

# **Climate Action and Low Carbon Development (Amendment) Bill 2020**

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## Long title

An Act to amend the Climate Action and Low Carbon Development Act 2015; to provide for the approval of plans by the Government in relation to climate change for the purpose of pursuing the transition to a climate resilient and climate neutral economy by the end of the year 2050; to make certain amendments in relation to the Climate Change Advisory Council; to provide for carbon budgets and a decarbonisation target range for certain sectors of the economy; to provide for reporting by Ministers of the Government to a joint committee in relation to climate; to provide for local authority climate action plans; to amend the National Oil Reserves Agency Act 2007 to extend the purposes for which moneys may be paid out of the Climate Action Fund; and to provide for related matters.

### Definition

1. In this Act “Principal Act” means the Climate Action and Low Carbon Development Act 2015.

### Amendment of section 1 of Principal Act

2. Section 1 of the Principal Act is amended -

- (a) by the insertion of the following definitions:

“ ‘administrative area’ has the meaning assigned to it by the Act of 2001;

‘annual report’ has the meaning assigned to it by section 12(1)(b);

‘approved climate action plan’ means a climate action plan under section 4 and includes any revision of that plan made in accordance with that section;

‘approved national long term climate action strategy’ means a national long term climate action strategy approved by the Government under section 4;

‘budget period’ has the meaning assigned to it by section 6A(1);

‘carbon budget’ means, in relation to one or more greenhouse gases, the total amount of greenhouse gas emissions that are permitted during the budget period;

‘carbon budget programme’ has the meaning assigned to it by section 6A(2);

‘climate action plan’ has the meaning assigned to it by section 4;

‘climate neutral economy’ means a sustainable economy, where greenhouse gas emissions are balanced or exceeded by the removal of greenhouse gases;

‘decarbonisation target range’ means the target range of greenhouse gas emissions that are permitted in different sectors of the economy within the limits specified in the carbon budget;

‘joint committee’ means a committee appointed by both Houses of the Oireachtas;

‘national long term climate action strategy’ has the meaning assigned to it by section 4;

‘national 2050 climate objective’ has the meaning assigned to it by section 3;

‘provisional carbon budget’ has the meaning assigned to it by section 6A(3);”

- (b) by the substitution of the following definitions for the definitions of “emissions” and “removal”:

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

“ ‘removal’ means, in relation to greenhouse gases, removal of those gases from the earth’s atmosphere through the use of natural or technological solutions, including the creation or enhancement of sinks, or a change of land use, in the State;”

and

(c) by the deletion of the following definitions:

(i) “approved national mitigation plan”;

(ii) “national mitigation plan”;

(iii) “national transition objective”;

(iv) “sectoral mitigation measures”.

### **National 2050 climate objective**

3. The Principal Act is amended by the substitution of the following for section 3:

“3. (1) The State shall pursue the transition to a climate resilient and climate neutral economy by the end of the year 2050 (in this Act referred to as the ‘national 2050 climate objective’).

(2) For the purpose of enabling the State to pursue the national 2050 climate objective, the Minister shall make and submit to the Government for approval -

- (a) annual revisions to the Climate Action Plan, in accordance with section 4,
- (b) a series of National Long Term Climate Action Strategies in accordance with section 4,
- (c) national adaptation frameworks in accordance with section 5,
- (d) sectoral adaptation plans in accordance with section 6, and
- (e) carbon budgets in accordance with sections 6B and 6D.

(3) For the purposes of performing their functions under sections 4, 5 and 6 the Minister and the Government shall have regard to the following matters:

- (a) the ultimate objective specified in Article 2 of the United Nations Framework Convention on Climate Change done at New York on 9 May 1992 and:
  - (i) any mitigation or adaptation commitments entered into by the European Union in response or otherwise in relation to that objective;
  - (ii) the steps specified in Article 2 of the Agreement done at Paris on 12 December 2015 to achieve that objective,
- (b) the policy of the Government on climate change;
- (c) climate justice;
- (d) the most recent national greenhouse gas emissions inventory and projection of future greenhouse gas emissions, prepared by the Agency;

