



An Roinn Comhshaoil,
Aeráide agus Cumarsáide
Department of the Environment,
Climate and Communications

Annex

Minister's Response to Recommendations in JOCCA Pre-Legislative Scrutiny Report

2021



Response of Minister for the Environment, Climate and Communications to Joint Committee on Climate Action Report on the Pre-Legislative Scrutiny of Draft Climate Action and Low Carbon Development (Amendment) Bill

| Recommendation | No. |
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| Accepted | 63 |
| Partially Accepted | 7 |
| Not Accepted | 8 |
| Total | 78 |

| No. | Committee Recommendation/ Conclusion | Status | Comment |
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| 1 | <p>This draft Bill represents a step forward in the legal framework within which Climate Policy will be developed in the years ahead. Specifically, it establishes a net zero emission target for 2050 for the first time; introduces binding five-year carbon budgets; introduces the requirement for government to break this down into specific sectoral targets and makes individual Ministers directly accountable for those targets.</p> <p>It also enshrines the concept of a single cross government climate plan overseen by an Implementation Board,</p> | Accepted | <p>In line with the Programme for Government commitment, the Bill enshrines a net-zero emissions target by 2050 at the latest, provides for five year carbon budgets including sectoral targets and strengthens the role of the Climate Change Advisory Council ensuring greater gender balance and scientific expertise in future membership. The published Bill provides for:</p> <ul style="list-style-type: none"> • A net zero 2050 emissions target in Section 3(1); • Binding five year carbon budgets are included in Section 6A-6D of the published Bill; specific sectoral targets, ‘decarbonisation target ranges’ now referred to as ‘sectoral emissions ceilings’ in Section 6C of the Bill; • Enhanced individual Ministerial accountability to the Oireachtas is provided in Section 14A of the Bill; • Amendments to Section 4 of the 2015 Act will require annual revisions to the Climate Action Plan 2019 (a single cross government climate plan); the concept of an Implementation Board has not been included in either |

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| | <p>jointly chaired by the Taoiseach's office and the Climate Department ensuring the necessary cross government commitment to tackling the challenge.</p> <p>Notwithstanding these important developments, the Committee wants to see the Bill strengthened in a number of ways.</p> | | <p>Bill but the work of the Climate Action Delivery Board will continue on an administrative basis.</p> |
| 2 | <p>The bill should be drafted in a way which creates clear legal obligations and ensures legal accountability in the future.</p> | Accepted | <p>Language in the Bill has been amended to ensure obligations are clearly stated, for example:</p> <p>Section 3 provides that the State shall “pursue <i>and achieve</i>” the National Climate Objective.</p> <p>Section 4 is now explicit that the preparation of climate plans and strategies must be <i>consistent with</i> the carbon budget programme, where it previously referred to <i>taking account of the carbon budget programme</i>.</p> <p>Section 4 has been amended to provide that Ministers shall carry out their functions “<i>in a manner consistent with</i>” the Climate Action Plan or National Long Term Climate Action Strategy, instead of “<i>have regard to</i>” it.</p> <p>Section 6A provides that the carbon budgets will be prepared consistent with achieving the national climate objective</p> |
| 3 | <p>The Scottish Act is worthy of further exploration and could help Ireland prepare for the changes that are necessary if we are to meet our goals.</p> | Accepted | <p>The Minister has considered the provisions of the Climate Change (Scotland) Act 2009 and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 to inform his response to the Committee's recommendations.</p> |
| 4 | <p>It is recommended that the Minister address in the Bill and/or revert to the</p> | Accepted | <p>The Minister will revert to the Committee setting out how he intends to implement the Programme for Government commitment to develop a policy</p> |

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| | Committee with a comprehensive plan to ban the importation of fracked gas and specifically to ban LNG terminals in Ireland within the year 2021. | | statement on the importation of fracked gas. The development of the policy statement is underway and includes consideration of how to ensure LNG import terminals that import fracked gas are not developed in Ireland. |
| 5 | The Bill will need to be accompanied by appropriate measures for climate resilience. The Bill focuses on mitigation and should empower and oblige the Council and future Governments to plan for adaptation. | Accepted | <p>The Minister agrees that the Council and future Governments should be obliged to plan for adaptation and 'climate resilient' economy, pursuant to the National Climate Objective (Section 3(1)).</p> <p>Sections 5 and 6 of the Climate Action and Low Carbon Development Act 2015 provide for the publication of a National Adaptation Framework every five years, and for Sectoral Adaptation Plans.</p> <p>Provisions relating to adaptation are further enhanced through the Bill, including: adaptation actions to be included in the annually updated Climate Action Plan; a new Section 14B, requiring local authorities to prepare climate action plans every five years, to include both mitigation and adaptation measures.</p> |
| 6 | The Committee has set out its views on just transition, climate justice, biodiversity and nature-based solutions. The implementation of these, and other principles pointed to in these recommendations, should be included in climate planning and reporting mechanisms as provided for in this Bill. | Partially Accepted | <p>Section 4 of the Bill will provide that just transition, climate justice and protection and restoration of biodiversity are matters that the Minister and Government will <u>have regard to</u> when preparing the Sectoral Emission Ceilings, the Climate Action Plan, the National Long Term Climate Action Strategy, the National Adaptation Framework, and Sectoral Adaptation Plans.</p> <p>The CCAC will also have specified matters to consider when proposing carbon budgets to the Minister, which will include a requirement to have regard to climate justice.</p> <p>Other than the technical process of developing carbon budgets, these matters will not apply to the CCAC and its role in providing advice and recommendations in the preparation of plans and strategies, in order to ensure it retains its independence. Nature based solutions will not be included as a specified matter to have</p> |

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| | | | <p>regard to under Section 4 as this is a type of measure/project rather than a policy. However, nature-based solutions is defined under the Section 17 of the Bill, which sets out amendments to the NORA legislation, where provision is made that such projects will be open to apply for funding under the Climate Action Fund.</p> <p>Reporting mechanisms in Section 14A will require all relevant Ministers to report on sector-specific progress including actions and measures under the Climate Action Plan, compliance with sectoral emission ceilings and implementation of adaptation policy measures. The Minister is satisfied that this provides broad scope for reporting and would not prevent a Committee of the Oireachtas requesting an account from a Minister of the Government on specific matters which may relate to nature-based solutions, just transition and such related matters.</p> |
| 7 | The entire Bill should be checked for compliance with the Aarhus convention. | Accepted | <p>The Bill provides that for each of the relevant plans, strategies, and frameworks that the Minister will consult with the public.</p> <p>In addition to these elements, the Bill now provides, in Section 6B, that the Minister shall, following receipt of the proposed carbon budget from the CCAC, consult with the public within the four month period prior to seeking Government approval for a carbon budget.</p> |
| 8 | The Committee recommends that the National Climate Objective should be amended as follows: The State shall pursue and achieve climate neutrality by 2050 at the latest. This shall be achieved through a transition to a climate resilient and environmentally sustainable economy while ensuring our biodiversity is protected. | Accepted | <p>Section 3(1) of the Bill now provides:</p> <p>“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 (in this Act referred to as the ‘national 2050 climate objective’</p> |
| 9 | The Committee feels that section 3(3) | Accepted | The Minister accepts the need to refine and establish a hierarchy of these |

