

CLIMATE CHANGE BILL 2009

PRINCIPAL FEATURES

Purpose of Bill

In order to contribute so far as is reasonably practicable to limiting the inevitable and harmful effects of global average temperature increases, to ensure that emissions of greenhouse gases in the State do not exceed the levels binding the State under European Union and international law.

2050 Target

To ensure that the net carbon account for the year 2050 is at least 80% lower than the 1990 baseline.

2020 Target

At least 30 per cent lower than the 1990 baseline.

Functions of Taoiseach

- to set an amount for the carbon budget for each 5 year budgetary period,
- to specify a range within which he expects the amount of the net carbon account for each year within the budgetary period to fall,
- to outline the proposals and policies of the Taoiseach for meeting the carbon budgets for the current and future budgetary periods –
 - setting out the time-scales over which those proposals and policies are expected to take effect,
 - explaining how the proposals and policies affect different sectors of the economy,
 - outlining the implications of the proposals and policies as regards the crediting of carbon units to the net carbon account for each budgetary period,
- to ensure that the net carbon account for each budgetary period does not exceed the carbon budget,
- to set the carbon budget for 2008-2012, 2013-2017 and 2018-2022, before 1 June 2009, and, for later periods, not later than 30 June in the twelfth year before the beginning of the period in question.

Considerations Relevant to Framing a Carbon Budget

- scientific knowledge about climate change;
- technology relevant to climate change;
- economic circumstances, and in particular the likely impact of the decision on the economy and the competitiveness of particular sectors of the economy;
- fiscal circumstances, and in particular the likely impact of the decision on taxation, public spending and public borrowing;

- social circumstances, and in particular the likely impact of the decision on poverty, including fuel poverty;
- energy policy, and in particular the likely impact of the decision on energy supplies and the carbon and energy intensity of the economy; and
- circumstances at European Union and international level.

Taoiseach must have regard to the need for sustained and concerted action within the State to achieve reductions in emissions of greenhouse gases or increases in removals of such gases, or both.

Reports

Annual report by Taoiseach stating –

- the amount of emissions, removals and net emissions of each greenhouse gas and the methods used to measure or calculate those amounts,
- the aggregate amount for the year of emissions, removals and net emissions of all greenhouse gases,
- the total amount of carbon units that have been credited to or debited from the net carbon account for the year, giving details of the number and type of those carbon units,
- the amount of the net carbon account for the year.

5 yearly reports by Taoiseach, covering a budgetary period, stating –

- the final amount for the period of emissions, removals and net emissions of each greenhouse gas,
- the final amount of carbon units that have been credited to or debited from the net carbon account for the period, with details of the number and type of those carbon units,
- the final amount of the net carbon account for the period.

If the carbon budget for the period has not been met, the statement shall explain why it has not been met, with a report setting out proposals and policies to compensate in future periods for the excess emissions.

Carbon Units

Taoiseach may make provision by regulations for a scheme for registering carbon units, or for establishing and maintaining accounts in which carbon units may be held and between which they may be transferred. Taoiseach shall make provision as to –

- the circumstances in which carbon units may be credited to the net carbon account for a period,
- the circumstances in which such units shall be debited from that account for a period, and
- the manner in which this is to be done.

Regulations under may include provision, in accordance with European Union and international law, for the crediting of carbon units to the net carbon account by means of their purchase from sources outside the State or the implementation of a greenhouse reduction project in a developing state. But no more than 40 per cent of the reduction in greenhouse gas emissions may be achieved by use of carbon units from outside the State.

International Aviation and Shipping

Emissions from this sector do not count as emissions from sources in the State. But Taoiseach must within 5 years make provision as to the circumstances in which, and the extent to which, these emissions are to be regarded as emissions from sources in the State, or publish a report explaining why regulations making such provision have not been made.

Functions of Environmental Protection Agency

To advise Taoiseach, in relation to each budgetary period, on –

- the level of the carbon budget for the period,
- the extent to which the carbon budget for the period should be met by reducing the amount of net emissions of greenhouse gases, or by the use of carbon units may be credited to the net carbon account for the period,
- the sectors of the economy in which there are particular opportunities for contributions to be made towards meeting the carbon budget for the period through reductions in emissions of greenhouse gases.

Advice given by the Agency must also contain the reasons for that advice and be published in its original form.

Reports from EPA

Annual report setting out the Agency's views on –

- the progress that has been made towards meeting the carbon budgets that have been set,
- the further progress that is needed to meet those budgets and that target, and
- whether those budgets and that target are likely to be met.

The Taoiseach must publish a response to the points raised by each report of the Agency.

Impact of Climate Change

Duty of Taoiseach to publish lay reports containing an assessment of the risks for the State of the current and predicted impact of climate change. First report to be published within 3 years; subsequent reports every 5 years.

Duty of Taoiseach to lay programmes before both Houses of the Oireachtas setting out –

- the objectives of the Government in relation to adaptation to climate change,
- the Government's proposals and policies for meeting those objectives, and

- the time-scales for introducing those proposals and policies.

The objectives, proposals and policies shall be such as to contribute to sustainable development.

The Public Sector

Taoiseach to issue guidance to public bodies in relation to –

- assessing the current and predicted impact of climate change in relation to their functions,
- preparing proposals and policies for adapting to climate change in the exercise of their functions, and
- co-operating with other public bodies for that purpose.

Power of Taoiseach to direct a public body to prepare report on –

- the current and predicted impact of climate change in relation to its functions,
- the body's proposals and policies for adapting to climate change in the exercise of its functions and the time-scales for introducing those proposals and policies,
- the progress made by the body towards implementing the proposals and policies set out in its previous reports.