- (e) the need to deliver the best possible value for money consistent with the sustainable management of the public finances and to maximise, as far as practicable, the net benefits to society;
- (f) the National Planning Framework (or, where appropriate, the National Spatial Strategy);
- (g) science and technology, taking into account that the means of achieving a climate neutral economy and other measures to enable the State to pursue the national 2050 climate objective may not yet be fully identified and may evolve over time through innovation, evolving scientific consensus and emerging technologies;
- (h) likely future mitigation and adaptation commitments of the State;
- (i) the economic imperative for early and cost-effective action;
- (j) the requirement to be able to act quickly in response to economic and environmental occurrences and circumstances;
- (k) the need to promote sustainable development;



- (l) the long-term competitiveness of the State consistent with building a climate neutral economy;
- (m) relevant scientific or technical advice;
- (n) the requirement for flexibility in order to take advantage of opportunities, arising in light of innovation, evolving scientific consensus and emerging technologies, to accelerate the removal of greenhouse gases;
- (o) the role of behavioural change on the part of individuals and society in supporting the Government to pursue the national 2050 climate objective and the policies and measures required to effect such change;
- (p) the risk of substantial and unreasonable carbon leakage as a consequence of measures implemented by the State to pursue the national 2050 climate objective;
- (q) the protection of public health;
- (r) the carbon budget programme;

- (s) where a climate action plan has been updated under section 4, the most recently updated climate action plan;
- (t) where a series of national long term climate action strategies have been approved under section 4, the most recently approved series of national long term climate action strategies;
- (u) where national adaptation frameworks has been approved under section 5, the most recently approved national adaptation framework;
- (v) where sectoral adaptation plans has been approved under section 6, the most recently approved sectoral adaptation plan;
- (w) any recommendations or advice of the Advisory Council;
- (x) the special economic and social role of agriculture;
- (y) the distinct characteristics of biogenic methane referred to in the Special Report on Global Warming published by the Intergovernmental Panel on Climate Change on 8 October 2018.

(4) For the purposes of performing their functions under sections 6B and 6D the Minister and the Government shall have regard to the matters specified at paragraphs (a) to (d) of subsection (3).

(5) The Minister shall consult with the Advisory Council for the purpose of the performance, by him or her, of his or her functions under sections 4 to 6D.

(6) The Government may consult with the Advisory Council for the purpose of the performance by them of their functions under sections 4 to 6D.

(7) In this section:

‘carbon leakage’ means the transfer by businesses, due to costs related to climate policies, of production to other countries with less restrictive policies with regard to greenhouse gas emissions;

‘National Planning Framework’ has the meaning assigned to it in section 20A of the Planning and Development Act 2000;

‘National Spatial Strategy’ means the ‘National Spatial Strategy: 2002 – 2020’ published by the Government on 28 November 2002, or any document published by the Government which amends or replaces that Strategy.”.

## **Climate action plans and strategies**

4. The Principal Act is amended by the substitution of the following for section 4:

- “4. (1) The Minister shall, to enable the State to pursue the national 2050 climate objective, -
- (a) prepare an annual update to the climate action plan, and
  - (b) prepare, not less than once every 10 years, a national long term climate action strategy.
- (2) The Minister shall, when updating the climate action plan under subsection (1)(a) -
- (a) take account of the carbon budget programme applicable to the periods referred to in subsection (3)(a) to (c),
  - (b) set out a roadmap of actions, including –
    - (i) sector specific actions that, in the opinion of the Government, should be pursued to remain within the carbon budget and decarbonisation target range for the period to which the plan relates,

(ii) other actions and measures that, in the opinion of the Government, are necessary to support Government policy on climate change.

(3) The roadmap of actions referred to in subsection (2)(b) shall -

(a) specify measures that, in the Minister's opinion, will be required for the next period of 5 years,

(b) set out an overview of the policies and, to the extent feasible, measures that, in the Minister's opinion, will be required for a the next period of 5 years following the period referred to in paragraph (a), and

(c) outline potential policies that, in the Minister's opinion, may be required for the next period of 5 years following the period referred to in paragraph (b).

