low carbon Bill in more specific terms and to include a definition of what is meant by low carbon development as a strategic objective. Ultimately, this is likely to be a figure derived from the European Union Roadmap (80 – 95% emission reduction by 2050), depending on what burden sharing arrangements are put in place. Pending this, however, some members of the Joint Committee were of the opinion that a definition more appropriate for national circumstances might be considered (see Section 4.5).

3.3 Preparation and Sequencing of National and Sectoral Carbon Roadmaps

Procedures for the preparation of national and sectoral roadmaps as described in Head 5 of the Bill were subject to considerable comment in both written and oral submissions. A number of issues were considered valid criticisms by the Joint Committee as follows:

- (1) The requirement that a National Roadmap be produced not less than once every seven years was not considered sufficient to address rapidly changing circumstances in both the international and national mitigation and adaptation

environments. In particular, the probability that only one such national roadmap would be prepared in the lead up to 2020 would not provide the flexibility to respond to the emerging international consensus on climate policy. A five-year cycle was considered preferable with annual carbon budgets and indicative sectoral budgets established in consultation with the Expert Advisory Body.

- (2) The sequencing of national and sectoral roadmaps proposed in Head 5 of the Bill was heavily criticised both in the hearings and at Joint Committee level on the basis that preparing sectoral roadmaps before the national roadmap did not provide the discipline necessary to ensure national objectives would be adhered to in the aggregation of sectoral roadmaps. The sentiments expressed by the Joint Committee were principally in agreement with the many submissions which argued that indicative emission reductions for the preparation of sectoral roadmaps should follow the national roadmap and be consistent with its overall objectives.

3.4 Particular Position of Agriculture

The Joint Committee noted evidence that the contribution of the agricultural sector to national emissions is approximately 30% as opposed to an European Union average of less than 10%. This poses particular difficulties for Ireland in meeting agreed targets both in the period to 2020 and in the longer term to 2050. While agriculture has achieved a reduction in emissions from 1990, concerns were expressed in the hearings that the achievement of Harvest 2020 objectives, particularly increased dairy outputs, were difficult to reconcile with continued reductions in methane emissions. Concerns were also expressed that increased cattle numbers may have implications for fertiliser-related emissions in a situation where a derogation from the Nitrates Directive is currently in place on a temporary basis.

The publication of the Draft Report on the analysis of environmental impacts of Food Harvest 2020 in September 2013 indicated an increase in agriculturally-related CO₂ equivalent emissions of 8.5% by 2020 was likely to occur relative to a 2007 – 2009 baseline. This compares with a figure of 9.6% from an earlier Environmental Protection Agency study relative to a 2010 baseline. Due to the slightly different baselines, both figures are roughly comparable and confirm that Harvest 2020 (which is an industry-led initiative and not a national plan, and therefore has not produced a formal Strategic Environmental Assessment) will not of itself contribute to achieving the reductions in national greenhouse emissions required annually to 2020.

Particular concern was expressed that climate variability, such as occurred during the spring of 2013, may render the agricultural sector exposed to additional vulnerability and was not fully incorporated in the Harvest 2020 initiative. Higher cattle numbers, and consequently higher fodder demands, did not appear to have been adequately factored into the Harvest 2020 plan in conjunction with possibilities of increased climate variability.

Submissions in relation to agriculture emphasised the difficulties associated with emission reductions, and also with carbon leakage, should production be curtailed in Ireland because of emission limitations. Contrasting views on the role Irish agriculture could play in alleviating food insecurity were heard. Sustainable intensification, it was argued, could assist in bridging the gap emerging between current food production and growing global population numbers. However, it was also argued that Irish agricultural exports were predominantly to developed countries and not to developing countries threatened by climate change-induced food

insecurity. Notwithstanding these difficulties, the sector submitted that Food Harvest 2020 could be delivered with a zero increase in emissions due to several potential mitigation actions that could be employed and the formalisation of offsets such as on-farm forestry.

The Joint Committee accepted the strategic importance of the agricultural sector and accepted the principle that other sectors offered better marginal reduction cost opportunities for initial decarbonisation. In the absence of national policy on agricultural emissions, the Joint Committee may consider a zero emissions growth proposal as a benchmark for future emissions policy in the agricultural sector and seek the more substantive reductions required both for 2020 and beyond from the other three sectors. A move towards agricultural emissions neutrality in the longer term should clearly be required to be progressed in the period to 2020.

Rain-fed and grass based agriculture offers a more sustainable emissions trajectory than more intensive forms of livestock farming practised elsewhere in the European Union and further afield. Some members of the Joint Committee considered that the sector might investigate potential radical emission management arrangements at European Union level such as an agricultural emissions trading scheme whereby competitive agricultural sectors such as in Ireland could achieve a greater share of future emissions than those from non-competitive nations.

3.5 Definition of Low Carbon Development

Since the objective of the legislation is ultimately to change behaviour and facilitate the achievement of national goals in respect of climate change mitigation, a measure of what the ultimate effort entails is necessary. Only by having a specific objective can indicators of progress be monitored. The Joint Committee is mindful that such a target may be agreed at European Union level in the form of the 80 – 95% reduction described in 3.2. Pending this long-term target, or any burden sharing arrangement associated with it, the Joint Committee considered the proposition that the Bill might meanwhile specify the criteria outlined by the Minister in his evidence to the Joint Committee, viz:-

- (1) Near zero emissions for 2050 in the Energy, Buildings and Transport Sectors;
- (2) Carbon neutrality in the Agricultural sector.

For the purposes of assessing progress towards carbon neutrality, an internationally agreed methodology as regards the counting of sinks is essential. Currently, emissions and removals of greenhouse gases relating to Land Use, Land-Use Change and Forestry may be counted towards the EU's emissions reduction target under the Kyoto Protocol, but are not allowable to meet the 20% target for 2020 under the Climate and Energy package.

On 12 March 2012, the Commission submitted to the European Parliament and to the Council a proposal as a first step towards the inclusion of the Land Use, Land-Use Change and Forestry sector in the European Union's emission reduction commitment. This resulted in the adoption of Decision No. 529/2013/EU of the European Parliament and of the Council of 21 May 2013 on accounting rules on greenhouse gas emissions and removals resulting from activities relating to Land Use, Land-Use Change and Forestry, and on information concerning actions relating to those activities. In assessing sinks for the purposes of making sectoral plans, existing European Union regulations would require to be employed in

formulating sectoral roadmaps. It would appear logical that the advice of the Expert Advisory Body would be sought where necessary in addressing these.

3.6 Inclusion of Principles of Climate Justice

Since Ireland on a per capita basis has one of the highest greenhouse gas emission rates, its responsibility to those impacted by climate change was emphasised by several submissions. The Joint Committee heard from several witnesses that recognition of this in the legislation is appropriate to include as a principle which should be considered in framing the national and sectoral roadmaps.

In fulfilment of commitments made under the Copenhagen Accord, Member States committed to providing €7.2 billion fast start finance over the period 2010 – 2012. This is to enable developing countries to better protect themselves against severe weather events and other adverse effects associated with climate change, and to develop their economies along sustainable pathways.

Central to the issue of Climate Justice is the participation of developed countries in the Green Climate Fund agreed at Cancun as a successor to the fast start finance instrument. The Joint Committee welcomed the commitments given by the Minister that Ireland would play its full role as a Member State in supporting this initiative. In supporting this initiative, the Joint Committee stress the importance that finances should be additional to Ireland's Overseas Aid budget, and not at the expense of it.

The Bill should provide for the establishment of a national Green Climate Fund within, or alongside, the Environment Fund to receive money from the carbon tax, Emissions Trading System auctioning, and similar sources, and to use that money to support climate mitigation and adaptation in developing countries. The fund would also be used to support Ireland's contribution to the Green Climate Fund currently now established through the United Nations Framework Convention on Climate Change.

3.7 Independence of the National Expert Advisory Body

The role of the Expert Advisory Body is seen as crucial to the successful implementation of the legislative objectives. Such a body is required:-

- (1) To provide foresight on the likely consequences of emission reduction strategies in relation to meeting the existing obligations of the State under the law of the European Union or other international agreements to which the State is party;
- (2) To advise the Minister as to changing scientific knowledge on climate change impacts, vulnerability and adaptation;
- (3) To advise the relevant Minister in relation to the preparation of a sectoral roadmap;
- (4) To advise the Government in relation to the preparation of a national roadmap;
- (5) To advise relevant Agencies where research is required for achievement of the objectives of the Bill;

- (6) To submit an Annual Report to the Minister on progress made in achieving emission reductions and furthering the transition to a low carbon, climate resilient and environmentally sustainable economy.

