

Climate Action and Low Carbon Development (Amendment) Bill 2021

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Maggie Semple, Parliamentary Researcher (Environmental Science)

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Abstract

The [Climate Action and Low Carbon Development \(Amendment\) Bill 2021](#) sets out the legal framework for Ireland's transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by no later than 2050. It provides for a 2030 interim target, five-yearly carbon budgets, sectoral emissions ceilings, an annually updated Climate Action Plan and a Long-Term Climate Action Strategy. This Bill Digest seeks to assist members in the debate of the Bill and includes information on the policy context of the Bill, principal legal provisions, opportunities, international examples of climate law and stakeholder commentary.



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Quality Assurance on this L&RS Bill Digest was completed by Maeve Ní Liatháin, BL, Senior Parliamentary Researcher (Law) in L&RS and Dr. Rónán Kennedy, BL, Lecturer, School of Law, NUI Galway.

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1. Glossary & Abbreviations

Table 1: Glossary & Abbreviations

Glossary & Abbreviations	
2019 NECP	Ireland's 2019 National Energy and Climate Plan - the framework within which EU Member States must plan, in an integrated manner, their climate and energy objectives, targets, policies and measures.
Adaptation	Anticipating the adverse effects of climate change and taking appropriate action to prevent or minimise the damage they can cause or taking advantage of opportunities that may arise, e.g. building flood defences in anticipation of rising sea levels.
Advisory Council	Climate Change Advisory Council.
Agency	Environmental Protection Agency.
Biodiversity	The variability among living organisms from terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part, and includes the diversity within species, between species and of ecosystems.
Biogenic methane	A by-product of the digestive process in cattle and sheep and released into the atmosphere via belching or during the storage of manure and slurry.
Carbon budget	The total amount of greenhouse gas emissions that are permitted during the budget period.
Carbon leakage	Transfer, due to climate policies, of production to other countries with less restrictive policies with regard to greenhouse gas emissions.
Citizens' Assembly	A body formed from the citizens of a State to deliberate on an issue of local or national importance, in this case, climate action.
Climate Action Plan	Annually updated climate action plans as set out in the Bill.
Climate Justice	Defined in the Bill as "the requirement that decisions and actions taken to reduce greenhouse gas emissions and to adapt to the effects of climate change shall, in so far as it is practicable to do so, safeguard the rights of the most vulnerable persons and endeavour to share the burdens and benefits arising from climate change."
CO ₂	Carbon dioxide.
CO ₂ -eq	A CO ₂ equivalent, abbreviated as CO ₂ -eq is a metric measure used to compare the emissions from various greenhouse gases on the basis of their global warming potential, by converting amounts of other gases to the equivalent amount of CO ₂ with the same global warming potential. ¹
Committee	Oireachtas Joint Committee on Climate Action.
COP	Conference of the Parties (to meetings of the United Nations Framework Convention on Climate Change).
Draft Bill	Draft Climate Action and Low Carbon Development (Amendment) Bill 2020.
Department	Department of Environment, Climate and Communications.
EU ETS	Emissions Trading Scheme – the European carbon market. Europe's key tool in reducing greenhouse gas emissions cost effectively. Sectors which fall under the EU ETS include power generation and heavy industry.

¹ Source: Eurostat, n.d. *Glossary carbon dioxide equivalent* [online]. Available at: https://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary:Carbon_dioxide_equivalent [accessed on 22.03.2019]

EGD	European Green Deal . Provides the roadmap to make the EU carbon neutral by 2050.
Fossil fuels	Natural finite energy sources including peat, oil, gas and coal. Burning fossil fuels releases greenhouse gases and contributes to climate change.
GHG	Greenhouse gas. GHG emissions are associated with climate change. The three most important GHGs are carbon dioxide, methane and nitrous oxide.
GWP	Global Warming Potential - developed to allow comparisons of the global warming impacts of different gases. Specifically, it is a measure of how much energy the emissions of 1 ton of a gas will absorb over a given period of time, relative to the emissions of 1 ton of carbon dioxide (CO ₂). The more energy that a given gas absorbs, the more it can warm the Earth in comparison to CO ₂ over that period. ²
INDCs	Intended Nationally Determined Contributions (planned contributions by parties to the Paris Agreement to reduce GHGs).
IPPC	Intergovernmental Panel on Climate Change .
Just Transition	Seeks to align labour, social and environmental priorities.
Lifetime of a GHG	This relates to how long a given gas will stay in the atmosphere.
Minister	Minister for Environment, Climate and Communications.
Mitigation measures	Generally, involves measures aimed at reducing GHG emissions, for example, increasing the use of electric vehicles in favour of conventional cars. Mitigation may also be achieved by increasing the capacity of carbon sinks, e.g. through reforestation.
NAF	Ireland's National Adaptation Framework (2018) on Climate Change.
Nature-based solutions	Inspired and supported by nature, which are cost-effective, simultaneously provide environmental, social and economic benefits and help build resilience.
NCCS	Ireland's National Climate Change Strategy 2007-2012 (non-statutory).
NDP	Ireland's National Development Plan 2018-2027 (which includes strategic investment priorities to transition to a low carbon and climate resilient society).
NCO	National Climate Objective to pursue and achieve climate neutrality by 2050.
NMP	Ireland's National Mitigation Plan on Climate Change (2017) as required under the <i>Climate Action and Low Carbon Development Act 2015</i> .
Non-ETS	Sectors which do not fall under the EU ETS, i.e. agriculture, transport, residential, non-energy intensive industry, commercial services and waste.
NPF	Ireland's National Planning Framework to 2040
Paris Agreement	A legally binding international treaty on climate change adopted by 196 parties at COP21 in Paris in December 2015.
PLS	Pre-legislative scrutiny of the draft Bill by the Committee.
Principal Act	Ireland's Climate Action and Low Carbon Development Act 2015
Renewable Electricity Support Scheme (RESS)	The new RESS provides financial support to renewable electricity projects in Ireland and is an important part of progressing Ireland's target of 70% renewable electricity by 2030 as set out under the 2019 Climate Action Plan.
UNFCCC	United Nations Framework Convention on Climate Change
UN SDGs	United Nations 17 Sustainable Development Goals

² US EPA, n.d. *Understanding global warming potentials* [online]. Available at: <https://www.epa.gov/ghgemissions/understanding-global-warming-potentials> [accessed on 12.04.2021]

2. Background to the Bill

The Principal Act

The [Climate Action and Low Carbon Development Act 2015](#) (the Principal Act) placed national climate policy on a statutory footing for the first time in Ireland with the ultimate aim of pursuing the transition to a low carbon, climate resilient and environmentally sustainable economy by 2050. It provided for a National Mitigation Plan (NMP) to reduce greenhouse (GHG) emissions, a National Adaptation Framework (NAF) to respond to changes caused by climate change and Sectoral Adaptation Plans (SAPs). It also established the [Climate Change Advisory Council](#) (the Advisory Council), an independent advisory body tasked with assessing and advising on Ireland's transition towards a low carbon economy by 2050.

The need for strengthened climate legislation

A key criticism of the Principal Act was its lack of specific GHG emissions targets³ and in July 2020, the Supreme Court ruled that the national mitigation plan was unlawful in *Friends of the Irish Environment -v- The Government of Ireland & Ors* (the [Climate Case Ireland](#) case).⁴ To address these issues, the draft General Scheme of the Climate Action (Amendment) Bill 2019 was published by then Minister for Communications, Climate Action and Environment, Richard Bruton, TD, on 6th January 2020. Six months later, after the last General Election, the new Government published its Programme for Government, [Our Shared Future](#) (June 2020) which states its commitment to:

“an average 7% per annum reduction in overall greenhouse gas emissions from 2021 to 2030 (a 51% reduction over the decade) and to achieving net zero emissions by 2050. The 2050 target will be set in law by the Climate Action Bill, which will be introduced in the Dáil within the first 100 days of government, alongside a newly established Climate Action Council. The Bill will define how five-year carbon budgets will be set.”

The 2020 draft Bill

The [draft Climate Action and Low Carbon Development \(Amendment\) Bill 2020](#) (the draft Bill) was published on 7 October 2020. Key provisions of the draft Bill included:

- Setting a national 2050 climate objective;
- Introducing successive five-year carbon budgets from 2021;

³ Jackson, A., 2020. *Ireland's Climate Action and Low Carbon Development Act 2015: Symbolic legislation, systemic litigation, stepping stone?* [online]. Full report available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3680002 [accessed on 16.04.2021]

⁴ *Friends of the Irish Environment v The Government of Ireland & Ors*, [2020] IESC 49 [online]. Available at: https://www.courts.ie/view/judgments/681b8633-3f57-41b5-9362-8cbc8e7d9215/981c098a-462b-4a9a-9941-5d601903c9af/2020_IESC_49.pdf/pdf [accessed on 16.04.2021]

- Expanding the role of and making changes to the composition of the Climate Action Advisory Council;
- Annually revising the Climate Action Plan and preparing National Long-Term Climate Action Strategies at least every 10 years;
- Requiring all local authorities to prepare individual Climate Action Plans; and
- Increasing the oversight role of the Oireachtas through a Joint Committee.⁵

The draft Bill also sought to amend the [National Oil Reserves Agency \[NORA\] Act 2007](#) to expand the types of projects suitable for support under the Climate Action Fund.

Pre-legislative scrutiny of the draft Bill

The Oireachtas Joint Committee on Climate Action (the Committee) conducted pre-legislative scrutiny (PLS) on the draft Bill and held public hearings between 14 October and 4 November 2020. The Committee published their PLS Report on the draft Bill on 18 December, in which they made 78 recommendations and identified eight key themes as follows:

1. Language;
2. The Advisory Council;
3. Target structure;
4. Greenhouse gases including Biogenic Methane;
5. Nature-based solutions and biodiversity;
6. Carbon dioxide removal / negative emissions technologies;
7. Just Transition and Climate Justice; and
8. Accountability including consequences for shortfalls.

The 2021 Bill

The final evolution of the Government's proposed climate legislation, the [Climate Action and Low Carbon Development \(Amendment\) Bill 2021](#) (the Bill) was published on 23 March 2021 by the Minister for Environment, Climate and Communications, Eamon Ryan, T.D. It is scheduled for second stage debate in Dáil Éireann on Wednesday, 21 April 2021. This Bill is more ambitious than the draft Bill and provides for many of the recommendations made by the Committee including the use of stronger language and setting a 2030 interim GHG emissions reduction target.

The overarching aim of the Bill is to provide for the approval of plans by Government to enable Ireland to transition towards becoming a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by no later than 2050. It amends the Principal Act and contains the following key provisions:

- Sets an objective of climate neutrality by 2050;
- Sets an interim target of a 51% reduction in GHG emissions by 2030 relative to a baseline of 2018;

⁵ Gov.ie, 2020. *Climate Action and Low Carbon Development (Amendment) Bill 2020* [online]. 8 October. Available at: <https://www.gov.ie/en/publication/984d2-climate-action-and-low-carbon-development-amendment-bill-2020/> [accessed on 02.11.2020]

- Provides a framework for the development of enabling plans and strategies to reach the 2030 and 2050 targets as follows:
 - annual climate action plans,
 - five-yearly long-term climate action strategies,
 - five-yearly carbon budgets,
 - sectoral emission ceilings, and
 - national adaptation framework .
- Changes to the Climate Change Advisory Council including to its functions and membership;
- All local authorities must make individual local climate action plans; and
- Climate Reporting by the Minister to a Joint Oireachtas Committee.

The Bill also amends the [Planning and Development Act 2000](#) and the [NORA Act 2007](#).

The Department of Environment, Climate and Communications (the Department) has indicated that the following are intended to be introduced at Committee Stage of the Bill:

- changes to the [Electricity \(Supply\) \(Amendment\) Act 1954](#) to allow increased borrowing by ESB to help them decarbonise; and
- placing the ban on future licensing for oil and natural gas exploration and extraction on a statutory footing.

Notable omissions from the Bill relate to a proposed ban on the sale of new, and importation of, petrol and diesel vehicles by 2030 (which was included in the 2019 General Scheme of the Bill) and a ban on the importation of fracked gas and on liquefied natural gas (LNG) terminals.

L&RS resources on climate action and the Bill

The L&RS would like to draw readers attention to the [L&RS Bill Briefing Page](#) on the Bill which provides links to, among other things, the Bill, the L&RS and Committee PLS papers, recent media articles, L&RS and Government resources, official and specialist commentary, and links to climate action legislation in other jurisdictions.

3. Table of provisions of the Bill

The substantive elements of the Bill are summarised in **Table 1, Table of provisions** below.