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| <p>is too wide and that a more precise hierarchy would be beneficial. Having such a long list could also create difficulties.</p> <p>The Committee proposes that these items be split hierarchically across three headings.</p> <p>Be consistent with:</p> <ul style="list-style-type: none"> a) the ultimate objective should mention articles 2 and 4 of the Paris Agreement and IPCC advice Aarhus Convention UN Convention on Biodiversity National Climate Objective and Interim Targets Climate Justice Just Transition <p>Must have regard to:</p> <ul style="list-style-type: none"> Sustainable Development Goals [item (k)], National Biodiversity action plan/ National Biodiversity Strategy, and subsequent plans and strategies [new item], and Nature based solutions for climate action [new item] <p>Items (e) (i) (l) and possibly (j) could be combined into one clear item (e) Cost-effectiveness, including lifecycle cost and net public benefit, consistent</p> | <p>items for consideration and has made the following amendments.</p> <p>Section 3(3) provides four overarching matters that the Government and Ministers must, be consistent with or take account of, when carrying out functions provided in the Bill, such as preparing the relevant plans and strategies and the carbon budgets.</p> <p>The ‘be consistent with’ matters now are:</p> <ul style="list-style-type: none"> (i) the ultimate objective of Article 2 of UNFCCC; (ii) any mitigation or adaptation commitments entered into by the European Union in response or otherwise in relation to that objective; and (iii) the steps specified in Articles 2 and 4(1) of the Agreement done at Paris on 12 December 2015 to achieve that objective. <p>The ‘take account of’ matter is the most recent national greenhouse gas inventory and projections prepared by the EPA.</p> <p>Section 6A(1) provides that the preparation of a carbon budget shall be <i>consistent with</i> furthering the achievement of the climate objective.]</p> <p>As party to the Aarhus Convention and UN Convention on Biodiversity, Ireland is legally bound to carry out its functions in a manner consistent with these Conventions. They are therefore not necessary to list in this section.</p> <p>The relevant international climate agreements are listed as these relate to primary objective of the Bill and carried forward from the 2015 Act.</p> <p>In line with recommendations 46, 54 and 55, the biodiversity principle is included under Section 4 (the ‘must have regard to’ matters). Public participation considerations have also been strengthened throughout the Bill.</p> <p>Section 4 (8) now lists the matters that the Minister and Government ‘shall have regard to’. While the numbering of these provisions has changed from the previously published draft of the Bill, for the purposes of this response they are referred to with reference to the numbering in the published draft Bill.</p> |
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| <p>with the sustainable management of the public finances and with due regard for imperatives around early action, innovation and long term impact.”</p> <p>Items (r), (s), (t) and (v) – which refer to other carbon budgets, climate action plans, long term frameworks, national adaptation frameworks and sectoral adaptation plans</p> <p>Item (q) The protection of public health</p> <p>May have regard to: Items (g) and (n) should be removed and (m) should be slightly expanded to incorporate reference to the IPCC and to technology “relevant scientific, technical or technological advice, including IPCC advice”</p> <p>Item (b) Government policy</p> <p>Item (f) The National Planning Framework (or, where appropriate, the National Spatial Strategy)</p> <p>Item (o) The role of behavioural change on the part of individuals, businesses, organisations and society in supporting the Government to pursue the national 2050 climate objective and the policies and measures required to effect such change</p> | <p>The Bill will not provide for a third category of ‘may have regard to’.</p> <p>The principle of climate justice is included, and defined.</p> <p>The principle of sustainable development is included, in line with the Paris Agreement. The Sustainable Development Goals are not separately listed as the relevant principles and targets of the SDGs are addressed within the UNFCCC and Paris Agreement, which are legally binding obligations on the State and are identified separately in the Bill.</p> <p>Item (e) has been retained with changes, which refers to sustainable management of public finances.</p> <p>Item (i) and (l) have been merged as recommended, and refer to early and cost-effective action, taking into account the long term competitiveness of the economy.</p> <p>Item (j) has been removed.</p> <p>Items (r), (s), (t) and (v) – which refer to other carbon budgets, climate action plans, long term frameworks, national adaptation frameworks and sectoral adaptation plans are included.</p> <p>Item (q) The protection of public health is also retained.</p> <p>Item (m) relevant scientific advice, it is not necessary to specifically reference IPCC.</p> <p>Item (g) and (n) have been merged, these refer to evolving science and technology and not all measures to achieve ambition yet realised.</p> <p>Item (b) Government policy has been removed.</p> |
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| | <p>Item (p) which refers to ‘carbon leakage’ should be removed and replaced by a reference to ‘the full life-cycle of emissions including consumption emissions and the implications for non-territorial emissions”</p> <p>Item (x) should be removed or, if included, should be adapted to read “the special, economic, social and environmental role of agriculture”</p> <p>Section 3.3 has implications for 3.4 and 8. Sections 3.4 and 8 may need to be adapted to reflect these proposed changes.</p> | | <p>Items (f) which refer to the National Planning Framework and item (o) the role of behavioural change on the part of individuals and different sectors of society is also retained.</p> <p>Item (p) carbon leakage is retained.</p> <p>‘Nature based solutions for climate action ‘will not be included a specified matter to consider under Section 4 as this is a type of measure/project rather than a policy. However, consideration of the importance sustainable development and protection of biodiversity captures the objective of supporting nature based solutions for climate action.</p> <p>Item (x) has been retained.</p> |
| 10 | The Committee felt that, in a number of places, the language in the Bill needs to be stronger. | Accepted | The language in the revised text of the Bill has been strengthened where proposed by the Committee and accepted by the Minister. |
| 11 | <p>Amend Section 4(2)(a) as follows: (2) The Minister shall, when updating the climate action plan under subsection (1)(a) –(a)adhere to the carbon budget programme applicable to the periods referred to in subsection (3)(a) to (c),</p> <p>(previously take account of rather than adhere to)</p> | Accepted | Section 4 (2) (a) of the revised text of the Bill has been amended as recommended by the Committee. |

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| 12 | Obligation to “have regard” to an update or strategy in 4(13) should be stronger, e.g. “A Minister of the Government shall, in the performance of his or her functions, take all reasonable steps to ensure that greenhouse gas emissions do not exceed the carbon budget for that period.” | Accepted | The language of referred subsection has been strengthened. It now provides that Ministers will <i>carry out their functions, in so far as is practicable, in a manner consistent with</i> the most recent Climate Action Plan or National Long Term Climate Action Strategy approved by the Government under this section. |
| 13 | Language should be stronger to ensure consistency between Climate Action Plans and local authority plans. | Accepted | The language in Section 14 B (3) regarding Local Authority Climate Action Plans has been strengthened. Subsection 3 now states when making a plan, a local authority shall <i>“in so far as practicable, be consistent with</i> the most recent approved climate action plan and national adaptation framework.” |
| 14 | Obligation on Government to propose carbon budgets should be more explicit | Accepted | This obligation is fully explicit in the Bill. Section 6A, 6B and 6D on carbon budgets provides clear obligation on CCAC to propose carbon budgets, for Government to approve them, and for consideration and approval by the Houses of the Oireachtas. |
| 15 | Remove references to “in the opinion of the Minister” from Section (4)(2)(b)(i), 4(3) and elsewhere. Delete ‘as he or she considers appropriate’ in 4.(4) and 4.(6). | Partially Accepted | References to “in the opinion of the Government or Minister” mentioned in Sections 4(2)(b)(i) and 4 (3) from the text of the revised Bill are removed, as the Minister will be responsible for bringing annual revisions of climate action plans to Government for approval. The recommendation to remove references to “as he or she considers appropriate” from Sections relating to consultation with the public and stakeholders on the annual revisions to the climate action plan or national long term climate action strategies have not been amended. Consultation is a commitment, however the text provides discretion to the Minister to consult certain stakeholders as well as the public on either plan or strategy. |
| 16 | Section 6 (c) (7) Amend text to ensure | Accepted | The Bill introduces a new Section 6C relating to Sectoral Emissions Ceilings. |