To carry out these functions, the Expert Advisory Body requires a high degree of independence and to be able to draw on appropriate technical support from the relevant public service departments. The model of the Fiscal Advisory Council is seen as appropriate to achieve this. As with the Fiscal Advisory Council, the Expert Advisory Body requires to be able to publish its own reports independent of government. Its independence also requires that it have no ex-officio members, but be supported by a small technical secretariat as proposed by National Economic and Social Council. This 'Office of Climate Change' would include the officials currently proposed in Head 6 of the Bill and be chaired by the Director General of the Environmental Protection Agency.

The Mandate of the Expert Advisory Body would be:-

- (1) To prepare an Annual Report for the Minister, and for the Joint Oireachtas Committee on the Environment, Culture and the Gaeltacht, on the extent of compliance with mandatory emission requirements over the previous year and an assessment of existing policies on the projected emission amounts expected for the forthcoming year (as with the Fiscal Advisory Council, this Report shall be published within 10 days of presenting it to Government);
- (2) To advise the Minister regarding emission requirements for the forthcoming year, having considered the national and sectoral Roadmaps in force at that time;
- (3) To advise the Minister on the implications of any new European Union requirements associated with Roadmap 2050 or subsequent strategies which impact on Irish climate policies;
- (4) To advise Ministers of the Government engaged in the preparation of sectoral Roadmaps of the progress required of them in the transition to a low carbon development status.

Subsequent to the receipt of the Expert Advisory Body's Annual Report, the Minister shall, as mandated in Head 10 of the Bill, report to Dáil Éireann on the emissions reduction achieved and provide an overview of any corrective measures envisaged to maintain progress towards a low carbon, climate resilient and environmentally sustainable economy. Where additional measures are required, these shall be consistent with the advice given by the Expert Advisory Body. In the event that this advice is not implemented, the Minister shall lay before Dáil Éireann a statement of the Government's reasons for not accepting it. This is a similar requirement to the Fiscal Advisory Council.

4. POSSIBLE COURSES OF ACTION THAT MIGHT BE CONSIDERED

The Joint Committee is of the opinion that some or all of the following, having regard to the submissions received, the hearings process, and their assessment of the priorities involved, may be considered in future deliberations on the Bill.

4.1 Issues Related to Emission Limits

4.1.1 That Ireland's existing annual emission limits as agreed in March 2013 under the European Union Effort Sharing Decision, or any further modification of these, should constitute the required mitigation objectives of the Bill for the period 2013 – 2020.

4.1.2 That Ireland's annual emission limits for the periods 2030, 2040 and 2050 should be as ultimately agreed by Member States under the European Union Roadmap 2050, or any future burden sharing arrangement which is agreed at European Union level. The Joint Committee notes that the European Union Commission's framework for climate and energy policy is intended to be finalised before the end of 2013 and considers compliance with this, and further milestones for 2040 and 2050 as agreed with the European Union Commission, will satisfy the objectives of the Bill.

4.2 Issues Related to the Preparation of National and Sectoral Roadmaps

4.2.1 That the intervals between proposed national roadmaps for emission reductions should be not greater than 5 years.

4.2.2 That the preparation of sectoral roadmaps for emission reductions should be subsequent to the publication of the national roadmap for the relevant period, and, in aggregation, consistent with the prior targets established by the national roadmap.

4.3 Issues Related to the Agricultural Sector

4.3.1 That, conscious of the strategic national importance of the agricultural sector, and mindful of the probability that better prospects for major reductions in emissions exist in other sectors, national policy for future agricultural emissions to 2050 should be predicated on the basis of zero emissions growth relative to 2013 levels.

4.3.2 That, conscious of the desirability of supporting rain-fed / grass-based agriculture as opposed to more intensive, less sustainable forms of agriculture, the Joint Committee recommend that the Department of Agriculture, Fisheries and Food investigate non-national-based emission management strategies at European Union level, such as an agricultural emissions trading scheme, in which efficient

and sustainable Irish agricultural practices would be rewarded with increased emission quotas.

- 4.3.3 That, in preparing the sectoral roadmap for agriculture, a target of carbon-neutrality be established for 2050, with measurable progress towards this scheduled for 2020, 2030 and 2040. In establishing a methodology for the quantification of carbon sinks for this process, only acceptable criteria agreed under the prevailing Land Use, Land-Use Change and Forestry rules shall be permitted.

4.4 Definition of Low Carbon Development

- 4.4.1 For the purposes of the Bill, ‘Low Carbon Development’ shall be interpreted as near zero emissions for 2050 in the energy, buildings and transport sectors, and carbon neutrality in the agricultural sector. Any subsequent agreement by the Government of the day to adopt specific targets under the European Union Roadmap 2050 shall supersede this definition.

4.5 Inclusion of Climate Justice Dimension

- 4.5.1 That, recognising that the proposed legislation should incorporate principles of climate justice, the Bill should provide for the establishment of a national Green Climate fund ring-fenced within, or separate to, the Environment Fund. This would be used to support climate mitigation and adaptation in developing countries and constitute Ireland’s contribution to the international Green Climate Fund established under the United Nations Framework Convention on Climate Change. It should receive monies from present and future carbon taxes, emissions trading profits and other environmental taxation sources, and would not receive funds from the existing overseas aid budget.

4.6 Functions and Composition of National Expert Advisory Body

- 4.6.1 The Expert Advisory Body shall consist of a Chairperson and not more than five other members, all of whom shall be independent of State or stakeholder interests. It shall be supported by a Technical Secretariat composed of the Director / Director General / Chief Executive Officer of the Environmental Protection Agency, the Sustainable Energy Authority of Ireland, Teagasc – the Irish Agriculture and Food Development Authority and the Economic and Social Research Institute. Up to two other members may be co-opted at the request of the Expert Advisory Body where it requires particular expertise.
- 4.6.2 The Expert Advisory Body shall exercise its functions independently and obtain the assistance of the Technical Secretariat in acquiring and processing data relevant to its activities.
- 4.6.3 The Expert Advisory Body shall be empowered to publish its Annual Reports subsequent to submitting them to the Minister and to the Joint Oireachtas Committee on Environment, Culture and the Gaeltacht.

4.6.4 The Annual Transition Report to Dáil Éireann shall be concluded by a statement from the Taoiseach as Chair of the Cabinet Committee on Climate Change detailing the progress made in emission reductions in the preceding year and outlining the programme for achieving the required reductions in each sector for the forthcoming year.

5. OBSERVATIONS ON THE OUTLINE HEADS OF THE CLIMATE ACTION AND LOW CARBON DEVELOPMENT BILL 2013

5.1 Observations on the Outline Heads of the Climate Action and Low Carbon Development Bill 2013

The Joint Committee has made a number of observations on the Outline Heads of the Bill and these are detailed below.

5.2 Head 2 – Interpretation of the Bill

Add to the end of the list in Head 2 and before the ‘Explanatory Note’

“to pursue and achieve transition to a low carbon, climate resilient and environmentally sustainable economy in the period up to and including 2050” means the ultimate objective of the Bill is to achieve carbon neutrality for the agricultural sector by 2050, and near 100% decarbonisation for the energy, buildings and transport sectors by the same date.

5.3 Head 3 – Effect of the Bill

Add to 1(iv)

“REGULATION (EU) No 525/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC.”

5.4 Head 4 – Low Carbon Future

Add to 1

1. The Government shall arrange for the adoption and implementation of plans, in accordance with the provisions of Head 5, to enable the State to pursue and achieve transition to a low carbon, climate resilient and environmentally sustainable economy in the period up to and including 2050. In pursuit of a low-carbon Ireland by 2050 the Government shall endeavour to secure near-zero carbon dioxide equivalent emissions in the energy, buildings and transport sectors, and carbon neutrality in agriculture and land use.

5.5 Head 5 – National Low Carbon Roadmap

Modify 1

1. The Minister shall:-

- (a) not later than 12 months after the passing of the Bill;
- (b) not less than once in every period of 5 years;

make and submit to the Government, a plan, which shall be known as a national low carbon roadmap (in this Act referred to as a ‘national roadmap’.

