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Assembly

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Private Member Bill: Climate Change (Northern Ireland) Bill 2021

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The following Bill Paper provides an overview, comparison and consideration of the Climate Change (Northern Ireland) Bill 2021. Bill papers are produced on an impartial, objective and non-partisan basis by RaISe in order to support Members' scrutiny of legislation.

Key Points

- The PMB was introduced to the Assembly on 22 March 2021 as a private Member's Bill (PMB) by Clare Bailey MLA Green Party NI.
- The PMB provides for: the declaration of a climate emergency; development of five year Climate Action Plans with an overall target of net zero by 2045, annual targets, carbon budgets, nitrogen budgets and sectoral plans; establishment of a Northern Ireland Climate Commissioner and the Northern Ireland Climate Office as an independent body to monitor the implementation of the provisions and review the working of the PMB; and a guarantee of non-regression from existing climate and environmental standards.
- Currently NI does not have specific climate change legislation and targets. It contributes to the UK Climate Act 2008. DAERA has conducted a consultation on possible proposals for a NI Climate Change Act (December 2020-February 2021).
- The UK, Scotland, New Zealand (NZ) and Sweden have produced primary climate change legislation. The Republic of Ireland (RoI) is currently considering a new Bill. All provide for net zero by 2050, apart from Scotland, which is net zero by 2045, similar to the PMB. NZ provides for a target for biogenic methane.
- All jurisdictions presented provide for a type of climate action plan (CAP) in the form of policy proposals and actions. However, binding annual targets and budgets under the PMB are set through the CAP. In other jurisdictions, these are set through secondary legislation (such as Orders under the UK Act 2008).
- Scotland and the PMB provide for annual targets for GHG. However, none of the other jurisdictions provide for biodiversity, soil and water quality targets.
- Scotland is the only other example to provide for a similar form of nitrogen budget as the PMB.
- The RoI is the only jurisdiction to provide for sector specific carbon budgets (carbon emission ceilings). However, all other jurisdictions, including the PMB provide for sectoral plans under their CAPs.
- NZ is the only other jurisdiction to provide for a Climate Commission, similar to the PMB. However, functions and powers are slightly different.
- All jurisdictions have a form of advisory body; across the UK, this is the UK Climate Change Committee (UK CCC). The PMB refers mainly to the UK CCC, but also a number of other bodies.
- Scotland provides for both mitigation and adaptation reporting by public bodies; however, the UK Act 2008 (to which adaptation requirements apply under the PMB) takes a voluntary approach to adaptation reporting only, by public bodies.
- None of the other jurisdictions provide for a non-regression clause in their primary climate legislation.

- The PMB aims for a different, more ambitious target compared to the advice of the UK CCC.
- Apart from the UK CCC advice, to date, there appears to be a lack of published material and understanding of NI's unique abilities to achieve net zero and the potential impacts NI may experience from this.
- There is a lack of potential costings provided with the PMB, both in terms of setting up the provisions under the PMB and achieving the net zero and annual targets. There is especially a lack of costings for specific sectors, beyond what the UK CCC has provided.
- Beyond an opinion poll from February 2020, there is a lack of published detail on the level, scope, methodology of consultation performed and detailed analysis of responses, especially whether it covered all aspects under the PMB beyond the overall target, and sought opinions across all sectors to be impacted.
- The PMB does not appear to be accompanied with a form of impact assessment or a rural proofing scoping or exercise, given the potential impacts on rural communities and livelihoods.
- A number of bodies have been given responsibilities under the Bill: the Executive Office for production of CAPs, UK CCC for advice on CAPs. However, it is not clear whether all these bodies have agreed to their role. In addition, whether they have concerns around their capacity and expertise to cover the range of targets required under CAP.
- The Climate Commissioner will have an oversight role. Detail may be needed on how this will interface with other oversight bodies, such as the Office for Environmental Protection (OEP), and the EU Commission for legislation under the Ireland/NI Protocol.
- There are certain aspects and terminology around the targets and the CAP framework that may need further clarification on meaning, requirements and measures, such as just transition principles listed and the transboundary element.