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| | the Minister ensures that the decarbonisation target range approved by the Government under this section is achieved. | | Section 6C (9) makes individual Ministers responsible for complying with the sectoral emissions ceiling that applies to the sector which the Minister has responsibility for. |
| 17 | <p>The Climate Change Advisory Council (CCAC) should be adequately resourced. Consideration should be given to funding it from the Central Fund.</p> <p>The Bill should highlight the need for inter-agency cooperation for the CCAC to have access to all relevant data for its modelling, in particular the EPA should have a clear role in the provision of data inventories. It should be supported to access international data where necessary.</p> <p>To enhance public engagement, the resourcing should be put in place for a Communications Specialist to be employed by the CCAC.</p> | Accepted | <p>The Minister agrees the CCAC will need to be adequately resourced to carry out its functions. While funding of specific public bodies through the Central Fund is not provided for, provision for resourcing of the CCAC is made through specific funding provided by the Department's Vote allocation for the EPA. The Department will also consider the recommendations of the Independent External Review of the CCAC in considering the adequacy of the CCAC's funding on an ongoing basis.</p> <p>CCAC access to relevant modelling capacity and data in other bodies is being put in place on an administrative basis through a Memorandum of Understanding between the CCAC and the bodies concerned.</p> <p>The 2015 Act provides CCAC discretion to manage its business as it considers appropriate, as such nothing prohibits the Council acquiring this capacity in future.</p> |
| 18 | The CCAC should be independent. | Accepted | Section 11 (3) of the Climate Action and Low Carbon Development Act 2015 specifically states that the CCAC is independent in the performance of its functions. Section 9 of the Bill, while amending part of Section 11 of the 2015 Act, does not remove or alter the independence of the CCAC. |
| 19 | The Bill should state that ex officio members do not necessarily have to be the head of their organisations. | Not Accepted | It is expected that the Head of each organisation will be fully informed for the role of ex-officio member of the CCAC and, at their own discretion, draw on relevant expertise from within their respective organisations as necessary. |
| 20 | Rather than -solely- specify the skills of | Accepted | The Bill amends Section 9 of the Act providing that the CCAC membership will |

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| | individual members, it should be ensured that the Council in total has a balanced mix of competences. The composition of the CCAC should reflect scientific climate expertise as well as relevant sectoral expertise for proposing solutions. The mix of competences could additionally include environmental law, biodiversity, adaption resilience and just transition and industrial relations. | | <p>have expertise in at least one of a number of areas of expertise relevant to the work of the CCAC. This list now includes climate science, transport policy, energy policy, agricultural policy, behavioural and communication services, biodiversity and ecosystems, climate adaptation, economics, finance, political sociology or ethics in relation to climate, as such matters. While environmental law, just transition, and industrial relations are not specifically referenced, it does not prevent the Minister nominating individuals who also have knowledge in these areas.</p> <p>Acknowledging the broad range of expertise and competences required on the CCAC membership, the Bill has been further amended to increase membership to maximum of 13 members to increase the capacity of the Council to include the requisite mix of competencies.</p> <p>In addition, Section 11(2) of the 2015 Act provides the CCAC is open to establish sub-committees, and that the composition of such a committee is not limited to just CCAC members. The CCAC may therefore appoint or seek external expertise in relevant matters should it be required. The CCAC may also procure expertise to assist it in preparing reports on specific matters.</p> |
| 21 | The CCAC should be gender balanced or demonstrate the actions taken to try to achieve gender balance in its appointment process. | Accepted | Amendments to Section 9 provide that the Minister and Government in nominating and appointing CCAC members will use <i>their best endeavours to ensure</i> that the Council membership has (i) an appropriate balance of knowledge of, and expertise in a number of areas and (ii) an equitable balance between men and women. The wording is consistent with that generally used in other legislation. It is also established Government policy through DPER guidelines appointments to State Bodies and in the Cabinet Handbook (para 2.18) for a 40% membership of each gender. |
| 22 | Consideration should be given to inclusion of a youth member as part of the general mix of competences and/or nominated by an established youth organisation. | Not Accepted | The Minister values the importance of young peoples' voices in progressing the climate agenda. The National Dialogue on Climate Action will also build enduring structures for sectors, community, citizens, including a Youth Climate Council for the participation by young people. |

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| | | | The CCAC is independent in carrying out its functions. Section 11(2) of the 2015 Act provides CCAC is open to establish sub committees, the composition of such a committee is not limited to just CCAC members and they may appoint a youth member or seek youth views as they consider appropriate. |
| 23 | Appointments of non ex officio member of the Council should be through an open, competitive and transparent process. The ultimate appointment is made by the Minister. | Partially Accepted | The appointment process established under the 2015 Act, nomination by the Minister and appointment by Government will be retained. This will facilitate a smooth transition between the existing Council and new Council to be appointed under the Bill, and not delay the work of the Council in proposing the first I carbon budget programme. |
| 24 | The CCAC should proactively disseminate information. The CCAC should be mandated to report regularly on whether current decarbonisation dates, interim targets, long term strategy, carbon budget programme and the climate action plans represent adequate progression and whether they are representative of Ireland's "highest possible ambition" in accordance with the Paris Agreement. | Accepted | <p>The Bill amends Section 12 of the Act and will permit the CCAC to review issues mentioned in this recommendation in its annual review reports. The Bill also amends Section 13 of the Act in a similar manner enabling the CCAC to review such issues as part of its periodic reviews. The proposal to include assessing adequate progression in accordance with the Paris Agreement is already captured as part of the existing provisions in Section 13. A periodic review by CCAC provides that it must include a consideration of compliance with international obligations and the CCAC must advise the Minister in relation to such compliance (section 13(7)).</p> <p>The Bill will introduce new climate reporting arrangements under section 14A. An Oireachtas Committee may use CCAC reports as the basis of meetings with Ministers, as it provides that Ministers will be requested to give an account to the Committee following publication of the CCAC Annual Report</p> |
| 25 | Require the CCAC to include a non-exhaustive section in each of its annual and periodic reports relating to nature-based solutions and protection of biodiversity and to consider and set out, in its advice, recommendations, and proposed carbon budgets, the extent to which climate action plans address nature based solutions and biodiversity | Accepted | <p>The Bill will amend Section 9 of the Act to provide that the CCAC membership will have expertise in at least one of a number of areas relevant to the work of the CCAC, including biodiversity and ecosystem services. This will ensure the Council has sufficient expertise to assess on such matters as biodiversity protection.</p> <p>Section 12 sets out at a broad level matters the CCAC annual review will contain. This includes a review of 'furthering the achievement of the National Climate Objective', which now also includes specific reference to a 'biodiversity</p> |

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| | protection. | | <p>rich' economy. Therefore, existing provisions provide sufficient scope for the CCAC to provide advice as required/appropriate on these issues.</p> <p>Section 11(2) and (3) provide that the CCAC is open to gather information and meet persons as it considers appropriate, and is independent in its functions. Given these existing provisions, it is not appropriate to further prescribe the functions of the CCAC.</p> <p>In addition, relevant proposals by public bodies must undergo a Strategic Environmental Assessment and Appropriate Assessment, which may provide for consideration of biodiversity impacts of a proposed plan or programme. While it is not proposed to extend this requirement to reports of the CCAC, it is open to the CCAC to seek additional research or reviews as it considers necessary on any Plan or Strategy to inform its own advice and recommendations.</p> |
| 26 | The Committee is concerned section 7(2) might delay the implementation of a new CCAC with new appointments. Provision should be made in the Bill for the transition to a new CCAC, with new appointments, or re-appointments, after the enactment. | Accepted | <p>Transitional arrangements are provided in the Bill to ensure smooth functioning and transition of membership of the CCAC. The proposed amendment in Section 7 (2) of the Bill published in 2020 refers to ex officio appointments to the CCAC – the Director General of the EPA and the Directors of Teagasc and Met Éireann. Any change to the number of ex officio members will not delay appointment of new Council members.</p> <p>The term of office of ex officio members is not qualified by time but because they hold certain posts. Section 9(15) of the Act provides that the Council may act notwithstanding one or more vacancies.</p> <p>The Minister recently appointed a number of new members to the Council within the framework of the current legislation to provide for its operational continuity. The membership of the new Council will be completed upon the enactment of the Bill.</p> |
| 27 | The relationship between Sectoral Decarbonisation Ranges and Carbon | Accepted | The Bill introduces carbon budgets (section 6A) and sectoral emissions ceilings (section 6C). |

