

National climate change plan law general essay

Law



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Section 1 Short title. Interpretation. Effect of Act. Emissions reduction targets. National Climate Change Plan. Annual transition statement to Dáil Éireann. National Climate Change Expert Advisory Body. General functions of Expert Advisory Body. Annual report of Expert Advisory Body. Periodic reviews by Expert Advisory Body. Duties of public bodies.

CLIMATE CHANGE RESPONSE BILL 2010 entitled AN ACT TO MAKE PROVISION FOR THE ADOPTION OF A NATIONAL POLICY TO REDUCE GREENHOUSE GAS EMISSIONS IN THE STATE; TO PROVIDE FOR THE MAKING OF PLANS BY THE GOVERNMENT TO ENABLE THE STATE TO REDUCE GREENHOUSE GAS EMISSIONS AND ADAPT TO THE EFFECTS OF CLIMATE CHANGE; TO MAKE PROVISION FOR THE SETTING, AND ACHIEVEMENT, OF NATIONAL EMISSIONS REDUCTION TARGETS TO FURTHER TRANSITION TO A LOW CARBON, CLIMATE RESILIENT AND ENVIRONMENTALLY SUSTAINABLE ECONOMY; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH. BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS: 1.—This Act may be cited as the Climate Change Response Act Short title. 2010. 2.—(1) In this Act— Interpretation. "adaptation" means any adjustment to—(a) any system designed or operated by human beings, including an economic, agricultural or technological system, or (b) any naturally occurring system, including an ecosystem, that is intended to counteract the effects (whether actual or anticipated) of climatic stimuli, prevent or moderate environmental damage resulting from climate change or confer environmental benefits; 30 "class A greenhouse gas" means—(a) carbon dioxide, (b) methane, or (c) nitrous oxide; 3 "class B greenhouse gas" means—(a) hydrofluorocarbons,

(b)perfluorocarbons, or(c)sulphur hexafluoride;" emissions" means, in relation to greenhouse gases, emissions of those gases into the earth's atmosphere attributable to industrial, agricultural or other human activities in the State;" Expert Advisory Body" has the meaning assigned to it by section 7;" greenhouse gas" means—(a)carbon dioxide, 10(b)methane,(c)nitrous oxide, (d)hydrofluorocarbons,(e)perfluorocarbons, or(f)sulphur hexafluoride; 15" Minister" means the Minister for the Environment, Heritage and Local Government;" mitigation" means any human intervention aimed at reducing harmful influences on the earth's climate system, including action aimed at reducing emissions and creating or enhancing sinks; 20" national plan" has the meaning assigned to it by section 5;" net emissions" means, in relation to a period of time, the amount of emissions of greenhouse gases less the amount of removals of such gases during that period;" periodic review" has the meaning assigned to it by section 10; 25" removal" means, in relation to greenhouse gases, removal of those gases from the earth's atmosphere as a consequence of the creation or enhancement of sinks, or a change of land use, in the State;" sectoral plan" shall be construed in accordance with subsection (6) of section 5; 30" sink" means—(a)a process or activity (including photosynthesis), whether natural or man made, that contributes to, or assists in, the removal of one or more greenhouse gases from the earth's atmosphere, or 35(b) an ecosystem or a mechanism (whether natural or manmade), or part thereof, that contributes to, or assists in, the removal of one or more of such gases from the earth's atmosphere. 4(2) For the purposes of this Act—(a) the baseline year applicable to a class A greenhouse gas shall be 1990, and(b) the baseline year applicable to a class B greenhouse gas shall be 1995. 3.—(1) Nothing in this Act, a national plan