Modify 7.

7. Following completion of the national roadmap, 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 roadmaps’, specifying the measures that they propose to adopt for the purposes of:-

- (a) Achieving sectoral emissions reductions;
- (b) Enabling the sectors concerned to adapt to the effects of climate change.

In aggregation, such sectoral maps shall be consistent with the requirements of the previously prepared national roadmap.

Add to 10 (a), (d), new (l)

10. The Minister and the Government shall take account of the following matters when performing functions under this Head:-

- (a) The need to take a long-term view, having regard to:-
 - (i) Any existing obligations of the State under the law of the European Union or any international agreement to which the provisions of Head 3 apply;
 - (ii) The likely future mitigation commitments of the State;
 - (iii) The requirement to be able to act quickly in response to economic occurrences and circumstances;
 - (iv) The principles of climate justice, in that those least responsible for climate change experience the most serious impacts.
- (b) The need to promote sustainable development.
- (c) The likely economic impact of a national roadmap or sectoral roadmap, as the case may be.

- (d) The need to secure and safeguard the provision of environmental goods and services, economic development, and competitiveness of the State
- (l) The need to complete a Strategic Environmental Assessment of the plan being proposed if required under the Strategic Environmental Assessment Directive (Directive 2001/42/EC).

Modify 14,18

- 14. (a) The Government shall consult with the Expert Advisory Body for the purpose of the performance by it of its functions under this Head;
- (b) The Minister shall consult with the Expert Advisory Body for the purpose of the performance by him or her of his or her functions under this Head;
- (c) A Minister of the Government shall consult with the Expert Advisory Body for the purpose of the making by him or her of a sectoral road map.
- 18. A Minister of the Government shall, in the performance of his or her functions, act in a manner consistent with the national roadmap approved by the Government under this Head.

5.6 Head 6 – National Expert Advisory Body on Climate Change

Modify 2 and 3

- 2. The Expert Advisory Body shall consist of a chairperson and not fewer than 3 and not more than 5 ordinary members.
- 3. Each of the following shall be members of a Technical Secretariat which supports the Expert Advisory Body:-
 - (i) The Director of the Economic and Social Research Institute;
 - (ii) The Director General of the Environmental Protection Agency;
 - (iii) The Chief Executive Officer of the Sustainable Energy Authority of Ireland;
 - (iv) The Director of Teagasc – the Irish Agricultural and Food Development Authority.

Modify 4, 5, 6, 10, 12 and 14 as follows: (Remove references to subhead 3)

- 4. The appointment of the chairperson and ordinary members of the Expert Advisory Body shall be subject to approval by the Government, on the nomination of the Minister, and appointments shall be made by order made by the Minister.

5. (a) The chairperson of the Expert Advisory Body shall hold office for such period (not exceeding 5 years) from the date of his or her appointment as shall be specified by the Minister in the order making the appointment.
- (b) An ordinary member of the Expert Advisory Body shall hold office for such period (not exceeding 5 years) from the date of his or her appointment as shall be specified by the Minister in the order making the appointment.
6. A member of the Expert Advisory Body whose term of office expires by the efflux of time shall be eligible for reappointment to the Expert Advisory Body.
10. The Minister may, at any time, remove an ordinary 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.
12. In appointing ordinary members 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.
14. The chairperson of a committee established under subhead (13) shall be a member of the Expert Advisory Body.

5.7 Head 7 – General Functions of the Expert Advisory Body

Modify 2

2. The Expert Advisory Body shall be independent in the performance of its functions. For the purposes of the performance of its functions, the Expert Advisory Body may:-
 - (a) Gather such information, or request the Technical Secretariat to gather such information, as the Expert Advisory Body considers necessary or appropriate;
 - (b) Request the Technical Secretariat to conduct such research as the Expert Advisory Body considers necessary or appropriate, or to arrange for such research to be conducted;
 - (c) Meet and consult with such persons (including members of the public) as it considers appropriate.

5.8 Head 8 – Annual Report of the Expert Advisory Body

Modify 2, delete 2(f) (ii)

2. The Annual Report shall be published not less than 10 days after submission to the Minister and to the Joint Oireachtas Committee on Environment, Culture and the Gaeltacht . It shall contain:-

.....

(f) A summary of:-

- (i) The activities of the Expert Advisory Body under subhead (2) of Head 7;
- (ii) Any information gathered in accordance with that subhead;
- (iii) The findings made as a consequence of any research conducted in accordance with that subhead.

5.9 Head 9 – Periodic Reviews of the Expert Advisory Body

Modify 7

7. The Expert Advisory Body shall publish its Annual, and any special Reports commissioned by the Minister online on the Department of Environment, Community and Local Government website subsequent to their delivery to the Minister and to the Joint Oireachtas Committee on Environment, Culture and the Gaeltacht.

5.10 Head 10 – Annual Transition Reporting to Dáil Éireann

Add 2(c)

2. (c) A concluding statement by the Taoiseach as Chair of the Cabinet Committee on Climate Change summarising the activities of the Cabinet Committee over the past year and reaffirming the Government's commitment to achieve the objectives required for the forthcoming year arising from national or international obligations.

5.11 Head 11 – Duties of Public Bodies

Modify 1

1. A public body shall, in the performance of its functions, act in compliance with:-

6. PRINCIPAL POINTS IN HEARING FROM INVITED WITNESSES WHO MADE WRITTEN SUBMISSIONS

6.1 Professor Peadar Kirby, Professor Emeritus of International Politics and Public Policy, University of Limerick

Main Points of Submission:-

- (1) Robust and regular targets are required;
- (2) Overall responsibility should be vested in the Department of the Taoiseach;
- (3) The objectives of the Bill should not be driven predominantly by economic considerations;
- (4) An independent Expert Group is required;
- (5) A low carbon society needs to be given equal weight with a low carbon economy.

Selected Comment:-

“The fact that the National Economic and Social Council Report itself took the emphasis off targets was most unfortunate, setting up an entirely spurious opposition between top down targets and bottom up measures to achieve them.”

6.2 Brian Ó Gallachóir Uasal, Energy Policy and Modelling Group, Environmental Research Institute, National University of Ireland, Cork

Main Points of Submission:-

- (1) Significant non ETS emission reductions may be achieved through electrification of heating and increasing biofuel use in transport;
- (2) Targets are useful to provide an overarching goal – without a renewable energy electricity target the current success in wind energy would have been unlikely to be realised.

Selected Comment

“Challenging CO₂ emissions reductions such as 80% and 95% relative to 1990 levels can be achieved technically in Ireland. Reductions are important in the whole energy system, but mainly in transport, power sector and industry sectors.”

6.3 Irish Corporate Leaders on Climate Change (Bord Gáis, Bord na Móna, Diageo, KPMG, NTR, Siemens, Sodexo and Vodafone)

Main Points of Submission:-

- (1) Incorporate into legislation a fair target for 2050 in line with achieving the scale of emissions reductions already agreed by European Union leaders;
- (2) Grant the advisory body the sole ‘right of initiative’ for the national roadmap;
- (3) Reduce the period of the national roadmaps from 7 to 5 years and require sectoral roadmaps to be based on the national one;
- (4) Proposed national roadmap should come first with initial input from the EAB;
- (5) The Expert Advisory Body requires to be given an enhanced role and greater independence – the fact that it has no stakeholder representation is to be welcomed ;
- (6) Annual reporting should involve the Taoiseach.

Selected Comment

“From a business perspective this legislative Act has the potential to both provide much greater regulatory certainty to investors; and to facilitate the implementation of an optimal policy mix, which capitalises on opportunities while minimising associated costs for Ireland. It can ensure therefore that climate policy is advanced so that it dovetails with economic recovery.”

6.4 Mr Conor Linehan, Private Citizen

Main Points of Submission:-

- (1) The issue of whether a Government failing to meet a specific target could be subject to a judicial review challenge was rejected in Britain on the grounds that targets involve a political rather than a legal duty;
- (2) There is a lack of clarity regarding what is meant by ‘policy measures’ i.e. voluntary or legal in nature;
- (3) The basis of any legal concerns from the Attorney General’s Office should be available to the Committee

Selected Comment

“To the extent that it is a concern of the Irish Government that it may be exposing itself to legal action by setting a target, the legislative process in the UK, prior to the adoption of the UK Climate Change Act 2008, provides a significant degree of reassurance that the setting of a target does not, of itself, entail legal difficulties in terms of exposing the Government to direct enforcement action as a result of any failure to meet a specific target.”