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| | Budgets should be clarified so that they are mutually consistent (e. g. In 6C(7) “take account of the” should be strengthened to “shall ensure that the” and “is achieved” should be added to the end of the sentence). The Bill should specify that the sum of sectoral allocations or ranges should not add up to more than the carbon budget and reporting should be consistent with the IPCC standards of r28 | | <p>Under Section 6C (1) the Minister will have to prepare sectoral emissions ceilings <i>within the limits of carbon budgets</i>. Thus the relationship between budgets and sectoral ranges has been clarified.</p> <p>Section 6C(7) (now (9)) has been revised and strengthened -</p> <p>A Minister of the Government shall, <i>in so far as practicable</i>, in the performance of his or her functions, <i>comply with the sectoral emissions ceiling that applies</i> to the sector for which that Minister of the Government has responsibility.</p> |
| 28 | The merit of setting a range for sectors which recognises the difficulty in projecting the exact impact of policies, versus the clarity of a point target should be further assessed. | Accepted | This recommendation has been accepted, it is no longer a ‘sectoral decarbonisation target range’. It has been amended to a ‘sectoral emissions ceiling’. |
| 29 | It should be stated clearly that all emissions in excess of the carbon budget limit should be carried forward, without Ministerial or Government discretion. Excess emissions should also trigger an obligation to carry out an immediate review of the adequacy of the rolling Climate Action Plan. (Amend Section 6(d)(5) to insert such provisions). | Accepted | <p>The text of Section 6D (5) relating to excess emissions amended as suggested by the Committee.</p> <p>There is however no need for a specific provision in the Bill for excess emissions to trigger an immediate review of the adequacy of the Climate Action Plan as the actions included in the Plan and their implementation will be reviewed annually under Sections 4 and 12 of the Bill.</p> |
| 30 | There should be incentives for sectors to achieve reductions early. If however, as in section 6 (d)4 any allowance for carryover is included, it cannot be a factor in the calculation of an overall carbon budget and its inclusion should | Partially Accepted | <p>While Section 6D provides an option to carryover any overachievement to the next carbon budget period, the Minister is required to seek the advice of the CCAC before making a proposal to carry forward and expand the future budget</p> <p>If there is an underachievement, that is, if the carbon budget is exceeded, any excess emissions will automatically be carried forward from one budget period</p> |

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| | not result in any expansion of or exceeding of the overall carbon budget. | | <p>to the next, and the next carbon budget will be reduced accordingly.</p> <p>The Bill does not include incentives for sectors to achieve carbon budgets early.</p> <p>The Minister for Public Expenditure and Reform proposes to consult in 2021 on how individual sectors could bear any compliance costs for State arising from failure to reach sectoral targets as provided for under this Bill.</p> |
| 31 | The Minister could consider a ratchet mechanism to ensure that each carbon budget is progressively more ambitious. | Accepted | <p>The Bill already provides for progressive increase in the ambition of each five-year carbon budgets, which will be necessary in order to achieve the National Climate Objective of climate neutrality by no later than the end of the year 2050. As such, each successive carbon budget will be required to be smaller than the last.</p> <p>As requested in the Committee report, Section 4 has been amended so that any update to the Climate Action Plan prepared is <i>consistent with the carbon budget programme</i>.</p> |
| 32 | The Bill needs to nail down the availability of timely annual indication of whether each sector is on track to meet its Carbon budget. | Accepted | <p>The provisions in Section 14A covering reporting to a joint Oireachtas Committee provides that the Minister must account for progress towards the carbon budget and that other Ministers account for sector specific progress within the context of each budget, informed by the CCAC annual report and latest projections and inventories provided by the Agency.</p> <p>Further amendments to Section 12 provide that the annual review prepared by the CCAC will include assessment of complying with the carbon budget and each sectoral emissions ceiling for that period.</p> |
| 33 | National minimum Interim targets that put Ireland on a pathway to achieving the National Climate Objective should be set out in the Bill. These should include an interim target for 2030 of | Accepted | <p>Section 6A on Carbon Budgets provides a single interim target for 2030, matching the Programme for Government commitment (51% reduction by 2030) based on 2018 emissions as reported by the EPA. No additional interim targets will be included outside of the carbon budgets system.</p> |

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| | 51% reductions based on 2018 levels. | | While it is expected that Ireland will be bound by EU targets for specific periods after 2030, these are not yet known. The CCAC must also prepare carbon budgets consistent with prevailing EU law in place, including adopted targets for each Member State. In this respect, carbon budgets for the period after 2030 will be aligned with both EU and national climate neutrality obligations. |
| 34 | Consideration should be given to including in the Carbon Budget process, the outlining of a Research and Development Programme to be addressed in the five years. | Partially Accepted | <p>It is not considered appropriate to provide this recommendation as part of the carbon budget process, which involves a technical process to determine an appropriate emission budget for Ireland.</p> <p>Section 4, providing for annual updating of the Climate Action Plan, includes consideration of all relevant actions and measures to achieve the carbon budget and pursuing the National Climate Objective, this will include research requirements. There are also existing actions set out in the 2019 Climate Action Plan and also commitments in the Programme for Government in relation to climate research and development.</p> |
| 35 | Amend Section 4 (1)(b) to oblige the Minister to prepare a national long term climate action strategy not less than once every 5 years, instead of every 10 years. Amend Section 5(1)(a) the Minister shall not later than 12 months after the passing of this Act draft an Adaptation Framework, instead of after 24 months. | Accepted | <p>Section 4 will provide that a National Long Term Climate Action Strategy will be prepared not less than once in every 5 years.</p> <p>The recommendation to change the frequency of the preparation of National Adaptation Framework (NAF) from 24 months to 12 months is not required. The reference in the 2015 Act to 24 months only related to the initial NAF. The frequency outlined in Section 5 (1) (b) of the Act already applies and is not affected by the Bill. Thus the Minister has to review the current NAF (published in 2018) at least once every 5 years and prepare a new one. The second NAF is due for publication by 2023.</p> |
| 36 | The issue of managing greenhouse gases, with different half-lives, is one that should be addressed. This would have ramifications for the decision to proceed (or not) with split targets in carbon budgets. | Not Accepted | Management of different greenhouse gases will be considered by the CCAC in proposing carbon budgets, based on the relevant scientific advice, including the special characteristic of biogenic methane, and international best practice on the reporting of greenhouse gas emissions and removals. |

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| 37 | The bill should be explicit that its provisions and functions, including carbon budgets, include all greenhouse gases and not just “one or more greenhouse gases”. | Accepted | Definition for carbon budget has been revised. |
| 38 | In the event of a separate target for biogenic methane in carbon budgets, this Committee calls for a clear target as is the case in the New Zealand Carbon Act. | Not Accepted | The calculation of the carbon budget will be proposed by the CCAC, based on the relevant scientific advice, including the special characteristic of biogenic methane, and international best practice on the reporting of greenhouse gas emissions and removal. |
| 39 | There should not be a split target in respect of the NCO (or minimum interim targets). | Accepted | Section 3(1) the National Climate Objective provides a commitment to pursue and achieve climate neutrality by no later than the end of the year 2050. It does not provide a split target. |
| 40 | It is suggested that reference to Global Warming Potential be used to ensure that all greenhouse gases are treated equally in terms of their contribution to climate change, so that ‘carbon budget’ is defined as the “the total amount of greenhouse gas emissions and other climate pollutants, aggregated on the basis of their Global Warming Potential, that is permitted during the budget period”; and ‘Global Warming Potential’ is defined as “the contribution of the climate pollutant in question to warming expressed in proportion to the contribution of carbon dioxide, as advised by the Advisory Council”. Ireland should ensure that it | Not Accepted | It is not considered necessary or appropriate to provide this detail in the Bill. The Bill provides that the carbon budgets will be proposed by the CCAC with regard to <i>relevant scientific advice, including the special characteristic of biogenic methane, and international best practice on the reporting of greenhouse gas emissions and removals.</i> Global Warming Potential is the common metric adopted and used by UNFCCC, informed by values provided by the IPCC in its Assessment Reports. Both UNFCCC and Ireland’s domestic reporting and greenhouse gas calculations will be guided by the IPCC Assessment Reports and the common metrics adopted for emissions reporting requirements. |