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or a sectoral plan shall operate to affect—(a) existing or future obligations of the State under the law of the European Union, including, in particular—10(i) Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, (ii) Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC, or (iii) Decision No. 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020, or (b) existing or future obligations of the State under any international agreement, (c) any Act of the Oireachtas or instrument made thereunder that gives effect, or further effect, to any such obligation, or (d) existing or future entitlements of the State or any person under the said law, any such agreement or any such Act of the Oireachtas or instrument. (2) The emissions reduction targets specified in section 4 shall not be justiciable and no proceedings shall be brought in respect of a contravention of a national plan other than a contravention consisting of a failure by a Minister of the Government to comply with subsection (16) of section 5 or a failure by a public body to comply with subsection (1) or (4) of section 11. 4.—(1) For the purposes of this Act, the emissions reduction target in respect of the period commencing on 1 January 2008 and ending on 31 December 2020 shall be such amount as would represent an annual reduction in net emissions of 2.5 per cent during that period. (2) For the purposes of this Act, the emissions reduction target in the year 2030 shall be 40 per cent of the aggregate of—

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1 OJ No. L197 of 21. 7. 2001, p. 302 OJ No. L275 of 25. 10. 2003, p. 323 OJ No. L140 of 5. 6. 2009, p. 136 Effect of Act. Emissions reduction targets. 5(a) net emissions of class A greenhouse gases during the base-line year applicable to those gases, and (b) net emissions of class B greenhouse gases during the base-line year applicable to those gases. (3) For the purposes of this Act, the emissions reduction target in the year 2050 shall be 80 per cent of the aggregate of—(a) net emissions of class A greenhouse gases during the base-line year applicable to those gases, and (b) net emissions of class B greenhouse gases during the base-line year applicable to those gases. 10(4) The Government may, on the request of the Minister and after consultation with the Expert Advisory Body, make an order amending a percentage amount specified in subsection (1), (2) or (3). (5) The Government shall, when performing functions under subsection (4), take account of the matters specified in subsection (9) of section 5. (6) Whenever an order is proposed to be made under this section, a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House. 20 National Climate Change Plan.—(1) The Minister shall—(a) not later than 12 months (or such longer period as the Government may direct not exceeding 24 months) after the passing of this Act, and (b) not less than once in every period of 7 years, make, and submit to the Government, a plan, which shall be known as a National Climate Change Plan (in this Act referred to as a "national plan"). (2) The Minister may, after the submission to the Government of a report under section 10 consequent upon a periodic review, make, and submit to the Government, a plan which shall also be known as a National Climate Change Plan (in this Act also referred to as a "national

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plan") varying, revising or replacing an existing national plan.(3) A national plan shall specify the policy measures that, in the opinion of the Government, would be required in order to—(a) achieve the emissions reduction targets specified in section 4 aimed at furthering transition to a low carbon, climate resilient and environmentally sustainable economy, and (b) enable the State to adapt to the effects of climate change. 40(4) The Government may—(a) approve, or (b) approve, subject to such modifications as they consider appropriate, a national plan submitted to them under this section. The Government may vary or revise a national plan approved by them under this section. The Government shall request such Ministers of the Government as they consider appropriate to make, and submit to the Government, plans (in this Act referred to as "sectoral plans") specifying the measures, in relation to the matters for which they have responsibility, that they propose to adopt for the purpose of—(a) achieving reductions in emissions aimed at furthering transition to a low carbon, climate resilient and environmentally sustainable economy, and (b) enabling the State to adapt to the effects of climate change. Where the Government make a request under subsection (6), the Minister to whom the request is made shall, not later than the expiration of such period as the Government specify, make, and submit to the Government, a sectoral plan, and a Minister of the Government shall, in the preparation of a sectoral plan take account of the matters referred to in subsection (9). The Government may—(a) approve, (b) approve, subject to such modifications as they consider appropriate, or (c) refuse to approve, a sectoral plan submitted to them under this section.(9) The Minister and the Government shall take account of the following matters when performing functions under this

