

HEADS OF CLIMATE ACTION (AMENDMENT) BILL 2019

HEADS

- 1.** Definitions

- 2.** National transition objective
- 3.** National long term climate strategy
- 4.** Climate action plan
- 5.** Sectoral adaptation plan

- 6.** Change of name of Climate Change Advisory Council
- 7.** Membership of Climate Action Council and related matters
- 8.** General functions of Climate Action Council
- 9.** Annual review by, and annual report of, the Climate Action Council
- 10.** Periodic review by Climate Action Council

- 11.** Carbon budgets
- 12.** Setting the carbon budget
- 13.** Managing carbon budgets

- 14.** Sectoral climate reporting

- 15.** Role of Local Government

- 16.** Sale of fossil fuel cars

- 17.** Repeal of section 2 of the principal act
- 18.** Consequential amendments to the principal act
- 19.** Short title, collective citation and construction

HEAD 1 Definitions

Provide that section 1 of the Principal Act is amended by inserting the following definitions:

“ “Principal Act” means Climate Action and Low Carbon Development Act 2015;

“annual equivalent” in regard to carbon budgeting means the amount of the carbon budget for the period divided by the number of year in that period;

“carbon budget” means the total amount of emissions which can be emitted during a 5 year period and calculated on an economy-wide basis ;

“climate Action Plan” has the meaning assigned to it under Section 6A;

“economy-wide” means all domestic greenhouse gas emissions emitted, which includes the sectors which the Emissions Trading Scheme (ETS) applies, that is electricity and emperies, and also those sectors outside of the ETS;

“local authority” has the meaning given to it by section 3 of the Local Government Reform Act 2014;

“national long term climate strategy” has the meaning assigned to it in section 4.

“net-zero” means when any remaining human-caused emissions are balanced out by their removal from the atmosphere (a process known as carbon removal); ”

Explanatory Note:

To provide for necessary updates to the definitions.

HEAD 2 National Transition Objective

Provide that the Principal Act is amended by substituting for section 3 the following:

“National Transition Objective”

3. (1) For the purpose of enabling the State to pursue, and achieve, the transition to a net-zero, climate resilient and environmentally sustainable economy by the end of the year 2050 (in this Act referred to as the ‘national transition objective’), the 2050 target requires that at the end of the year 2050, the net accounting emissions of greenhouse gases in the State are consistent with:

(Note: Subsection 1 on the national transition objective an approach for setting the 2050 target will be informed by further consideration of advice provided by the CCAC, the consultation process being carried out on the LTS and additional research currently being undertaken to inform the target)

(3) In pursuing the national transition objective, the Minister shall make and submit to the Government for approval—

- (a) a national long-term climate strategy,
- (b) a national adaptation framework,
- (c) a revision to the Climate Action Plan, details of such provided under section 6A, and
- (d) a series of carbon budgets, detail of such provided under section X.

(4) When considering anything referred to in subsection (3), for approval, the Government shall endeavour to achieve the national transition objective within the period to which the objective relates and shall, in endeavouring to achieve that objective, ensure that such objective is achieved by the implementation of measures that are cost effective and shall, for that purpose, have regard to—

- (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, the objectives specified in Article 2 of the Paris Agreement done at Paris on 12 December 2015, and any mitigation commitments entered into by the European Union in response or otherwise in relation to those objectives,
- (b) the policy of the Government on climate change,
- (c) climate justice, and
- (d) the most recent national greenhouse gas emissions inventory and projection of future greenhouse gas emissions, prepared by the Agency.”

Explanatory Note:

The amendment to section 3 is to provide for the commitment under the Climate Action Plan to enact in legislation Ireland’s 2050 climate target. Setting an emissions reductions target in primary legislation will provide clarity on Ireland’s long term emission reductions goals and place responsibility on the Government, by way of a national long term climate strategy, to develop and deliver a timely decarbonisation transition. Setting a 2050 target under this section will also supersede the existing 2014 policy position which currently sets out the national 2050 target. The final decision for Ireland’s 2050 target will be informed by further consideration of advice provided by the CCAC, the consultation process being carried out on the LTS and additional research currently being undertaken to inform the target.

