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Explanatory Memorandum](#)

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**AN BILLE UM CHOSAINT AERÁIDE 2007**  
**CLIMATE PROTECTION BILL 2007**

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*Mar a tionscnaíodh*  
*As initiated*

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**ARRANGEMENT OF SECTIONS**

Section

1. Short title.
  2. Interpretation.
  3. National annual target and long-term target for reducing emissions.
  4. Annual greenhouse gas emissions report and strategy.
  5. Action to be taken if targets are not met.
  6. Commission on Climate Change.
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**AN BILLE UM CHOSAINT AERÁIDE 2007**  
**CLIMATE PROTECTION BILL 2007**

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# **BILL**

*entitled*

5 AN ACT TO ENSURE THE REDUCTION OF GREENHOUSE  
GAS EMISSIONS BY SETTING ANNUAL TARGETS AND  
LONG-TERM TARGETS; TO PLACE DUTIES UPON THE  
MINISTER AS TO THE ACHIEVEMENT OF THOSE TAR-  
10 GETS; TO SPECIFY REPORTING PROCEDURES AND  
ACTION TO BE TAKEN IF TARGETS ARE NOT MET;  
AND FOR CONNECTED PURPOSES.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—This Act may be cited as the Climate Protection Act 2007. Short title.

2.—(1) In this Act— Interpretation.

15 “greenhouse gas” means any of the following—

- (a) carbon dioxide (CO<sub>2</sub>);
- (b) methane (CH<sub>4</sub>);
- (c) nitrous oxide (N<sub>2</sub>O);
- (d) hydrofluorocarbons (HFCs);
- 20 (e) perfluorocarbons (PFCs);
- (f) sulphur hexafluoride (SF<sub>6</sub>);

“greenhouse gas emissions” means emissions of greenhouse gases  
that are attributable to human activity;

25 “Irish greenhouse gas emissions” means greenhouse gas emissions  
from sources in Ireland;

30 “international carbon reporting practice” means accepted practice in  
relation to reporting for the purposes of the protocols to the United  
Nations Framework Convention on Climate Change or such other  
international agreements or arrangements as the Minister for Environ-  
ment, Heritage and Local Government (“the Minister”) may spec-  
ify by order.

(2) For the purposes of this Act, the amount of greenhouse gas emissions for any period, and the criteria for defining such emissions, must be determined consistently with international carbon reporting practice.

National annual target and long-term target for reducing emissions.

3.—(1) It shall be the duty of the Minister to ensure that gross Irish greenhouse gas emissions in 2010 do not exceed 70.33 million tonnes of CO<sub>2</sub> equivalent, the target figure in the National Climate Change Strategy. 5

(2) The Minister shall draw up, in consultation with the Commission on Climate Change established by *section 6*, a national greenhouse gas emissions budget for the period 2010 to 2050. 10

(3) The national greenhouse gas emissions budget shall specify a national annual target figure for Irish greenhouse gas emissions, such figure to be based upon at least a three per cent reduction in greenhouse gas emissions for each year from 2010 to 2050. 15

(4) It shall be the duty of the Minister to ensure that in each year, Irish greenhouse gas emissions will have been reduced by at least three per cent from the level of emissions recorded in the previous year.

(5) It shall be the duty of the Minister to ensure that by the year 2050, Irish greenhouse gas emissions will have been reduced by at least 60 per cent from the level of emissions recorded in 1990. 20

Annual greenhouse gas emissions report and strategy.

4.—It shall be the duty of the Minister to lay before both Houses of the Oireachtas each year from 2010 to 2050 an annual greenhouse gas emissions budget report, which shall contain the following information as to how the targets set in *section 3* are to be met: 25

(a) the amount for the year of Irish greenhouse gas emissions;

(b) the percentage change that this amount represents from the level of emissions recorded in 1990;

(c) the percentage change that this amount represents from the level of emissions recorded in the previous year; 30

(d) a strategy, including strategies based upon specified reductions in particular sectors, designed to achieve the reductions in emissions required to meet the national annual target figure for the following year; 35

(e) a strategy, including strategies based upon specified reductions in particular sectors, designed to achieve the reductions in emissions required to meet the national target figure for the year 2050 specified in *section 3* above;

(f) if necessary, what modifications are necessary to the strategy set out in previous annual greenhouse gas emissions reports in order to ensure that national target figures for emissions reductions are met. 40

Action to be taken if targets are not met.

5.—(1) If, in any one year, Irish greenhouse gas emissions exceed the national annual target figure for that year, the report laid before both Houses of the Oireachtas under *section 4* shall additionally include— 45

(a) an assessment of the reasons why the national annual target figure for that year was exceeded;

(b) a revision or revisions to the strategy required to achieve the national annual target figure for the next and subsequent years.

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(2) If, in any one year, Irish greenhouse gas emissions exceed the national annual target figure for that year by more than five per cent, the report laid before both Houses of the Oireachtas under *section 4* shall be referred to an Oireachtas Committee which may consider the report and recommend revisions to the strategy intended to ensure that the national annual target figure for the next year and subsequent years is achieved.