Section	Title	Effect
Part 1: Preliminary and General		
1	Short title, commencement, construction, and collective citation	<p>This is a standard provision and provides that, if enacted, this Bill will be cited as the Climate Action and Low Carbon Development (Amendment) Act 2021. It will be commenced by ministerial order and different provisions may be commenced at different times.</p> <p>Sections 1-17 and the Principal Act will be read as one Act and cited as the Climate Action and Low Carbon Development Acts 2015 to 2021.</p>

2	Definition	The Principal Act is defined as the Climate Action and Low Carbon Development Act 2015
Part 2: Amendment of Principal Act		
3	Amendment of section 1 of Principal Act	This section amends section 1 (Interpretation) of the Principal Act to provide for insertions, substitutions and deletions of definitions.
4	Limitation of Liability	This is a new section which provides that there is no entitlement to financial compensation or remedy if there is a failure to comply with or a breach under the Act.
5	National Climate Objective	This section replaces section 3 (Low Carbon Transition) of the Principal Act with a National Climate Objective which commits the State to <u>pursue and achieve</u> the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by no later than the end of 2050.
6	Climate action plan and national long-term climate action strategy	This section replaces section 4 (national low carbon transition and mitigation plan) of the Principal Act with: <ul style="list-style-type: none"> • an annually updated climate action plan; and • a national long-term climate action strategy (prepared at least every five years).
7	Amendment of section 5 of Principal Act	This section amends section 5 (national climate change adaptation framework [NAF]) of the Principal Act. This means that, when performing their respective functions in relation to the NAF, the Minister and Government shall have regard to matters specified in S.4(8) of the Bill.
8	Amendment of section 6 of Principal Act	This section amends section 6 (sectoral adaptation plans or SAPs) of the Principal Act to give the Government the power to request two or more Ministers to make a 'joint sectoral adaptation plan' for matters for which they share responsibility. It also provides that the Minister and the Government must have regard to matters specified in s.4(8) when performing their functions under this section.
9	Carbon budgets	This section further mends section 6 (sectoral adaptation plans) of the Principal Act by inserting <u>new sections (6A to 6D) on carbon budgets</u> as follows: <ul style="list-style-type: none"> • 6A provides for the preparation of five-yearly carbon budgets. It also provides that the first two carbon budgets (2021-2025 & 2026-2030) shall provide for a cut in GHGs of 51% by 2030 from 2018 levels (the interim target);

		<ul style="list-style-type: none"> • Section 6B provides for the approval of carbon budgets; • Section 6C provides for sector emissions ceilings; and • Section 6D provides for the Minister to revise a carbon budget.
10	Amendment of section 9 of Principal Act	This section amends section 9 of the Principal Act (membership of the Advisory Council and related matters) by, among other things, increasing membership of the Advisory Council from 10 to 13 ordinary members, requiring members to have a range of expertise and to be gender balanced.
11	Amendment of section 11 of Principal Act	This section amends section 11 (general functions of the Advisory Council) of the Principal Act by updating the plans and strategies the Advisory Council can advise on and creating a new function – preparation, submission and amendments of carbon budgets.
12	Amendment of section 12 of Principal Act	This section amends section 12 (annual review by, and annual report of, Advisory Council) of the Principal Act by making changes to the annual review and annual report process carried out by the Advisory Council.
13	Amendment of section 13 of Principal Act	This section amends section 13 (periodic review by the Advisory Council) of the Principal Act by updating the list of plans which the Advisory Council must include when carrying out any periodic review.
14	Climate reporting	This section amends section 14 (presentation of annual transition statement to each House of the Oireachtas) of the Principal Act by inserting a new section, 14A on climate reporting . It requires the Minister to present to a joint committee on the latest climate action plan, compliance with carbon budgets (from 2022), levels of GHG emissions and the implementation of adaptation policies.
15	Role of local authority	This section further amends section 14 (presentation of annual transition statement to each House of the Oireachtas) of the Principal Act by inserting a new section, s.14B on the role of local authority which provides that local authorities must make individual climate action plans .
16	Amendment of section 15 of Principal Act	This section amends section 15 (duties of certain bodies) of the Principal Act so that relevant bodies, must, in so far as is practical, perform their duties in a manner

		consistent with the most recent climate action plan, long-term climate action strategy, national adaptation framework and sectoral adaptation plans. As well as with the furtherance of the national climate objective, aim of reducing GHGs and adapting to climate change in the State.
17	Miscellaneous amendments of Principal Act	This section substitutes “climate action plan and national long-term climate action strategy” for “national mitigation plan” in section 2, deletes sections 7 and 14 and substitutes “national climate objective” for “national transition objective” in each place it occurs in the Principal Act.
Part 3: Amendment of Other Acts		
18	Amendment of section 10 of the Planning and Development Act 2000	This section amends section 10 (Content of Development Plans) of the Planning and Development Act 2000 to provide that local authorities, when making their Development Plans, must take account of their local authority climate action plan (where such a plan has been made for the area in question).
19	Amendment of section 37B of the National Oil Reserves Agency (NORA) Act 2007	This section amends section 37B (Climate Action Fund) of the NORA 2007 Act to expand the types of projects suitable for support under the Climate Action Fund to include projects, initiatives and research that seek to increase climate resilience and nature-based projects that enhance biodiversity, reduce GHGs, increase the removal of GHGs or support climate resilience. ⁶ It also provides for a number of substitutions so as to reflect the Principal Act and the Bill.

Source: Library & Research Service, 2021

⁶ Please note that the *NORA Act 2007*, as originally passed by the Oireachtas, does not include a section 37B and does not refer to the Climate Action Fund. However, the *NORA Act 2007* was amended in summer 2020 by [The NORA \(Amendment\) and provision of Central Treasury Services Act 2020](#) which, among other things, provided for the insertion of section 37B (Climate Action Fund) into the *NORA 2007 Act*. Section 37B placed the existing Climate Action Fund on a statutory footing.

4. Policy response to climate change⁷

International policy response

In 1988 the Intergovernmental Panel on Climate Change (IPCC) was established as a joint World Meteorological Organisation (WMO) and United Nations Environment Programme (UNEP) initiative and the international political response to climate change began with the adoption of the United Nations Framework Convention on Climate Change (UNFCCC) at the 1992 Earth Summit held in Rio de Janeiro. The UNFCCC is driven by annual formal meetings of the parties to the framework. These annual meetings are known as the Conference of the Parties (COP). The UNFCCC entered into force in 1994 and set out a framework for action aimed at stabilising GHG emissions to avoid dangerous climate change.

The Kyoto Protocol was adopted in 1997 (entering into force in 2005) and committed industrialised nations to stabilise GHG emissions from 2008 to 2012 (first commitment period). In 2012, the Doha Amendment to the Kyoto Protocol was adopted⁸ and this launched the second commitment period from 2013 to 2020.

During 2015, governments made pledges to reduce GHG emissions through the submission of Intended Nationally Determined Contributions (INDCs). The EU and its Member States submitted their INDCs to the UNFCCC committing to a binding target of at least a 40% domestic reduction in GHG emissions by 2030 compared to 1990 levels.

2015 Paris Agreement on Climate Change

On 12 December 2015, almost 200 countries reached an historic agreement with the adoption of the Paris Agreement at the 21st meeting of the conference of the parties (COP21) which provides a framework for global action on climate change post 2020, to which all parties contribute. The objective of the Paris Agreement is to limit global temperatures well below 2°C above pre-industrial levels while making efforts to limit the increase to 1.5°C thereby protecting against dangerous climate change. It also addresses adaptation to climate change, financial and other support for developing countries (including the existing commitment to the Green Climate Fund to provide at least €100billion/year by 2020 by developed countries).

The Paris Agreement contains some provisions which are legally binding (such as the preparation and implementation of Nationally Determined Contributions [NDCs]⁹ as well as reporting) and others that are voluntary. It does not provide for enforcement or sanctions. Parties decide their targets or NDCs themselves and must communicate them every five years for review with the intention of

⁷ Parts of Section 4, *Policy Response to Climate Change* of this Digest were completed by the L&RS in 2019 and published as a part of the Committee on Climate Action Report, March 2019, [Climate Change: a cross party consensus on climate action](#) (Appendix 6), and also included in the [L&RS PLS Briefing Paper](#) for this draft Bill. Section 4 of this Digest has been updated to reflect any policy changes which have occurred to March 2021.

⁸ The Doha Amendment did not actually enter into force until 28 October 2020. Further detail available at: <https://unfccc.int/process/the-kyoto-protocol/the-doha-amendment>

⁹ INDCs become NDCs once submitted.

ratcheting them upwards at each review.¹⁰ In this way, the Paris Agreement has established a floor rather than a ceiling for cuts to GHGs by 2030.¹¹

The UK will host the latest COP, COP26 in Glasgow in November 2021.

European Green New Deal, 2019

In December 2019, the European Commission (the Commission) published a Communication on a European Green Deal, setting out its increased ambition on climate action. Underpinned by the objective of becoming the first climate-neutral bloc in the world by 2050, the European Green Deal (EGD) is one of the EU's flagship initiatives for the next five years and beyond. It presents an initial roadmap of key policies and measures needed to achieve this ambition. This will require a transformation of the EU's economy with sectors such as transport, buildings, agriculture, and energy production all having key roles to play.

As well as setting out the policy and legislative programme for all key economic sectors to deliver on the EU's climate ambition, the EGD also addresses the EU's overall ambition on climate targets. It proposes increasing the EU's emissions reduction targets for 2030 from 40% to at least 50% and towards 55% compared with 1990 levels. In December 2020, EU leaders agreed to **reduce GHG emissions by at least 55% by 2030 compared to 1990 levels**.¹²

The Commission presented proposals on a Just Transition Mechanism and the Sustainable Europe Investment Plan in January 2020. This includes the establishment of a Just Transition Fund (JTF) to support the green transition and protect the most vulnerable workers and citizens of the regions most affected by the transition to a low carbon economy. An initial funding of €7.5 billion was to be made available under the JTF and targeted at specific carbon-intensive regions, with an allocation of €30 million proposed for Ireland.¹³ In May 2020, the Commission proposed substantial additional funding, increasing the JTF total to €40 billion with an allocation of €176 million for Ireland.¹⁴

¹⁰ The World Resources Institute (WRI) notes that the INCDs are not adequate to meet the goal of the Paris Agreement or the UNFCCC. Further information available at: <https://www.wri.org/ndcs> [accessed on 03.11.2020]

¹¹ Further information on the Paris Agreement is available from the European Parliament, 2016. *The Paris Agreement, a new framework for global climate action* [online]. Available at: [https://europarl.europa.eu/RegData/etudes/BRIE/2016/573910/EPRS_BRI\(2016\)573910_EN.pdf](https://europarl.europa.eu/RegData/etudes/BRIE/2016/573910/EPRS_BRI(2016)573910_EN.pdf) [accessed on 04.11.2020]

¹² RTE News, 2020. *EU leaders agree target to cut emissions by 55% by 2030*. 11 December [online]. Available at: <https://www.rte.ie/news/europe/2020/12/11/1183780-eu-summit/> [accessed on 08.04.2021]

¹³ European Commission, 2020. *The European Green Deal Investment Plan and Just Transition Mechanism Explained* [online]. Available at: https://ec.europa.eu/commission/presscorner/detail/en/qanda_20_24 [accessed on 02.11.2020]

¹⁴ European Commission, 2020. *EU budget for recovery: Questions and answers on the Just Transition Mechanism* [online]. Available at: https://ec.europa.eu/commission/presscorner/detail/en/QANDA_20_931 [accessed on 03.11.2020]

European Climate Law

The Commission proposed the first [European 'Climate Law'](#) in March 2020 which aims to enshrine the 2050 climate neutrality objective in legislation. However, despite holding a number of negotiating rounds, and pressure to finalise the bill by mid-April 2021, little progress has been made.¹⁵

European Adaptation Strategy, 2021

The Commission adopted its [European Adaptation Strategy](#) on climate change on 24 February 2021.

Irish policy response to climate change

Ireland's policy response to climate change is tethered to our European and international commitments to reduce GHG emissions. Nationally, the key climate action laws and policies are provided for under the:

- National Policy Position, 2014
- *Climate Action and Low Carbon Development Act 2015*
- National Mitigation Plan, 2017
- National Adaptation Framework, 2018
- Climate Action Plan, 2019
- Long-Term Climate Action Strategy (under review) and
- National Energy and Climate Plan for Ireland, 2021-2030.

National Policy Position, 2014

Ireland's national policy position is to reduce GHG emissions in 2050 by 80% across energy generation, the built environment and transport with a goal of climate neutrality in agriculture and land-use sector.¹⁶ The [National Policy Position on Climate Action and Low Carbon Development](#) provides the high-level policy direction for the adoption and implementation by Government of plans to enable the State to move to a low carbon economy by 2050.

Climate Action and Low Carbon Development Act 2015

The [Climate Action and Low Carbon Development Act 2015](#) (the Principal Act) placed national climate policy on a statutory footing for the first time in Ireland with the ultimate aim of pursuing the transition to a low carbon, climate resilient and environmentally sustainable economy by 2050. To achieve this transition, the Principal Act required the Minister to devise a National Mitigation Plan (NMP) to reduce GHG emissions, a National Adaptation Framework (NAF) to respond to changes

¹⁵ Taylor, K. 2021. *Little progress made in fifth round of negotiations on EU climate law* 30 March [online]. Available at: <https://www.euractiv.com/section/climate-environment/news/little-progress-made-in-fifth-round-of-negotiations-on-eu-climate-law/> [accessed on 16.04.2021]

¹⁶ Environmental Protection Agency, n.d. *Environmental indicators, Climate* [online]. Available at: <https://www.epa.ie/ghg/indicatorsprogresstotargets/> [accessed on 23.03.2021]

caused by climate change and Sectoral Adaptation Plans (SAPs), with each plan reviewed every five years.