The amendment also identifies the specific tools and mechanisms which will be used to deliver the national transition objective, that is, the national long term climate strategy which is replacing the national mitigation plan, an updated Climate Action Plan, the national adaptation framework and a series of carbon budgets.

HEAD 3 National Long Term Climate Strategy

Provide that the Principal Act is amended by substituting for section 4 the following:

“4. (1) The Minister shall, not later than 12 months of the passing of this Act, make, and submit to the Government for approval, a strategy, which shall be known as a National Long Term Climate Strategy not less than once in every period of 5 years.

(2) The first Strategy shall be published for the period 2021 to 2035.

(3) Each subsequent Strategy shall match the period covered by the next three 5 year carbon budgets, have a 15 year outlook and also include a longer term perspective of at least 30 years.

(4) The national long term climate strategy shall:

(a) specify the manner in which it is proposed to achieve the national transition objective;

(b) specify the policy measures, that, in the opinion of the Government, would be required in order to manage greenhouse gas emissions and the removal of greenhouse gas at a level that is appropriate and determined through the carbon budgetary process, and enable the State to achieve the sectoral decarbonisation target ranges set through the carbon budgetary process as referred to in section X, and for furthering the achievement of the national transition objective; and

(c) specify the sectoral mitigation measures, that, in the opinion of the Government, would be required in order to manage greenhouse gas emissions and the removal of greenhouse gas at a level that is appropriate and determined through the carbon budgetary process, and enable the State to achieve the sectoral decarbonisation target ranges set through the carbon budgetary process as referred to in section X, and for furthering the achievement of the national transition objective.

(5) The Minister shall consult with each Minister of the Government, as determined by Government, in preparing the National Long Term Climate Strategy.

(6) The Government may—

(a) approve, or

(b) approve, subject to such modifications as they consider appropriate, a national long term climate strategy submitted to them under this section.

(7) The Minister may, after the submission to the Government of a periodic review report in accordance with section 13 and having had regard to that report, make and submit to the Government for approval a plan (in this Act also referred to as a ‘national long term climate strategy’) varying, revising or replacing an approved national long term climate strategy.

(8) The Government may vary or revise a national long term climate strategy approved by them under this section.

(9) The Minister and the Government shall take account of the following matters when performing functions under this section:

(a) the need to have regard to—

(i) any existing obligation of the State under the law of the European Union or any international agreement in relation to climate action,

(ii) likely future mitigation commitments of the State and the economic imperative for early and cost-effective action, and

(iii) the requirement to be able to act quickly in response to economic and environmental occurrences and circumstances;

(b) the need to promote sustainable development;

(c) the need to take advantage of environmentally sustainable economic opportunities both within and outside the State;

(d) the need to achieve the objectives of a national long term climate strategy at the least cost to the national economy and adopt measures that are cost-effective and do not impose an unreasonable burden on the Exchequer;

(e) relevant scientific or technical advice;

(f) the findings of any research on the effectiveness of mitigation measures and adaptation measures;

(g) where a national long term climate strategy has been approved by the Government, the most recent approved national long term climate strategy;

(h) any recommendations or advice of the Climate Action Council;

(i) the protection of public health.

(10) The Minister shall, before finalising a national long term climate strategy and with the approval of Government—

(a) publish, in such manner as he or she considers appropriate, a draft of the national long term climate strategy,

(b) publish a notice on the internet and in more than one newspaper circulating in the State inviting members of the public and any interested parties to make submissions in writing in relation to the proposed national long term climate strategy 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).

(11) (a) The Government may consult with the Climate Action Council for the purpose of the performance by them of their functions under this section.

(b) The Minister shall consult with the Climate Action Council for the purpose of the performance by him or her of his or her functions under this section.

(12) A national long term climate strategy shall be laid before each House of the Oireachtas as soon as may be after it is approved by the Government.