(4) When preparing the update referred to in subsection (1)(a) the

Minister-

- (a) may consult with such persons (including members of the public) as he or she considers appropriate, and
  - (b) shall consult with any other Minister of the Government as he or she considers appropriate, including in relation to sector specific actions, for which that Minister has responsibility, that are to be included in the update referred to in subsection (1)(a).
- (5) The Minister shall, each year, commencing in 2021, submit a draft of the update referred to in subsection (1)(a) to the Government for approval.
- (6) The Minister shall, not less than once every 10 years, but, if the Minister considers appropriate, not less than once every 5 years, prepare a national long term climate action strategy referred to in subsection (1)(b) to specify the manner in which it is proposed to achieve the national 2050 climate objective.
- (7) The national long term climate action strategy may include the following -
  - (a) projected greenhouse gas emissions reductions and the enhancement of sinks for a minimum of 30 years,

- (b) projected sector specific greenhouse gas emissions reductions and enhancement of removals by sector, and
- (c) an assessment of potential opportunities in relevant sectors.

(8) When preparing the national long term climate action strategy referred to in subsection (1)(b) the Minister shall –

- (a) have regard to Article 15 of Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action<sup>1</sup>, and
- (b) consult with –
  - (i) any other Minister of the Government as he or she considers appropriate, and
  - (ii) such persons (including members of the public) as he or she considers appropriate.

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<sup>1</sup> OJ No. L328, 21.12.18, page 1

(9) The Minister shall as soon as may be after a draft national long term climate action strategy has been prepared under subsection (6), submit that strategy to the Government for approval.

(10) The Government may—

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

the update or strategy submitted to them under this section.

(11) An update or strategy prepared under this section shall be laid before the Houses of the Oireachtas as soon as may be after it is approved by the Government.

(12) An update or strategy prepared under this section shall not be implemented unless it has been approved by the Government in accordance with this section.

(13) A Minister of the Government, shall, in the performance of her or her functions, have regard to an update or strategy approved by the Government under this section.



(14) In this section, ‘the climate action plan’ means the Climate Action Plan 2019 to Tackle Climate Breakdown published by the Minister on 17 June 2019.”.

### **Amendment of section 6 of Principal Act**

5. Section 6 of the Principal Act is amended -

(a) by the insertion of the following subsection after subsection (1):

“(1A) The Government may request 2 or more Ministers of the Government to jointly make and submit a sectoral adaptation plan under subsection (1) (in this section referred to as a “joint sectoral adaptation plan”), in relation to a matter for which such Ministers share responsibility.”,

(b) in subsection (3)(c), by the substitution of “subsections (3) and (4) of section 3” for “paragraphs (a) to (h) of section 7(1)”,

(c) in subsection (7), by the substitution of “A Minister of the Government, or two or more Ministers of the Government in the case

of a joint sectoral adaptation plan, may” for “A Minister of the Government may,”, and

- (d) by the insertion of the following subsection after subsection (8):

“(9) A reference in this Act to a sectoral adaptation plan shall, where the context admits, be construed as a reference to a joint sectoral adaptation plan.”.

### **Carbon budgets**

6. The Principal Act is amended by the insertion of the following sections after section 6:

#### **“Preparation of carbon budgets**

- 6A. (1) A carbon budget shall be proposed by the Advisory Council, finalised by the Minister and approved by the Government for the period of 5 years commencing on 1 January 2021 and ending on 31 December 2025 and for each subsequent period of 5 years (in this Act referred to as a “budget period”).

- (2) A carbon budget shall be made for 3 sequential budget periods so that, at any one time, there is a series of 3 carbon budgets which have effect under section 6B (in this Act referred to as “a carbon budget programme”).
- (3) The third carbon budget in a carbon budget programme shall be made in draft form and may be amended in accordance with section 6B (in this Act referred to as a “provisional carbon budget”).
- (4) The Advisory Council shall prepare and submit a proposed carbon budget programme to the Minister as soon as may be after the commencement of this section.
- (5) At least 12 months prior to the expiry of the first carbon budget in a carbon budget programme, the Advisory Council shall prepare and submit to the Minister -
  - (a) a proposed carbon budget in respect of a fourth budget period,  
and
  - (b) any proposed amendments to the provisional carbon budget.