The Principal Act also established the [Climate Change Advisory Council](#) (“the Advisory Council”), an independent advisory body tasked with assessing and advising on how Ireland is making the transition to a low carbon, climate resilient and environmentally sustainable economy by 2050.

The Principal Act provides that an annual transition statement must be presented each year to both Houses of the Oireachtas by the Minister.

The Act did not set any specific targets for GHG emissions reductions nor did it provide a definition of low carbon. It was greeted with mixed reaction.

White Paper, 2015

In December 2015 the Government launched its [White Paper on Ireland’s transition to a low carbon energy future 2015-2030](#). Its vision is of a low carbon energy system where GHG emissions from the energy sector will be reduced by between 80-95%, compared to 1990 levels, by 2050, and will fall to zero or below by 2100.

National Mitigation Plan, 2017 & Climate Case Ireland, 2020

In July 2017 the Department for Communications, Climate Action and Environment published Ireland’s first [National Mitigation Plan](#) (NMP). It contained the existing mitigation measures and those under consideration and set out 106 individual actions (policy measures or “sectoral mitigation measures”) needed to reduce GHG emissions, thereby contributing towards Ireland’s challenges regarding its 2020 and 2030 GHG emissions targets and the national longer-term goal of decarbonisation by 2050. However, on 31 July 2020, in the *Friends of the Irish Environment v Ireland* court case, known as [Climate Case Ireland](#), the seven-judge Supreme Court unanimously ruled that the NMP was unlawful because it was not sufficiently specific and that it should be quashed and a new plan drawn up.¹⁷

National Adaptation Framework, 2018

In January 2018 the Department of Communications, Climate Action and Environment published Ireland’s first statutory [National Adaptation Framework, Planning for a climate resilient Ireland](#) (NAF) which outlines a whole of government and society approach to climate adaptation in Ireland.

Under the NAF, several Government Departments are required to prepare Sectoral Adaptation Plans (SAPs) which set out the adaptation measures that they intend to take in an area under their remit. Work on these plans began in 2018. Local authorities are required to prepare local adaptation strategies.

¹⁷ *Friends of the Irish Environment v Ireland* [2020] IESC 49.

Joint Committee on Climate Action, 2018

The [Oireachtas Joint Committee on Climate Action](#) was established in July 2018 to respond to the recommendations set out in the Third Report of the Citizens' Assembly, 2017, [How the State can make Ireland a leader in tackling climate change](#). In March 2019, the Joint Committee on Climate Action published its findings in its report, [Climate Change: a cross-party consensus on climate action](#) which included recommendations for a new governance framework for climate action.

Climate Action Plan, 2019

The work of the Citizens' Assembly and the recommendations from the Committee on Climate Action fed heavily into the last Government's [Climate Action Plan](#) (June 2019) which put forward a list of key measures required to meet our 2030 climate target and put us on a trajectory for net-zero emissions by 2050.

Key legislative measures committed to under the Climate Action Plan included to:

- Bring forward a new Climate Action (Amendment) Bill;
- Develop five-year carbon budgets and sectoral targets; and
- Establish an independent Climate Action Council, as a successor to the Climate Change Advisory Council, to recommend the carbon budgets and evaluate policy.

The Interim Climate Actions 2021 were published alongside the Bill and follow on from those measures in the Climate Action Plan 2019. They are being used to drive delivery of climate action while the Climate Action Plan 2021 is being prepared (public consultation is open from 23 March to 18 May on the Climate Action Plan 2021 which is scheduled for publication this summer).¹⁸

Ireland's Long-Term Strategy on GHG emissions reduction

Ireland is also required to prepare a Long-Term Strategy on GHG emissions reduction. This strategy is to have a perspective of at least 30 years and shall include a range of emission reduction pathways in each of our key sectors. A public consultation has already been held by the Department and the strategy is due to be submitted to the Commission this year, having already missed the 1st January 2020 deadline. According to the Department's website (updated in June 2020), "consultation is being reviewed".¹⁹

National Energy and Climate Plan

The policies and measures set out in the Climate Action Plan 2019 significantly informed Ireland's National Energy and Climate Plan (NECP). NECPs are the framework within which EU Member States must plan, in an integrated manner, their climate and energy objectives, targets,

¹⁸ Gov.ie, 2021. *Climate Action Plan 2019* [online]. Available at: <https://www.gov.ie/en/publication/ccb2e0-the-climate-action-plan-2019/> [accessed on 13.04.2021]

¹⁹ Gov.ie, 2020. [online]. *Public consultation on Irelands Long-Term Strategy on greenhouse gas emissions reduction* [online]. Available at: <https://www.gov.ie/en/consultation/cfb2d-public-consultation-on-irelands-long-term-strategy-on-greenhouse-gas-emissions-reduction/> [accessed on 02.11.2020]

policies and measures to the Commission. Ireland's 2019 NECP includes target penetration rates for the level of renewable energy and energy efficiency which will support meeting our 2030 GHG emissions target. Our NECP was due to be submitted to the Commission by the end of 2019, but this was delayed and Ireland submitted its [2019 National Energy and Climate Plan 2021-2030](#) (2019 NECP) in August 2020. However, the 2019 NECP states that while the June 2020 Programme for Government committed Ireland to achieving a 7% annual reduction in GHG emissions between 2021 and 2030,

This NECP was drafted in line with the current EU effort-sharing approach, before the Government committed to this higher level of ambition, and therefore does not reflect this higher commitment.

Accordingly, Ireland is submitting this NECP in order to facilitate the ongoing analysis at EU level. It will be revised to bring it in line with the 7% trajectory and to include policies and measures currently being developed to achieve the 7% trajectory.

The 2019 NECP further states that:

The August 2020 versions of The NECP will be subject to final approval by Government prior to formal submission to the Commission.

Ireland's 2019 NECP is also available on the Department's website (last updated 2 November 2020).²⁰

5. Ireland's GHG emissions profile

Internationally

In an international context, Ireland remains a laggard on reducing GHG emissions. This is highlighted in the 2021 Climate Change Policy Index (CCPI) which was published in December 2020 and is the latest annual CCPI. The CCPI has been published annually since 2005 and is an independent monitoring tool for tracking countries' climate protection performance.²¹ It tracks and sets out the GHG emissions of 57 countries and the EU, covering over 90% of global GHGs. Ireland remains low on the list with an overall rating (scoring from high to very low) of 41st (low) out of 61 countries, broken down into:

- 50th (very low) for GHG emissions;
- 17th (high) for renewable energy;
- 27th (medium) for energy use; and

²⁰ Gov.ie. *Ireland's National Climate and Energy Plan 2021-2030* [online]. Available at: <https://www.gov.ie/en/publication/0015c-irelands-national-energy-climate-plan-2021-2030/> [accessed on 03.11.2020]

²¹ CCPI, n.d. *What is the CCPI?* [online]. Available at: <https://ccpi.org/ccpi-philosophy-team/> [accessed on 18.04.2021]

- 36th (low) for climate policy (Burck et al, 2020)²²

The CCPI notes that, for GHG emissions, Ireland, Cyprus and Estonia are the worst performing EU countries.

Nationally

The Environmental Protection Agency (the Agency) sets out the current situation in relation to Irelands GHG emissions on their website using *provisional* GHG emissions for 2019 based on Sustainable Energy Authority of Ireland (SEAI) final energy balance released in November 2020. The Agency website states that the final figures for total national GHG emissions in 2019 will be published in March/April 2021. The *provisional* findings estimate that Ireland produced total national GHG emissions of 59.9 million tonnes carbon dioxide equivalent (Mt CO₂eq) in 2019. This is a reduction of 4.5% (or 2.8 Mt CO₂eq) in total national GHG emissions compared to 2018. Agriculture remains the single largest contributor to overall GHG emissions at 35.3% of the total followed by transport (20.3%) and energy industries (15.8%) as the second and third largest contributors respectively in 2019.²³

The Agency published [Ireland's greenhouse gas emissions projections 2019-2040](#) in July 2020. The Agency produced two scenarios for GHG emissions projections – *with existing measures* and *with additional measures*. *With additional measures* includes for the impacts from the implementation of the Governments 2019 Climate Action Plan.

The Agency noted that Ireland was set to miss its 2020 EU GHG emissions effort-sharing targets and made the following projections:

In 2020 the sectors with the largest contribution of emissions are Agriculture, Transport and Energy Industries with 32.6%, 19.8% and 18.7% share in total emissions respectively under the *With Additional Measures* scenario. Ireland exceeded its annual binding limits in 2016, 2017 and 2018. Over the period 2013-2020 Ireland is projected to cumulatively exceed its compliance obligations by approximately 13.4 Mt CO₂ eq under the *With Existing Measures* scenario and 12.6 Mt CO₂ eq under the *With Additional Measures* scenario.²⁴

6. Pre-legislative scrutiny (PLS)

The Oireachtas Joint Committee on Climate Action (“the Committee”) agreed to undertake pre-legislative scrutiny (PLS) of the draft Bill which began on 14th October 2020 with a series of public hearings as set out in Table 2.

²² Burck, J., Hagen, U., Bals, C., Hohne, N. and Nascimento, L., 2020. *Climate Change Performance Index (CCPI) 2021, Results* [online]. Available at: <https://ccpi.org/download/the-climate-change-performance-index-2021/> [accessed on 10.02.2021]

²³ EPA, 2020. *Current situation* [online]. Available at: <https://www.epa.ie/ghg/currentsituation/> [accessed on 16.04.2021]. Note that there is no update on the publication of the final figures for 2019 as of 16 April 2021

²⁴ EPA, 2020. *Irelands greenhouse gas emissions projections 2019-2040* [online]. Available at: http://www.epa.ie/pubs/reports/air/airemissions/ghgprojections2019-2040/2020-EPA-Greenhouse-Gas-Emissions-Projections_final.pdf [accessed on 16.04.2021]. P.3

Table 2: Dates and Witnesses - Joint Committee on Climate Action - public meetings on the PLS of the draft Climate Action and Low Carbon Development (Amendment) Bill 2020

Date of Committee Meeting	Witnesses
Wednesday 14 October	Mr. Brian Carroll, Assistant Secretary and Ms. Emer Griffin, Assistant Principal, Department of Climate, Environment and Communications.
Thursday 15 October	Dr. Áine Ryall, Co-director of the Centre for Law and the Environment, UCC and Dr. Diarmuid Torney, Associate Professor at the School of Law and Government, DCU.
Wednesday 21 October	Professor John Sweeney, Emeritus Professor at Maynooth University and Dr. Andrew Jackson, UCD School of Law and Climate Case Ireland.
Tuesday 27 October	Mr. Jonathan Church, Climate Accountability, Client Earth and Dr. Thomas Muinzer, Senior Lecturer in Energy Transition Law, University of Aberdeen.
Wednesday 28 October	Dr. John Fitzgerald, Chair of the Climate Change Advisory Council.
Thursday 29 October	Professor Yvonne Buckley, Professor of Zoology, TCD and Dr. James Glynn, SFI Research Centre for Energy Climate and Marine (MaREI), UCC.
Wednesday 4 November	Ms. Sharon Finnegan, Head of Climate Action Unit and Ms. Ciara Kennedy, Department of the Taoiseach, Dr. Jean Moore, Policy Analyst and Dr. Larry O'Connell, Director, National Economic and Social Council (NESC), and Professor Kevin Anderson, Tyndall Centre for Climate Change, Manchester University.

The Committee also received a number of written submissions and responses on the draft Bill. The L&RS provided the Committee with a Briefing paper on the PLS of the draft Bill in November 2020

to assist them with their PLS²⁵ and the Committee published their PLS Report on 18 December 2020. The Report identified eight key themes and set out a total of 78 recommendations.²⁶

The key themes are listed below, including a synopsis of **those recommendations which the Committee proposed for inclusion in the Bill**:

1. Language –

- That the State shall pursue **and achieve** carbon neutrality by 2050;
- Set out more clearly those matters which the Minister and Government must have regard to when performing their functions with regards to plans and strategies, sectoral adaptation plans and carbon budgets;
- Stronger language required in parts, for example, the Minister shall **adhere to** rather than *take account of* the carbon budget programme when updating the climate action plan; and
- Explicitly oblige the Government to propose carbon budgets.

2. The Advisory Council -

- Refer to inter-agency cooperation;
- *Ex officio* members do not have to be the head of their organisation;
- Members to have a range of different expertise and to be gender balanced; and
- Provision for the transition to a new Advisory Council, with new appointments, or re-appointments after enactment.