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1 Background and overview of the PMB

[The Climate Change Bill \(Northern Ireland\) 2021](#) (the PMB) has been developed by the Climate Coalition Northern Ireland (CCNI), a network of organisations and individuals formed in early 2020 for climate action in NI.

The PMB was introduced to the Assembly on 22 March 2021 as a private Member's Bill by Clare Bailey MLA Green Party NI¹. The PMB has received cross-party support by the Green Party NI, Sinn Féin, SDLP, UUP, Alliance, PBP and by independent MLAs.

1.1 Overview

The PMB provides for the following:

- Declaration of a climate emergency in NI (clause 1);
- Requires NI to meet net-zero carbon emissions by 2045 (clause 2);
- Requires the Executive Office (EO) (with advice from the UK CCC) to produce 5 year Climate Action Plans (CAP) to achieve the overall target (clause 2). The CAP includes annual targets for greenhouse gases (GHG) biodiversity, soil and water quality, 5-year budgets for carbon (including the set-up of a carbon unit tracking scheme) and nitrogen and sectoral plans (clause 3);
- Annual reports on CAPs to be prepared by the Climate Commissioner and advised by the UK CCC (clause 4). Alteration to the CAP can be made by the EO, on the basis of the Commissioner's annual report (clause 11);
- The establishment of a Climate Office and Climate Commissioner to monitor and report annually on CAPs and review the Act every 5 years or Assembly term (clauses 5- 10);
- Non-regression in NI law from existing climate and environmental protections contained in EU law as it applied before the end of the Brexit transition period (clause 12).

A more detailed clause by clause description can be found in the [Explanatory and Financial Memorandum](#) (EFM) accompanying the PMB².

¹ NI Assembly [online] Climate Change Bill 2021 <http://www.niassembly.gov.uk/assembly-business/legislation/2017-2022-mandate/non-executive-bill-proposals/climate-change-bill/>

² EFM <http://www.niassembly.gov.uk/globalassets/documents/legislation/bills/non-executive-bills/session-2017-2022/climate-change/climate-change-bill---efm---as-introduced.pdf>

1.2 Current state of play

According to the Northern Ireland Action Plan, Climate Change is a devolved issue; how it is addressed in Northern Ireland is influenced by EU and UK legislation and policy.³

At present, climate change policy in the UK is largely driven by EU law which requires Member States to produce their own national legislation. The UK's measures to tackle climate change are embedded in national legislation through the UK [Climate Change Act 2008](#). The Act gives powers to set emission targets and create an emissions trading scheme (ETS).

The UK Climate Change Act 2008 extends to Northern Ireland. However, there are no specific targets for Northern Ireland and it is implicit that Northern Ireland contributes to the UK effort under the Act.⁴

While NI does not have any specific climate change legislation, priorities to addressing the issue and reducing GHG emissions have been laid out in:

- [The Draft Programme for Government Framework](#) – while there is no specific reduction target, *Indicator 29: Increase environmental sustainability*, stresses the importance of reducing emissions in NI in order to tackle climate change globally.
- [New Decade, New Approach](#) – published in January 2020, the new restoration deal states a number of measures and actions to be taken by the NI Executive in relation to addressing climate change and emissions, these include:
 - The Executive's strategies to reduce carbon emissions will be reviewed in light of the Paris Climate Change Accord and the climate crisis.
 - A new Energy Strategy will set ambitious targets and actions for a fair and just transition to a zero carbon society.
 - The Executive should bring forward a Climate Change Act to give environmental targets a strong legal underpinning.
 - The Executive will establish an Independent Environmental Protection Agency to oversee this work and ensure targets are met.
- [NI Climate Change Adaptation Programme](#) was published in 2014 as a response to the UK Climate Change Act 2008. It sets out the actions to be taken by the Executive departments in preparing for climate change. It provides a framework to

³ DOE, NI Action Plan http://www.doeni.gov.uk/northern_ireland_action_plan_on_greenhouse_gas_emissions_reductions.pdf

⁴ The Climate Change Act (2008) <http://www.legislation.gov.uk/ukpga/2008/27/contents> . For more information see The UK Committee on Climate Change <http://www.theccc.org.uk/tackling-climate-change/the-legal-landscape/global-action-on-climate-change/>

address challenges and respond to the risks identified in the Climate Change Risk Assessment for NI.⁵

- [NI Greenhouse Gas Reduction Strategy and Action Plan 2011](#) – this sets out measures and actions to reduce emissions from agriculture and farm practices.