- (6) For the purpose of performing its functions under subsections (4) and (5), the Advisory Council shall have regard to -
- (a) relevant scientific advice, and
  - (b) international best practice on the reporting of greenhouse gas emissions and removal.
- (7) The Advisory Council shall provide the reasons for its proposed carbon budget under subsections (4) and (5)(a) and any proposed amendments to a provisional carbon budget under subsection (5)(b), in writing to the Minister.
- (8) Not more than 30 days after submitting a proposed carbon budget and any proposed amendments to a provisional carbon budget to the Minister under this section, the Advisory Council shall publish the proposed carbon budget and the proposed amendments to the provisional carbon budget, in such manner as the Council considers appropriate.

**Approval of carbon budget**

- 6B.** (1) The Minister, within 4 months of receipt of a proposed carbon budget under subsection (4) or (5)(a) of section 6A or, proposed amendments

to a provisional carbon budget under subsection (5)(b) of that section,  
shall -

- (a) cause a copy of the proposed carbon budget to be presented to both Houses of the Oireachtas,
  - (b) consider the proposed carbon budget,
  - (c) amend, if appropriate, and finalise the carbon budget,
  - (d) submit the carbon budget to the Government for approval in accordance with subsection (6), and
  - (e) lay a copy of the carbon budget before both Houses of the Oireachtas for approval in accordance with subsection (7).
- (2) Dáil Éireann may refer a proposed carbon budget to a joint committee which shall consider the carbon budget and provide a report containing its recommendations to both Houses of the Oireachtas within 2 months from the date it is presented to Dáil Éireann under subsection (1)(a).
- (3) The Minister shall, at the written request of the joint committee, to whom a proposed carbon budget has been referred under subsection

(2), attend before it and provide such information on a carbon budget as the joint committee may reasonably require.

(4) When preparing a carbon budget, the Minister shall consult with any other Minister of the Government as he or she considers appropriate.

(5) Where the Minister amends the carbon budget proposed by the Advisory Council, the Minister shall set out his or her reasons for doing so.

(6) The Government may -

(a) approve, or

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

a carbon budget submitted to them under subsection (1)(d).

(7) Where the carbon budget is approved by the Government under subsection (6), the Minister shall cause a copy of the carbon budget to be laid before each House of the Oireachtas, which shall consider the carbon budget as soon as may be, and the carbon budget shall have

effect on and from the date on which a motion approving the carbon budget has been passed by the second such House.

- (8) Where the motion is not approved by both Houses of the Oireachtas under subsection (7), the Minister shall within a period of two months –
- (a) consult with any other Minister of the Government as he or she considers appropriate,
  - (b) consult with the Advisory Council,
  - (c) amend the carbon budget, if appropriate, and
  - (d) submit the carbon budget to the Government for approval to lay the budget before each House of the Oireachtas in accordance with subsection (11).
- (9) Where the Minister does not amend the carbon budget under subsection (8)(c), the Minister shall set out the reasons for his or her decision.
- (10) The Government may -

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

a carbon budget submitted to them under subsection (8)(d).

- (11) Where a carbon budget is approved by Government under subsection (10), the Minister shall, as soon as may be, cause a copy of the carbon budget to be laid before each House of the Oireachtas and it shall have effect on and from the date on which it is laid before the Houses, or the second such House if it is laid before the Houses on different dates.
- (12) Not more than 30 days after a carbon budget takes effect under subsection (7) or (11), as the case may be, the Minister shall publish the carbon budget in such manner as the Minister considers appropriate.
- (13) A Minister of the Government shall, in the performance of his or her functions, have regard to a carbon budget that has effect under subsection (7) or (11), as the case may be.



- (14) A reference in this section to a carbon budget shall, where the context admits, be construed as a reference to the first carbon budget programme, or to an amendment to a provisional carbon budget.

**Decarbonisation target range**

- 6C.** (1) The Minister shall –
- (a) prepare the decarbonisation target range, and
  - (b) consult with such Ministers of the Government, as he or she considers appropriate, in relation to the decarbonisation target range.
- (2) The Minister shall, as soon as may be after a carbon budget takes effect under section 6B, finalise and submit the decarbonisation target range to the Government for approval.
- (3) The Government may -
- (a) approve, or
  - (b) approve, subject to such modifications as they consider appropriate,

the decarbonisation target range.

(4) Where the carbon budget for the current budget period is revised under section 6D, the Minister shall –

(a) consult with such Ministers of the Government, as he or she considers appropriate, and

(b) revise, if appropriate, the decarbonisation target range.