3. Target structure –

- Clarify and ensure consistency between sectoral decarbonisation ranges and carbon budgets and ensure the sum of GHG emissions under the sectoral decarbonisation ranges does not exceed the overall carbon budget;
- State clearly that any GHG emissions in excess of the carbon budget, are carried over into the next carbon budget and provide that, where this happens, there should be a review of the climate action plan;
- Provide for a timely annual indication of whether each sector is on track to meet its carbon budget;
- Interim target of a 51% reduction in GHG emissions by 2030 from 2018 levels; and
- The long-term climate action strategy is to be updated at least once every **five years** rather than every 10 years and that there is a draft NAF no later than **12 months** after the passing of this Act, rather than **24 months**.

4. Greenhouse gases including Biogenic Methane –

- In its functions and provisions, including carbon budgets, that the Bill explicitly includes for **all GHGs** and not just **one or more GHGs**;
- If there is a separate target for biogenic methane in carbon budgets, make it a clear target as is the case in New Zealand's [Climate Change Response \(Zero Carbon\) Amendment Act 2019](#).

²⁵ L&RS, 2020. *Draft Climate Action and Low Carbon Development (Amendment) Bill 2020 PLS Paper* [online]. Available internally at: https://ptfs-oireachtas.s3.amazonaws.com/DriveH/AWDData/Library2/LRS%20Publications/pdf/PLS%20briefing%20on%20CA%20and%20LC%20Am%20Bill_04.11.2020_v10_FINAL_040221_141308.pdf [accessed on 04.02.2021]

²⁶ Committee on Climate Action, 2020. *Pre-legislative scrutiny on the draft of the Climate Action and Low Carbon Development (Amendment) Bill* [online]. Available at: [https://data.oireachtas.ie/ie/oireachtas/Committee/dail/33/joint Committee on climate action/reports/2020/2020-12-18_pre-legislative-scrutiny-on-the-draft-of-the-climate-action-and-low-carbon-development-amendment-bill-2020_en.pdf](https://data.oireachtas.ie/ie/oireachtas/Committee/dail/33/joint%20Committee%20on%20climate%20action/reports/2020/2020-12-18_pre-legislative-scrutiny-on-the-draft-of-the-climate-action-and-low-carbon-development-amendment-bill-2020_en.pdf) [accessed 04.02.2021]

5. Nature-based solutions and biodiversity

- Define biodiversity and nature-based solutions;
- When preparing, adopting and revising the plans and strategies set out in the Bill, the Minister, Government and Advisory Council should be able to explain how all of these are consistent with the National Biodiversity Action Plan and the EU Habitats and Birds Directives and have regard to nature-based solutions to climate action;
- Local climate action plans should be consistent with the National Biodiversity Action Plan, have regard to the UN Sustainable Development Goals and not adversely affect biodiversity;
- Explicitly recognize the role of biodiversity in regulating climate; and
- Amend the *NORA Act 2007* to include reference to nature-based solutions, air quality and community-led, place-based transition solutions.

6. Carbon dioxide removal / negative emissions technologies

7. Just Transition and Climate Justice -

- Define just transition, climate justice, non-terrestrial emissions, and sustainable development;
- Minister and local authorities should have regard to just transition as defined;
- Establish a body or task force to prepare, publish (by 31 December 2021) and implement a permanent, large-scale public involvement strategy;
- Strengthen the requirement for public consultation when preparing the long-term national climate action strategy; and
- Ensure the Bill complies with the [Aarhus Convention](#).

8. Accountability including consequences for shortfalls –

- Make accountability clearer and better defined;
- Make compliance with carbon budgets legally binding and provide that Government Department activities should be consistent with carbon budgets;
- Make achievement of the national climate objective and compliance with carbon budgets by the Minister and Government legally binding;
- Require public bodies, Government Departments and local authorities to carry out their duties in a manner consistent with the goals of the Paris Agreement;
- Strengthen language so that if GHG emissions reductions are not on track, oblige the Minister to list corrective actions and the Government to take measures and compensate as soon as possible if carbon budgets are exceeded;
- Create consequences for Government Departments that fail to meet carbon budgets or sectoral allocations;
- Better reporting to the Committee by the Minister on carbon budgets and by Secretary Generals and other Government Ministers on sectoral carbon budgets and climate action plans;
- Require Government to publicly report on how climate action plans align with the carbon budget; and
- Task the Advisory Council with reviewing the adequacy of the national climate objective on a regular basis.

Most of the recommendations related to issues for inclusion, or consideration of inclusion, in the Bill. The Committee also made a number of general observations and recommendations. Please note that **the above list of recommendations for inclusion in the Bill is *not exhaustive***. The full list of all 78 recommendations is set out in pages 25 to 38 of the Committee's PLS report.

The Department have stated that, "the majority of the 78 recommendations proposed by the Joint Committee have been incorporated into the final text, significantly strengthening the overall Bill" and that key changes to the final text of the Bill since PLS include:

- Government commitment to pursue **and achieve** climate neutrality by 2050;
- Strengthened language to clearly state obligations and explain the relationships between various mechanisms;
- An interim target of a 51% reduction in GHG emissions by 2030;
- Carbon budgets and all plans must be consistent with the Paris Agreement and other international agreements;
- Where GHG emissions are greater than the carbon budget, the excess GHG emissions will be carried forward to the next carbon budget period which will be decreased accordingly;
- The Minister and Government must take account of climate justice, just transition and biodiversity conservation when preparing all plans, sectoral emissions ceilings and strategies set out in the Bill; and
- Strengthened public participation by requiring that the Minister must consult with the public when preparing all plans, sectoral emissions ceilings and strategies set out in the Bill.²⁷

In March 2021 the Minister committed to providing a written response to the Committee on how the PLS report has informed revisions to the Bill. In the past, Government Departments have also provided this type of information to the L&RS at our request. The L&RS requested this information from the Department in March and again in April. However, this information was not available by Friday 16 April and as such, could not be included or analysed in this Digest.

7. Principal provisions of the Bill

The Bill contains a total of 19 sections. An explanation of each section is contained in Section 1, *Table of provisions of the Bill*. This section of the Digest sets out the most significant amendments proposed by the Bill. It tries to add value by also making some general observations and identifying some stakeholder concerns and/or recommendations regarding the text of the principal provisions. However, please note that this is not exhaustive, and it does not examine every section of the Bill.

Definitions

Section 3 of the Bill provides for insertions, substitutions, and deletions of several **definitions** as follows:

- (a) The insertion of several definitions including biodiversity, climate action plan, carbon budget, climate justice, national long-term climate action strategy and sectoral emissions ceiling;
- (b) The substitution of the definition of emissions;
- (c) The substitution of the definition of removal in relation to greenhouse gases (GHGs); and
- (d) The deletion of approved national mitigation plan, national mitigation plan, national transition objective and sectoral mitigation measures.

Suggested text of definitions for just transition and climate justice made by the Committee were not used.

²⁷ Government of Ireland, 2021. *Climate Action and Low Carbon Development (Amendment) Bill 2021. Public consultation on Climate Action Plan 2021. FAQ*. [online]. Available at: <https://www.gov.ie/en/publication/984d2-climate-action-and-low-carbon-development-amendment-bill-2020/> [accessed on 09.04.2021]

Observations

As a part of PLS of the 2020 draft Bill, several stakeholders proposed definitions for various terms they felt should be included in the Bill and subsequently, the Committee suggested that the Bill provide definitions for biodiversity, nature-based solutions, sinks, just transition, climate justice, non-territorial emissions, global warming potential and sustainable development with suggested text for some definitions provided. However, of this list, the Bill does not define sinks, non-territorial emissions, global warming potential or sustainable development.²⁸ Just transition is not defined in section 3 of the Bill either but is loosely defined in section 6 of the Bill where it states that Ministers must, when preparing plans and strategies under the Act, have regard to, among other things:

“the requirement for a just transition to a climate neutral economy which endeavours, in so far as is practicable, to—
(i) maximise employment opportunities, and
(ii) support persons and communities that may be negatively affected by the transition.”

The definition of climate justice, while included, is different to that suggested by the Committee. Climate NGO Friends of the Earth Ireland is unhappy that, while the Bill states that Ministers must have regard to the principles of climate justice and just transition, the definitions seem to them to be weak.²⁹

Obligation to achieve the National Climate Objective

Section 5 of the Bill sets out the National Climate Objective which provides that:

Language has been strengthened to include for ‘pursue *and* achieve’ the national climate objective

“The State shall, so as to reduce the extent of further global warming, pursue and achieve, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy.”

The National Climate Objective will be pursued and achieved through the making and submission to the Government for approval of:

- (a) carbon budgets (section 6B and 6D);
- (b) a sectoral emissions ceiling (section 6C);
- (c) a climate action plan (section 4);
- (d) a national long-term climate action strategy (section 4); and
- (e) a national adaptation framework (section 5).

²⁸ There was also a Committee recommendation to provide for a definition of ‘offshore mitigations’ but this would be separate to the Bill.

²⁹ Coghlan, O., 2021. New Climate Bill scores 3 wins, 2 losses and a draw on our tests. *The Journal*. 25 March [online]. Available at: <https://www.thejournal.ie/readme/climate-change-friends-of-the-earth-5391127-Mar2021/> [accessed on 12.04.2021]

It further commits the Minister and Government to carry out their respective functions in relation to the above in a manner that is consistent with the ultimate objective of the UNFCCC³⁰, any EU mitigation or adaptation commitments in response to the ultimate objective of the UNFCCC, the goal of the Paris Agreement,³¹ and which takes account of the latest national GHG emissions inventory and projection of future GHG emissions from the Agency.

The Minister must consult with the Advisory Council for the purpose of performing his/her functions under sections 4, 5 and 6 and the Government may consult with the Advisory Council for the purpose of performing its functions under sections 4 to 6D.

Observations

The National Climate Objective is Ireland's long-term decarbonisation goal and is consistent with European 2030 and 2050 climate commitments and international obligations under the Paris Agreement to pursue carbon neutrality by mid-century.

The draft Bill was criticised by some stakeholders as containing weak language with specific concern directed at the National Climate Objective which only required the State to "pursue" carbon neutrality by 2050. The Committee recommended in their PLS report that the language be strengthened to include "pursue and achieve" and biodiversity and environmental sustainability, all of which were incorporated into the final text of the Bill.

Climate action plan and long-term climate action strategy

Section 6 of the Bill replaces section 4 (national low carbon transition and mitigation plan) of the Principal Act with the requirement that the Minister must prepare an annual update to the climate action plan and a national long-term climate action strategy to enable the State to pursue and achieve the national climate objective.

Climate Action Plan

When preparing a **climate action plan**, the Minister must ensure it is consistent with the carbon budget and set out a **roadmap of actions** to include, among other things, sectoral specific actions relating to the carbon budget and sectoral emissions ceilings for the period. The Minister must also consult with Government, any other Minister he sees fits, the public and such person(s) he/she considers appropriate. The roadmap will specify actions for the first carbon budget, an overview of policies for the second carbon budget and potential policies for the third carbon budget in the carbon budget programme.

A draft climate action plan will be submitted by the Minister to the Government for approval each year, starting in 2021. Public consultation and call for expert evidence on the development of the

³⁰ The ultimate objective of Article 2 of the UNFCCC (1992) is the "stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic [i.e., human-caused] interference with the climate system." Further information available at: https://archive.ipcc.ch/publications_and_data/ar4/wg3/en/ch1s1-2.html [accessed on 29.03.2021]

³¹ The goal of the Paris Agreement is "to limit global warming to well below 2°C and preferably to 1.5°C, compared to pre-industrial levels." Further information is available at: <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement> [accessed on 29.03.2021]

Climate Action Plan 2021 was launched on 23 March 2021 (closing date 18 May 2021). This offers a chance for all aspects of society including individuals, households, communities, businesses, farmers and climate experts to help inform climate action policy.³² Annual revisions will be consistent with the carbon budget and will focus on the short to medium term actions needed, including sectoral specific actions and sectoral emissions ceilings, to reach our 2030 interim target.

Observations

The Committee recommended that excess emissions should trigger an obligation to carry out an immediate review of the rolling Climate Action Plan but this recommendation did not make it into the Bill.

Long-term Climate Action Strategy

The long-term climate action strategy will set out the range of pathways and opportunities needed for Ireland to reach its national climate objective. It will include projected overall and sectoral decreases in GHG emissions and carbon sinks for at least 30 years as well as an assessment of potential opportunities to reduce sectoral GHGs.

When preparing the strategy, the Minister must:

- Ensure it is consistent with the carbon budget programme and have regard to Article 15 of the [Governance of the Energy Union and Climate Action Regulation](#);
- Consult with Government, any other Minister he sees fit, the public and such person(s) he/she considers appropriate;
- Have regard to the matters set out in S.4(8) of the Bill which include:
 - value for money consistent with sustainable development
 - biodiversity conservation
 - climate justice
 - relative scientific advice and Advisory Council recommendations
 - risk of carbon leakage
 - the need for behaviour change and a just transition
 - protection of public health
 - planning policies
 - the special role of agriculture including the distinct characteristics of biogenic methane and
 - where these plans have been approved under this section, the latest climate action plan, sectoral adaptation plans (SAPs), national adaptation framework (NAF) and long-term climate action strategy.

The Government may approve or approve with modifications a climate action plan and/or long-term climate action strategy submitted to them and, once approved, the Minister must ensure the plan and/or strategy is laid before the Houses of the Oireachtas.