DAERA [has consulted](#) on proposals for a NI Climate Change Act (December 2020-February 2021). These proposals are based on the advice of the UK Climate Change Committee (UK CCC). Latest advice from the UK CCC, suggests:

*Northern Ireland's climate legislation should allow emissions reductions to go beyond our current assessment by requiring at least an 82% reduction, and should contain clear provisions to tighten the target if there is evidence to support such a decision.*⁶

2 Climate Change primary legislation in other jurisdictions

The following section explores primary legislation in other jurisdictions for addressing climate change. Brief summaries of the legislation are provided in the following section.

2.1 The UK

The UK [2008 Climate Change Act](#) covers England, Wales, NI and Scotland (however, Scotland has since introduced its own legislation with different targets). The UK Act set the target of an 80% reduction in carbon emissions by 2050. However, this was [amended](#) in June 2019 to reflect the Government's net zero ambitions with a target of 100% emissions reduction by 2050 compared to 1990 levels.

Under the Climate Change Act, the UK Government is required to set legally binding carbon budgets. These are set for 5-year periods, and act as a cap on emissions over that period. Budgets 1-5 have been set through enabling legislation, the Carbon Budgets Order 2009 (for budgets 1-3) as amended by the 2011 Order (4th budget) and the 2016 Order (5th budget). See table 1 for more detail.

Budgets are agreed by the UK Committee for Climate Change. More information is available <https://www.gov.uk/guidance/carbon-budgets#setting-of-the-first-to-third-carbon-budget>

⁵ Climate Change Adaptation Programme p.7 <https://www.daera-ni.gov.uk/publications/northern-ireland-climate-change-adaptation-programme>

⁶ CCC (April 2021) <https://www.theccc.org.uk/publication/letter-economic-costs-of-setting-and-delivering-a-2050-emissions-target-for-northern-ireland/>

The UK Government has agreed a new budget of 78% reduction by 2035⁷. The SI setting the carbon budget has already been laid and is hoped to be in force before the end of June 2021.⁸

2.2 Wales

The UK Climate Change Act extends to Wales. However, [the Environment \(Wales\) Act 2016](#) (as amended) introduces a duty on Welsh Government to develop carbon budgets for Wales.

The Welsh Government accepted the [new advice from the CCC in December 2020](#) for net zero by 2050 and has produced the following regulations, which came into force March 2021:

- [The Environment \(Wales\) Act 2016 \(Amendment of 2050 Emissions Target\) Regulations 2021](#) - amends the 2050 target from 80% to net zero.
- [The Climate Change \(Interim Emissions Targets\) \(Wales\) \(Amendment\) Regulations 2021](#)- changes the 2030 target to 63% (currently 45%) and the 2040 target to 89% (currently 67%).
- [The Climate Change \(Carbon Budgets\) \(Wales\) \(Amendment\) Regulations 2021](#)- sets Wales' third carbon budget
- [The Climate Change \(Net Welsh Emissions Account Credit Limit\) \(Wales\) Regulations 2021](#)- set a limit on the amount of carbon units that may be credited to the net Welsh emissions account in accordance with section 33(4) of the Environment (Wales) Act 2016.

Further detail can be found [here](#).

2.3 Scotland

While the UK Climate Change Act extends to Scotland, the Scottish Government passed its own more ambitious targets under the Climate Change (Scotland) Act 2009. The Scottish Act received Royal Assent on the 4 August 2009 and is described by the Scottish Government as the most far-reaching environmental legislation considered by the Parliament during the first ten years of devolution.

This set a target of a 42% reduction in emissions by 2020. However, the [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019](#) received Royal Assent on

⁷UK Government [online] UK enshrines new target in law to slash emissions by 78% by 2035

<https://www.gov.uk/government/news/uk-enshrines-new-target-in-law-to-slash-emissions-by-78-by-2035>

⁸ UK Sixth Carbon Budget SI <https://www.legislation.gov.uk/ukdsi/2021/9780348222616>

31 October 2019. This amends the Climate Change (Scotland) Act 2009 setting a more ambitious target than the UK for net-zero emissions of all GHGs by 2045.⁹

To help ensure the delivery of the targets, Part 1 of the 2009 Act, as amended by the 2019 Act, also requires the Scottish Ministers to set annual targets. These fall in line with the interim targets and are presented as a percentage reduction per year, rather than an amount reduction (tonnes) per year.