(5) The Minister shall, as soon as may be after a revised carbon budget takes effect under section 6D(8), submit a proposed revision to the decarbonisation target range to the Government for approval.

(6) The Government may –

(a) approve, or

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

the revision to the decarbonisation target range.

- (7) A Minister of the Government shall, in the performance of his or her functions, take account of the decarbonisation target range approved by the Government under this section.

### **Revision of carbon budgets**

**6D.** (1) The Minister may revise a carbon budget in the circumstances set out in subsection (2), (4) or (5).

(2) The Minister may revise a carbon budget where:

(a) new obligations are imposed on the State under the law of the European Union or any international agreement referred to in section 2; or

(b) there are significant developments in scientific knowledge in relation to climate change.

(3) The Agency shall provide the greenhouse gas emissions inventory for the relevant period to the Minister as soon as may be after the end of each budget period and the Minister shall review the greenhouse gas emissions during that budget period.

- (4) Where the total greenhouse gas emissions during a preceding budget period are less than the carbon budget for that period, the Minister may revise the carbon budget for the current budget period so that the surplus from the preceding period is carried forward and the amount of the carbon budget for the current budget period is increased by the amount carried forward.
- (5) Where the total greenhouse gas emissions during a preceding budget period are more than the carbon budget for that period, the Minister may revise the carbon budget for the current budget period so that the shortfall (up to a maximum of 1% of the total carbon budget) in the preceding period is carried back from the current budget period and the amount of the carbon budget for the current budget period is decreased by the amount carried back.
- (6) The Minister shall consult with and consider the advice of the Advisory Council prior to requesting the approval of the Government in relation to a revision of a carbon budget under subsection (2) or (5).
- (7) The Minister shall, as soon as may be, submit a revision to a carbon budget under subsection (2), (4) or (5) to the Government for approval and the Government may –

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

a revision to a carbon budget submitted to them under this subsection.

- (8) A revision to a carbon budget under this section shall have effect on and from the date on which it is approved by Government.
- (9) Not more than 30 days after a revision to a carbon budget takes effect under subsection (8), the Minister shall publish the revision to the carbon budget in such manner as the Minister considers appropriate.”.

**Amendment of section 9 of Principal Act**

7. (1) Section 9 of the Principal Act is amended -

- (a) by the substitution, in subsection (2), of the following paragraphs for paragraphs (a) to (d):

“(a) the Director General of the Agency;

- (b) the Director of Teagasc – The Agriculture and Food Development Authority; and
- (c) the Director of the Irish National Meteorological Service, Met Éireann.”,

(b) by the substitution of the following subsection for subsection (4):

“(4) In nominating and appointing the chairperson and the ordinary members under subsection (3), the Minister and the Government shall -

- (a) have regard to the range of qualifications, experience and competence necessary for the proper and effective performance of the functions of the Advisory Council and ensure that each member has knowledge of, or expertise in, at least one of the following areas:

- (i) climate science;
- (ii) transport policy;
- (iii) energy policy;
- (iv) agricultural policy;
- (v) behavioural and communication science;
- (vi) biodiversity and ecosystem services;
- (vii) economics;
- (viii) finance;
- (ix) political sociology or ethics in relation to climate, and

(b) use their best endeavours to ensure an equitable balance between men and women in the composition of the membership of the Advisory Council.”,

(c) by the substitution, in subsection (5), of the following paragraph for paragraph (b):

“(b) An ordinary member (other than an ordinary member to whom subsection (2) applies) of the Advisory Council shall hold office for such period as the Minister shall determine, provided that -

(i) at least 2 such members hold office for a period of 3 years from the date of their appointment to such office, and



(ii) at least 3 such members  
hold office for a period of  
5 years from the date of  
such appointment.”,

(d) by the substitution of the following subsection for subsection (6):

“(6) The chairperson and an ordinary member (other than an ordinary member to whom subsection (2) applies) of the Advisory Council whose term of office expires by the efflux of time shall be eligible for reappointment to the Advisory Council, provided that a person’s total period of membership of the Council does not exceed 10 years.”,

(e) by the substitution of the following subsection for subsection (7):

“(7) Where the term of office of the chairperson or an ordinary

member of the Advisory Council expires by the efflux of time and he or she is not reappointed, or by virtue of subsection (6) he or she is not eligible for reappointment, the chairperson or ordinary member may continue to hold office until the vacancy occasioned by him or her is filled by the appointment of another person.”,

- (f) by the insertion of the following subsections after subsection (14):

“(14A) The chairperson shall chair meetings of the Advisory Council and in the event of the chairperson being unable to attend a meeting, or if the office of chairperson is vacant, the ordinary members who are present shall choose one of their number to chair the meeting.