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| | appropriately reflects IPCC methods and fulfils its monitoring and reporting requirements under the UNFCC, notwithstanding any additional monitoring or measurement which Ireland might put in place in respect of biomethane, nitrogen or other gases. | | |
| 41 | Consideration should be given to appropriately addressing the specific impacts of Nitrogen in terms of achieving our Paris-aligned co2 emission reductions, drawing on examples of best practice in other countries. | Not Accepted | Ireland prepares an annual gross nitrogen balance which is reported by the Department of Agriculture, Food and the Marine annually to Eurostat. The EPA's Emissions Statistics team supports DAFM in the preparation of this analysis. These data will assist in informing macro-scale analysis of actions required to achieve the goals of the Paris Agreement. |
| 42 | Suggested definition to be inserted for biodiversity: "the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species, and of ecosystems." [Source - Convention on Biological Diversity] | Accepted | Definition included, subject to minor amendment for drafting purposes. |
| 43 | Suggested definition to be inserted for nature based solutions: Nature based solutions that are inspired and supported by nature, which are cost-effective, simultaneously provide environmental, social and economic benefits and help build | Accepted | Nature-based solutions is defined under the Section 17 of the Bill, dealing with amendments to the NORA legislation, and provision is made that such projects, where they support climate action objectives, will be open to apply for funding under the Climate Action Fund. |

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| | resilience. Such solutions bring more, and more diverse, nature and natural features and processes into cities, landscapes and seascapes, through locally adapted, resource-efficient and systemic interventions. | | |
| 44 | When preparing, adopting, and revising climate action plans, adaptation frameworks, long-term strategies, and carbon budgets, the Minister, Government, public bodies, and Climate Change Advisory Council should be required to explain the extent to which they acted consistently with and furthered the objectives of Ireland's National Biodiversity Action Plan and the EU Habitats and Birds Directives, and had regard to nature-based solutions for climate action. | Accepted | <p>Section 2 of the 2015 Act already provides that nothing in the Act will operate to affect Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora aims to promote the maintenance of biodiversity, taking account of economic, social, cultural and regional requirements, the cornerstone of EU's nature conservation policy.</p> <p>Ireland is also required to adhere to the EU Habitats and Bird Directive as an existing EU legal framework and it is not necessary to specify these requirements in the Bill.</p> <p>The consideration and regard to such matters will also be captured through existing processes required in the preparation of plans or programmes that impact the environment, including SEA and AA as required by law.</p> |
| 45 | When making a local authority climate action plan (Section 12, 14A (3)) local authorities should be obliged to act consistent with the Biodiversity action plan/ National Biodiversity Strategy and subsequent plans and strategies and to not have any adverse impacts with regards to biodiversity. They should also have regard to the Sustainable Development Goals. | Partially Accepted | <p>It is not necessary to include such a provision with the Bill. The preparation of each Local Authority Climate Plan will be required to consider and ensure that it does not have any adverse biodiversity impacts through existing SEA and AA processes which are required by law in the preparation of plans or programmes that impact the environment.</p> <p>As outlined in response to Recommendation 9, the principle of promoting sustainable development and protecting biodiversity is now included in Section 4 of the Bill as a matter to have regard to when preparing the relevant national plans and strategies, and sectoral emission ceilings.</p> <p>Section 14B(3) requires the local authority climate action plans to be prepared insofar as practicable consistent with the national Climate Action Plan and</p> |

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| | | | <p>National Adaptation Framework that have regard to these principles.</p> <p>Local authorities must also have regard to any approved national long term climate action strategy, the most recent approved sectoral adaptation plans, and any policies of the Minister or the Government on climate change.</p> <p>The principle of sustainable development is included, in line with the Paris Agreement. The Sustainable Development Goals are not separately listed as the relevant principles and targets of the SDGs are addressed within the UNFCCC and Paris Agreement, which are legally binding obligations on the State and are identified separately in the Bill.</p> |
| 46 | Recognise explicitly the integral role of biodiversity in regulating the climate and ensuring long-term resilience to climate change in this Bill. | Accepted | <p>Section 4 of the Bill will provide that protection and restoration of biodiversity are matters that the Minister, Government will <u>have regard to</u> when preparing the Climate Action Plan, the Long Term Climate Action Strategy, the National Adaptation Framework, the related Sectoral Adaptation Plans, and the Sectoral Emission Ceilings.</p> |
| 47 | <p>The Bill should also amend the National Oil Reserves Agency Act 2020 in the following ways:</p> <p>In page 13, line 7, to include the following: “(iv) nature-based solutions for climate mitigation and adaptation;”. In page 13, to delete line 9 and substitute the following: “economy, (g) to support projects in relation to—(i) nature-based solutions that contribute to climate mitigation and adaptation, and which enhance biodiversity, including aquatic, terrestrial and marine biodiversity,</p> | Accepted | <p>The Bill will amend the NORA legislation to provide that such projects may apply for funding under the Climate Action Fund as follows:</p> <p><i>to support nature based projects that enhance biodiversity and seek to reduce, or increase the removal of, greenhouse gas emissions or support climate resilience in the State</i> <i>to support innovative solutions or research in relation to climate resilience, increasing the removal of greenhouse gas emissions, which may also include nature based solutions that seek to enhance biodiversity</i></p> <p>Section 37B(9)(f) of NORA legislation already captures community related projects and solutions. - <i>to support projects and initiatives in regions in the State and within sectors of the economy impacted by the transition to a low carbon economy.</i></p> <p>The proposal to amend page 13, lines 30 to 32, that is Section 37B (12) to</p> |

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| | <p>(iiv) improving air quality and reducing pollution, and (iivi) community-led, place-based transition solutions.”.</p> <p>In page 13, lines 30 to 32, to delete all words from and including “Reform,” in line 30 down to and including line 32 and substitute the following:</p> <p>“Reform and the relevant committee of the Oireachtas, for that purpose and which are published on the website of the Department of Communications, Climate Action and Environment. The Minister shall report annually to the relevant Committee of the Oireachtas on the activities under this section and review guidelines as appropriate to ensure that all activities funded by this measure are consistent with the State’s international climate action obligations and related national decarbonisation objectives.”</p> <p>Every reference to “increase the removal of greenhouse gases” in the National Oil Reserves Agency (Amendment)... Act 2020 include reference to biodiversity & nature-based solutions for consistency between supporting “projects” and supporting “research”. The efficiency</p> | | <p>provide the Minister to report to the Oireachtas on activities under this Section is not required.</p> <p>The referenced guidelines are financial/governance guidelines and will set out the general conditions to be followed by beneficiaries to qualify for payment of approved funding. The usual arrangements in relation to the Department’s/Minister’s accountability to Committees for such funding will also apply to the Climate Action Fund.</p> |
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| | and benefits from nature based solutions projects can be increased through targeted research as well as through implementation of existing solutions. | | |
| 48 | The Government should invest in carbon dioxide removal technology and negative emissions technology research but priority should be given to bringing emissions from fossil fuels down to zero. The calculation, production or revision of any carbon budget under the Bill should not rely on any projected Carbon Dioxide Removal or Negative Emissions beyond those measurable within the timeframe of that particular budget. | Accepted | <p>The Bill has been developed to focus on achieving obligations through emission reductions and removals <i>in the State</i>, as provided in the relevant definitions for 'emissions' and 'removal'. Investment in research will be an important element of the National Economic Plan including areas which will support Ireland's efforts to decarbonise and achieve our climate ambition. It would not be appropriate to pre-empt the choice of future technology and possible new innovations at this point, and as acknowledged in the Bill, this space is constantly evolving.</p> <p>Research and Development for climate will continue to feature as actions and measures within the annual update to Climate Action Plans provided under Section 4.</p> <p>Carbon dioxide removal (CDR) solutions will likely be needed at least up to the end of this century. The carbon budget also serves to determine the scale of negative emissions that may be required to achieve the 2050 transition objective. This will inform investments in CDR solutions whether provided by land management or other technologies. It thereby informs policy responses, including research, and measures that enable the uptake of these solutions.</p> |
| 49 | While enormous work will be needed in evaluating different technologies, the Bill should not seek to include or exclude any particular option other than to insist that the full long-term lifecycle costs and benefits should always be taken into account. | Accepted | <p>The Bill will not include or exclude any particular technology option. As acknowledged in Section 4(8) of the Bill, which lists the matters and principles 'to have regard to' when preparing plans, strategies or the sectoral emission ceilings, this space is constantly evolving.</p> <p><i>(a) the fact that the means of achieving a climate neutral economy and other measures to enable the State to pursue the national climate objective may not yet be fully identified and may evolve over time</i></p> |