The Scottish Ministers can take advice on the targets they set. This advice is to be provided by the UK CCC. However, **Part 2** allows the Scottish Ministers to establish a Scottish Climate Change Committee or to designate an existing body to exercise advisory functions.

2.4 Rol

In the Rol, climate change policy has been dealt with under the Climate Action and Low Carbon Development Act 2015 (the 2015 Act). However, a new piece of legislation is being considered in the form of the draft Climate Action and Low Carbon Development (Amendment) Bill 2021 (the Rol 2021 Bill). For comparative purposes, Table 1 gives a more detailed overview of the draft 2021 Bill.

2.4.1 The 2015 Act

For the first time in the Rol, climate change policy was given a statutory footing under the [Climate Action and Low Carbon Development Act 2015](#) (“the 2015 Act”). Its aim was to enable the transition to a low carbon, climate resilient and environmentally sustainable economy by 2050. It did this through the following requirements:

- A National Mitigation Plan (NMP) to reduce GHG emissions;
- A National Adaptation Framework (NAF) to respond to changes caused by climate change;
- Sectoral Adaptation Plans (SAP), with each plan reviewed every five years;
- The establishment of the [Climate Change Advisory Council](#) (“the Advisory Council”), an independent advisory body tasked with assessing and advising on how Ireland is making the transition to a low carbon, climate resilient and environmentally sustainable economy by 2050;
- An annual transition statement presented each year to both Houses of the Oireachtas by the Minister for Communications, Climate Action and Environment.

However, the 2015 Act did not set any specific targets for GHG emissions reductions nor did it provide a definition of low carbon.

2.4.2 The Draft 2020 Bill

⁹ Scottish Government [online] Climate Change <https://www.gov.scot/policies/climate-change/>

The [draft Climate Action and Low Carbon Development \(Amendment\) Bill 2020](#) (“the draft Bill”) was published on 7th October 2020. This amends the [Climate Action and Low Carbon Development Act 2015](#).

The Department of Environment, Climate Action and Communications (“the Department”) has stated that the purpose of the draft Bill is to legally commit Ireland to move towards a carbon neutral economy by 2050.

Pre-legislative scrutiny of the draft Bill with the Oireachtas Joint Committee on Climate Action (“the Committee”) began on 15 October 2020 and is ongoing.

The Minister for Environment, Climate and Communications, Eamon Ryan TD (“the Minister”) has stated his ambition is to have the draft Bill enacted by the fifth anniversary of the Paris Agreement on Climate Change (15 December 2020).¹⁰

2.5 New Zealand

The Climate Change Response (Zero Carbon) Amendment Act 2019 was introduced by the New Zealand Government in May 2019 as an amendment to the [Climate Change Response Act 2002](#). The original proposal was for a standalone Zero Carbon Bill. However, the Government decided to keep all key climate legislation under one principal Act.

The Amendment Act 2019 provides a framework to ensure climate change policies in New Zealand:

- Contribute to the global effort under the Paris Agreement to limit the global average temperature increase to 1.5° Celsius above pre-industrial levels; and
- Allow New Zealand to prepare for, and adapt to, the effects of climate change.

The original proposal was for a separate piece of legislation called the Zero Carbon Bill to be passed into law. In May 2019, the Government decided to introduce it as an amendment to the Climate Change Response Act 2002. The objective was to ensure that all key climate legislation is within one Act. There is currently a transitional period to 2021 to get the new provisions up and running¹¹.

