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**AN BILLE UM GHNÍOMHÚ AERÁIDE AGUS UM  
FHORBAIRT ÍSEALCHARBÓIN, 2015  
CLIMATE ACTION AND LOW CARBON DEVELOPMENT  
BILL 2015**

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**EXPLANATORY MEMORANDUM**

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**Purpose of the Bill**

The purpose of the Bill is to provide for the approval of plans by the Government in relation to climate change for the purpose of pursuing the transition to a low carbon, climate resilient and environmentally sustainable economy by the year 2050.

**Principal Elements of the Bill**

*Section 1 — Interpretation* provides for the definition of various words and phrases used in the Bill.

*Section 2 — Effect of Act* provides for an unequivocal commitment to existing or future obligations of the State under the law of the European Union (EU) and under any relevant international agreement. EU law here includes Directive 2003/87/EC relating to the EU's Emissions Trading Scheme and Decision No. 406/2009/EC (the so-called Effort Sharing Decision of 2009), which sets greenhouse gas mitigation targets for the period from 2013 to 2020, inclusive.

*Section 3 — Low Carbon Transition* provides for the making, by the Minister for the Environment, Community and Local Government, and submission to the Government for approval of:

- a National Low Carbon Transition and Mitigation Plan (Section 4); and
- a National Climate Change Adaptation Framework (Section 5);

for the purpose of enabling the State to pursue, and achieve, the transition to a low carbon, climate resilient and environmentally sustainable economy by the year 2050 (in the Bill referred to as the “national transition objective”).

When considering a Plan or Framework for approval, the Government shall endeavour to achieve the national transition objective by the implementation of measures that are cost effective, having regard to any existing obligation of the State under EU law or any relevant international agreement as well as the ultimate objective of the United Nations Framework Convention on Climate Change, which is to achieve stabilisation of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous human interference with the climate system.

*Section 4 — National Low Carbon Transition and Mitigation Plan* provides that the Minister for the Environment, Community and Local Government shall make, and submit to the Government for approval, a National Low Carbon Transition and Mitigation Plan (in the Bill referred to as a “National Mitigation Plan”) within 24 months after enactment and not less than once every five years thereafter.

A National Mitigation Plan shall specify the manner in which it is proposed to achieve the national transition objective, taking into account any existing obligation of the State under EU law or any relevant international agreement. In particular, a National Mitigation Plan shall specify the greenhouse gas mitigation policy measures (in the Bill referred to as “sectoral mitigation measures”) to be adopted by selected Ministers of the Government.

Before making a National Mitigation Plan, the Minister for the Environment, Community and Local Government shall engage in a public consultation exercise and have regard to any submissions made pursuant to such an exercise.

The Government may approve a submitted National Mitigation Plan, with or without modifications, and may vary or revise a National Mitigation Plan at a later date. A National Mitigation Plan shall be laid before Dáil Éireann after it has been approved by the Government.

*Section 5 — National Climate Change Adaptation Framework* provides that the Minister for the Environment, Community and Local Government shall make, and submit to the Government for approval, a National Climate Change Adaptation Framework (in the Bill referred to as a “National Adaptation Framework”) within 24 months after enactment, which shall be reviewable not less than once every five years thereafter.

A National Adaptation Framework shall specify the national strategy for the application of adaptation measures in different sectors and by a local authority in its administrative area for the purpose of reducing the vulnerability of the State to the negative effects of climate change and availing of positive effects of climate change that may occur.

Before making a National Adaptation Framework, the Minister for the Environment, Community and Local Government shall engage in a public consultation exercise and have regard to any submissions made pursuant to such an exercise.

The Government may approve a submitted National Adaptation Framework, with or without modifications, and may vary or revise a National Adaptation Framework at a later date. A National Adaptation Framework shall be laid before Dáil Éireann after it has been approved by the Government.

*Section 6 — Sectoral Adaptation Plan* provides for the making, and submission to the Government for approval, of sectoral adaptation plans by relevant Ministers of the Government. The sectoral adaptation plans shall specify the policy measures that would be required, having regard to the National Adaptation Framework, in order to enable the sectors concerned to adapt to the effects of climate change.

Before making a sectoral adaptation plan, the relevant Minister of the Government shall engage in a public consultation exercise and have regard to any submissions made pursuant to such an exercise.

The Government may approve a submitted sectoral adaptation plan, with or without modifications, and may vary or revise a sectoral adaptation plan at a later date.

*Section 7 — Matter of which Account is to be Taken, and Consultation, for the Purposes of Sections 5 and 6* provides that, in the making and approval of a National Adaptation Framework and a sectoral adaptation plan, account must be taken of a range of matters. These matters include existing and likely future relevant obligations of the State, the need to promote sustainable development, and relevant scientific and technical advice.