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| | | | <p><i>through innovation, evolving scientific consensus and emerging technologies;</i></p> <p>Section 4(8) also provides for consideration of lifecycle costs and benefits:</p> <p><i>(b) 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 taking into account the impact of greenhouse gas emissions</i></p> |
| 50 | Consider providing for a future expansion of the definition of sinks to potentially include marine and coastal solutions, with due regard to marine and environmental protection, in this Bill or future legislation. | Accepted | The definition of ‘sink’ contained in Section 1 of the 2015 Act (which is not being amended by this Bill) does not preclude future changes in the incorporation of the matters referred to in relevant UNFCCC emissions inventories reporting and accounting rules. |
| 51 | Include separate definitions of just transition, climate justice and sustainable development. | Partially Accepted | <p>Just transition and climate justice are now defined in the Bill.</p> <p>The definition of “just transition” has been informed by the <u>2015 ILO guidelines on a just transition</u>, which was the basis for the <u>UNFCCC technical paper on just transition</u>. Thus, the concept of just transition is widely established at an international level.</p> <p>The definition of “climate justice” has been informed by the Principles of Climate Justice developed by the Mary Robinson Foundation on Climate Justice.</p> <p>As sustainable development is an accepted and well understood concept, a definition is not considered necessary. It is also not defined in the Paris Agreement or EU law. See also response to Recommendation 58 in relation to the definition of climate justice.</p> |

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| 52 | <p>The following definition of just transition is suggested for inclusion: A just transition means a transition that ensures the economic, environmental and social consequences of the ecological transformation of economies and societies are managed in ways that maximise opportunities of decent work for all, reduce inequalities, promote social justice, and support industries, workers and communities negatively affected, in accordance with nationally defined priorities, and based on effective social dialogue.</p> | Accepted | <p>Section 4(8) of the Bill provides that the Minister and the Government shall have regard to, amongst other matters:</p> <p>(j) the requirement for a just transition to a climate neutral economy which endeavours, in so far as is practicable, to -</p> <p>(I) maximise employment opportunities, and</p> <p>(II) support persons and communities that may be negatively affected by the transition.</p> |
| 53 | <p>The Minister and local authorities should have regard to just transition as defined.</p> | Accepted | <p>The Minister and Government will have regard to the requirement for a just transition when preparing the relevant Plans and Strategies under Section 4.</p> <p>Section 14B(3) requires the local authority climate action plans to be prepared insofar as practicable, consistent with the national Climate Action Plan and National Adaptation Framework that have regard to these principles. Local authorities must also have regard to any approved national long term climate action strategy, the most recent approved sectoral adaptation plans, and any policies of the Minister or the Government on climate change which would include just transition policies.</p> |
| 54 | <p>The Committee recognises the urgent need for a more strategic approach to stakeholder engagement, preferably to include engagement from all stakeholders within the same process, and also for citizen engagement, with a focus on inclusion, participation,</p> | Accepted | <p>In recognition of the need for a strategic approach for stakeholder engagement, an enduring structure for the National Dialogue on Climate Action (NDCA) is at an advanced stage of development. The new structure will establish s a series of interlinked dialogues, leading to a larger national level National Climate Forum. It will be used to create wider ranging and more in depth citizen, community and sectoral discussions and also inform the policies,</p> |

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| <p>deliberative methods, collaboration and activation. However, given the urgency, a process must be designed that recognises the need for quick progress.</p> <p>The Committee recommends that a new provision is inserted into the Bill requiring the Minister to establish a body or task force to prepare, publish and implement a permanent, large scale public involvement strategy to include:</p> <ul style="list-style-type: none"> a. informing members of the public, including vulnerable and impacted communities, about the targets specified by virtue of the Act; b. encouraging and supporting them to contribute to the achievement of those targets; c. affording them opportunity to inform carbon budget preparation and climate policy more generally. <p>The public involvement strategy must, in particular, identify actions which persons in Ireland may take to contribute to the achievement of climate neutrality. The public involvement strategy should be published no later than 31 December 2021.</p> | | <p>measures and actions to be set out in the next iteration of the Climate Action Plan (CAP) (2021). Thus, establishing a new body / taskforce is not required at this time.</p> <p>Section 4 of the Bill will provide regular opportunities for public participation when the Minister is developing annual revisions to the Climate Action Plan and National Long Term Climate Action Strategies every 5 years.</p> <p>Section 4(2) of the revised Bill also now specifies the annually updated climate action plan includes measures to inform, and promote dialogue with, the public regarding the challenges and opportunities in the transition to a climate neutral economy.</p> <p>The preparation of Local Authority Climate Action Plans in section 14B also requires and offers opportunities for public participation at local level, including consultation with a Public Participation Network as set out under Section 14A(4)(b).</p> |
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| 55 | Strengthen the onus of consultation with the public in the preparation of the national long term climate action strategy by editing Section 4(8)(b)(ii) to “the public and such persons (and organisations) that he/she considers appropriate” | Accepted | With regard to Long Term Climate Action Strategy, Section 4(6)(c) the Minister shall consult “ <i>with the public and such persons as he or she considers appropriate.</i> ” |
| 56 | The Committee recommends that the Minister ‘shall’ rather than ‘may’ have regard to the outcome of public involvement initiatives when setting policy. | Accepted | As outlined in response to Recommendation 54, public participation measures and considerations have been strengthened in the Bill. |
| 57 | The Committee recommends that the Bill is checked for compliance with the rights of public participation in environmental decision making and access to justice as set out in the Aarhus Convention. | Accepted | See response to Recommendation 7. |
| 58 | Climate Justice should be defined in the Bill. It is recommended that this definition reflect the UNFCCC commitment to ‘common but differentiated responsibilities and respective capabilities’ and the principles that climate justice Should: - support those who are most affected by climate change but who have done the least cause it. - support the human rights and wellbeing of local communities, indigenous peoples and the most | Accepted | Climate justice in defined in the Bill as follows: ‘climate justice’ means 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; |