2.6 Sweden

[Swedish Climate Act 2018 \(January 2018 enacted\)](#)

¹⁰ Dunphy, L., 2020. Government to spend €1m per day on green travel in Budget 2021, *The Irish Examiner* [online]. 3 October. Available at: <https://www.irishexaminer.com/news/arid-40059095.html> [accessed on 02.11.2020]

¹¹ Ministry for the Environment NZ [online] *Climate Change Response (Zero Carbon) Amendment Act* <https://www.mfe.govt.nz/climate-change/zero-carbon-amendment-act>

The long-term target for Sweden is zero net GHG emissions by 2045 at the latest. After 2045, Sweden is to achieve negative net emissions.

Achieving zero net emissions of GHGs means that the emissions of GHGs from activities in Sweden shall be at least 85% lower in 2045 compared to 1990. The remaining reductions down to zero can be achieved through supplementary measures. Such measures can also contribute to negative net emissions after 2045.¹²

3 Comparison of PMB and other jurisdictions

The following table provides a summary of other jurisdictions' primary climate change legislation, as presented in section 2 of this paper. More detailed information is provided in the comparative table in Appendix 1. This section refers to the NI Climate Change Bill, as introduced (the NI PMB).

Table 1: Comparative summary of primary climate change legislation

PMB	UK Act (as amended)	Wales (UK Act and associated legislation)	Scottish Act (as amended)	RoI Bill	NZ	Sweden
Climate Emergency	X Not in legislation	X Not in legislation	X Not in legislation	X Not in legislation	X Not in legislation	X Not in legislation
Climate Action Plan (CAP). Sets: overall target, annual targets, budgets, sectoral plans	✓ Not called a CAP Report on policies and proposals for meeting carbon budget. Includes sectoral implications	✓ As under UK Act, report to include devolved regions.	✓ Sector by sector policy actions and plans. Does not set targets or budgets	✓ Sectoral policy roadmap in relation to binding sectoral emission ceilings. Does not set targets/budgets	✓ Sector by sector policy actions and plans. Does not set targets or budgets	✓ Sector by sector policy actions and plans. Does not set targets or budgets
Overriding Net zero GHG	✓ By 2050	✓ By 2050	✓ By 2045	✓ By 2050	✓ By 2050 Biogenic methane: to 24%-47%	✓ By 2045 (interim: 63% 2030 and

¹² <http://www.swedishepa.se/Environmental-objectives-and-cooperation/Swedish-environmental-work/Work-areas/Climate/Climate-Act-and-Climate-policy-framework/>

PMB	UK Act (as amended)	Wales (UK Act and associated legislation)	Scottish Act (as amended)	RoI Bill	NZ	Sweden
		(interim:63% 2030 and 89% 2040)	(Interim:75% 2030 and 90% 2040)		below 2017 levels.	75% 2040)
Annual targets (biodiversity, soil and water quality)	X	X	✓ For GHGs only	X	X	X
Carbon budgets (5 yrs). Includes: Limit on purchase of carbon units Annual GHG reduction for LULUC Tracking scheme	✓	✓ Sets a 0% limit on international offsets	X No 5 yr budgets. Has a 'fair and Safe emissions' budget for 2010-2050.	✓ Includes binding sectoral emissions ceilings	✓	X
Nitrogen budget (use efficiency ratio)	X	X	✓ Nitrogen balance sheet and use efficiency ratio	X	X	X
Sectoral plans	Carbon budget policy and proposals report to include sectors	Same as UK Act	✓	✓	✓	✓
Adaptation Programme	✓	✓	✓	✓	✓	✓
Reporting of CAP and review of Act by Commissioner	Annual reporting by Secretary of State (SoS). No review of Act	Annual reporting by SoS. No review of Act	Annual reporting by Ministers No review of Act	Annual reporting by Advisory Council with input from Minister on sectors	Annual report by Commission No review of Act	Climate report in budget bill each year

PMB	UK Act (as amended)	Wales (UK Act and associated legislation)	Scottish Act (as amended)	RoI Bill	NZ	Sweden
				No review of Act		No review of Act
Climate Office and Commissioner	X	X	X	X	✓ Climate Change Commission	X
Advisory body (mainly UK CCC, also: IPCC, RoI Climate Advisory Council)	UK CCC	UK CCC	UK CCC	Climate Advisory Council	Climate Change Commission	Climate policy Council
Non regression	X UK Environment Bill (clause 19) non - regression statement for new Bills. Requirement extends across all of UK	X	X	X	X	X