(13) A national long term climate strategy shall not be implemented unless it has been approved by the Government in accordance with this section.”

Explanatory Note:

This head is to replace the process for developing and submitting a National Mitigation Plan with a National Long Term Climate Strategy. The Long-term Climate Strategy will be a statutory successor to the National Mitigation Plan. The head is to retain much of section 4 of the 2015 Act, including what the Strategy is providing for with respect to the relevant sectors and the principles to apply when preparing a National Long Term Strategy under this section.

HEAD 4 Climate Action Plan

Provide that the following section is inserted after section 6 of the Principal Act:

“ 6 (1) In this section, ‘Plan’ means Climate Action Plan 2019 to Tackle Climate Breakdown published by the Minister on 17 June 2019.

(2) The Minister shall each year, revise the Plan and submit it to Government for approval.

(3) The annually revised Plan shall provide an updated roadmap of actions, including sectoral actions that, in the opinion of the Government, would be required to support delivery of:

- (a) the policy measures and sectoral mitigation measures as provided under the National Long Term Climate Strategy, within the ceilings of the 5 year carbon budget and the sectoral decarbonisation ranges for the relevant period as adopted by Government,
- (b) the annual trajectory decarbonisation target range set for each sector, and
- (c) the adaptation measures as set out under the National Adaptation Strategy.

(4) The Government may request such Ministers of the Government they consider appropriate to submit to the Minister, within a specified period, actions including sectoral actions, for inclusion in the revision of the Plan.

(5) In performing functions of this section, the Minister shall have regard to matters as set out under sections 4(4) and 4(9).”

Explanatory Note:

The purpose of this head is to provide details on the annual update to the Climate Action Plan which will provide an annual roadmap of focused and targeted measures to deliver the climate commitments set by the Government at a national level through the national long term climate strategy but also ultimately ensure delivery of EU and international climate obligations and the national transitions objective. The head covers the update process required including the need for government approval and consultation with relevant Ministers with regard to inputs for the updating process.

HEAD 5 Sectoral Adaptation Plan

Provide that the section 6 of Principal Act is amended by inserting after subsection 6 (10) the following:

“6 (11) For the purposes of coherence and coordination on matters of common interest, a particular sectoral plan may be submitted by one or more Ministers of the Government.”

Explanatory Note:

This amendment permits more than one Minister to develop and submit to Government a joint sectoral adaptation plan.

HEAD 6 Change of name of Climate Change Advisory Council

Provide that -

“8. (1) The name of the body (established by section 8 of the Principal Act) the present name of which is, in the Irish language, An Chomhairle Chomhairleach um Athrú Aeráide and, in the English language, Climate Change Advisory Council, shall, on and from the passing of this Act, be known in the Irish language as, An Chomhairle um Ghníomhú ar son na hAeráide and, in the English language as the Climate Action Council.

(2) References in any enactment, statutory instrument, legal proceedings or any other document to An Chomhairle Chomhairleach um Athrú Aeráide or Climate Change Advisory Council shall, on and from the day appointed under *subsection (1)*, be construed as references to the Climate Action Council.”

Explanatory Note:

The aim of this head is to facilitate the change of name of the Climate Change Advisory Council to the Climate Action Council.

HEAD 7 Membership of Climate Action Council

Provide that section 9 of the Principal Act is amended by—

(a) substituting for subsections (1), (2) and (3) the following:

“ (1) The Climate Action Council shall consist of—

(a) a chairperson, and

(b) not fewer than 8 and not more than 11 ordinary members (including ordinary members to whom subsection (2) applies).

(2) Each of the following shall, ex officio, be ordinary members of the Advisory Council:

(a) the Director General of the Agency,

(b) the Chief Executive of Sustainable Energy Ireland - The Sustainable Energy Authority of Ireland,

(c) the Director of Teagasc - The Agriculture and Food Development Authority,

(d) the Director of the Economic and Social Research Institute, and

(e) the Director of the Irish National Meteorological Service, Met Éireann.