³² Government of Ireland, 2021. *Climate Action and Low Carbon Development (Amendment) Bill 2021. Public consultation on Climate Action Plan 2021. FAQ.* [online]. Available at: <https://www.gov.ie/en/publication/984d2-climate-action-and-low-carbon-development-amendment-bill-2020/> [accessed on 09.04.2021]

Finally, Section 6 of the Bill provides for definitions of carbon leakage, the National Planning Framework and the National Spatial Strategy in this section.

Observations

Originally proposed for every 10 years, a Strategy will now be prepared at least every five years as recommended by the Committee in their PLS Report.

Carbon budgets

Section 9 of the Bill adds new sections (6A-6D) to section 6 of the Principal Act and establishes a system of carbon budgets.

A carbon budget consists of the total amount of GHGs permitted in the State, measured in carbon dioxide equivalent (CO₂-eq) for a five-year period and is defined in the Bill as meaning: *“the total amount of greenhouse gas emissions that are permitted during the budget period.”*

Greenhouse gas (GHG) emissions are defined as meaning, *“emissions of those gases into the earth’s atmosphere attributable to industrial, agricultural, energy or other anthropogenic activities in the State”*.

The 2030 interim target to reduce GHG emissions by 51% is among the most ambitious, legally binding national targets in the world. However, the 7% annual reduction in GHG emissions is not included in the Bill.

Section 6A – preparing carbon budgets

Introduction

Carbon budgets will be proposed by the Advisory Council, finalised by the Minister, and approved by the Government and will be consistent with the national climate objective. Each carbon budget will run for five years and each carbon budget programme is made up of a rolling cycle of three five-year carbon budgets starting this year so that the first carbon budget cycle will run from 2021-2035 and will be made up of the first (2021-2025), second (2026-2030) and third (2031-2035) carbon budgets.

Interim target

Section 6(5) of the Bill specifies an interim target for 2030, stating that:

“The first two carbon budgets proposed by the Advisory Council shall provide for a reduction of 51 per cent in the total amount of greenhouse gas emissions over the course of the first two budget periods ending on 31 December 2030, from the annual greenhouse gas emissions reported for the year ending on 31 December 2018, as set out in the national greenhouse gas emissions inventory prepared by the Agency.”

The third budget (2031-2035 in the first programme) in a programme is provisional and can be amended.

Preparation by the Advisory Council

The Advisory Council must propose and submit the carbon budgets to the Minister and, within a year of the first budget in the programme expiring, will prepare and submit a proposed carbon budget in the period following the third carbon budget and any amendments to the provisional third

budget, also setting out its reasoning for the proposed carbon budgets and for any proposed amendments. Within 30 days of submitting any proposed budget, programme and/or amendments to the provisional budget, the Advisory Council must publish same.

When carrying out its functions under this section, the Advisory Council must do so in a manner that is consistent with the ultimate objective of Article 2 of the UNFCCC and take account of:

- the Agency's latest GHG emissions and projections;
- relevant scientific advice;
- the special economic and social role of agriculture, including with regard to the distinct characteristics of biogenic methane;
- international best practice of GHG emissions and removal reporting;
- in so far as practicable, the need to maximise employment, the attractiveness of the State for investment and the long-term competitiveness of the economy; and
- climate justice.

Observations on the interim target

The lack of specific targets in the Principal Act was criticised by some stakeholders and interim targets were called for by several stakeholders during the PLS process. The Committee also supported and recommended an interim 2030 target. The interim target in the Bill sets in law the commitment made in the Programme for Government for a 51% reduction over the decade and is in line with the 1.5°C emissions reductions pathway recommended by the IPPC (40-50% below 2010 levels by 2030) to avoid overshoot of a 1.5°C temperature rise and to reach net zero around mid-century.³³ It also complements the latest, deeper cuts agreed by the EU to a 55% reduction in GHG emissions by 2030.

This national 2030 target is among the most ambitious in the world with few if any countries making a legal commitment to halve GHG emissions by the end of the decade. While experts acknowledge that this will be very difficult to achieve and legislating for it is very important, they highlight that the priority now is the delivery of this through rapid and sustained climate action.³⁴

Lack of 7% per annum reduction in GHG emissions

While the Bill sets a 51% reduction over the decade into law, **it does not provide for the 7% per annum reduction in GHG emissions** as committed to in the June 2020 Programme for Government, [Our Shared future](#). Leading climate experts, Professor John Sweeney, Dr Barry Mullins and Dr Andrew Jackson³⁵ have written to the coalition leaders, the Committee and the Advisory Council expressing their concerns over this, noting that “the issue of a 7 per cent year-on-year reduction is now absent from the Bill, and this creates a serious flaw.” The experts suggest

³³ IPCC, 2018. *Summary for policy makers, IPCC S.R.1.5* [online]. Available at: https://www.ipcc.ch/site/assets/uploads/sites/2/2019/03/SR15_FGD_SPM.pdf [accessed on 13.04.2021]

³⁴ O'Sullivan, K. 2021. Bill signals intent though gaps remain on how to halve emissions and reach net-zero. *The Irish Times*. 23 March [online]. Available at: <https://www.irishtimes.com/news/politics/climate-bill-signals-intent-but-gaps-remain-on-how-to-halve-emissions-by-2030-1.4518356> [accessed on 12.04.2021]

³⁵ The full text of the letter of 14 April 2021 from Dr Andrew Jackson (UCD), Dr Barry Mullins (DCU) and Professor John Sweeney (Maynooth NUI) is available on google drive at: <https://docs.google.com/a/dcu.ie/viewer?a=v&pid=sites&srcid=ZGN1LmlIfGRjdWVjcm58Z3g6NjM5NDY4MDQ0ZWY2MjQxMA> [accessed on 19.04.2021]

that there are two different interpretations of the 51% reduction as it is currently stated in the Bill as follows:

- The total amount of greenhouse gas emissions over the period 2021-30 shall be reduced by 51 per cent on what would have been the case had 2018 emissions continued at that rate for the decade, or
- It makes little difference to what emissions are like over the coming decade as long as the figure for 2030 is 51 per cent less than that of 2018.

They argue that there is a major difference between these two valid interpretations, and they recommend legal clarity to confirm which interpretation is correct and to avoid potential legal challenges.³⁶

The Minister has since responded that he will consider these points “to see if any further clarity needs to be provided at committee stage.”³⁷

Section 6B – approval of carbon budgets

Under this section, within four months of receiving the carbon budget, the Minister must present a copy to both Houses of the Oireachtas, consider the budget, amend if appropriate and finalise, submit to the Government for approval and lay a copy before both Houses for approval. Dáil Éireann may refer the budget to a joint Committee for consideration which may then provide a report with recommendations within two months of its presentation to the Dáil. The joint Committee may request a Minister to attend before it and provide information on the budget.

When finalising the budget, the Minister must consult with any other Government Minister and members of the public and such persons as he/she considers appropriate. Where the Minister amends the proposed budget, he/she must explain why. The Government may approve the carbon budget with or without modifications. Where approved, a copy shall be laid before both Houses of the Oireachtas and will take effect when both Houses pass a motion approving the carbon budget. If the motion does not pass, within two months, the Minister must consult with the Advisory Council and with any other Government Minister as he/she considers appropriate, amend the carbon budget (or, if he/she does not amend, explain why), and submit to the Government for approval to lay the budget before both Houses. Where the carbon budget is approved by Government, the Minister will ensure the budget is laid before both Houses. The budget will take effect from that day or from the day it is laid in the second House if laid on different days. Within 30 days of taking effect, the Minister will publish the budget. This section applies to the first carbon budget programme and to any amendment to a provisional carbon budget.

³⁶ O’Sullivan, K., 2021. Leading experts warn landmark Climate Bill has fundamental flaw. *The Irish Times*. 15 April [online]. Available at: <https://www.irishtimes.com/news/environment/leading-experts-warn-landmark-climate-bill-has-fundamental-flaw-1.4538654> [accessed on 19.04.2021]

³⁷ O’Sullivan, K., 2021. Eamon Ryan to examine criticism of wording in landmark Climate Bill. *The Irish Times*. 17 April [online]. Available at: <https://www.irishtimes.com/news/environment/eamon-ryan-to-examine-criticism-of-wording-in-landmark-climate-bill-1.4539733> [accessed on 19.04.2021]

Section 6C - Sectoral emissions ceilings

A sectoral emissions ceiling is the total amount of GHG emissions that a sector can emit during that budget period. The maximum emissions permitted from the sectors will not add up to more than the total GHG emissions permitted in that carbon budget. The Government will determine which sectors have ceilings and, when preparing the sectoral emissions ceilings, the Minister must consult with other Ministers and/or the public as he/she considers appropriate.

Once a carbon budget takes effect, the Minister must finalise and submit the sectoral emissions ceilings to Government who will approve with or without modifications.

Where a carbon budget is amended, the Minister must consult with other Government Ministers as he/she sees fit, revise the ceiling if appropriate, and if so, submit the revised ceiling to the Government who will approve with or without modifications.

When performing his/her duties, a Minister must comply with the sectoral emissions ceiling for his/her sector and have regard to matters specified in s.4(8).

Observations

While different sectors can have different ceilings, neither the ceilings nor the sectors to which ceilings will apply are set out in the Bill. However, it will build on the approach established in the 2019 Climate Action Plan³⁸ which sets out indicative sectoral targets to 2030 for electricity, buildings, transport, agriculture, forestry & land use and enterprise.³⁹

³⁸ This is stated in the Government of Ireland, 2021. *Climate Action and Low Carbon Development (Amendment) Bill 2021. Public consultation on Climate Action Plan 2021. FAQ.* [online]. Available at: <https://www.gov.ie/en/publication/984d2-climate-action-and-low-carbon-development-amendment-bill-2020/> [accessed on 09.04.2021]

³⁹ Refer to Figure 4.3, Indicative sectoral emissions targets to 2030 on page 33 of the *2019 Climate Action Plan* for details. Available at: <https://assets.gov.ie/25419/c97cdecddf8c49ab976e773d4e11e515.pdf> [accessed on 13.04.2021]

Biogenic methane

Methane (CH₄) is the second most powerful GHG with a global warming potential 28 times higher than CO₂. However, CO₂ accumulates while CH₄ does not (CH₄ emitted today lasts about a decade in the atmosphere whereas CO₂ can remain in the atmosphere for hundreds and even thousands of years).¹

In 2020 agriculture accounted for 34% of Ireland's total GHG emissions with methane responsible for nearly 60% of agri-emissions. This is due to the dominance of cattle and sheep production in Irish farming as biogenic methane is a by-product of the digestive process (enteric fermentation) in cattle and sheep. It is released into the atmosphere via belching and during the storage of manure and slurry.¹

The Bill makes two specific references to biogenic methane:

- Under section 6 of the Bill, *Climate action plan and national long-term climate action strategy* - that the Minister and the Government, when performing their respective functions under this section, shall have regard to, among other things, “*the special economic and social role of agriculture, including with regard to the distinct characteristics of biogenic methane.*”
- And that, under section 9 of the Bill, *Carbon budgets* - when preparing carbon budgets, the Advisory Council shall carry out its functions in a manner which takes account of, among other things: “*relevant scientific advice, including with regard to the distinct characteristics of biogenic methane.*”

However, while the Bill acknowledges the distinct characteristics of biogenic methane, it does not explicitly provide for separate targets. As well as this, the Bill states that, when calculating sectoral emissions ceilings, regard should be taken of the special role of agriculture but does not expand on what the consequences of this will be.

Stakeholders who gave evidence and/or provided written submissions to the Committee during PLS had differing views on whether there should be separate biogenic methane targets. Dr. Muinzer did not recommend split targets for Ireland, while the Advisory Council, Dr. Daly and Dr. Jackson supported separate targets. The Committee made recommendations about GHG emissions and biogenic methane including how to address GHGs with different global warming potentials and whether to split targets in carbon budgets. While the Committee did not recommend a split target regarding the national climate objective or interim target, it suggested that, *in the event of a separate target for biogenic methane in carbon budgets*, it should be a clear target as is the case in New Zealand's [Climate Change Response \(Zero Carbon\) Amendment Act 2019](#).

Under New Zealand's 2019 *Zero Carbon Act*, methane targets are separated out from other GHGs. The Act sets a goal of reducing biogenic methane by 10% by 2030, and 24-47% by 2050 while emissions of GHGs other than biogenic methane are to be net zero by 2050.

Section 6D – Revision of a carbon budget

This section provides for the Minister to revise a carbon budget where there are new obligations on the State from European law and/or international agreements as set out in Section 2 of the Principal Act,⁴⁰ or there are significant developments in scientific knowledge of climate change. At the end of each budget period the Agency will provide the GHG emissions for that period for the Minister to review.

Where total GHG emissions were less than the carbon budget, the Minister may carry forward the surplus from the preceding budget to the current budget and the current budget will be increased accordingly.

Where GHG emissions are greater than the carbon budget, the Minister shall carry forward the excess GHG emissions from the preceding budget to the current budget and the current budget will be decreased accordingly.