 Doesn't have same or similar provision as PMB

 Has same or similar provision to PMB (some are similar with slight difference explained by text)

Summary of observations:

- The PMB is the only one in Table 1 to legislate for a climate emergency.
- The PMB, Scotland and Sweden, require net zero by 2045. The others provide for net zero by 2050, including the RoI.
- The GHGs listed that contribute to the overall net zero targets are similar across jurisdictions, apart from NZ, which includes a target for biogenic methane (methane from livestock, waste treatment, and peatland for example).
- All jurisdictions have a form of climate action plan, albeit with different contents. The CAP under the PMB sets annual targets, carbon and nitrogen budgets, sectoral plans and an adaptation programme. CAPs in other jurisdictions do not set targets

and budgets (these are set through secondary legislation). Their CAPs provide for sectoral policy options and proposals.

- The PMB and Scotland are the only ones that provide for annual targets. However, Scotland's are only for GHGs and not biodiversity, soil and water quality like the PMB.
- None of the other jurisdictions provide for biodiversity, soil and water quality targets.
- Most jurisdictions, apart from Sweden provide for carbon budgets. RoI is the only jurisdiction to provide for sector specific budgets (sectoral emissions ceilings). However, under its carbon budget, the PMB provides for an annual land use and land use change (LULUC) GHG reduction target.
- Scotland is the only other to provide for a similar nitrogen budget to the PMB (referred to in Scotland as a nitrogen balance sheet and use efficiency ratio).
- All the other jurisdictions provide for a form of sectoral plan similar to the PMB, mainly as sectoral policies under their CAP. However, the RoI's sectoral plans are in line with the binding specific sectoral emissions ceilings.
- All jurisdictions provide for an adaptation programme/plan. However, not all jurisdictions require public bodies to report on adaptation – UK and PMB (under the UK Act requirements) follow a voluntary approach. Scotland has a duty on public bodies to report.
- Under the PMB, reporting is carried out by the Climate Commissioner; in the other jurisdictions, it is performed by government. However, the RoI requires the Advisory Council, with input from sectoral ministers, to report. None of the other jurisdictions require a report on the review of the appropriateness and effectiveness of their respective legislation.
- The PMB requires for annual reporting on the CAP which requires a larger range of targets and budgets, compared to other the UK jurisdictions and RoI. Scotland also has annual targets, but requires for reporting "*as soon as reasonably practicable after the information to be contained in the report becomes available*".
- NZ is the only other jurisdiction to provide for a Climate Commission, similar to the Climate Change Office under the PMB. Similar to the PMB, it has monitoring and reporting responsibilities, but not in relation to review of the legislation. It also provides an advisory role. However, NZ does not provide for a Climate Commissioner, nor does it appear to give as wide ranging powers to its Commission as the PMB gives to the NI Commissioner in relation to obtaining information and performing its functions.
- All the jurisdictions have a main form of advisory body. Across the UK jurisdictions, this is the UK CCC. However, the PMB lists the UK CCC and also the IPCC, RoI Climate Change Advisory Council. Most of the advice is to be given by the UK

CCC, except in relation to the overall target. The other bodies listed may provide advice on the climate emergency. Other bodies are specifically referred to in relation to sectoral plans (SEM Committee) and transboundary element (NSMC, BIC, BIIC).

- Like the other UK jurisdictions, the UK CCC is to provide annual advice and progress on targets. However, this is only for GHG and carbon, and not also biodiversity, soil and water quality, as required under the PMB.
- The PMB is the only jurisdiction with a non-regression clause. The UK provides for a non-regression statement under the Environment Bill to apply to all new environmental Bills.
- Scotland and the RoI Bill provide for a general climate change duty on public bodies in relation to carrying out their duties to achieve the target and objectives of their respective legislation. However, there does not appear to be a similar duty under the PMB.

3.1 Observations

The following section discusses in more detail some of the similarities and differences between the provisions within the NI Climate Change PMB and primary climate change legislation from other jurisdictions presented in Table 1, above. The detail discussed in the following sections is taken from the table in Appendix 1.