(14B) Each member of the Advisory Council, including the chairperson, present at a meeting of the Advisory Council shall have a vote.

(14C) Every question at a meeting of the Advisory Council shall be determined by a majority of the votes of the members who are present and voting on the question, and, in the case of an equal division of votes, the chairperson of the meeting shall have a second or casting vote.

(14D) The quorum for a meeting of the Advisory Council shall be 6.”,  
and

(g) by the insertion of the following subsection after subsection (16):

“(16A) Without prejudice to the  
generality of subsection (16), the  
Advisory Council shall establish,  
under that subsection, a  
committee to be known as the  
Adaptation Committee to assist  
and advise it in relation to the  
performance of any or all of its  
functions in relation to climate  
adaptation.”.

- (2) A member of the Advisory Council holding office immediately before the commencement of this Act shall, subject to his or her death, resignation or otherwise ceasing to hold office, continue to hold office until his or her current term of office expires.

**Amendment of section 11 of Principal Act**

8. Section 11 of the Principal Act is amended -

- (a) by the substitution, in paragraph (a) of subsection (1), of the following subparagraphs for subparagraphs (i) to (iii):

- “(i) the preparation of a climate action plan,
- (ii) the preparation of a national long term climate action strategy,
- (iii) the preparation of a national adaptation framework,
- (iv) the finalisation and revision of a carbon budget, and
- (v) compliance with any existing obligation of the State under the law of the European Union or any international agreement referred to in section 2,”

- (b) by the substitution, in paragraph (b) of subsection (1), of the following subparagraph for subparagraph (i):

- “(i) sector specific actions, within his or her responsibility, which are to be included in the climate action plan, and”

(c) by the substitution, in paragraph (c) of subsection (1), of the following subparagraphs for subparagraphs (i) to (iii):

“(i) a climate action plan,

(ii) a national long term climate action strategy,

(iii) a national adaptation framework, and

(iv) a sectoral adaptation plan,”

(d) by the insertion of the following section after section (1):

“(1A) The Advisory Council shall propose a carbon budget in accordance with section 6A.”,

and

(e) by the insertion of the following subsection after subsection (2):

“(2A) The Advisory Council shall have regard to -

(a) paragraphs (a) to (d) of section 3(3) in the performance of its functions under subsection (1)(a)(iv) and subsection (1A), and

(b) paragraphs (a) to (y) of section 3(3) in the performance of its functions under subsection (1)(b).”.

**Amendment of section 12 of Principal Act**

9. (1) Section 12 of the Principal Act is amended, in subsection (1) -

(a) by the substitution of the following paragraph for paragraph (a):

“(a) conduct a review (in this section referred to as the ‘annual review’) by 15 September in each year of the progress made during the immediately preceding year in -

(i) achieving reductions in greenhouse gas emissions,

(ii) adhering to the carbon budget for that period, and

(iii) advancing the national 2050 climate objective,

and”,

and,

(b) by the substitution, in paragraph (b), of “(in this Act referred to as the ‘annual report’)” for “(in this section referred to as the ‘annual report’)”.

(2) Notwithstanding section 12(1)(a) of the Principal Act (as substituted by this section), the Advisory Council shall not be required to conduct a review of the progress made in respect of the matter referred to in subparagraph (ii) of section 12(1)(a) of the Principal Act until 2023.

### **Amendment of section 13 of Principal Act**

10. Section 13 of the Principal Act is amended -

(a) in subsection (2), by the substitution of the following subparagraphs for subparagraphs (ii) and (iii):



- “(ii) the most recent approved climate action plan, approved national long term climate action strategy, approved national adaptation framework, approved sectoral adaptation plans and approved carbon budget, and
- (iii) the implementation of the plans, strategy, framework and budget referred to in paragraph (ii).”

and

- (b) in subsection (7)(d), by the substitution of the following subparagraphs for subparagraph (i) and (ii):

- “(i) the climate action plan,
- (ii) the national long term climate action strategy,
- (iii) the national adaptation framework,
- (iv) a sectoral adaptation plan, and
- (v) the carbon budget.”