The Minister must consult with and consider advice from the Advisory Council regarding a revision and then submit to Government who may approve with or without modifications. The revised carbon budget takes effect the day it is approved and must be published by the Minister within the next 30 days.

Observations

The 2020 draft Bill provided for banking of reductions in excess of a carbon budget against future carbon budgets, as well as borrowing of up to 1% from future budgets. This was not supported by Professor John Sweeney during PLS and while the banking provision remains in the Bill, the borrowing of up to 1% against the future has been removed.

Climate Change Advisory Council

Sections 10-13 of the Bill make changes to the Advisory Council.

Introduction

Established under the Principal Act as an independent advisory body on climate action, the [Advisory Council](#) finished its first five-year term in January 2021 and the Minister appointed the new Chairwoman, Ms. Marie Donnelly, a former Director of Renewable Energy and Energy

⁴⁰ The full list is set out in Section 2 of the Principal Act, available [here](#)

Efficiency and Innovation at the Commission (Professor John Fitzgerald steps down as Chairman but remains as an ordinary member).⁴¹

Section 10 - Membership

This section amends **section 9** (membership of the Advisory Council and related matters) of the Principal Act. It increases membership from 10 to 13 ordinary members, provides that the Director of Met Éireann will be an *ex officio*⁴² ordinary member of the Advisory Council (and removes the Director of Sustainable

Energy Authority of Ireland and Director of the National Economic and Social Research Institute as *ex officio* ordinary members).

The Advisory Council has an expanded role and is responsible for preparing carbon budgets. It must now try to be gender balanced and members must have a broad range of expertise.

When nominating the chairperson and ordinary members, the Minister and the Government will ensure that they have a range of qualifications and expertise in at least one of the following areas:

- climate science;
- adaptation policy;
- transport;
- agricultural and/or energy policy;
- behavioural science;
- biodiversity and ecosystem services; and
- economics, finance and/or political sociology or ethics as it relates to climate.

It will also endeavour to make the Advisory Council gender balanced.

It changes the length of office which an ordinary member (excluding the *ex officio* members specified in the section) can hold from five years to three years for at least two such members and five years for at least three such members.

It provides that the chairperson and ordinary members (excluding *ex officio* members specified in this section) can be reappointed once their total membership time is no longer than 10 years and where the period of membership expires and he/she is not reappointed, he/she can remain until the vacancy is filled.

This section provides for a number of other changes to the Advisory Council relating to meetings (chairperson or ordinary member can chair a meeting, each member present at the meeting has a vote, every question at the meeting is decided by majority vote, and the quorum for a meeting is seven).

⁴¹ Gov.ie, 2021. *Minister Ryan appoints Marie Donnelly as Chair and Professor Peter Thorne as member of Climate Change Advisory Council*. 2 February [online]. Available at: <https://www.gov.ie/en/press-release/f132f-minister-ryan-appoints-marie-donnelly-as-chair-and-professor-peter-thorne-as-member-of-climate-change-advisory-council/> [accessed on 14.04.2021]

⁴² The term *ex officio* is used when someone holds one position because of the authority he/she has from another position

It also provides for the establishment of an Adaptation Committee and that, after this section comes into operation, an already existing member will continue to hold office for the rest of his/her term unless he/she sooner dies, resigns or ceases to hold office.

Observations

Ex officio members and appointments process

Experts expressed a variety of views on the composition of the Advisory Council during PLS. Dr Áine Ryall recommended a transparent appointments process similar to the Irish Human Rights and Equality Commission. Dr Andrew Jackson and Dr Thomas Muinzer also recommended the appointment of lawyers and younger people. Professor John Sweeney stated that civil servants on the Advisory Council should not have voting rights. Both Professor Sweeney and Dr Jackson were of the view that there should be no *ex officio* members of the Council, though Professor John Fitzgerald felt that so far, *ex officio* members had not impinged on the independence of the Advisory Council. The Committee recommended that *ex officio* members do not have to be the head of their organisation, that appointments of non *ex officio* members be through an open, competitive and transparent process and that consideration should be given to having a youth member.

General balance and members expertise

During its first term, members of the Advisory Council were predominantly male economists. The Committees on Climate Action of the 32nd and 33rd Dáil recommended greater gender balance and a more balanced range of expertise in the Advisory Council.

In a written submission to the Committee on PLS, the Advisory Council noted that the list of expertise in the draft Bill could be exclusionary and did not include for disciplines such as engineering, climate resilience and adaptation. It also highlighted the importance of international experience.

The Committee recommended a mix of competencies which could additionally include environmental law, biodiversity, adaptation resilience, just transition and industrial relations.

The Bill reflects this for the most part and states that the Minister and Government will “have regard to” a wide range of knowledge and expertise (as set out above) and “use their best endeavours” to be gender balanced. However, the Bill does not provide for a young person or youth organisation or for expertise in environmental law, just transition or industrial relations.

Recommendation for a new Advisory Council

The Climate Action Committee of the 32nd Dáil recommended the establishment of a new, gender balanced Climate Action Council to supersede the Advisory Council in both their reports of March 2019, [Climate Change: A cross-party consensus for action](#) and January 2020, [Consultation on Ireland's final integrated National Energy and Climate Plan 2021-2030](#). The current Committee's December 2020 PLS Report also recommended that:

Provision should be made in the Bill for the transition to a new CCAC, with new appointments, or re-appointments, after the enactment.

The June 2020 Programme for Government, [Our Shared Future](#), states that the Bill will establish a 2050 target, “alongside a newly established Climate Action Council.”

However, the Bill does not provide for a new Advisory Council, rather it sets out an expanded role for the Advisory Council and the Bill coincides with the start of a new five-year term for the Advisory Council.

Functions

Section 11 of the Bill amends section 11 (general functions of the Advisory Council) of the Principal Act. It expands the role of the Advisory Council by providing for a new function – to prepare and submit a proposed carbon budget programme and carbon budgets and to make amendments (if any) to provisional carbon budgets. It also updates the plans and strategies which the Advisory Council will advise and make recommendations to the Minister, other Ministers and the Government on. It does this by replacing references to the NMP and NAF with climate action plan, long-term climate action strategy, NAF, sectoral adaptation plan and carbon budgets as well as replacing sectoral mitigation measures for the NMP with sector specific actions for inclusion in the climate action plan.

Annual review and annual report

Section 12 of the Bill amends section 12 (annual review by, and annual report of, Advisory Council) of the Principal Act by providing that the Advisory Council conducts an ‘annual review’ by 15 September each year of the progress in the previous year in reducing GHG emissions, complying with the carbon budget and each sectoral emissions ceiling for the period and furthering the national climate objective.

It also provides that the annual report shall include future GHG emissions projections for each sector of the economy that has a sectoral emissions ceiling for that period or recommendations regarding sector specific actions to address any failure or projected failure to comply with the carbon budget or sectoral emissions ceiling.

Finally, it provides that the Advisory Council is not required to conduct a review of progress regarding compliance with carbon budgets and sectoral emissions ceilings until 2022. Nor is it required to include future GHG emissions projections for sectors with sectoral emissions ceilings or recommendations regarding sector specific actions to address any failure or projected failure to comply with the carbon budget or sectoral emissions ceiling until 2022.

Periodic review

Section 13 of the Bill amends section 13 (periodic review by the Advisory Council) of the Principal Act by updating the list of plans which the Advisory Council must include when carrying out any periodic review. To this end, it substitutes references to the national transition objective, national mitigation plan, national adaptation framework (NAF) and sectoral adaptation plans (SAPs) for the national climate objective, climate action plan, long-term climate action strategy, NAF, SAPs, carbon budget programme and any sectoral emissions ceilings.

Climate reporting

Section 14 of the Bill amends section 14 (presentation of annual transition statement to each House of the Oireachtas) of the Principal Act by inserting a **new section - s.14A, on climate reporting**.

This requires that the Minister, upon written request from a joint Committee, will attend the Committee after publication of annual climate reports and Agency reports and give an account of:

- progress under the most recently approved climate action plan;
- if GHG emissions have increased or reduced based on the Agency's reports (i.e. the national GHG emissions inventory and projection of future GHG emissions);
- compliance with carbon budgets (from 2022); and
- implementation of adaptation policies.

It also requires that each Minister of the Government, upon written request from a joint Committee, will attend the Committee after publication of annual climate reports and Agency reports and give an account of the following matters, in relation to the sector that each Minister is responsible for:

- sector specific progress under the most recently approved climate action plan;
- if GHG emissions have increased or reduced based on the Agency's reports;
- compliance with the sectoral emissions ceiling (from 2022); and
- implementation of adaptation policies and any adaptation policies envisaged where a sectoral adaptation plan has been prepared.

After hearing from the Minister and/or Minister(s) of the Government, the Committee may prepare a written report with recommendations regarding the matters outlined above respectively and provide a copy to the Minister for Government concerned. The Minister concerned shall then consider the report and provide a written response to the Committee within three months of receipt of the report.

Observations

In its submission to the Committee during the PLS process, the International Labour Office (ILO) recommended that the implementation of just transition policy measures should be included in climate reporting and the Committee recommended in their PLS that:

“More regular, up-to-date, and timely reporting to the Oireachtas committee should be provided for by the Minister on carbon budgets and relevant Ministers and Secretary Generals on sectoral carbon budgets and climate action plans.”

However, the Committee did not quantify what it meant by “more regular”.

Role of the local authorities

Section 15 of the Bill requires **all local authorities to prepare local climate action plans** specifying adaptation and mitigation measures to be adopted. The first local climate action plan must be made within a year of request by the Minister and no later than 18 months after this section is in operation and thereafter, at least every five years.

The local authority climate action plan must in so far as is practical be consistent with the climate action plan and long-term climate action strategy and, must have regard to the long-term climate

action strategy, sectoral adaptation plans and any policies of the Minister or the Government on climate change.

In making the local authority climate action plan, the local authority must consult with adjoining local authorities and the [Public Participation Network](#) and must publish a draft of the proposed plan inviting the public to make submissions and have regard to any submissions made. Once the local authority submits the proposed plan to the members of the local authority, the plan shall be approved or approved with modifications, within six weeks and published no more than 30 days later.

The local authority may revise or modify their plan. Any such revisions or modifications must comply with this section and will have effect until the end of the five-year period for the plan.

Section 18 of the Bill provides that local authorities must take account of their local climate action plans when preparing the Development Plan for their area.

Observations

Local authorities are already required to prepare Local Adaptation Plans under the Principal Act and some local authorities, such as the four Dublin local authorities have already come together under the Dublin Metropolitan Climate Action Regional Office ([CARO](#)) and collaboratively developed four individual climate action plans for their functional areas.⁴³ Cork is also working on a Climate Action Plan.⁴⁴

8. Omissions from the Bill

ESB borrowings and oil and gas licensing

On 2 February 2021, the Minister sought and was granted Cabinet approval for additional heads to the draft Bill which relate to:

- Amendments to the [Electricity \(Supply\) \(Amendment\) Act 1954](#) to increase the ESBs borrowing limit from €6 billion to €12 billion to help them decarbonise;⁴⁵ and
- Amendments to the [Petroleum and Other Minerals Development Act 1960](#) to provide for a statutory ban on the issuing of new licences for the exploration and extraction of oil and natural gas.⁴⁶

⁴³ South Dublin County Council, 2019. *Climate Change* [online]. Available at:

<https://www.sdcc.ie/en/services/environment/climate-change/> [accessed on 12.04.2021]

⁴⁴ CARO, 2020. *Case study – Cork – developing a Climate Action Plan* [online]. Available at:

<https://www.caro.ie/projects-research/case-studies/developing-a-climate-action-plan> [accessed on 12.04.2021]

⁴⁵ Government of Ireland, 2021. *Climate Action and Low Carbon Development (Amendment) Bill 2021. Public consultation on Climate Action Plan 2021. FAQ.* [online]. Available at:

<https://www.gov.ie/en/publication/984d2-climate-action-and-low-carbon-development-amendment-bill-2020/> [accessed on 09.04.2021]

⁴⁶ Gov.ie, 2021. *Government to introduce new legislation to ban new oil and natural gas exploration and extraction.* 2 February [online]. Available at:

<https://www.gov.ie/en/press-release/ee960-government-to-introduce-legislation-to-ban-new-oil-and-natural-gas-exploration-and-extraction/> [accessed on 12.04.2021]

The Government has indicated that it intends to introduce these heads at Committee Stage of the Bill. This means that the Digest cannot comment comprehensively on these sections as they have not been published to date.

With regards to oil and gas, while there will be no future licensing rounds, the Government has reaffirmed that this will not affect existing licenses already issued by the State for oil and gas exploration and extraction. Environmental NGOs welcomed the news on banning new licences but are also seeking more ambitious action, with Friends of the Earth Ireland stating that they will be calling for a specific date to be set to terminate existing licenses too.⁴⁷

Ban on petrol and diesel cars

A proposed ban on the sale of new, and importation of, petrol and diesel vehicles by 2030 was included in the 2019 Climate Action Plan and 2019 General Scheme of the Bill and is also included in the Programme for Government. However, it did not make it into the final text of the Bill.