6.5 Irish Dairy Industries, Food and Drink Industries, and Meat Industry Ireland

Main Points of Submission:-

- (1) Sustainable food production is required to address global food insecurity;
- (2) Carbon cannot be engineered out of cows but on-farm efficiencies can offer emission reductions per unit of production – further incentives are not required to this as profitability is a sufficient motivation;
- (3) An Implementation Committee for Food Harvest 2020 should assume responsibility for the sectoral roadmap for agriculture.

Selected Comment

“It is not inconceivable that a differing approach to dealing with global agricultural emissions will be developed as part of the 2030 and 2050 strategies.”

6.6 Trócaire

Main Points of Submission:-

- (1) Principles of climate justice, responsibility and coherence should inform climate policy and be recognised in Head 4 of the Bill;
- (2) A target reduction of 80 – 95% for 2050 requires to be included in Head 4 of the Bill;
- (3) Low carbon roadmaps should be developed every 3 – 5 years;
- (4) The Expert Advisory Body should have authority to publish its Annual Reports independent of Government.

Selected Comment

“Just a few weeks ago... the Tánaiste stated: ‘We will be one of the first countries in the EU [European Union] to enshrine our climate change targets in domestic law’.”

6.7 Irish Business and Employers’ Confederation

Main Points of Submission:-

- (1) Although not a stakeholder body, the Expert Advisory Body should be able to access industry expertise through standing committees or task forces;
- (2) The Expert Advisory Body should not be modelled on the corresponding Committee in the United Kingdom;

- (3) The Irish Business and Employers' Confederation opposes unilateral national targets and an independent commission that could hold the Government accountable;
- (4) The Irish Business and Employers' Confederation opposes the involvement of the Department of the Taoiseach.

Selected Comment

“In the context of a fragile economic recovery, IBEC believes that it is vital that Ireland’s energy / climate policy framework should not impose a cost burden on employers any greater than is absolutely necessary.”

6.8 Bird Watch Ireland

Main Points of Submission:-

- (1) Legally binding target of 80 – 95% for 2050;
- (2) 5-year roadmaps with carbon budgets to include references to the need to protect biodiversity and ensure no further damage to valuable ecosystems occur from mitigation and adaptation strategies;
- (3) Independent Expert Advisory Body with power to publish its own results;
- (4) Climate Justice principles enshrined in the Bill;
- (5) Oblige relevant Departments and state agencies to develop ecosystem based approaches to conserve and enhance carbon sequestration.

Selected Comment

“If Ireland is to meaningfully reduce carbon emissions, then in the first instance, and as a priority, significant effort should be concentrated on restoring or capping the carbon loss from peat-land.”

6.9 Stop Climate Chaos

Main Points of Submission:-

- (1) Include a legally binding target of 80 – 95% for 2050;
- (2) 5-year carbon budgets that address the targets;
- (3) Incorporate natural environment considerations into mitigation and adaptation strategies;
- (4) Independent Climate Change Commission with power to publish its own results;
- (5) Climate Justice principles included in the Bill.

Selected Comment

“The Climate Bill is about mapping out a strong and sustainable future for Ireland. It is also about ensuring Ireland lives up to its global responsibilities. As a nation that has benefited from our own development to date, we need to do our fair share.”

6.10 Electricity Association of Ireland

Main Points of Submission:-

- (1) Existing European legislative frameworks, targets and objectives be adopted;
- (2) A robust commitment to a least cost delivery of national and European Union objectives in support of economic development;
- (3) Advocates that the Expert Advisory Body should have business interests from the electricity sector represented on it;
- (4) Electrification of heating and transport must occur earlier in Ireland to accommodate agricultural emissions;
- (5) A framework within which the treatment of agricultural emissions can be addressed at European Union level is needed;
- (6) A framework in which the lack of cohesion between key climate and energy policy instruments can be resolved is necessary.

Selected Comment

“A recent judgement by the French Council of State (Supreme Court) overturning a national energy efficiency programme in part because of failure to take account of climate impacts, serves to highlight the issues involved.”

6.11 Environmental Pillar

Main Points of Submission:-

- (1) Certainty is required to drive investment in low carbon development – this necessitates decadal targets enshrined in the legislation – targets for 2030, 2040 and 2050 are required to motivate change in governance structures;
- (2) Legally binding 5-year carbon budgets are required to provide certainty to businesses, households and decision makers;
- (3) National Economic and Social Council’s vision for an agency-led approach has been ignored in the Heads of Bill and should be advanced in tandem with an independent Climate Change Committee;

- (4) Black carbon as a climate forcing agent should be formally incorporated into the Bill.

Selected Comment

“We wish to see Irish legislation achieve at least the same level of robustness and innovation as reached by our neighbours in their climate legislation.”

6.12 An Taisce – the National Trust for Ireland

Main Points of Submission:-

- (1) Quantifiable targets are required for accountability – legally binding target of 80 – 95% for 2050;
- (2) 5-year roadmaps with carbon budgets;
- (3) Independent Expert Advisory Body.

Selected Comment

“Without substantial reform, the Bill will remain “gutless” and “toothless”.”

6.13 Professor Ray Bates, Meteorological and Climate Centre, School of Mathematical Sciences, National University of Ireland Dublin

Main Points of Submission:-

- (1) Recommends a ‘gradualist’ approach to emission reductions;
- (2) Much of what appears to be man-made climate change in this region is actually climate variability;
- (3) If emissions continue unabated, the warming of the past century will continue, though with a rate of increase not quite as fast as previously feared;
- (4) Slower rates of change may make Ireland relatively attractive for food production.

Selected Comment

“As well as being motivated by climate change projections, whose magnitude must realistically be regarded as uncertain, these stringent EU [European Union] emission reduction targets are based on considerations of gaining economic advantage by leading in the development of low-carbon energy technologies and on political considerations of EU energy independence.”

6.14 Friends of the Earth – Ireland

Main Points of Submission:-

- (1) Proposes specific wording for an 80% reduction in greenhouse gas emissions as a national objective for 2050 based on previous draft Bills – a legally binding carbon budget 2008 – 2012 for Kyoto produced no legal issues – the purpose of targets is to establish political accountability rather than legal accountability;
- (2) Proposes inclusion of a climate justice sub head;
- (3) 5-year roadmap with metrics similar to Kyoto – national roadmaps are required before sectoral roadmaps;
- (4) Expert Advisory Body similar in powers to Irish Fiscal Advisory Council;
- (5) A complementary body (Office of Climate Change) constituted from within the Government and Senior Officials Group is also proposed;
- (6) Expert Advisory Body mandated to send its Annual Report to the relevant Oireachtas Committee that can act as a scrutineer of performance.

Selected Comment

“Our own analysis and our conversations with legal experts in Ireland and elsewhere indicate strongly that it is eminently possible to frame the targets in climate legislation in a way that emphasizes their purpose as drivers of political accountability rather than as a licence to litigate.”

6.15 Ceartas – Irish Lawyers for Human Rights

Main Points of Submission:-

- (1) As it stands the Bill misses an opportunity for cross-party consensus, a critical component for a long-term approach to mitigation;
- (2) The absence of an independent expert body misses an opportunity to de-politicise the issues and have them driven by scientific concerns instead of sectoral interests;
- (3) Fears of a legal challenge to a long term strategic target are unfounded based on experience elsewhere – long-term targets already exist in areas such as the Water Framework Directive, Air Quality, Landfill, etc and are entirely compatible, and perhaps necessary, to support a comprehensive and economy-wide transition to a low carbon profile – setting carbon budgets drives a long term policy agenda through all government agencies;
- (4) Legal challenges may be more likely in the event of a Minister taking action in the absence of a statutory basis;
- (5) National legislation is central to the prospects of a global deal in 2015.

Selected Comment

“There is an absolute limit to the extent to which a State can appeal to the mechanics of international climate change policy in order to provide a rationale for its own ambition; the absolute determinant for ambition is the scientific evidence embraced by the Intergovernmental Panel on Climate Change, the United Nations Framework Convention on Climate Change, the European Union and the G8. The laws of physics are non-negotiable.”