(3) (a) The chairperson and ordinary members (other than an ordinary member to whom subsection

(2) applies) of the Climate Action Council shall be appointed by the Government, on the nomination of the Minister.

(b) The Minister shall, insofar as practicable and having regard to the relevant experience of the persons concerned, ensure an equitable balance between men and women in the composition of the membership of the Climate Action Council.”,

(b) In subsection (5) by inserting after paragraph (b) the following:

“(c) On and from the passing of this Act, any member of the Climate Action Council with less than 5 years’ service on the Council from his or her first appointment, shall continue as a member of the Climate Action Council until he or she has served the period of appointment as was determined by the Minister, pursuant to subsection 5.

(d) In appointing ordinary members of the Climate Action Council (other than an ordinary member to whom subsection (2) applies) the Minister shall endeavour to ensure that the terms of office of all members of the Council do not expire at the same time.”,

(c) By substituting for subsection (14)(b) the following:

“(b) A person appointed to be a member of the Climate Action Council pursuant to paragraph (a) shall hold office for that period of the term of office of the member who occasioned the casual vacancy that remains unexpired at the date of his or her appointment and shall, subject to this section, be eligible for reappointment as a member of the Climate Action Council for one term of office on the expiry of such period.”

(d) By inserting after subsection (14)(b) the following:

“(c) Where a member of the Climate Action Council, whose term of office has expired, has not been reappointed or may not be reappointed by virtue of having served 2 consecutive terms, the member shall continue in office until the vacancy occasioned by him or her is filled by the appointment of another person.

(e) In subsection (16) by inserting after paragraph (b) the following:

“(c) The Climate Action Council shall establish as one of its advisory committees, an Adaptation Committee consisting, in whole or in part, of persons who are members of the Advisory Council to—

- (i) assist and advise it in relation to the performance of any or all of its functions in relation to climate adaptation, and
- (ii) perform such functions of the Climate Action Council as it may, with the consent of the Minister, delegate to the committee.”.

Explanatory Note:

Amendments to section 9 sets out details in relation to the manner in which the Chairperson and Ordinary Members of the Climate Action Council shall be appointed and their terms of membership. These changes introduce certainty and continuity in the membership of the Climate Action Council, more scientific expertise. The amendments introduce the following changes to the current Council composition:

- the inclusion of a fifth ex-officio ordinary member of the Climate Action Council – the Director of the Irish National Meteorological Service, Met Éireann. Such ex-officio member will provide more scientific expertise to the Council, and as a result also an increase in the membership for a total of 12 members including the Chairperson, the five ex officio members and up to six ordinary members;
- a requirement that in so far as is practicable there will be gender balance on the Council;
- that all Council members including the Chairperson will serve a maximum of two terms;
- that the Council will benefit from the capacity to retain expertise over time by members serving staggered terms of office.
- An amendment to subsection (16) requires the Climate Action Council to establish an advisory committee in relation to climate adaptation.

HEAD 8 General Functions of Climate Action Council

Provide that subsection 11 (1) (a) of the Principal Act is amended by substituting for subparagraphs (i), (ii), and (iii) the following:

- “(i) the preparation of a national long term climate strategy,
- (ii) the preparation of a national adaptation framework,
- (iii) the preparation of a series of appropriate economy wide carbon budgets, each of which would cover a 5 year period, and
- (iv) compliance with any existing obligation of the State under the law of the European Union or any international agreement”

Explanatory Note:

These amendments provide that the Climate Action Council will be given new functions to provide recommendations to the Minister in the development and adoption of a series of appropriate economy wide carbon budgets each covering a five year period.

HEAD 9

Annual Review by, and Annual Report of, the Climate Action Council

Provide that section 12 of the Principal Act is amended by substituting for subsection 1(a) the following:

“12 (1) (a) conduct a review (in this section referred to as the “annual review”) in each year of the progress made during the immediately preceding year in achieving greenhouse gas emission reductions, performance against the carbon budget, and furthering national transition objective, and,”

Explanatory Note:

Subsection 1(a) is amended to update and streamline the performance review responsibilities of the Council with regard to its new function on the carbon budgets piece.