3.1.1 Climate Emergency

NI PMB

Climate Emergency (Clause 1)

A Climate Emergency is to remain in place until requirements under the Paris Agreement are met (temperature rise less <0.5°C).

Can be annulled through the Assembly via an Executive Office motion, providing there is proof, from the advisory bodies (UK CCC, IPCC, RoI Advisory Council), that the temperature threshold is achieved.

None of the other jurisdictions displayed in Table 1 have a legally binding climate emergency declared through legislation. Most were declared through parliamentary motions, which are not legally binding.

3.2 Climate Action Plan

NI PMB

Climate Action Plan (Clause 2/3)

The Climate Action Plan (CAP) is to achieve the overall net-zero 2045 target. It is to be prepared by Executive Office and approved by Assembly. First within 3 years of Bill enacted, then every 5 years after.

Alteration to the CAP may be made by the same process above, following the laying of an annual report (clause 11). It must be consulted on for 16 weeks before being laid before the Assembly.

Amendments to the overriding 2045 target (by the Executive Office (EO)) and additions to GHGs list (by DAERA) may be made by order (requiring affirmative resolution). However, it may not push the year back beyond 2045.

The CAP provides 2 things:

1. Annual targets (GHG emissions, water and soil quality, biodiversity); and
2. Measures (carbon and nitrogen budgets, sectoral plans and adaptation programme under s.60 UK Act).

A report on the NI CAP is to be made annually by the Climate Commissioner and laid before the Assembly (clause 4).

The other jurisdictions provide for a Climate Action Plan (or similar under s.14 of the UK Act). However, the main difference is that unlike the NI proposals, their CAPs provide for policy proposals and actions to achieve the overall net zero target. They do not set binding targets or carbon budgets. These are set and amended through secondary legislation, for example, budgets are set by Order under the UK Act. The laying, and alterations to the CAP, and its associated targets and budgets, are to be made by the NI Executive Office (EO) through approval by the Assembly.

Similar to NI, the other jurisdictions do provide for sectoral policy actions, most of which include the same sectors listed in the NI proposals (sector plans are discussed further in s.4.8 of the paper).

The RoI Bill also provides for the production of local authority climate action plans every 5 years (s.15).

Advice on the annual targets, budgets and sectoral plan of the CAP is to be given by the UK CCC, [Single Electricity Market Committee](#) (SEM) (for energy production and supply under sectoral plans) and any of the bodies in Part V of the Northern Ireland Act 1998, with respect to the transboundary element of CAP contents.

- **What is the legal status of the NI CAP? It is the only jurisdiction in the UK which provides for binding targets and budgets.**
- **Other jurisdictions produce their budgets through secondary legislation; will the NI CAP be produced through secondary legislation and under what type of Assembly resolution?**
- **Does the PMB provide for local authority climate action plans, similar to the RoI Bill?**

3.3 Targets and budgets

NI PMB

The following are to be provided in the CAP:

Net zero target (Clause 2)

By 2045 for all GHGs (carbon dioxide, methane, nitrous oxide, hydrofluorocarbons; perfluorocarbons; sulphur hexafluoride; nitrogen trifluoride). The Executive Office may alter the date (but not move it back beyond 2045. DAERA may add to the list of gases.

Annual Targets (Clause 3)

Annual targets for GHGs, biodiversity, water and soil quality. To be set out in CAP.

Carbon Budgets (Clause 3)

- An annual limit on amount of carbon units purchased by the Department (<25% of GHG reduction that year)
- Annual amounts of GHG to be removed by LULUC sector
- A tracking scheme for carbon usage including carbon units purchased
- Transboundary element (RoI, Scotland, Wales, England) with advice from from bodies under Part V of NI Act

Nitrogen Budgets (Clause 3)

- Transboundary element (RoI, Scotland, Wales, England)
- An overall target nitrogen use efficiency (the ratio of nitrogen removed V nitrogen added to environment from agri and food production, transport and energy) to be met by the end of the CAP.
- Annual targets to reach the overall nitrogen target use efficiency
- Must take transboundary element into consideration with advice from bodies under Part V of NI Act

In general, the NI proposals align most closely to the Scotland Act 2009 and amendment Act 2019, particularly in relation to the net zero target, annual targets, nitrogen budget or use efficiency ratio, and introduction of a tracking scheme. However, there are some differences, which are discussed in the following sections.