6.16 Institute for International and European Affairs

Main Points of Submission:-

- (1) Endow the Expert Advisory Body the ‘sole right of initiative’ for the national roadmap, and power to publish its advice as a matter of course;
- (2) Ensure that roadmaps include clear targets to enable benchmarking;
- (3) Require sectoral roadmaps to consider the national roadmap, not vice-versa;
- (4) Oblige the Minister to consider the advice of the Expert Advisory Body in his / her annual progress report to the Oireachtas.

Selected Comment

“This Bill is long overdue and the sooner the implementation measures envisaged under the Bill are put into place in a practical way the better.”

APPENDIX 1 – RECORD OF HEARINGS

A webcast of all public hearings, including invited witnesses who did not make written submissions during the public consultation phase, can be accessed on the archives pages of the Houses of the Oireachtas Service (www.oireachtas.ie).

http://www.oireachtas.ie/parliament/oireachtasbusiness/committees_list/environmentcultureandthegaelacht/submissions/

APPENDIX 2 – RECORD OF WRITTEN SUBMISSIONS

A record of all written submissions to the Joint Committee can be accessed on the archives pages of the Houses of the Oireachtas Service (www.oireachtas.ie).

http://www.oireachtas.ie/parliament/oireachtasbusiness/committees_list/environmentcultureandthegaelacht/submissions/

APPENDIX 3 – GENERAL SCHEME OF A CLIMATE ACTION AND LOW CARBON DEVELOPMENT BILL 2013 – DRAFT HEADS AS SUBMITTED TO COMMITTEE

Draft Heads

- Head 1 Short Title.
- Head 2 Interpretation.
- Head 3 Effect of the Bill.
- Head 4 Low carbon future.
- Head 5 National Low Carbon Roadmap.
- Head 6 National Expert Advisory Body on Climate Change.
- Head 7 General functions of the Expert Advisory Body.
- Head 8 Annual report of the Expert Advisory Body.
- Head 9 Periodic reviews by the Expert Advisory Body.
- Head 10 Annual transition reporting to Dáil Éireann.
- Head 11 Duties of public bodies.
- Head 12 Regulations.

Head 1: Short Title

To provide that:

This Bill may be cited as the Climate Action and Low Carbon Development Bill 2013.

Explanatory Note

This Head gives the title of the Bill

Head 2: Interpretation

To provide that:

In this Bill –

“Agency” means the Environmental Protection Agency established under section 19 of the Environmental Protection Agency Act 1992 (No. 7 of 1992);

“adaptation” means any adjustment to —

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

“Convention” means the United Nations Framework Convention on Climate Change done at New York on 9 May 1992;

“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;

“Expert Advisory Body” has the meaning assigned to it by Head 6;

“greenhouse gas” means—

- (a) carbon dioxide,
- (b) methane,
- (c) nitrous oxide,
- (d) hydrofluorocarbons,

- (e) perfluorocarbons, or
- (f) sulphur hexafluoride;

“Minister” means the Minister for the Environment, Community 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;

“national roadmap” shall be construed in accordance with subhead (1) of Head 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 Head 9;

“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 roadmap” shall be construed in accordance with subhead (7) of Head 5;

“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
- (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;

“sustainable development” means development which meets the needs of the present without compromising the ability of future generations to meet their own needs.

Explanatory Note

This is a standard provision setting out definitions/interpretations used in the Bill. In the further development of this Head, work will be carried out to ensure that the definitions are consistent with relevant provisions of European and international instruments binding the State. For example, the definition of “greenhouse gas” may need to be amended to reflect the recent adoption by the Kyoto Protocol CMP of amendments to Annex A of the Protocol adding nitrogen trifluoride to the list of greenhouse gases for the purposes of the Protocol.

Head 3: Effect of the Bill

To provide that:

1. Nothing in this Bill, a national roadmap or a sectoral roadmap shall operate to affect—
 - (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 2001 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 2003 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 2009 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.

Explanatory Note

This Head clarifies the unequivocal commitment to existing and future obligations of the State under EU law and any international agreement to which the State is or may become a Party. Specifically, the Bill does not affect, or in any way exempt or relieve the State from its obligations under the Strategic Environmental Assessment Directive, the Emissions Trading Scheme Directives, the 2009 Effort Sharing Decision setting out the obligations of EU Member States to reduce their greenhouse gas (GHG) emissions in the sectors of the economy not covered by the EU Emissions Trading Scheme (under this Decision, Ireland has a target to reduce non-ETS emissions by 20% by 2020, as compared to 2005), any international agreements or any associated domestic legislation. In the further development of this Head, consideration will be given to the question of whether the Habitats Directive (Directive 92/43/EEC) needs to be explicitly referenced.

Head 4: Low Carbon Future

To provide that:

1. The Government shall arrange for the adoption and implementation of plans, in accordance with the provisions of Head 5, to enable the State to pursue and achieve transition to a low carbon, climate resilient and environmentally sustainable economy in the period up to and including the year 2050.
2. In adopting and implementing plans for the purposes of subhead (1), Ministers shall, having regard to –
 - (a) the ultimate objective of the Convention and any mitigation commitment entered into by the European Union in response or otherwise in relation to that objective,
 - (b) any existing obligation of the State under the law of the European Union or any international agreement, to which the provisions of Head 3 apply, and
 - (c) the national greenhouse gas emissions inventory and projection profile,

aim to ensure the achievement of the transition objective set out in subhead (1) in the earliest, cost-effective manner, and no later than the end of the year 2050.

Explanatory Note

This Head places a responsibility on the Government to make arrangements, by way of plans (national and sectoral low-carbon roadmaps), aimed at achieving transition to a low-carbon, climate resilient and environmentally sustainable economy in a cost effective way and as soon as possible (and not later than 2050). In making these arrangements, the relevant Ministers are required to consider and have regard to -

- the ultimate objective of the UN Framework Convention on Climate Change (set out below);
- any related or otherwise relevant greenhouse gas mitigation commitment of the European Union;
- any relevant commitment of the State under EU law or any international agreement (this would include, for example, Ireland’s target to achieve a 20% reduction in emissions in the non-ETS sectors of the economy by 2020, under the 2009 Effort-Sharing Decision, as well as any future commitments/targets entered into in an EU context), and
- the national GHG emissions inventory and projection profile produced each year by the EPA.

The ultimate objective of the Convention is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change,

to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

Head 5: National Low Carbon Roadmap

To provide that:

1. The Minister shall -
 - (a) not later than 12 months after the passing of this Bill, and
 - (b) not less than once in every period of 7 years,make, and submit to the Government, a plan, which shall be known as a national low carbon roadmap (in this Act referred to as a “national roadmap”).
2. The national roadmap referred to in subhead (1) shall, inter alia,
 - (a) articulate a national vision for the transition to a low carbon, climate resilient and environmentally sustainable economy over the period to 2050,
 - (b) address any existing obligation of the State under the law of the European Union or any international agreement, to which the provisions of Head 3 apply, and
 - (c) incorporate sectoral roadmaps as approved by the Government under subhead 9(a) or (b).
3. The Minister may, after the submission to the Government of a report under Head 9 consequent upon a periodic review, make, and submit to the Government, a national roadmap revising or replacing an existing national roadmap.
4. A national roadmap shall specify the policy measures that, in the opinion of the Government, would be required in order to—
 - (a) achieve the management of net greenhouse gas emissions at a level commensurate with the national transition objective set out in Head 4(1),
 - (b) ensure, as a minimum, compliance with any existing obligation of the State under the law of the European Union or any international agreement, to which the provisions of Head 3 apply, and
 - (c) enable the State to adapt to the effects of climate change.
5. The Government may—
 - (a) approve, or
 - (b) approve, subject to such modifications as they consider appropriate, a national roadmap submitted to them under this Head.