HEAD 10

Periodic Reviews by Climate Action Council

Provide that section 13 of the Principal Act is amended by - :

(a) the deletion of subsection 1.

Explanatory Note:

The deletion of subsection 1 as no longer relevant following enactment of the Bill and amendments still provide the Council with discretion in relation to conducting a periodic review.

HEAD 11 Carbon Budgets

Provide that the Principal Act is amended by inserting a new section regarding Carbon Budgets:

- (1) The Government shall adopt a system of carbon budgets which will be determined as part of a grouping of three five-year periods calculated on an economy-wide basis, starting with the periods 2021 to 2025, 2026 to 2030, and 2031 to 2035.
- (2) The carbon budgets will be set with a view to achieving the national transition objective as set out under section 3.
- (3) For any period beyond 2035, the carbon budget will be set not less than 10 years before the period referred to commence and not later than 30 June in that year, such as:
 - (a) The carbon budget period 2036 to 2040, to be set by 30 June 2025:
 - (b) The carbon budget period 2041 to 2045, to be set by 30 June 2030:
 - (c) The carbon budget period 2046 to 2050, to be set by 30 June 2035:
 - (d) The carbon budget periods beyond 2050 to continue this timeframe of forward planning.
- (4) In advance of setting each 5 year budget and within a specified period, the Climate Action Council will, no later than 12 months before the budget is due to be set, advise the Minister on the appropriate three year five year carbon budgets to be adopted by Government.
- (5) The Council's advice on the carbon budgets will include the following:
 - (a) The recommended carbon budget permitted in each five-year carbon budget period;
 - (b) The reasons for the recommend level of carbon budget; and
 - (c) Consideration of cost-effective mitigation potential.
- (6) When preparing the advice, the Council should have regard to matters as set out under section 3(4) and section 4(9).
- (7) Not later than 30 days after submitting the advice to the Minister in accordance with this section, the Council shall publish the advice.

Explanatory Note:

This head introduces the commitment for Government to commence carbon budgetary process. It provides details on the role of the Climate Action Council in the carbon budget process. It sets out the timeframe in which the advice should be provided, the scope of the advice and the principles under sections 3 and 4 (National Transition Objective and National Long Term Climate Strategy) which should be considered when preparing such recommendations.

The timeframe for finalising budgets enhances certainty for medium to long term planning.

HEAD 12 Setting the Carbon Budget

Provides that the Principal Act is amended by inserting the following new section after section X:

- (1) Not later than X months after receiving the advice from the Climate Action Council, the Minister shall prepare a set of three economy-wide five-year carbon budgets which will include:
 - (a) the recommended carbon budget permitted in each five-year carbon budget period, and
 - (b) a decarbonisation range for each relevant sector for the five-year period within the ceiling of the proposed carbon budget.
- (2) The Minister shall consult with each Minister, as determined by Government, in preparing the details as set out under subsection 1(a) and (b).
- (3) In performing functions of this section, the Minister shall have regard to matters as set out under section 3(4) and section 4(9).
- (4) In presenting the three draft economy-wide five-year carbon budgets to Government, the Minister shall outline the reason, if any, for where the recommended carbon budget varies from the advice of the Council.
- (5) Not later than X days after the draft carbon budget has been adopted by Government, the Minister shall propose a motion in the Oireachtas to consider the carbon budget within a time period to be specified, setting out where relevant, the reasons for where the Government has not followed the advice of the Climate Action Council.
- (6) Should the Oireachtas vote to reject the Government's proposed carbon budgets, the Minister, in consultation with the Climate Action Council and with approval from Government, shall, within a time period to be specified, propose a further motion in the Oireachtas outlining a final set of three five-year carbon budgets, and setting out where relevant, the reasons for where the Government has not followed the recommendations, if any, of the Oireachtas.