In performing their functions pursuant to Sections 5 and 6, the Government may consult with the Expert Advisory Council (Section 8), and the Minister for the Environment, Community and Local Government shall also consult with the Expert Advisory Council.

*Section 8 — Establishment of National Expert Advisory Council on Climate Change* provides for the establishment of a National Expert Advisory Council on Climate Change (in the Bill referred to as the “Expert Advisory Council”). The Minister for the Environment, Community and Local Government shall, by order, appoint a day to be the establishment day.

*Section 9 — Membership of Expert Advisory Council and Related Matters* provides that the Expert Advisory Council shall consist of a chairperson and between 8 and 10 ordinary members, 4 of whom shall be *ex officio* members comprising the Heads of the Environmental Protection Agency, Sustainable Energy Authority of Ireland, Teagasc, and Economic and Social Research Institute. The members shall be appointed by the Government, on the nomination of the Minister for the Environment, Community and Local Government. In nominating and appointing the chairperson and ordinary members (other than the *ex officio* members), regard shall be had to the range of qualifications, expertise and experience necessary for the proper and effective performance of the functions of the Expert Advisory Council.

The Environmental Protection Agency shall provide the Expert Advisory Council with appropriate secretarial and administrative services and permit it to use its premises for the performance by the Expert Advisory Council of its functions.

*Section 10 — Disclosure of Interests* provides that a member of the Expert Advisory Council shall disclose any material interest in any matter which falls to be considered by the Council, and for appropriate steps to be taken to ensure that he or she does not influence or seek to influence a decision in relation to the matter.

*Section 11 — General Functions of Expert Advisory Council* provides that the functions of the Expert Advisory Council are to advise and make recommendations to the Minister for the Environment, Community and Local Government, a Minister of the Government and the Government in relation to the performance of their functions under the Act, with particular regard to a National Mitigation Plan, a National Adaptation Framework and sectoral adaptation plans.

For the purposes of the performance of its functions, the Expert Advisory Council may gather such information as it considers necessary or appropriate and meet and consult with such persons as it considers appropriate.

*Section 12 — Annual Review by, and Annual Report of, Expert Advisory Council* provides for the Expert Advisory Council to conduct an annual review of progress made in achieving greenhouse gas emission reductions and in furthering transition to a low carbon, climate resilient and environmentally sustainable economy by 2050. Pursuant to such an annual review, the Expert Advisory Council shall prepare and submit to the Minister for the Environment, Community and Local Government an annual report on its findings and recommendations. The Expert Advisory Council shall publish this annual report directly not more than 30 days after submitting it to the Minister for the Environment, Community and Local Government.

*Section 13 — Periodic Review by Expert Advisory Council* provides that the Expert Advisory Council shall, not later than 18 months after its establishment, conduct a periodic review of progress made in meeting the State's greenhouse gas mitigation obligations under the EU's Effort Sharing Decision of 2009 and in furthering the achievement of the transition to a low carbon, climate resilient and environmentally sustainable economy by 2050. Subsequently, the Expert Advisory Council may conduct a periodic review at any time it considers appropriate and/or at the request of the Minister for the Environment, Community and Local Government. The Expert Advisory Council shall publish its periodic review report directly between 60 and 90 days after submitting it to the Minister for the Environment, Community and Local Government, who shall cause the report to be submitted to the Government.

*Section 14 — Annual Transition Statement to Dáil Éireann* provides that, on an annual basis, the Minister for the Environment, Community and Local Government will make a statement to Dáil Éireann providing, among other matters, an overview of the mitigation and adaptation policy measures required to achieve the national transition objective. In addition, each Minister of the Government with responsibility for sectoral mitigation measures shall be required to make, on an annual basis, a statement to Dáil Éireann on mitigation policy measures adopted to reduce emissions of greenhouse gases and on the effectiveness of those measures. Finally, each Minister of the Government with responsibility for a sectoral adaptation plan, as the Minister for the Environment, Community and Local Government considers appropriate, shall be required to make, on an annual basis, a statement to Dáil Éireann on sectoral adaptation policy measures adopted to adapt to the effects of climate change and on the effectiveness of those measures.

*Section 15 — Duties of Certain Bodies* provides that a relevant body shall, in the performance of its functions, have regard to, among other matters, the most recent National Mitigation Plan, National Adaptation Framework and sectoral adaptation plans. The relevant Minister may give a direction to a relevant body requiring it to prepare and submit a report specifying the measures that the relevant body has taken to comply with this Section. The relevant Minister may also give a direction to a relevant body requiring it to adopt such measures as are specified in the direction for the purposes of compliance with this Section.

The references to ‘a relevant body’ stem from the Freedom of Information Act 2014 and are made to capture the widest range of bodies to which the provisions of this Section may apply.

*Section 16 — Short Title* provides that the Act may be cited as the Climate Action and Low Carbon Development Act 2015.

*Department of the Environment, Community and Local Government,  
January, 2015.*