6. The Government may vary or revise a national roadmap approved by them under this Head.
7. 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 roadmaps”, specifying the measures that they propose to adopt for the purpose of—
 - (a) achieving sectoral emissions reduction, or
 - (b) enabling the sectors concerned to adapt to the effects of climate change.
8.
 - (a) Where the Government make a request under subhead (7), 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 roadmap.
 - (b) In the preparation of a sectoral roadmap, the Minister concerned shall take account of the matters referred to in subhead (10).
9. The Government may—
 - (a) approve,
 - (b) approve, subject to such modifications as they consider appropriate, or
 - (c) refuse to approvea sectoral roadmap submitted to them under this Head.
10. The Minister and the Government shall take account of the following matters when performing functions under this Head:
 - (a) the need to take a long-term view having regard to—
 - (i) any existing obligation of the State under the law of the European Union or any international agreement, to which the provisions of Head 3 apply;
 - (ii) likely future mitigation commitments of the State, and
 - (iii) the requirement to be able to act quickly in response to economic occurrences and circumstances;
 - (b) the need to promote sustainable development;
 - (c) the likely economic impact of a national roadmap or sectoral roadmap, as the case may be;
 - (d) the need to secure and safeguard the economic development and competitiveness of the State;
 - (e) the need to take advantage of economic opportunities both within and outside the State;

- (e) that the objectives of a national roadmap are achieved at the least cost to the national economy and that any measures adopted to achieve those objectives are cost effective;
 - (f) the need to maximise economic efficiency at a national level and within particular sectors of the economy;
 - (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 measures;
 - (j) any sectoral roadmaps approved by the Government; and
 - (k) any recommendations or advice of the Expert Advisory Body.
11. A national roadmap shall be laid before Dáil Éireann as soon as may be after it is approved by the Government.
12. The Minister may, for the purposes of subhead (1) or (3), make two separate roadmaps—
- (a) one of which shall specify the policy measures to which paragraphs (a) and (b) of subhead (4) apply, and may be referred to as a greenhouse gas national mitigation plan, and
 - (b) one of which shall specify the policy measures to which paragraph (c) of subhead (4) applies, and may be referred to as a national climate change adaptation framework,
- and references in this Bill to a national roadmap shall be construed as including a reference to a plan or framework referred to in paragraph (a) or (b).
13. Where, for the purposes of subhead (7), the Government requests a Minister to make a sectoral roadmap under paragraph (a) and (b) of that subhead, the Minister concerned may make two separate sectoral roadmaps—
- (a) one of which shall specify the policy measures to which paragraph (a) of subhead (7) applies, and may be referred to as a sectoral greenhouse gas national mitigation plan, and
 - (b) one of which shall specify the policy measures to which paragraph (b) of subhead (7) applies, and may be referred to as a sectoral climate change adaptation plan,
- and references in this Bill to a sectoral roadmap shall be construed as including a reference to a plan referred to in paragraph (a) or (b).
14. (a) The Government may consult with the Expert Advisory Body for the purpose of the performance by them of their functions under this Head.
- (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 Head.

- (c) A Minister of the Government may consult with the Expert Advisory Body for the purpose of the making by him or her of a sectoral roadmap.

15. The Minister shall, before making a national roadmap—

- (a) publish, following consultation with the relevant Ministers, in such manner as he or she considers appropriate, a draft of the national roadmap that he or she proposes to make,
- (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 roadmap within such period (not exceeding 2 months from the date of 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).

16. A Minister of the Government shall, before making a sectoral roadmap—

- (a) publish, following consultation with the relevant Ministers in such manner as he or she considers appropriate, a draft of the sectoral roadmap that he or she proposes to make,
- (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 roadmap within such period (not exceeding 2 months from the date of 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).

17. Neither a national roadmap nor a sectoral roadmap shall be implemented unless it has been approved by the Government in accordance with this Head.

18. A Minister of the Government shall, in the performance of his or her functions, have regard to a national roadmap approved by the Government under this Head.

Explanatory note:

This Head requires the Minister for the Environment, Community and Local Government to make, and submit to Government, a National Low Carbon Roadmap, incorporating sectoral roadmaps prepared by the relevant Ministers and approved by Government. The National Low Carbon Roadmap will:

- contain a national vision for the transition to a low-carbon, climate resilient and environmentally sustainable economy, and
- address, and specify policy measures required to ensure compliance with, any relevant, climate related, existing obligation of the State under EU law or any international

agreement (this would include, for example, Ireland’s target to achieve a 20% reduction in emissions in the non-ETS sectors of the economy by 2020, under the 2009 Effort-Sharing Decision).

When preparing both the National Low Carbon Roadmap and the sectoral roadmaps, the relevant Ministers are required to take a long term view having regard to any relevant, climate related, existing obligation of the State under EU law or any international agreement and any likely future mitigation commitments.

Provision is made for the Government and the Minister to consult with the Expert Advisory Body on matters relating to the performance of their functions under this Head. Provision is also made for Ministers of Government to consult with the Expert Advisory Body on matters relating to the making of sectoral roadmaps.

It is intended that individual sectoral roadmaps will operate in their own right as well as being incorporated into a national roadmap.

In the further development of this Head, consideration needs to be given as to whether the SEA Directive (Directive 2001/42/EC) needs to be referenced in subhead 10

Head 6: National Expert Advisory Body on Climate Change

To provide that:

1. There shall stand established, from a date to be prescribed by the Minister, a body, which shall be known as the National Expert Advisory Body on Climate Change (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—
 - (a) a chairperson, and
 - (b) not fewer than 5 and not more than 7 ordinary members (including ordinary members to whom subhead (3) applies).
3. Each of the following shall, *ex officio*, be ordinary members of the Expert Advisory Body:
 - (a) the Director General of the Agency;
 - (b) the Chief Executive Officer of the Sustainable Energy Authority of Ireland;
 - (c) the Director of Teagasc; and
 - (d) the Director of the Economic and Social Research Institute.
4. The appointment of the chairperson and ordinary members (other than an ordinary member to whom subhead (3) applies) of the Expert Advisory Body shall be subject to approval by the Government, on the nomination of the Minister, and appointments shall be made by order made by the Minister.

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

(b) An ordinary member (other than an ordinary member to whom subhead (3) applies) of the Expert Advisory Body shall hold office for such period (not exceeding 5 years) from the date of his or her appointment as shall be specified by the Minister in the order making the appointment.
6. A member (other than an ordinary member to whom subhead (3) applies) of the Expert Advisory Body whose term of office 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 Public Expenditure and Reform.
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 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 by the Expert Advisory Body of its functions.
10. The Minister may, at any time, remove an ordinary member (other than an ordinary member to whom subhead (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.
11. The Expert Advisory Body may act notwithstanding one or more than one vacancy among its members.
12. In appointing ordinary members (other than ordinary members to whom subhead (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—
 - (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.
14. The chairperson of a committee established under subhead (13) shall be a member (other than an ordinary member to whom subhead (3) applies) of the Expert Advisory Body.

15. The Agency shall—

- (a) provide the Expert Advisory Body with such services of a secretarial, administrative and research nature as the Agency considers necessary, and
- (b) permit the Expert Advisory Body to avail of the use of its premises, or such part of its premises as the Agency considers appropriate, for the purposes of the performance by the Expert Advisory Body of its functions.

Explanatory note:

This Head provides for the establishment of a National Expert Advisory Body on Climate Change that will have a range of duties provided for in Head 7. It is to be a high level body comprising of members with a broad range of expertise and is specifically not a stakeholder/representative body.

The Body will be located on the EPA premises, which will also provide administrative support.

Head 7: General functions of the Expert Advisory Body

To provide that:

1. The functions of the Expert Advisory Body shall be to advise and make recommendations to—
 - (a) the Minister in relation to –
 - (i) the preparation of a national roadmap, or
 - (ii) compliance with any existing obligation of the State under the law of the European Union or any international agreement, to which the provisions of Head 3 apply,
 - (b) a Minister of the Government in relation to the making by him or her of a sectoral roadmap,
 - (c) the Government in relation to the approval of a national roadmap, or
 - (d) the Government or any Minister of Government in respect of any policy or proposed 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 Agency—
 - (a) gather such information, or request the Agency to gather such information, as the Expert Advisory Body considers necessary or appropriate,
 - (b) request the Agency to conduct such research as the Expert Advisory Body considers necessary or appropriate, or to arrange for such research to be conducted, and
 - (c) meet and consult with such persons (including members of the public) as it considers appropriate.

Explanatory Note:

This Head sets out the general functions of the Expert Advisory Body. It is envisaged that it will play a key role in Ireland's mitigation and adaptation efforts and the transition to a low-carbon, climate resilient and environmentally sustainable economy. This Head sets out the specific functions of the Body and is designed to give as much flexibility and right of initiation as possible to the Body while maintaining the clear role of the Government and the Minister in public policymaking. The aim is to ensure that the very highest quality of advice, based on the most up to date science and taking account of all other relevant factors, is available to the Government and individual Ministers to enable robust, responsive, evidence based policymaking. It is an explicit function of the Expert Advisory Body to advise and make recommendations to the Minister in relation to compliance with any relevant, climate related, existing obligation of the State under EU law or any international agreement.