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(3) If, in any one year, Irish greenhouse gas emissions exceed the national annual target figure for that year by more than ten per cent, the procedure under *subsection (2)* shall be followed; and in addition the Minister shall face a Motion of no confidence before both Houses of the Oireachtas.

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6.—(1) There stands established a body, which shall be known as the Commission on Climate Change, in this Act referred to as “the Commission”, which shall perform the functions assigned to it by this Act.

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(2) The Commission shall consist of a Chairperson and not fewer than seven and not more than 12 Commissioners, who shall each serve for a minimum term of five years.

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(3) The members of the Commission shall all have expertise on matters related to climate change and greenhouse gas emissions. They shall be appointed by a procedure to be provided for in regulations made under this section, in accordance with criteria of expertise and independence.

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(4) The functions of the Commission shall be to oversee the application and enforcement of this Act.

(5) Without prejudice to the generality of *subsection (4)*, the Commission shall—

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(a) advise and assist the Minister as to the drawing up of the national greenhouse gas emissions budget for 2010 to 2050 provided for in *section 3(1)* of this Act;

(b) advise and assist the Minister each year as to the setting of the national annual target figure for Irish greenhouse gas emissions;

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(c) advise and assist the Minister each year as to the preparation of the annual greenhouse gas emissions report provided for in *section 4* of this Act;

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(d) prepare in each year, beginning with the year 2011, a report independent of the Minister’s report, to be laid before both Houses of the Oireachtas, setting out the Commission’s views on the progress made towards meeting the national annual target and long-term target for emissions reductions.



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**EXPLANATORY AND FINANCIAL MEMORANDUM**

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*Purpose of the Bill*

The Bill is by its title an Act to provide for the reduction of carbon dioxide and other greenhouse gas emissions by setting annual and long-term targets. It places duties upon the Minister for the Environment, Heritage and Local Government to ensure the achievement of those targets, and specifies the procedure whereby the Minister will make annual reports to the Oireachtas on progress with the targets. It also specifies what action will be taken if targets are not met.

There is no longer any doubt that climate change is happening, and that man-made greenhouse gas emissions are the main cause. This Bill will create a strong legal framework to underpin the Irish Government's stated commitment to tackling climate change. It will set a statutory goal of reducing greenhouse gas emissions by at least three per cent per year from 2010 onwards, as well as providing for long-term goals of reducing emissions by at least 60 per cent in 2050, from the baseline emissions figure measured in 1990, which is the EU's minimum target for 2050.

The Bill will also create a new expert Commission on Climate Change which will oversee the application and enforcement of its provisions, and which will advise and assist the Minister in carrying out the relevant functions provided in the Bill.

The Climate Protection Bill will put Ireland in the lead among other developed nations in tackling climate change. The timing is vital. This year the reports from the Intergovernmental Panel on Climate Change have provided overwhelming evidence of the catastrophic effects of unregulated greenhouse gas emissions internationally.

Adoption by the Oireachtas of a statutory framework to regulate domestic emissions in this jurisdiction will send a clear signal to other countries as to the seriousness with which we view the threat posed to our environment, our society and our economy by the phenomenon of climate change. It will clearly demonstrate Ireland's commitment to doing its fair share to prevent climate chaos.

Section 1

*Short title*

Section 2

*Interpretation*

*Section 2* contains standard provisions relating to the interpretation of the Bill.

Section 3

*National annual and long-term targets for reducing emissions*

*Section 3* requires the Minister to draw up a national greenhouse gas emissions budget for the years 2010 to 2050. This plan must specify a national annual target figure for Irish greenhouse gas emissions, such figure to be based upon a three per cent percentage reduction in greenhouse gas emissions for each year from 2010 to 2050. This provision also sets a long-term target for reducing emissions by at least 60 per cent by 2050, these percentages to be measured from the 1990 baseline figures for Irish greenhouse gas emissions.

Section 4

*Annual climate change report and strategy*

*Section 4* requires the Minister to lay before both Houses of the Oireachtas an annual climate change report, and specifies what information the Minister must include in the report.

Section 5

*Action to be taken if targets are not met*

*Section 5* specifies what actions shall be taken if annual targets are not met, and in particular actions to be taken if the national annual target figure for any year is exceeded by more than five per cent; or by more than ten per cent.

Section 6

*Commission on Climate Change*

*Section 6* provides for the establishment of a body to be known as the Commission on Climate Change, to be made up of persons with expertise in climate change and greenhouse gas emissions. The Commission has the general function of overseeing the application and enforcement of the Act, as well as specific functions of advising and assisting the Minister as to the carrying out of functions under the Act; and of producing an annual report for both Houses of the Oireachtas, independent of the Minister's report.

*Na Seanadóirí Ivana Bacik, Seosaimh Ó Tuathail, Seán de Rossa, David Norris, Feargal Quinn a thíolaic.*

*Meán Fómhair, 2007.*