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section:(a) the need to take a longterm view having regard to—likely future commitments of the State, andthe requirement to be able to act quickly in response to economic occurrences and circumstances;(b)the need to promote sustainable development; 35(c)the likely economic impact of a national plan or sectoralplan, as the case may be;(d)the need to secure and safeguard the economic develop-ment and competitiveness of the State; (e)the need to take advantage of economic opportunities⁴⁰both within and outside the State; 7(f)that the objectives of a national plan are achieved at theleast cost to the national economy and that any measuresadopted to achieve those objectives are cost effective;(g) the need to maximise economic efficiency at a nationallevel and within particular sectors of the economy; 5(h)that a policy should be based on such scientific evidenceas would tend to indicate that its implementation willresult in the achievement of its purpose;(i) the findings of any research that supports the developmentof suitable and effective mitigation and adaptation 10measures; (j)any sectoral plans approved by the Government; and(k)any recommendations or advice of the Expert AdvisoryBody.(10) A national plan shall be laid before Dáil Éireann as soon as¹⁵may be after it is approved by the Government.(11) The Minister may, for the purposes of subsection (1) or (2), make two separate plans—(a)one of which shall specify the policy measures to whichparagraph (a) of subsection (3) applies, and may be²⁰referred to as a greenhouse gas national mitigation plan, and(b)one of which shall specify the policy measures to whichparagraph (b) of that subsection applies, and may bereferred to as a climate change national adaptation plan, 25and references in this Act to a national plan shall be construed as including a reference to a plan referred to in paragraph (a) or <https://assignbuster.com/national-climate-change-plan-law-general-essay/>

(b).(12)(a)The Government may consult with the Expert Advisory Body for the purpose of the performance by them of their functions under this section.

30(b)The Minister may consult with the Expert Advisory Body for the purpose of the performance by him or her of his or her functions under this section.(c)

A Minister of the Government may consult with the Expert Advisory Body for the purpose of the making by 35 him or her of a sectoral plan.(13) The

Minister shall, before making a national plan—(a) publish, in such manner as he or she considers appropriate, a draft of the national plan that he or she proposes to make, 40(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 plan within such period (not exceeding 2 months from the date of 45 the publication of the notice) as may be specified in the notice,

and 8(c) have regard to any submissions made pursuant to, and in accordance with, a notice under paragraph (b).(14) A Minister of the Government shall,

before making a sectoral plan—5(a) publish, in such manner as he or she considers appropriate, a draft of the sectoral plan that he or she proposes

to make,(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 sectoral plan within such period (not exceeding 2 months from the date of the

publication of the notice) as may be specified in the notice, and 15 (c) have regard to any submissions made pursuant to, and in accordance with, a

notice under paragraph (b).(15) Neither a national plan nor a sectoral plan shall be implemented unless it has been approved by the Government in

accordance with this section. 20 (16) A Minister of the Government shall, in

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the performance of his or her functions, have regard to a national plan approved by the Government under this section. 6.—(1) The Minister shall, not later than 31 December in each year following approval by the Government, present a statement in Annual transition statement to Dáil Éireann (in this Act referred to as an "annual transition statement") to Dáil Éireann which shall—(a) record the policy measures adopted to achieve emissions reductions targets aimed at furthering transition to a low carbon, climate resilient and environmentally sustainable economy, (b) contain an assessment of the effectiveness of the measures referred to in paragraph (a) in the achievement of their purpose, (c) record the policy measures adopted to enable the State to adapt to the effects of climate change, and (d) contain an assessment of the effectiveness of the measures referred to in paragraph (c) in the achievement of their purpose. An annual transition statement shall—(a) include a record of emissions in respect of the year immediately preceding the presentation of the statement to Dáil Éireann, and (b) where an assessment referred to in subsection (1) is that the measures concerned have not been effective or sufficiently effective in the achievement of their purpose, include a statement of additional measures that, in the opinion of the Government, are required to achieve that purpose. 9 National Climate Change Expert Advisory Body. 7.—(1) There shall stand established on the establishment day a body, which shall be known as the National Climate Change Expert Advisory Body (in this Act referred to as the "Expert Advisory Body") to perform the functions assigned to it under this Act. (2) The Expert Advisory Body shall consist of—5 (a) a chairperson, and (b) not fewer than 5 and not more than 7 ordinary members (including ordinary members to whom subsection (3) applies).