Explanatory Note:

This head provides details on the new carbon budgeting system to be introduced as set out under the Climate Action Plan. This new head sets out the duties of the Minister in recommending a carbon budget for Government to adopt including a decarbonisation range for each relevant sector within the ceiling of the proposed carbon budget. The head also provides for oversight and reporting with the Oireachtas on the draft carbon budgets to be adopted.

HEAD 13

Managing Carbon Budgets

Provide that the Principal Act is amended by inserting the following new section after section X:

- (1) The Minister may recommend to Government a revision of an adopted carbon budget, since such time as the budget was adopted where;
 - (a) a significant change in greenhouse gas emissions accounting for the relevant inventories has occurred,
 - (b) the State's obligations under EU law or international agreements have been amended or revised,
 - (c) There is a requirement to act quickly in response to economic and environmental occurrences and circumstances.

- (2) Not later than 6 months after a carbon budget period has expired and where the total carbon budget is less than or exceeds the adopted carbon account for that period, the Minister may recommend to Government to carry forward the excess reduction to the next carbon budget period, or carry back part of the future carbon budget.

- (3) If the total carbon budget for a budgetary period is less than the adopted carbon budget amount for that period, the Minister may, in consultation with the Climate Action Council, carry forward the excess reduction to the next carbon budget period where the next carbon budget would then be increased by the amount carried forward.

- (4) If the total carbon budget for a budgetary period exceeds the adopted carbon budget amount for that period, the Minister may, in consultation with the Climate Action Council carry back part of the carbon budget for the next carbon budget period where the next carbon budget would then be reduced by the amount carried back.

- (5) In regard to subsection 1 and subsection 4, the Minister will have regard to any advice received from the Climate Action Council.

- (6) When revising a carbon budget or providing to carry forward or carry back part of a future budget, the Minister shall have regard to matters as set out under section 3(4) and section 4(9).

Explanatory Note:

The head provides that the Minister may review or revise the carbon budget under specific conditions as set out under subsection 1 and have regard to any advice from the Council on this matter.

The head is also providing for where the Minister may bank and carry forward any excess emissions to a future budget, which would further incentivise early and ambitious action while also allowing that the Minister may look to carry back emissions from a future budget (borrowing). Advice received from the Council would support the approach on banking however the Council has also advised that potential provisions for borrowing are less clear and will therefore require further consideration (i.e. where a cap might be required on borrowing future emissions)

HEAD 14 Sectoral Climate Reporting

Provide that the Principal Act is amended by inserting the following new section after section X:

- (1) On the passing of this Act, and within a time period to be specified, each Minister, as determined by the Government, will present annually on sectoral progress to the Oireachtas.
- (2) For the purposes of subsection (1) sectoral reporting shall include;
 - (a) an overview of the implementation of relevant policy measures and sectoral mitigation measures that have been adopted by Government to reduce emissions of greenhouse gases in order to enable the achievement of the national transition objective,
 - (b) any changes in emissions for their sector based on the most recent national greenhouse gas emissions inventory prepared by the Agency,
 - (c) any significant deviation or potential future deviation from the relevant sectors planned actions and targets,
 - (d) any significant deviation from the relevant sectoral target range as set within the ceilings of carbon budgets prepared under section xx
 - (e) measures which are planned to rectify the deviations reported under subsection 2(d) and response to any advice received from the Climate Action Council as set out under section 12(1)(a),
 - (f) future mitigation policy measures that will be necessary for the relevant sector to achieve the national transition objective,
 - (g) an overview of the implementation of adaptation policy measures as adopted by Government, in order to enable the State to adapt to the effects of climate change and to enable the achievement of the national transition objective, and
 - (h) future adaptation policy measures that will be necessary for the relevant sector to achieve the national transition objective.

Explanatory Note:

This head will amend and effectively replace the current ATS process under section 14 of the Principal Act which currently details the process for the presentation of the annual transition statement to each House of the Oireachtas.

The amendments will align with provisions in the Climate Action Plan for Ministers with primary responsibility for each sector to report annually to the Oireachtas, ensuring an appropriate level of accountability.