The UK has a ban in place for all new petrol and diesel cars by 2040 but in November, Prime Minister Boris Johnson announced the Government's intention to bring this date forward to 2030. The UK Climate Change Committee advised that it was necessary to bring forward the ban if the UK want to meet their GHG emissions targets although car manufacturers have voiced their concerns for the viability of the industry if the ban is brought forward.⁴⁸ A number of other countries and regions including Germany, Norway, China, India, Quebec and California already have, or are considering introducing, similar bans on petrol and diesel cars.⁴⁹

The Department has indicated that Government remains committed to phasing out the registration of new petrol and diesel cars and light vehicles from 2030 onwards. The *Interim Climate Actions 2021*, published alongside the Climate Bill, restates this commitment. The Government also commits to working with other EU Member States to seek a common EU regulatory solution to this issue.⁵⁰

Liquified natural gas (LNG) infrastructure

A general recommendation made by the Committee in their PLS was that “the Minister address in the Bill and/or revert to the Committee with a comprehensive plan to ban the importation of fracked gas and specifically to ban liquified natural gas (LNG) terminals in Ireland within the year 2021.”

⁴⁷ Green News, 2021. *Cabinet signs off on new oil and gas exploration ban*. 2 February. [online]. Available at: <https://greennews.ie/cabinet-oil-and-gas-exploration-ban-2021/> [accessed on 12.04.2021]

⁴⁸ Jolly, J., 2021. Car industry lobbied UK Government to delay ban on petrol and diesel cars. *The Guardian*. 15 March [online]. Available at: <https://www.theguardian.com/business/2021/mar/15/car-industry-lobbied-uk-government-delay-ban-petrol-diesel-cars> [accessed on 12.04.2021]

⁴⁹ Reuters, 2020. *FACTBOX - Fossil fuel-based vehicle bans across the world*. 18 November [online]. Available at: <https://news.trust.org/item/20201118095737-8h1uh> [accessed on 12.04.2021]

⁵⁰ Personal communications between the L&RS and the Department, 13 April 2021

This issue is not addressed under the Bill which disappointed the climate activist group, Extinction Rebellion. The Minister advised that this would be dealt with separately to the Bill⁵¹ but has not responded to a request from the Committee to provide details on the timeline.⁵²

Accountability & penalties

Relevant bodies

Section 15 of the Principal Act, *duties of certain bodies*, refers to “relevant bodies” which has the same meaning as that given under the [Freedom of Information Act, 2014](#) and means “a prescribed body and a public body.”

In a recent court ruling, in the case of *Friends of the Irish Environment v the Minister for Communications, Climate Action and the Environment, Ireland and the Attorney General*⁵³ regarding the Shannon LNG project, the judge ruled that there is:

‘no statutory obligation on the Government, in the exercise of its executive power under the Constitution of Ireland, to have regard to a national mitigation plan nor to the furtherance of the national transition objective. This follows from the fact that the definition of “relevant body” for the purposes of section 15 of the CALCD [Principal] Act 2015 does not include the Government.’

This means that while section 15 of the Principal Act imposes an obligation on a ‘relevant body’ (such as individual Ministers) to have regard to the ‘national transition objective’, the Government is not included as a relevant body under the legislation.⁵⁴

Limitation of liability

Under Section 4, Limitation of liability, of the Bill, it does not impose financial penalties on any sector for failure to comply with the provisions of the Bill.⁵⁵ A recent Irish Times article stated that: “the Bill does not provide for penalties if targets are not met, but it is understood that where actions fall short in particular sectors, Ministers with responsibilities in these area may in future face budget reductions.”⁵⁶

⁵¹ Crossan, K., 2021. Climate neutrality by 2050 legally binding in redrafted Climate Bill. *Green News* 23 March [online]. Available at: <https://greennews.ie/reviced-climate-bill-published/> [accessed on 12.04.2021]

⁵² Personal communications between the L&RS and the Committee, Tuesday 12 April 2021.

⁵³ [2021] IEHC 177

⁵⁴ Friends of the Irish Environment, 2021. *No obligation on Government to have regard to National Climate Mitigation Plan*. 30 March [online]. Available at: <https://www.friendsoftheirishenvironment.org/press-releases/17953-no-obligation-on-government-to-have-regard-to-national-climate-mitigation-plan> [accessed on 13.04.2021]

⁵⁵ Eversheds Sutherland, 2021. *Climate Action and Low Carbon Development (Amendment) Bill 2021 – draft Bill published*. 23 March [online]. Available at: <https://www.eversheds-sutherland.com/global/en/what/articles/index.page?ArticleID=en/global/ireland/climate-action-low-carbon-development-bill-2021> [accessed on 19.04.2021]

⁵⁶ O’Sullivan, K. 2021. Bill signals intent though gaps remain on how to halve emissions and reach net-zero. *The Irish Times*. 23 March [online]. Available at: <https://www.irishtimes.com/news/politics/climate-bill-signals-intent-but-gaps-remain-on-how-to-halve-emissions-by-2030-1.4518356> [accessed on 12.04.2021]

9. Regulatory Impact Assessment (RIA) of the Bill

A Regulatory Impact Assessment (RIA) of the Bill is not currently available but will be published at Committee Stage of the Bill.⁵⁷ This means that the Digest cannot comment on or analyse the RIA as it has not been published to date.

10. Opportunities & implications from the Bill

The [2019 Climate Action Plan Annex of Actions](#) sets out 183 actions to tackle climate change and the Bill provides the legal framework for Ireland to transition to a climate resilient, biodiversity rich and climate neutral economy no later than 2050, with a halving of GHG emissions by the end of the decade. Delivering on these commitments will have major implications across all sectors of society, the economy and the environment. Everyone will be affected – individuals, households, businesses, communities and farmers, but some will be more affected than others. Achieving the objectives of the Bill are dependent on many things, from implementing the actions set out under the 2019 Climate Action Plan and transforming the provisions of the Bill into rapid and sustained actions while also applying other complimentary policy instruments (e.g. measures set out under Ag-Climatise for farmers), other legislative changes required (e.g. for offshore renewables), incentives (e.g. to retrofit homes), infrastructural changes (e.g. more cycle paths and better public transport options) and how and whether people can be supported and encouraged to change certain behaviours (e.g. to turn their car engine off when idling). Certain sectors will be more affected in the short-term, such as agriculture, energy and transport. Some people, such as those working in fossil-fuel powered electricity generation, will lose their jobs and must be protected (to ensure a just transition to carbon neutrality). However, this transition also offers huge opportunities for cleaner air and warmer homes and subsequent improvements to human health as well as more liveable cities with better public transport, new jobs, green electricity, and restoring Ireland's wildlife.

Due to the levels of actions required to achieve these goals, and the subsequent breadth and interlinkages of the positive and negative impacts, the Digest does not provide a detailed analysis of the opportunities and implications. However, short examples of some of the major impacts in the key sectors affected are set out hereunder.

Agriculture, Forestry and Land Use

Depending on the emissions ceilings set for agriculture, the national herd may need to be cut. More farmers may need to either leave farming or change the way they farm. They will have to consider greater diversification into forestry and escalate the use of smarter farming methods such as low-emission slurry spreading if the sector is to reduce GHG emissions. The key policy instrument in enabling agriculture to reach climate neutrality by 2050 is set out in the [Ag-Climatise](#)

⁵⁷ Personal communications between the L&RS and the Department on Tuesday, 13 April 2021.

[Roadmap](#)⁵⁸ launched in December 2020. The Roadmap includes 29 actions as well as specific targets aimed at reducing the environmental footprint of the sector. The actions are primarily based on the [Teagasc Marginal Abatement Cost Curves \(MACC\)](#)⁵⁹ regarding GHGs and ammonia emissions.

Transport

Transport will also be directly hit with a sector emissions ceiling. The implementation of various policy measures will have an impact on this too. These include how quickly electric vehicles (EVs) levels increase (the Government set a target to have 1 million EVs on the road by 2030 as a part of the 2019 Climate Action Plan – this is equivalent to one-third of the vehicles currently on the road today) and if the Government keeps its commitment to ban petrol and diesel cars by 2030. Technological advances, such as developing technology in relation to green fuels for vehicles will, if successful, help reduce GHG emissions. Opportunities include better and cheaper public transport infrastructure, more cycle-lanes, and actions such as the promotion of car free zones/days and/or towns and cities.⁶⁰

Built environment

Reducing emissions from the built environment requires upgrading older existing housing stock to low energy homes and phasing out the use of fossil fuels. The latter might involve converting to smart energy efficient heating systems and/or adding capacity to generate renewable energy through for example, solar panels. Larger public and private buildings must also become more energy efficient. While substantial investment is needed to achieve this, the benefits to public health from warmer more comfortable homes with better air quality and the opportunities for the creation of green jobs through a national retrofitting scheme is considerable.

Energy

Increasing our use of renewable energy offers many opportunities. This depends on various things, including how quickly and how well the microgeneration of electricity takes off in domestic settings, support for increased use of solar panels and heat pumps in homes, schools, hospitals, offices and other buildings and on a commercial scale, how successful the latest [Renewable Electricity Support Scheme](#) (RESS) is. As well as this, development of an offshore wind energy industry in Ireland hinges on the enactment of the Maritime (Planning) Bill (formerly the Marine Planning and Development Management Bill), which seeks to provide the legislative framework for a new streamlined development consent process for activities in the maritime area including offshore renewable energy. The General Scheme of the Bill underwent PLS with the Joint Oireachtas

⁵⁸ Gov.ie, 2020. *Ag-Climatise – a roadmap towards climate neutrality*. 9 December [online]. Available at: <https://www.gov.ie/en/press-release/a8823-publication-of-ag-climatise-national-climate-air-roadmap-for-the-agriculture-sector/> [accessed on 13.04.2021]

⁵⁹ Teagasc, 2019. *An analysis of abatement potential of GHG emissions in Irish agriculture 2021-2030* [online]. Available at: <https://www.teagasc.ie/media/website/publications/2018/An-Analysis-of-Abatement-Potential-of-Greenhouse-Gas-Emissions-in-Irish-Agriculture-2021-2030.pdf> [accessed on 14.04.2021]

⁶⁰ Further information on *Transport Energy* is available from Gov.ie at: <https://www.gov.ie/en/policy-information/e1539-transport-energy/> [accessed on 14.04.2021]

Committee on Housing, Local Government and Heritage between 24 November and 3 December 2021. Along with other relevant resources, the Committee and L&RS PLS reports for the General Scheme of the Bill are available on the internal Oireachtas Bill Briefing page for the Bill, [here](#).⁶¹

Just Transition

As a part of our transition to a carbon neutral economy, lots of jobs will be created in areas including green energy, building retrofitting and energy efficiency as well as green technologies and innovations. However, some jobs will be lost too, especially by peat and coal workers.⁶² An example of this is the recent announcement by the ESB, that the coal-fired power plant at Moneypoint (which is due to phase out coal-powered electricity production by 2025) will be repurposed into a green energy hub for offshore wind energy and the production of green hydrogen. This green energy generation is anticipated to have the capacity to power 1.6 million homes which will provide a significant contribution towards achieving Ireland's 2030 and 2050 targets under the Bill.⁶³

Biodiversity

The Bill commits to achieving a “biodiversity rich” economy by no later than 2050 and provides for increased support for biodiversity and nature-based solutions under the Climate Action Fund. Effective policies to achieve this goal, such as those for storing and sequestering carbon include increased appropriate afforestation and the re-wetting of peatlands and can offer substantial co-benefits for biodiversity, water quality and management, and for climate resilience. How the Common Agricultural Policy (CAP) is applied to support farmers to carry out more biodiversity-friendly agricultural practices and to diversify could also be expanded.