Head 8: Annual report of the Expert Advisory Body

To provide that:

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

- (c) recommendations as to the most cost effective ways of achieving emissions reductions for the purposes of the national transition objective set out in subhead (1) of Head 4,
- (d) a review and such recommendations, if any, as the Expert Advisory Body considers necessary or appropriate in relation to compliance with any existing obligation of the State under the law of the European Union or any international agreement, to which the provisions of Head 3 apply,
- (e) such other recommendations or advice as the Expert Advisory Body considers necessary or appropriate for the purposes of achieving that objective, and
- (f) a summary of—
 - (i) the activities of the Expert Advisory Body under subhead (2) of Head Z,
 - (ii) the activities of the Agency pursuant to a request under that subhead,
 - (iii) any information gathered in accordance with that subhead, and
 - (iv) the findings made as a consequence of any research conducted in accordance with that subhead.

3. The Expert Advisory Body shall, subject to the consent of the Government, publish an annual report prepared under subhead (1) in such manner as the Government determines.

Explanatory Note:

The Head requires the Expert Advisory Body to prepare and submit an annual report to Government by the end of June each year. The annual report should comprise a summary of the findings and recommendations set out in the national inventory of greenhouse gas emissions prepared by the EPA and a set of projections which set out the distance to relevant targets. The report will, *inter alia*, make recommendations in relation to the most cost-effective way of achieving the overall objective set out in Head 4(1) and contain a review, and any appropriate recommendations that the Expert Advisory Body consider necessary, in relation to compliance with any relevant, climate related, existing obligation of the State under EU law and any international agreements.

Head 9: Periodic Reviews by Expert Advisory Body

To provide that:

1. The Expert Advisory Body shall, not later than 18 months after it is established, conduct a review (in this Act referred to as a “periodic review”) of—
 - (a) progress made in furthering transition to a low carbon, climate resilient and environmentally sustainable economy, and
 - (b) the most recent national roadmap and its implementation.

2. The Expert Advisory Body may, at any time that it considers appropriate having regard to—
 - (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
 - (c) the need to maintain progress in achieving the purposes of this Act,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, and the most recent national roadmap and its implementation.
3. The Minister may request the Expert Advisory Body to conduct a periodic review in accordance with subhead (2).
4. The Expert Advisory Body shall, not later than 30 days after receiving a request under subhead (3), either—
 - (a) initiate a periodic review, or
 - (b) where it is of the opinion that a periodic review is not necessary having regard to paragraphs (a) and (b) of subhead (2), notify the Minister of its opinion and the reasons therefor.
5. The Expert Advisory Body shall, not later than 30 days after the completion of a periodic review, prepare and submit to the Government a report of its findings and recommendations consequent upon that review.
6. A report under subhead (5) shall include—
 - (a) where the report is prepared consequent upon a periodic review (other than a periodic review to which subhead (1) applies), a statement of the reason for the periodic review,
 - (b) a consideration of the national transition objective set out in subhead (1) of Head 4 and any matters relating thereto that the Expert Advisory Body considers appropriate,
 - (c) a consideration of compliance with any existing obligation of the State under the law of the European Union or any international agreement, to which the provisions of Head 3 apply, and any matters relating thereto that the Expert Advisory Body considers appropriate,
 - (d) such advice or recommendations in relation to the national roadmap or any sectoral roadmap as the Expert Advisory Body considers appropriate, and
 - (e) such advice or recommendations in relation to compliance with any existing obligation of the State under the law of the European Union or any international agreement, to which the provisions of Head 3 apply, and

- (f) 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, including in relation to potential future obligations of the State under the law of the European Union or any international agreement as envisaged respectively in the provisions of Head 3(1)(a) and (b).

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

Explanatory note:

This Head makes provision for the Expert Advisory Body to undertake periodic reviews to ensure that climate policy in Ireland remains up to date with the latest scientific, technological and policy developments nationally and internationally, and that progress is maintained on the implementation of the National Low Carbon Roadmap. The Expert Advisory Body may initiate a periodic review at any time where it is of the opinion that scientific or technological advances, or European or international policy developments warrant a review, or the Minister may request that a periodic review be carried out. A report arising from a periodic review must contain a consideration of, and where appropriate, advice or recommendations on, compliance with any relevant, climate related, existing obligation of the State under EU law or any international agreement. A report can also include advice or recommendations, if the Expert Advisory Body consider it necessary, in relation to the potential future obligations of the State under any relevant EU law or any international agreement.

Head 10: Annual Transition Reporting to Dáil Éireann

To provide that:

1. The Minister, and each Minister of the Government responsible for a sectoral low carbon roadmap approved under subhead (9)(a) or (b) of Head 5, shall, at least once a year following approval by the Government, report to Dáil Éireann in accordance with this Head (in a process which in this Act is referred to as an “Annual Transition Report”).
2. The annual transition report shall comprise –
 - (a) a statement by the Minister which shall, as a minimum, include:
 - (i) an overview of the policy measures adopted to achieve emission reductions aimed at further transition to a low carbon, climate resilient and environmentally sustainable economy, in accordance with the national transition objective set out in subhead (1) of Head 4,
 - (ii) an overview of the policy measures adopted to enable the State to adapt to the effects of climate change, in accordance with the national transition objective set out in subhead (1) of Head 4,

- (iii) a record of emissions in respect of the latest year for which an emissions inventory is available,
 - (iv) a projection of future emissions, and
 - (v) a report on compliance with any existing obligation of the State under the law of the European Union or any international agreement, to which the provisions of Head 3 apply.
- (b) a statement by each Minister of the Government responsible for a sectoral roadmap approved under subhead 9(a) or (b) of Head 5 which shall, as appropriate –
 - (i) record the sectoral measures adopted to achieve emission reductions,
 - (ii) containing an assessment on the effectiveness of the measures referred to in sub-paragraph (i) in the achievement of their purpose,
 - (iii) recording the policy measures adopted to enable the sector to adapt to the effects of climate change,
 - (iv) containing an assessment on the effectiveness of the measures referred to in sub-paragraph (iii) in achieving their purpose.
- 3. Where an assessment referred to in subhead (2) concludes that the measures concerned have not been effective or sufficiently effective in the achievement of their purpose, the statement by the Minister concerned shall set out the additional measures that, in the opinion of the Government, are required to achieve that purpose.
- 4. In identifying additional measures for the purposes of subhead (3), the Minister of the Government concerned shall have regard to –
 - (a) any relevant advice or recommendations of the Expert Advisory Body, and
 - (b) the views of any other Ministers of the Government with responsibilities under subhead (1).
- 5. Where, in identifying additional measures for the purposes of subhead (3), a Minister of the Government does not propose to follow relevant advice or recommendations provided by the Expert Advisory Body, the reasons for not doing so shall be included in his or her statement in accordance with subhead 2(b).

Explanatory Note:

This Head provides for an annual transition reporting mechanism. It provides that once a year the Minister for the Environment, Community and Local Government and each Minister with responsibility for preparing a Sectoral Low Carbon Roadmap will report to Dáil Éireann on progress made in the transition to a low-carbon, climate resilient and environmentally sustainable economy. It specifically provides that the Minister for the Environment, Community and Local Government must report on compliance with any relevant, climate related, existing obligation of the State under EU law or any international agreement.

Where progress on measures for this transition has not been sufficiently effective or needs to be stepped up, each responsible Minister must outline additional measures that, in his or her opinion are required to make the necessary progress.

If it is the case that the relevant Minister does not intend to follow advice or recommendations provided by the Expert Advisory Body, the reasons for that decision must be provided as part of his or her statement in the Annual Transition Reporting Process.

Head 11: Duties of Public Bodies

To provide that:

1. A public body shall, in the performance of its functions, have regard to –
 - (a) the most recent national roadmap approved by the Government,
 - (b) any sectoral roadmap that has a bearing on its 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 the effects of climate change in the State.
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 -
 - (a) the measures that the public body has adopted for the purposes of compliance by the public body with subhead (1), and
 - (b) the progress made by the public body in the performance of its functions in the manner referred to in that subhead.
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 subhead (1).
4. A public body shall comply with a direction under this Head.
5. In this Head -

“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,
- (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,
- (d) In the case of a public body to which subparagraph (4) of that paragraph applies, the Minister for Health,
- (e) In the case of a public body to which subparagraph (5) of that paragraph applies
 - (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 in relation to that public body.