HEAD 15

Role of Local Government

Provide that the following section is inserted after section X of the Principal Act:

(1) The Minister shall—

- a) in line with the planning cycle outlined for the Long Term Strategy, the National Adaptation Framework, sectoral adaptation plans, updating of the Climate Action Plan, and
- b) not later than 18 months after the passing of this amendment, and
- c) not less than once in every period of 5 years

request all local authorities, to prepare climate action plans (in this Amendment referred to as a “local authority climate action plan”) for the purposes of contributing to the national transition objective.

(2) A local authority climate action plan prepared by each local authority shall contain mitigation and adaptation measures the local authority intends to adopt, and;—

- a. that such mitigation and adaptation measures shall be consistent with
 - i. the National Long Term Strategy prepared under section 3
 - ii. the National Adaptation Framework prepared under section 5,
 - iii. sectoral adaptation plans prepared under section 6
 - iv. Climate Action Plan updated under section 4,
 - v. Matters referred to in Section 4(9), and
 - vi. Relevant policy directions, circulars, charters issued by the Minister for the purposes of achieving the National Transition Objective
- b. that such mitigation and adaptation measures shall be reflected specifically within the development planning processes for the relevant local authority’s administrative area, and
- c. that such mitigation and adaptation measures may, where it is appropriate and cost effective to do so, involve the cooperation of two or more local authorities

(3) Each local authority shall, within 18 months of the request referred to section (1), publish in such a manner the local authority considers appropriate, a draft “local authority climate action plan” that the local authority intends to make.

Explanatory Note:

The 2015 Act provides for a voluntary contribution to be made from local Government on climate action. Given the establishment of Climate Action Regional Offices (CAROs) in 2018 and the expectations being placed on the sector to deliver several actions under the climate Action Plan it is considered prudent to introduce this head so as to include a clear provision on Local Authorities to prepare climate action plans for their respective administrative areas which are consistent with national policy, plans and strategies and which also allows for two or more local authorities to collaborate on regional actions.

HEAD 16**Sale of fossil fuel cars****Explanatory Note:**

A Head is being prepared to address the commitment in the National Development Plan and Climate Action Plan to introduce legislation to ban the sale of new fossil fuel cars from 2030 and to stop the granting of NCTs from 2045.

HEAD 17

Repeal of section 2 of principal act

Provide that section 2 of the Principal Act is deleted.

Explanatory Note:

This section of the Principal Act is removed. Regard for existing and future obligations of the State under national and EU law and/or international agreements as outlined in this section in the Principal Act will be provided for in the Long Title as proposed below.

Proposed Long Title:

“Climate Action (Amendment) Act 2019

An Act to amend and extend the Climate Action and Low Carbon Development Act 2015 to provide for the framework and process which will allow the State to develop and implement clear and stable climate change policies to prepare for and adapt to the effects of climate change which have regard to the ultimate objective specified in Article 2 of the United Nations Framework Convention on Climate Change done at New York on 9 May 1992, the objectives specified in Article 2 of the Paris Agreement done at Paris on 12 December 2015, and any mitigation or adaptation commitment(s) entered into by the European Union in response or otherwise in relation to these objectives; to set an emissions reduction target for the year 2050; to provide for a system of carbon budgeting; to establish as the successor to the Climate Change Advisory Council, a body to be known in the Irish language as An Chomhairle um Ghníomhú ar son na hAeráide or, in the English language, as the Climate Action Council; to provide legal clarity on the role of local government in climate matters; and to provide for related matters. “.