(3) Each of the following shall, ex officio, be ordinary members¹⁰ of the Expert Advisory Body: (a) the Director General of the Environmental Protection Agency; and (b) the Chief Executive Officer of the Sustainable Energy Authority of Ireland. 15

(4) The chairperson and ordinary members (other than an ordinary member to whom subsection (3) applies) of the Expert Advisory Body shall be appointed by the Government, on the nomination of the Minister.

(5) (a) The chairperson of the Expert Advisory Body shall hold office for such period (not exceeding 3 years) from the date of his or her appointment as shall be prescribed by order made by the Minister. (b) An ordinary member (other than an ordinary member to whom subsection (3) applies) of the Expert Advisory Body shall hold office for such period (not exceeding 3 years) from the date of his or her appointment as shall be prescribed by order made by the Minister. A member (other than an ordinary member to whom subsection (3) applies) of the Expert Advisory Body whose term of office²⁰ expires by the efflux of time shall be eligible for reappointment to the Expert Advisory Body. A member of the Expert Advisory Body shall hold office upon such terms and conditions as may be determined by the Minister, with the consent of the Minister for Finance. 35A

A member of the Expert Advisory Body may resign from office by giving notice in writing to the Minister of his or her resignation and the resignation shall take effect on the day on which the Minister receives the notice. The Government may, at any time, remove the chairperson⁴⁰ of the Expert Advisory Body from office if, in the opinion of the Government, the chairperson has become incapable through ill-health of effectively performing his or her functions, or has committed stated misbehaviour, or his or her removal appears to the Government to be necessary for the

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effective performance by the 45 Expert Advisory Body of its functions. 10The Minister may, at any time, remove an ordinary member (other than an ordinary member to whom subsection (3) applies) of the Expert Advisory Body from office if, in the opinion of the Government, the ordinary member has become incapable through ill-health of effectively performing his or her functions, or has committed stated misbehaviour, or his or her removal appears to the Government to be necessary for the effective performance by the Expert Advisory Body of its functions. The Expert Advisory Body may act notwithstanding one or more than one vacancy among its members. In appointing ordinary members (other than ordinary members to whom subsection (3) applies) of the Expert Advisory Body, the Minister shall have regard to the range of qualifications, expertise and experience necessary for the proper and effective performance of the functions of the Expert Advisory Body. The Expert Advisory Body may establish committees consisting, in whole or in part, of persons who are members of the Expert Advisory Body to—(a) assist and advise it in relation to the performance of any²⁰ or all of its functions, and (b) perform such functions of the Expert Advisory Body as it may, with the consent of the Minister, delegate to the committee. The chairperson of a committee established under subsection (13) shall be a member (other than an ordinary member to whom subsection (3) applies) of the Expert Advisory Body. The Environmental Protection Agency shall—(a) provide the Expert Advisory Body with such services of a secretarial, administrative and research nature as the Environmental Protection Agency considers necessary, and (b) permit the Expert Advisory Body to avail of the use of its premises, or such part of its premises as the Environmental Protection Agency considers appropriate, for the purposes of the

performance by the Expert Advisory Body of its functions. 8.—(1) The functions of the Expert Advisory Body shall be to advise and make recommendations to—(a)the Minister in relation to the preparation of a national⁴⁰plan,(b) a Minister of the Government in relation to the making byhim or her of a sectoral plan,(c)the Government in relation to the approval of a nationalplan, or⁴⁵(d)the Government in respect of any policy of the Govern-ment relating to—(i) the reduction of greenhouse gas emissions, orGeneral functions of Expert Advisory Body. 11PDF to Word