## **Climate reporting**

11. (1) The Principal Act is amended by the substitution of the following section for section 14:

### **“Climate Reporting**

- 14.** (1) The Minister shall, in each year after the publication of the annual report and the Agency’s reports, at the written request of a joint committee, attend before it to give an account of the following matters during the period to which the annual report relates -
- (a) progress under the most recent approved climate action plan, including the policies, mitigation measures and adaptation measures that have been adopted,
  - (b) whether there has been a reduction or increase in greenhouse gas emissions based on the Agency’s reports, and
  - (c) the implementation of adaptation policy measures under the most recent approved national adaptation framework.
- (2) Each Minister of the Government shall, in each year after the publication of the annual report and the Agency’s reports, at the

written request of a joint committee, attend before it to give an account of the matters specified in subsection (3).

- (3) For the purposes of subsection (2), each Minister of the Government shall, in relation to the sector for which the Minister has responsibility, give an account of the following matters during the period to which the annual report relates -
- (a) sector specific progress under the most recent approved climate action plan, including the policies and measures that have been adopted and any significant failure to implement such policies and measures, or to achieve sector specific targets,
  - (b) whether there has been a reduction or increase in greenhouse gas emissions based on the Agency's reports,
  - (c) compliance with the decarbonisation target range and any measures envisaged to address any failure to comply with the decarbonisation target range, and
  - (d) the implementation of adaptation policy measures and any measures envisaged, where a sectoral adaptation plan has been prepared.

- (4) The joint committee may, where it considers it appropriate, having received an account from the Minister under subsection (1) or a Minister of the Government under subsection (2), prepare a report on the recommendations of the committee with regard to any of the matters specified in paragraphs (a) to (c) of subsection (1) or in paragraphs (a) to (d) of subsection (3), and where the committee prepares such a report, it shall provide a copy of the report to the relevant Minister of the Government.
- (5) A Minister of the Government shall consider any report issued to him or her under subsection (4) and that Minister shall provide a response to the joint committee in writing within a period of 3 months of receipt of that report.
- (6) In this section ‘the Agency’s reports’ means the national greenhouse gas emissions inventory and the projection of future greenhouse gas emissions prepared by the Agency.’’.

(2) Notwithstanding section 14(3) of the Principal Act (as amended by this section), a Minister of the Government shall not be required to give an account of the matters referred to in paragraph (c) of section 14(3) of the Principal Act until 2023.

## **Role of local authority**

12. The Principal Act is amended by the insertion of the following section after section 14:

### **“Role of local authority**

- 14A. (1) The Minister shall request each local authority to make a plan relating to a period 5 years (in this section referred to as a ‘local authority climate action plan’) –
- (a) in the case of the first local authority climate action plan, not later than 18 months after the commencement of this section, and
  - (b) in the case of each subsequent local authority climate action plan, not less than once in every period of 5 years.
- (2) A local authority shall, within 12 months of receipt of a request under paragraph (1), make a local authority climate action plan and that plan shall specify the mitigation measures and the adaptation measures to be adopted by the local authority.

- (3) In making a local authority climate action plan, a local authority shall take account of the most recent approved climate action plan and national adaptation framework, and have regard to -
- (a) the most recent approved national long term climate action strategy,
  - (b) the most recent approved sectoral adaptation plans,
  - (c) any guidelines of the Minister issued under subsection (9), and
  - (d) any policies of the Minister or the Government on climate change.
- (4) Each local authority, shall, in relation to an adjoining local authority –
- (a) consult and co-operate in making a local authority climate action plan,
  - (b) co-ordinate the mitigation measures and adaptation measures to be adopted, where appropriate,

- (c) consider any significant effects the implementation of the local authority climate action plan may have on the adjoining local authority,
  - (d) consider any submissions made by the adjoining local authority under subsection (5)(c).
- (5) Each local authority shall, before making a local authority climate action plan -
  - (a) publish, in such manner as the local authority considers appropriate, a draft of the local authority climate action plan that it proposes to make,
  - (b) publish a notice on the internet and in at least one newspaper circulating in the administrative area of the local authority inviting members of the public and any interested parties to make submissions in writing in relation to the proposed local authority climate action plan within such period (not exceeding 2 months from the date of the publication of the notice) as may be specified in the notice, and

- (c) have regard to any submissions made pursuant to, and in accordance with, a notice under paragraph (b).
  