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| | <p>vulnerable.</p> <ul style="list-style-type: none"> - be informed by science, respond to science, and acknowledges the need for equitable stewardship of the world's resources, particularly biodiversity and ecosystems. - help address inequality and progressively distribute the financial responsibility for climate mitigation and adaptation measures. | | |
| 59 | <p>Given the impact of non-territorial emissions on the Global South, the committee recommends that the Minister should consider, either in the Bill or through another mechanism, providing for the EPA to develop a tracking system to monitor and report on consumption based emissions.</p> | Accepted | <p>The Programme for Government commits to conduct a review of greenhouse gas emissions on a consumption basis, with a goal of ensuring that Irish and EU action to reduce emissions supports emission reductions globally, as well as on our own territories.</p> <p>ESRI research on consumption based emissions, funded by the EPA, is currently underway. This project will estimate consumption based emission for Ireland, focussing on where the emissions are being emitted across the globe and which products they are concentrated in. An additional project will use these estimates to examine the impacts of reducing emissions through reduced consumption of high emission goods applying a green VAT.</p> <p>The outcome and recommendations from the research are expected later this year, and will be examined by the Department when available separately to work on the Bill.</p> |
| 60 | <p>Amend Section 1 of the Bill to include a definition of non-territorial emissions in the definitions section.</p> | Not Accepted | <p>It is not necessary to include a definition unless it is applicable in the Bill.</p> <p>Calculation of carbon budgets will be informed by EPA national inventory and projection reporting which are developed in compliance with Paris Agreement and UNFCCC reporting requirements, which are on a production reporting basis.</p> |

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| 61 | <p>The committee recommends that the Minister should consider a mechanism to provide for the EPA to develop a tracking system to monitor and report on aviation and shipping emissions.</p> | Accepted | <p>The EPA already has access to relevant emissions data from these sectors and publishes this information as part of its annual national inventory report. Development of a specific tracking system for these sectors is not therefore currently proposed.</p> <p>It should also be noted further EU action on aviation and shipping emissions is expected through forthcoming revisions to the EU Emissions Trading System Directive in accordance with ambition in the EU Green Deal, and the Minister will consider these proposals in the context of enhanced reporting and accounting that may be required for emissions from these sectors.</p> |
| 62 | <p>In building meaningful climate justice obligations, either through government policy or in the Bill, there should be provisions to address reparations for loss and damage caused by Ireland's contribution to climate change, and to fulfil common but differentiated responsibilities in accordance with our commitment to the UNFCCC. These include;</p> <ul style="list-style-type: none"> - A provision requiring Ireland to increase its contribution to the UN Climate Fund could be inserted. - The provision of loss and damage funding and support for mitigation and adaptation in LDCs should be named as essential to our collective capacity to remain within a 1.5C temperature threshold. - Ensuring Ireland's long established principle of Untied ODA be retained. | Accepted | <p>Ireland continues to focus the vast majority of its international development cooperation and climate action in Least Developed Countries, with the majority of Ireland's climate finance commitments supporting adaptation measures.</p> <p>As committed to in the <i>Programme for Government</i>, the Department of Foreign Affairs is developing a Climate Finance Strategy to guide continued progress in reaching the shared commitment to double the percentage of ODA that is climate finance by 2030. This will inform Ireland's development activities and support efforts to climate-proof ODA as called for in <i>A Better World</i>.</p> <p>This recommendation will be further considered in the context of the preparation of the Climate Finance Strategy and as an input to ongoing UNFCCC negotiations.</p> |

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| 63 | The Committee would regard it as inappropriate if the Government planned to meet its obligations by seeking offsetting from other countries rather than reducing emissions in Ireland. A specific prohibition could be considered. | Accepted | The Minister considers the inclusion of offsetting inappropriate, as it would undermine the obligations contained in the Bill. Therefore the Bill has been developed to focus on achieving obligations through emission reductions and removals <i>in the State</i> , as provided in the relevant definitions for 'emissions' and 'removal'. |
| 64 | Separate to the provisions of this Bill, the Government should seek to define offshore mitigations to include: emissions reductions and removals, or allowances from emissions trading schemes – (a) that originate from outside the State, (b) that are expressed as a quantity of carbon dioxide equivalent, (c) that are robustly accounted for to ensure that, among other things, double counting is avoided, and that either – (d) represent an actual additional, measurable, and verifiable reductions or removal of an amount of carbon dioxide equivalent, or (e) are a verified, traceable emissions trading scheme allowance that triggers the reductions of carbon dioxide equivalent; (f) adhere to human rights principles, especially the principle of free and prior informed consent | Accepted | It is noted that this recommendation is sought to be progressed separate to the provisions of the Bill. The Paris Agreement Rulebook, specifically the framework for implementation of Article 6 of the Paris Agreement, is the appropriate place to articulate these requirements. The provisions in relation to Article 6 are still under negotiation. Ireland, as part of EU, is seeking a robust Article 6 framework that maximises environmental integrity and avoids double counting of emissions reductions. Accounting rules to be agreed under Article 6 should enable the use of internationally transferred mitigation outcomes (ITMOs) towards NDCs and other purposes while preserving existing ambition of NDCs and allowing for higher ambition over time in line the objectives of the Paris Agreement. |
| 65 | Accountability in the Bill needs to be | Accepted | The reporting and accountability sections have been significantly strengthened |

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| | clearer and more well-defined. | | <p>in the Bill. Section 14A replaces the existing Annual Transition Statement process and provides enhanced individual ministerial accountability to the Oireachtas and specifies matters each Minister will be required to give account to.</p> <p>Section 4 now provides that the update to the Climate Action Plan will include corrective actions where failing to comply with the carbon budget and sectoral emission ceilings.</p> <p>Additionally, the CCAC annual report will now include assessing progress in each of the sectors and will inform the Committee.</p> |
| 66 | Carbon budgets should be legally binding and all activities undertaken by Government Departments should be consistent with the carbon budgets. In section 3(1) of the Bill insert a legally binding obligation to ensure that the Minister and Government must achieve the National Climate Objective and comply with the carbon budgets. | Accepted | <p>Section 3 (1) refers to the State pursuing and achieving the national climate objective by no later than the end of the year 2050. In addition Section 6B (13) on carbon budgets requires Ministers to perform their functions in a manner consistent with, insofar as is practicable, carbon budgets that have effect. Section 6C (9) requires Ministers to comply in a similar manner with sectoral emissions ceilings.</p> |
| 67 | Sections 4(2)(a), 6A, 6B, 6C, 6D, 14, 14A and 15 could be examined in terms of strengthening accountability. | Accepted | <p>The Bill has been amended to ensure obligations are clear and accountability strengthened.</p> <p>Section 4(2) is now explicit that the preparation of plans and strategies must be <i>consistent with</i> the carbon budget programme, where it previously referred to <i>taking account of the carbon budget programme</i>.</p> <p>Sections 6A – 6D, carbon budgets, have been revised as follows:</p> <p>Section 6B (13) requires Ministers to perform their functions in a manner <i>consistent with, insofar as is practicable</i>, carbon budgets that have effect. Previously Ministers were required only to <i>have regard to</i> carbon budgets.</p> |

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| | | | <p>Section 6C(9) requires Ministers <i>to comply insofar as is practicable</i> with sectoral emissions ceilings, where previously required to <i>take account of</i>.</p> <p>Section 14B(3) requires the local authority climate action plans to be prepared <i>insofar as practicable consistent</i> with the national Climate Action Plan and National Adaptation Framework where previously only was to <i>take account of</i>. Local authorities must also have regard to any approved national long term climate action strategy, the most recent approved sectoral adaptation plans, and any policies of the Minister or the Government on climate change.</p> <p>Section 15 Public bodies duties has been further strengthened: rather than <i>take account of</i>, a public body is required, insofar as practicable, to perform its functions in a <i>manner consistent with</i>; relevant climate plans and strategies, the furtherance of the national climate objective, and the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.</p> |
| 68 | Public bodies, Government Departments, and local authorities should be required to carry out their duties in a manner consistent with the temperature limits and principles of the Paris Agreement. The Oireachtas standing committee on climate change should have a remit to hold not only Government Departments, but also public bodies, to account for their operations and response to targets under section 14. | Accepted | <p>Section 3 provides that Ministers and Government are required to carry out functions consistent with the objectives of the Paris Agreement temperature goal, including the preparation of carbon budgets, sectoral emission ceilings and the national plans and strategies developed to support them.</p> <p>Section 14B(3) requires the local authority climate action plans to be prepared <i>insofar as practicable consistent</i> with the national Climate Action Plan and National Adaptation Framework where previously only was to <i>take account of</i>. As in the published text of the Bill, local authorities must also have regard to any approved national long term climate action strategy, the most recent approved sectoral adaptation plans, and any policies of the Minister or the Government on climate change. In doing so, they will be consistent with Paris Agreement principles.</p> <p>Section 15, dealing with the duties of certain bodies, has been further strengthened A public body will be required, insofar as practicable, to perform its functions in a <i>manner consistent with</i>; relevant climate plans and strategies,</p> |