11. Stakeholder commentary on the Bill

Substantial commentary on the Bill was fed through the Committee during the PLS of the draft Bill and many suggestions from stakeholders made it into the recommendations in the Committee's Report on PLS. Many of the Committee recommendations made it into the Bill. A sample of stakeholder commentary post-publication of the Bill is provided for hereunder:

Environmental NGOs

Climate NGOs are broadly happy with the Bill and see it as a big step in the right direction with Friends of the Earth Director, Oisín Coghlan stating that, “the first draft had too many loopholes. Now targets are tighter, the duty to act is stronger, and the language is clearer.” The Bill is also

⁶¹ The Committee PLS paper on the General Scheme of the Bill along with the transcripts of the public hearings held on the subject are also publicly available on the Committee website, at: <https://www.oireachtas.ie/en/Committees/33/housing-local-government-and-heritage/>

⁶² Further information at: Nerin Institute, 2020. *Investing in a Just Transition. Realising the potential of a low carbon economy* 9 January [online]. Available at: <https://www.nerininstitute.net/research/investing-just-transition-realising-potential-low-carbon-economy> [accessed on 14.04.2021]

⁶³ ESB, 2021. *ESB announces GREEN ATLANTIC at Moneypoint*. 9 April [online]. Available at: <https://www.esb.ie/tns/press-centre/2021/2021/04/09/esb-announces-green-atlantic-@-moneypoint> [accessed on 10.04.2021]

justiciable so the Government can be brought to court if targets are not being met.⁶⁴ However, they are disappointed that the importation of fracked gas is not banned and that the definitions for climate justice and just transition are weak.⁶⁵

Farming lobby

While the Bill requires special consideration for agriculture and for biogenic methane, there will be sectoral cuts required and these will be challenging for farmers. The Irish Farmers Association (IFA) supports the New Zealand model (which has separate targets for biogenic methane) while Macra na Feirme highlighted the need for increased support for young farmers who will be the drivers in changing agricultural practices. The Irish Creameries Milk Suppliers Association (ICMSA) highlighted that if farmers are to be supported in protecting the environment, these supports must be reflective of the work farmers will need to do to bring down emissions in line with the targets in the Bill.⁶⁶

Academia and industry

Professor John Fitzgerald

Professor John Fitzgerald, outgoing Chairman of the Advisory Council (but remaining as an ordinary member)⁶⁷ has highlighted the importance of compatible climate change policies in Ireland, Northern Ireland and the UK. In a recent article in the Irish Times, he noted that, for example, as the UK is banning new petrol and diesel cars from 2030, unless Ireland and Northern Ireland implement similar bans, Ireland may become a dumping ground for such cars post 2030.⁶⁸

Dr Andrew Jackson, Dr Barry Mullins and Professor John Sweeney

As set out earlier in this Digest (page 25), leading climate experts, Professor John Sweeney (Maynooth NUI), Dr Barry Mullins (DCU) and Dr Andrew Jackson (UCD)⁶⁹ have written to the coalition leaders, the Committee and the Advisory Council expressing their concern that a 7% year-on-year reduction in GHG emissions is not included in the Bill. They state that this risks different interpretations of the 51% reduction provided for in the Bill and potential legal challenges.

⁶⁴ O'Sullivan, K. 2021. Bill signals intent though gaps remain on how to halve emissions and reach net-zero. *The Irish Times*. 23 March [online]. Available at: <https://www.irishtimes.com/news/politics/climate-bill-signals-intent-but-gaps-remain-on-how-to-halve-emissions-by-2030-1.4518356> [accessed on 12.04.2021]

⁶⁵ Coghlan, O., 2021. New Climate Bill scores 3 wins, 2 losses and a draw on our tests. *The Journal*. 25 March [online]. Available at: <https://www.thejournal.ie/readme/climate-change-friends-of-the-earth-5391127-Mar2021/> [accessed on 12.04.2021]

⁶⁶ Walsh, S. 2021. Climate Bill. *The Irish Farmers Journal* 27 March. Vol.74 No. 12 p.12

⁶⁷ Also adjunct professor in Economics at TCD and in Electrical and Electronic Engineering at UCD

⁶⁸ Fitzgerald, J., 2021. Workable climate policy must chime across borders. *Irish Times* 5 February [online]. Available at: <https://www.irishtimes.com/business/economy/john-fitzgerald-workable-climate-policy-must-chime-across-borders-1.4476210> [accessed on 08.04.2021]

⁶⁹ The full text of the letter of 14 April 2021 from Dr Andrew Jackson (UCD), Dr Barry Mullins (DCU) and Professor John Sweeney (Maynooth NUI) is available on google drive at: <https://docs.google.com/a/dcu.ie/viewer?a=v&pid=sites&srcid=ZGN1LmlIfGRjdWVjcm58Z3g6NjM5NDY4MDQ0ZWY2MjQxMA> [accessed on 19.04.2021]

⁷⁰ The experts also acknowledge that PLS has benefitted the text of the Bill greatly and agree that the Bill:

Represents a step change in recognition by the Irish state of the global climate and biodiversity emergency. It proposes fundamental improvements in the governance of Irish climate action.⁷¹

MaREI and Wind Energy Ireland

The Science Foundation Ireland (SFI) Research Centre for Energy, Climate and Marine (MaREI), on behalf of Wind Energy Ireland published their report, *Our Climate Neutral Future, Zero by 50* on 30 March 2021⁷² which set out, among other things, three key “no regrets options” which Government must pursue to ensure Ireland can reach its 2050 climate neutral target as follows:

1. Energy efficiency first;
2. Electrification; and
3. More renewables faster.

According to Wind Energy Ireland, we have the technology, resources, skills and investment to create a climate neutral economy by 2050 but it can only be achieved with unprecedented mobilisation across all sectors of society and the economy and a shared commitment to reach our national climate objective.⁷³

12. International examples of climate law

The L&RS provided a detailed comparison of the 2020 draft Bill with the *Climate Change (Scotland) Act 2009* in its PLS Briefing Paper.⁷⁴ This section of the Digest provides a snapshot of recently proposed and introduced climate law in other jurisdictions (New Zealand, France and Spain). Due to the success of the UK climate law, a short synopsis is also provided here.

⁷⁰ O’Sullivan, K., 2021. Leading experts warn landmark Climate Bill has fundamental flaw. *The Irish Times*. 15 April [online]. Available at: <https://www.irishtimes.com/news/environment/leading-experts-warn-landmark-climate-bill-has-fundamental-flaw-1.4538654> [accessed on 19.04.2021]

⁷¹ The full text of the letter of 14 April 2021 from Dr Andrew Jackson (UCD), Dr Barry Mullins (DCU) and Professor John Sweeney (Maynooth NUI) is available on google drive at: <https://docs.google.com/a/dcu.ie/viewer?a=v&pid=sites&srcid=ZGN1LmlIfGRjdWVjcm58Z3g6NjM5NDY4MDQ0ZWY2MjQxMA> [accessed on 19.04.2021]

⁷² MaREI, 2021. *Our Climate Neutral Future, Zero by 50* [online]. Available at: <https://windenergyireland.com/latest-news/5392-new-report-from-marei-centre-shows-how-climate-bill-can-be-delivered> [accessed on 31.03.2021]

⁷³ O’Sullivan, K., 2021. Report shows how Ireland can deliver ‘net zero energy by 2050’. *Irish Times*. 31 March [online]. Available at: <https://www.irishtimes.com/business/energy-and-resources/report-shows-how-ireland-can-deliver-net-zero-energy-system-by-2050-1.4524135> [accessed on 08.04.2021]

⁷⁴ Further information is available on pages 35-50 of the L&RS PLS Report available internally at: https://ptfs-oireachtas.s3.amazonaws.com/DriveH/AWDData/Library2/LRS%20Publications/pdf/PLS%20briefing%20on%20CA%20and%20LC%20Am%20Bill_04.11.2020_v10_FINAL_040221_141308.pdf

UK

The UK was the first country to have a Climate Change Act and one of the first large economies to set a target of reaching net zero emissions by 2050. The [UK Climate Change Act 2008](#) (as amended) sets a legal framework for the UK to achieve this. Key provisions of the Act are:

- Preparation of five-yearly carbon budgets;
- Establishment of the independent Committee on Climate Change; and
- Development a rolling cycle of statutory national risk assessments and a resulting National Adaptation Programme (NAP) that must address the risks.

Since 2008, five carbon budgets have been approved by Government and GHG emissions have continued to fall – in 2018, the UK's GHG emissions were 44% below 1990 levels. The Committee on Climate Change note that, while the UK has met its first two carbon budgets (2008-2012 and 2013-2017) and is on track to meet its third (2018-2022), it is not currently on track to meet its fourth (2023-2027) or fifth (2028-2032) budgets.⁷⁵

Despite the UK being considered a world leader in climate action over the past two decades, and the Prime Minister's commitments to further reduce GHG emissions, the Government has been criticised for a number of contradictory decisions including approval of a coal mine in Cumbria, new oil and gas exploration licenses for the North Sea, cutting the green home grant and slashing incentives for electric vehicles.⁷⁶

France

France is currently considering a draft Climate Law which will legislate for the green reform it needs to achieve its national objective of a 40% GHG emissions cut by 2030. The Bill provides for new emission reduction measures from sectors including buildings, agriculture, transport and aviation and includes for ecocide as a punishable offense. The Bill also proposes to ban fossil fuel advertisements, certain domestic flights and new cars emitting more than 95 grams of CO₂ per kilometer by 2030.

However, the Bill has been criticised as not going far enough – weakening the key recommendations of the French citizens' assembly on climate change and not including any requirements for the tech industry to reduce its GHG emissions.⁷⁷ There are also concerns that the Bill as it is, will not be enough for France to meet the latest EU 2030 GHG emissions targets.⁷⁸

⁷⁵ UK Committee on Climate Change, n.d. [online]. *The benefits of the Climate Change Act*. [online]. Available at: <https://www.theccc.org.uk/about/our-expertise/the-benefits-of-the-climate-change-act/> [accessed on 15.04.2021]

⁷⁶ Harvey, F., 2021. Boris Johnson told to get grip of UK climate strategy before Cop26. *The Guardian* 12 April [online]. Available at: <https://www.theguardian.com/environment/2021/apr/12/boris-johnson-told-to-get-grip-of-uk-climate-strategy-before-cop26> [accessed on 13.04.2021]

⁷⁷ Kayali, L. & Guillot, L., 2021. The French climate laws digital blind spot. *Pro Politico* [online]. 3 March. [Accessed on subscription by the L&RS on 03.03.2021]

⁷⁸ Farand, C., 2021. French draft climate law criticised for weakening ambition of citizens' assembly. *Climate Change News* [online]. 12 January. Available at: <https://www.climatechangenews.com/2021/01/12/french-draft-climate-law-criticised-weakening-ambition-citizens-assembly/> [accessed on 08.04.2021]

Lawmakers submitted over 4,000 amendments to the Bill at the start of March.⁷⁹ The Bill is currently (April 2021) being considered by the French parliament and the Government hopes the text can be put to a vote before the end of the summer.

Spain

The Spanish Parliament's Commission on the Ecological Transition approved a [draft Climate Change and Energy Transition Law](#) on 8 April 2021 which:

- Sets new national climate targets for 2030 (increasing them to a 23% reduction in GHGs compared to 1990 levels and boosting the renewable power target to 74%);
- Obliges Government to revamp the electricity market this year with the aims of increased public participation, grid upgrade to take more renewables and greater energy storage capacity;
- Bans new oil and gas extraction, fracking and new uranium mining projects;
- Periodic review of national climate goals from 2023 (to consider raising these goals);
- Approval of a national adaptation plan every five years;
- Requirement to take climate change into account in future urban planning schemes;⁸⁰
- Ban new petrol and diesel cars from 2040;
- Obliges cities to establish low emissions zones;
- Promote EVs by installing e-chargers at petrol stations and, from 2025, at new residential buildings with carparks; and
- Sets a goal for its passenger and light commercial car fleet to be carbon free by 2050.⁸¹

The Law is expected to be approved by the Senate and enter into force at the end of April 2021.

New Zealand

Key provisions under New Zealand's [Climate Change Response \(Zero Carbon\) Amendment Act 2019](#) include:

- Reduction in GHG emissions (other than biogenic methane) to net zero by 2050;
- Separate targets for biogenic methane emissions reduction (10% by 2030, and 24-47% by 2050);
- Introduces five-yearly emissions budgets to reach the 2050 target; and
- Establishment of an independent Climate Change Commission to advise Government on how to reach carbon neutrality by 2050 and to develop five-yearly carbon budgets.

The New Zealand Zero Carbon Act was discussed several times during PLS on the Bill, particularly in relation to the separate targets on biogenic methane which some stakeholders were supportive of. However, latest figures (April 2021) show that New Zealand is on the wrong path to reach

⁷⁹ Farand, C., 2021. French climate bill set for rocky ride after citizens' assembly slams weak ambition. *Climate Change News* [online]. 3 March. Available at: <https://www.climatechangenews.com/2021/03/03/french-climate-bill-set-rocky-ride-citizens-assembly-slams-weak-ambition/> [accessed on 08.04.2021]

⁸⁰ Hernandez-Morales, A., 2021. Spanish climate law raising emissions slashing targets. *Pro Politico*. 8 April [online]. Available at: <https://pro.politico.eu/news/spanish-climate-law-raises-emissions-slashing-targets> [accessed on subscription by the L&RS on 08.04.2021]

⁸¹ Hernandez-Morales, A., 2021. Spanish climate law sunsets sale of new fossil fuel cars. *Pro Politico*. 8 April [online]. Available at: <https://pro.politico.eu/news/spanish-climate-law-sunsets-sale-of-new-fossil-fuel-cars> [accessed on subscription by the L&RS on 08.04.2021]

carbon neutrality, with a 2% increase in GHG emissions in 2019 driven by the energy sector and rise in methanol production in the manufacturing industries.⁸²

⁸² Hunt, E., 2021. New Zealand emissions rise as Government vows urgent action. *The Guardian* 13 April [online]. Available at: <https://www.theguardian.com/world/2021/apr/13/new-zealand-emissions-rise-as-government-vows-urgent-action> [accessed on 13.04.2021]

Contact:

Houses of the Oireachtas
Leinster House
Kildare Street
Dublin 2
D02 XR20

www.oireachtas.ie

Tel: +353 (0)1 6183000 or 076 1001700

Twitter: @OireachtasNews

Library & Research Service

Tel: +353 (0)1 6184701

Email: library.and.research@oireachtas.ie