HEAD 18 Consequential Amendments to principal act

Provide that the Principal Act is amended as set out in the Schedule:

“

Item	Provision Amended	Amendment
1	Section 1	To delete “Minister for the Environment, Community and Local Government” and to substitute “Minister for Communications, Climate Action and Environment” in each place it occurs
2	Section 3(1)	To delete “the transition to a low carbon, climate resilient and environmentally sustainable economy” and to substitute “the transition to a ‘net-zero’, climate resilient and environmentally sustainable economy” in each place it occurs
3	Section 8; and (8) (2);	To delete “Climate Change Advisory Council” and to substitute “Climate Action Council” in each place that occurs
4	Section 1; Section 4 (3) (d) (iii); (7) (i); (9) (a) and (b); Section 6 (3) (d); Section 7 (1) (h) and 7 (2) (a) and (b); Section 8 (2); Section 9 (1); (2); (3); (4) (a) and (b); (5) (a) and (b); (6); (7) (a) and (b); (8); (9); (10); (11); (12); (13); (14) (a) and (b); (15); (16) and (16) (b); (17); (18) (a) and (b); Section 10 (1) and 10 (a) and (d); (3); (4); and (5); Section 11 (1); (2) and (3); Section 12 (1); (2)(c), (d), (e), (f) (i) and (3); Section 13 (1); (2); (3); (4); (5); (7) (b) (c) (i) and (ii); (d) and (e); (8);	To delete “Advisory Council” and to substitute “Climate Action Council” in each place it occurs
5	Section 1; Section 4 (5); (9) (h); Section 13 (2) (ii); Section 14 (3); Section 15 (1) (a);	To delete “approved national mitigation plan” and to substitute “approved national long term climate strategy” in each place it occurs
6	Section 1; Section 3 (1) (a); Section 4 (1); (2); (3); (3) (c); (4); (5); (6); (7) (d) (g) and (h); (8) (a) and (b); (10); (11);	To delete “national mitigation plan” and to substitute “national long term climate strategy” in each place it occurs

	(12); Section 11 (1) (a) (i); (b) (i); (c) (i); Section 13 (2) (ii); (7) (d) (i); Section 14 (3); Section 15 (1) (a);	
7	Section 1;	To delete “Act of 2001 means the Local Government Act 2001;” and to substitute “Act of Act of 2014 means the Local Government Reform Act 2014;” in each place it occurs
8	Section 5 (9);	To delete “In this section, “administrative area” has the meaning assigned to it by the Act of 2001.” and to substitute “In this section, “administrative area” has the meaning assigned to it by the Act of 2014.” in each place it occurs
9	Section 4 (1);	To delete “which shall be known as a national low carbon transition and mitigation plan (in this Act referred to as a “national mitigation plan”).” and to substitute “which shall be known as a national long term climate strategy” in each place it occurs
10	Section 12 (1) (a);	To delete “transition to a low carbon, climate resilient and environmentally sustainable economy” and to substitute “the national transition objective”, in each place it occurs
11	Section 12(2) (d); Section 13(7)(c);	To delete “referred to in section 2”
12	Section 14 (2) (b);	To delete “(in this Act referred to as an “annual sectoral mitigation transition statement”)” and to substitute “(in this Act referred to as an “annual sectoral mitigation statement”)” in each place it occurs
13	Section 14 (4) (b) and (b) (i);	To delete “annual sectoral mitigation transition statement” and to substitute “annual sectoral mitigation statement” in each place it occurs
14	Section 14 (2) (c);	To delete “(in this Act referred to as an “annual sectoral adaptation transition statement”)” and to substitute “(in this Act referred to as an “annual sectoral adaptation statement”)” in each place it occurs
15	Section 14 (4) (c) and (c) (i); (5); (6);	To delete “(in this Act referred to as an “annual sectoral adaptation transition statement”)” and to substitute “(in this Act referred to as an “annual sectoral adaptation statement”)” in each place it occurs
16	Section 4 (13)	To delete “A local authority may notify the Minister or the Government in writing of— (a) its intention to adopt, or (b) its having adopted, such mitigation measures as are specified in the notification concerned in relation to that local authority’s administrative area.”.

“

Explanatory Note:

To provide for consequential amendments to the Principal Act.

HEAD 19 Short title, collective citation and construction

Provide for short title of Bill, collective citation and construction

“1. (1) This Act may be cited as the Climate Action Act 2019.

(2) The Climate Action and Low Carbon Development Act 2015 and this Act may be cited together as the Climate Action Acts 2015 and 2019 and shall be read together as one.”

Explanatory Note:

Standard provision