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| | | | <p>the furtherance of the national climate objective, and the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.</p> <p>As these provisions already require consistency with Paris Agreement principles, it is not considered necessary to amend Section 14A and 15 of the Bill further.</p> |
| 69 | <p>The Bill needs to make explicit the obligation of a Minister to list actions which have the clear capacity to get the sector back on track, including any mitigation actions needed to ensure sustainable Just Transition for affected sectors. Some of the existing language in the Bill needs to be strengthened in that respect.</p> | Accepted | <p>The reporting and accountability sections have been significantly strengthened in the Bill.</p> <p>Section 14A replaces the existing Annual Transition Statement process and provides enhanced individual ministerial accountability to the Oireachtas and specifies matters each Minister will be required to give account to, including corrective actions when a sector is off track. Further amendments to the Bill in Section 4 also now provide that the update to the Climate Action Plan will include corrective actions where failing to comply with the carbon budget and sectoral emission ceilings. Just transition is also considered in developing actions and measures in the update to Climate Action Plan.</p> |
| 70 | <p>If the Government is off course in any carbon budget period, or where a carbon budget is exceeded, the Government should have a legal obligation to take measures to correct course and compensate as soon as possible.</p> | Accepted | <p>Section 14A on climate sectoral reporting refers to Ministers having to explain what measures they are proposing to ensure their sectors remain within the carbon budget / sectoral emissions ceilings.</p> <p>Further amendments to the Bill in Section 4 also now provides that the update to the Climate Action Plan will include corrective actions where failing to comply with the carbon budget and sectoral emission ceilings.</p> <p>Section 6D Revision to Carbon Budget has been revised to clarify where there are emission exceedances, these will be carried forward to the next budget period.</p> |
| 71 | <p>There should be measures which ensure there are consequences for Government Departments that fail to</p> | Accepted | <p>See response to Recommendation 65 and 67.</p> <p>Section 6D, Revision of Carbon Budgets, has been amended to clarify where</p> |

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| | meet carbon budgets or sectoral allocations. | | there are emission exceedances, these will be carried forward to the next budget period. |
| 72 | 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. In Section 6 as per the Paris Agreement, Ireland's compliance with this should be reported on a regular basis. Amend Section 14 of the Bill to place a duty on the Minister to report on the progress to meet carbon budgets and (sectoral) decarbonisation target ranges, including progress towards meeting the long-term strategy and any interim targets. | Accepted | <p>Section 14A provides that Ministers must give an account annually to an Oireachtas Committee. Should the Committee issue a report or recommendations, a Minister is required to respond within a three month period.</p> <p>In addition to this provision, the Committee is not prevented from inviting the Minister or Secretary Generals to report at any other time.</p> <p>At an administrative level, monitoring and reporting of the Climate Action Plan will continue on a quarterly basis overseen by the Climate Action Delivered Board and managed by the Department of the Taoiseach, which will also inform the statutory annual update of the Climate Action Plan.</p> |
| 73 | Section 11(1) should be amended to require the Government to publicly report on how Climate Action Plans align with the carbon budget. | Accepted | <p>Section 4 (2)(a) of the Bill has been strengthened and now provides that the annual revision of the Climate Action Plan being prepared by the Minister must be consistent with the relevant carbon budget programme.</p> <p>The primary objective of the Climate Action Plan is to deliver emission reductions, consistent with the carbon budgets, to achieve the National Climate Objective. As provided in the 2019 Climate Action Plan, mitigation to achieve the targets for each sector were described.</p> <p>Section 14A replaces the existing Annual Transition Statement process and provides enhanced individual ministerial accountability to the Oireachtas and specifies matters each Minister will be required to give account to, including policies and measures adopted to achieve sectoral targets.</p> |

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| 74 | <p>Performance, monitoring and reporting under the bill should be planned and delivered in a way which is compatible with and complementary to Ireland's performance, monitoring and reporting on the UN Sustainable Development Goals, the UNCRPD and other relevant international treaties and obligations.</p> | Accepted | <p>Ireland undertakes its reporting obligations under the Paris Agreement, UNFCCC and EU requirements which, when submitted to the relevant body, are also made available online.</p> <p>Ireland's national reporting will continue to be developed in accordance with the evolution of Paris Agreement and EU reporting obligations. While not possible to fully align all processes, they will complement and inform national reporting for climate and vice/versa.</p> <p>Reporting for the SDGs will also be drawn on reporting from UNFCCC reporting requirements and national reporting as provided under Section 14.</p> <p>The Department of Children, Equality, Disability, Integration and Youth is designated as Ireland's Focal Point and Coordination Mechanism under the UNCRPD. Ireland is due shortly to submit its initial State report under the UNCRPD. Future reporting will be determined as required under that Convention The National Disability Inclusion Strategy established reporting structure ensures that a whole of Government strategic approach is taken to disability and that relevant actions are advanced by the Departments and the agencies responsible. As such, where appropriate climate considerations and consistency in monitoring and reporting will be captured.</p> |
| 75 | <p>Task the Climate Change Advisory Council to review the adequacy of the 'climate objective' target at regular intervals to ensure progress and the highest possible ambition, in response to climate science and Ireland's commitments under the Paris Agreement as represented by the reports of the IPCC.</p> | Accepted | <p>The Bill amends Section 12 of the Act and permits the CCAC to review issues mentioned in this recommendation in its annual review reports.</p> <p>The Bill also amends Section 13 of the Act in a similar manner enabling the Council to review such issues as part of their periodic reviews. A periodic review by CCAC under section 13 already provides that it must include a consideration of compliance with international obligations and the CCAC must advise the Minister in relation to such compliance (section 13(7)). Therefore the proposal to ensure progress and the highest possible ambition in accordance with the Paris Agreement is already captured as part of the existing provisions.</p> |

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| 76 | The Minister should consider Amending section 6A(6) to ensure that the science relied on is not inconsistent with scientific reports from the Intergovernmental Panel for Climate Change. | Accepted | <p>Section 6A (9), previously subsection (6), provides that carbon budgets proposed by the CCAC are informed by <i>relevant scientific advice, including the distinct characteristics of biogenic methane, and international best practice on the reporting of greenhouse gas emissions and removal.</i></p> <p>The Minister considers that the IPCC, as the UN body created to provide policymakers with regular scientific assessments on climate change, is sufficiently captured in this.</p> |
| 77 | The Committee heard there is a potential conflict between Section 4(7) and 4(6). The Committee asks the Minister to preserve the effect of the Supreme Court judgment in Climate Case Ireland. It should be examined whether section 4(7) should be deleted or amended to “without prejudice” to section 4(6). | Accepted | Section 4(7) has been amended on this basis. |
| 78 | The central role of cabinet responsibility and the leadership of the Taoiseach, and leadership within the Government, will be key to delivering across the siloed interests which can prevail. Consideration should be given as to how that might be recognised in the Bill. There should be a well-resourced and empowered oversight function in the Department of the Taoiseach. | Accepted | <p>Government leadership will be critical to deliver across all relevant sectors and address potential siloed interests.</p> <p>In this regard, the Programme for Government committed to maintain the existing model and the Climate Action Delivery Board and oversight function from Department of the Taoiseach which continues to have a central role in this process.</p> <p>This governance arrangement is established and is working well. It is not necessary to establish this on a statutory basis as it is related to the internal working of Government.</p> |