Explanatory Note:

This Head makes provision to ensure that public bodies consider fully, and integrate, the objectives set out in the National Low Carbon Roadmap in their strategic planning and day to day decision making, and take the necessary steps in respect of mitigation and adaptation in their areas of responsibility.

It also provides that a relevant Minister may at any time require a public body to produce a report setting out the policy measures implemented to meet the objectives set out in the National Low Carbon Roadmap and the progress on these measures. A relevant Minister may also direct a public body to adopt measures to ensure compliance with the National Low Carbon Roadmap.

This Head also defines a public body for the purposes of this Bill. The definition refers to the list specified under Freedom of Information legislation.

Head 12: Power to make regulations

To provide that:

1. The Minister may in addition to any specific power conferred on him or her to make regulations, make regulations generally for the purposes of implementing the national transition objective set out in subhead (1) of Head 4.
2. Before making regulations under subhead (1)(b), the Minister shall -

- (a) obtain and take into account the advice of the National Climate Change Expert Advisory Body;
 - (b) consult, and take into account, the views, if any, of other Ministers concerned, providing them with a copy of the advice received from the Expert Advisory Body.
3. Where it is proposed to make regulations under subhead (1)(b), a draft of the Regulations shall be laid before each House of the Oireachtas and the regulations shall not be made until a resolution approving of the draft has been passed by each such House, or noted by each such House having been passed by a Joint Committee of their members.

Explanatory Note

This Head makes provision for the Minister for the Environment, Community and Local Government to make regulations in order to achieve the objective of the Bill as set out in Head 4. This Head will need to be developed further to ensure that the required principles to guide the Minister in making regulations are clearly set out. It is expected that legal advice will be required in due course on the appropriate framing of the Minister's regulation-making powers.

It is proposed to consider, in the further development of this Head and in consultation with any relevant Ministers, the inclusion of powers for the Minister for the Environment, Community and Local Government to make regulations relating to critical infrastructure and for the Minister for Jobs, Enterprise and Innovation to make regulations requiring companies to report on their emissions.

APPENDIX 4 – TERMS OF REFERENCE OF COMMITTEE

a. Functions of the Committee – derived from Standing Orders [DSO 82A; SSO 70A]

- (1) The Select Committee shall consider and report to the Dáil on—
 - (a) such aspects of the expenditure, administration and policy of the relevant Government Department or Departments and associated public bodies as the Committee may select, and
 - (b) European Union matters within the remit of the relevant Department or Departments.
- (2) The Select Committee may be joined with a Select Committee appointed by Seanad Éireann to form a Joint Committee for the purposes of the functions set out below, other than at paragraph (3), and to report thereon to both Houses of the Oireachtas.
- (3) Without prejudice to the generality of paragraph (1), the Select Committee shall consider, in respect of the relevant Department or Departments, such—
 - (a) Bills,
 - (b) proposals contained in any motion, including any motion within the meaning of Standing Order 164,
 - (c) Estimates for Public Services, and
 - (d) other matters as shall be referred to the Select Committee by the Dáil, and
 - (e) Annual Output Statements, and
 - (f) such Value for Money and Policy Reviews as the Select Committee may select.
- (4) The Joint Committee may consider the following matters in respect of the relevant Department or Departments and associated public bodies, and report thereon to both Houses of the Oireachtas—
 - (a) matters of policy for which the Minister is officially responsible,
 - (b) public affairs administered by the Department,
 - (c) policy issues arising from Value for Money and Policy Reviews conducted or commissioned by the Department,
 - (d) Government policy in respect of bodies under the aegis of the Department,
 - (e) policy issues concerning bodies which are partly or wholly funded by the State or which are established or appointed by a member of the Government or the Oireachtas,
 - (f) the general scheme or draft heads of any Bill published by the Minister,
 - (g) statutory instruments, including those laid or laid in draft before either House or both Houses and those made under the European Communities Acts 1972 to 2009,
 - (h) strategy statements laid before either or both Houses of the Oireachtas pursuant to the Public Service Management Act 1997,
 - (i) annual reports or annual reports and accounts, required by law, and laid before either or both Houses of the Oireachtas, of the Department or bodies referred to in paragraph (4)(d) and (e) and the overall operational results, statements of strategy and corporate plans of such bodies, and

- (j) such other matters as may be referred to it by the Dáil and/or Seanad from time to time.
- (5) Without prejudice to the generality of paragraph (1), the Joint Committee shall consider, in respect of the relevant Department or Departments—
 - (a) EU draft legislative acts standing referred to the Select Committee under Standing Order 105, including the compliance of such acts with the principle of subsidiarity,
 - (b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,
 - (c) non-legislative documents published by any EU institution in relation to EU policy matters, and
 - (d) matters listed for consideration on the agenda for meetings of the relevant EU Council of Ministers and the outcome of such meetings.
- (6) A sub-Committee stands established in respect of each Department within the remit of the Select Committee to consider the matters outlined in paragraph (3), and the following arrangements apply to such sub-Committees—
 - (a) the matters outlined in paragraph (3) which require referral to the Select Committee by the Dáil may be referred directly to such sub-Committees, and
 - (b) each such sub-Committee has the powers defined in Standing Order 83(1) and (2) and may report directly to the Dáil, including by way of Message under Standing Order 87.
- (7) The Chairman of the Joint Committee, who shall be a member of Dáil Éireann, shall also be the Chairman of the Select Committee and of any sub-Committee or Committees standing established in respect of the Select Committee.
- (8) The following may attend meetings of the Select or Joint Committee, for the purposes of the functions set out in paragraph (5) and may take part in proceedings without having a right to vote or to move motions and amendments—
 - (a) Members of the European Parliament elected from constituencies in Ireland, including Northern Ireland,
 - (b) Members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
 - (c) at the invitation of the Committee, other Members of the European Parliament.

b. Scope and Context of Activities of Committees (as derived from Standing Orders [DSO 82; SSO 70])

- (1) The Joint Committee may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders.
- (2) Such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil and/or Seanad.
- (3) It shall be an instruction to all Select Committees to which Bills are referred that they shall ensure that not more than two Select Committees shall meet to consider a Bill on any given day, unless the Dáil, after due notice given by the Chairman of the Select Committee, waives this instruction on motion made by the

Taoiseach pursuant to Dáil Standing Order 26. The Chairmen of Select Committees shall have responsibility for compliance with this instruction.

- (4) The Joint Committee shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Committee of Public Accounts pursuant to Dáil Standing Order 163 and/or the Comptroller and Auditor General (Amendment) Act 1993.
- (5) The Joint Committee shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—
 - (a) a member of the Government or a Minister of State, or
 - (b) the principal office-holder of a body under the aegis of a Department or which is partly or wholly funded by the State or established or appointed by a member of the Government or by the Oireachtas:

Provided that the Chairman may appeal any such request made to the Ceann Comhairle / Cathaoirleach whose decision shall be final.

APPENDIX 5 – MEMBERS OF COMMITTEE

Mr James Bannon TD	(Fine Gael)	
Mr Paudie Coffey TD	(Fine Gael)	
Mr Noel Coonan TD	(Fine Gael)	Leas-Chathaoirleach
Ms Marcella Corcoran Kennedy TD	(Fine Gael)	
Mr Barry Cowen TD	(Fianna Fáil)	
Mr Luke Flanagan TD	(Independent)	
Mr Kevin Humphreys TD	(Labour)	
Mr Michael Mc Carthy TD	(Labour)	Cathaoirleach
Mr Tony Mc Loughlin TD	(Fine Gael)	
Ms Michelle Mulherin TD	(Fine Gael)	
Ms Catherine Murphy TD	(Independent)	
Mr Gerald Nash TD	(Labour)	
An t-Uasal Seán Ó Fearghaíl TD	(Fianna Fáil)	
Mr Brian Stanley TD	(Sinn Féin)	
An t-Uasal Peadar Tóibín TD	(Sinn Féin)	
Senator Cáit Keane	(Fine Gael)	
Senator Denis Landy	(Labour)	
An Seanadóir Fiach Mac Conghail	(Neamhspleách)	
Senator Hildegard Naughten	(Fine Gael)	
An Seanadóir Labhrás Ó Murchú	(Fianna Fáil)	
Senator Ned O’Sullivan	(Fianna Fáil)	