- (6) Each local authority climate action plan shall be submitted to the relevant local authority and that local authority shall, by resolution, within a period of 6 weeks –
  - (a) approve, or
  - (b) approve, subject to such modifications as it considers appropriate,the local authority climate action plan.
  
- (7) The local authority climate action plan shall have effect for a period of 5 years on and from the date on which it is approved by the members of the local authority.
  
- (8) Each local authority shall have regard to its local authority climate action plan when making a development plan within the meaning of the Planning and Development Act 2000.



- (9) The Minister may issue guidelines to local authorities in respect of the content and preparation of local authority climate action plans.
- (10) Not more than 30 days after a local authority climate action plan is approved under subsection (6), the local authority shall publish the local authority climate action plan in such manner as the local authority considers appropriate.
- (11) Each local authority may, at any time, vary or revise a local authority climate action plan approved under this section and, subject to any necessary modifications, this section applies to any such variation or revision as it applies to a local authority climate action plan.
- (12) In this section the ‘adjoining local authority’ means, in relation to a local authority, a local authority whose administrative area adjoins the administrative area of the first mentioned local authority.’’.

**Amendment of section 15 of Principal Act**

13. Section 15 of the Principal Act is amended by the substitution of the following subsection for subsection (1):

“(1) A relevant body shall, in the performance of its functions, take into account -

- (a) the most recent approved climate action plan,
- (b) the most recent approved national long term climate action strategy,
- (c) the most recent approved national adaptation framework and approved sectoral adaptation plans,
- (d) the furtherance of the national 2050 climate objective, and
- (e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.”.

### **Miscellaneous amendments**

14. The Principal Act is amended -

- (a) in section 2, by the substitution of “Nothing in this Act, a climate action plan, a national long term climate action strategy, a national adaptation framework, a sectoral adaptation plan, a carbon budget or a local authority climate action plan” for “Nothing in this Act, a national mitigation plan, national adaptation framework or a sectoral adaptation plan”,
- (b) in section 5, by the deletion of subsection (9),
- (c) by the deletion of section 7, and

- (d) by the substitution of “national 2050 climate objective” for “national transition objective” in each place where it occurs.

**Amendment of National Oil Reserves Agency Act 2007**

15. Section 37B of the National Oil Reserves Agency Act 2007 is amended -

- (a) in subsection (9) -

- (i) by the insertion of the following paragraphs after paragraph (c):

- “(ca) to support projects that seek to increase climate resilience in the State;

- (cb) to support projects that seek to increase the removal of greenhouse gas, particularly nature based solutions that enhance biodiversity;”;

- (ii) by the substitution, in paragraph (d), of the following subparagraphs for subparagraph (iii):

“(ii) increase energy efficiency  
in the State,

(iv) increase climate resilience  
in the State,

(v) increase the removal of  
greenhouse gas;”, and

(iii) by the substitution, in paragraph (e), of the following  
subparagraphs for subparagraph (iii):

“(ii) increasing energy  
efficiency in the State,

(iv) increasing climate  
resilience in the State,

(v) increasing the removal of  
greenhouse gas;”,

and

- (b) by the substitution of the following subsection for subsection (15):

“(15) In this section -

‘Act of 2015’ means the Climate Action and Low Carbon Development Act 2015;

‘financial year’ means the financial year of the Climate Action Fund;

‘greenhouse gas’ has the same meaning as in the Act of 2015;

‘removal’ has the same meaning as in the Act of 2015.”.

**Short title, commencement and collective citation**

16. (1) This Act may be cited as the Climate Action and Low Carbon Development (Amendment) Act 2020.

- (2) This Act shall come into operation on such day as the Minister for the Environment, Climate and Communications may by order appoint.
  
- (3) The Climate Action and Low Carbon Development Act 2015 and sections 7(2), 9(2) and 11(2) shall be cited together as the Climate Action and Low Carbon Development Acts 2015 to 2020.