3.3.1 Net zero

NI, Scotland and Sweden are the only jurisdictions in the table that legislate for net-zero by 2045. All the rest are by 2050, including the RoI.

NZ and Sweden provide for 2030 and 2040 interim targets e.g. Sweden, 63% by 2030 (for non-ETS sectors). The UK requires 78% reduction by 2035 based on its latest carbon budget. Similar to the PMB, Scotland is the only other jurisdiction in the table to provide for annual interim targets.

The GHGs listed in the PMB are similar to those listed in other jurisdictions (carbon dioxide, methane, nitrous oxide, hydrofluorocarbons; perfluorocarbons; sulphur

hexafluoride; nitrogen trifluoride). However, NZ is the only jurisdiction to provide for separate biogenic methane targets (methane from livestock, waste treatment, peatland for example). The inclusion of a separate biogenic methane target was discussed during the pre-legislative scrutiny stage of the RoI 2021 Bill.¹³ The Bill is currently at 2nd stage.¹⁴

Further discussion around the overall target is provided in more detail in section 4.1 of this paper.

- **Will there be discussion around a separate biogenic methane target for NI, similar to NZ?**
- **Who provides advice on the overall target and whether this could include a separate methane target, similar to NZ?**

3.3.2 Annual targets

Scotland and NI are the only jurisdictions in the table that provide for annual interim targets. However, the difference is Scotland only has annual targets for GHGs, whereas NI includes GHGs, biodiversity, soil and water quality. No other jurisdictions provided for biodiversity, soil and water quality targets in their respective climate change legislation.

The RoI 2021 Bill commits to achieving a “biodiversity rich” economy by no later than 2050. However, this is to be provided and achieved through policies, not specific biodiversity targets. It also provides for increased support for biodiversity and nature-based solutions under the Climate Action Fund¹⁵.

In the House of Commons, the [Climate and Ecology Bill 2019-21](#) was introduced by Caroline Lucas as a private Member’s Bill on 2 September 2020. It did not progress to 2nd stage due to suspension of PMBs because of confined Parliamentary time. The face of the Bill does not appear to provide for specific biodiversity targets, but requires the Government to:

- Declare a climate and ecology emergency;
- Achieve climate and ecology objectives, as set out in the Bill, and implement them through a strategy.

Objectives include actively conserving and restoring nature in the UK with a focus both on biodiversity and soils’ protection and produce ways to evaluate how effectively this action is implemented.

¹³ Oireachtas Joint Committee PLS Report <https://www.oireachtas.ie/en/press-centre/press-releases/20201218-joint-committee-on-climate-action-launch-report-on-pre-legislative-scrutiny-on-the-draft-of-the-climate-action-and-low-carbon-development-amendment-bill-2020/> (p.12/13)

¹⁴ Oireachtas Climate Action and Low Carbon Development (Amendment) Bill 2021 <https://www.oireachtas.ie/en/bills/bill/2021/39/>

¹⁵ *ibid*

Further details can be found in the following House of Common's Briefing: [Climate and Ecology Bill 2019-21](#) (Feb 2021)¹⁶

- **Will biodiversity, soil and water quality targets be specific or objective based, similar to the proposed HoC PMB?**
- **Rol provides support for biodiversity through the Climate Change Fund. What form of support will be needed and provided for NI?**

3.3.3 Carbon budgets-

All jurisdictions in the table, apart from Sweden, provide for carbon budgets in their respective pieces of legislation. However, the PMB budget proposals appear different to many of the other jurisdictions in the following way:

Most other jurisdictions, such as the UK, provide for a cap on the amount of emissions for a 5-year budget period. Scotland is different from the other UK jurisdictions as it provides for one carbon budget over a 40 Year period (the fair and safe Scottish emissions budget). The budget is set as an aggregate of net GHG emissions (1,330 million tonnes of carbon dioxide equivalent (MtCO₂e)¹⁷) for the period 2010-2050.

The clause-by-clause description of the NI PMB, provided in Annex C of the briefing to the Committee (29 April 2021)¹⁸ explains that the carbon budgets provide a cap on the amount of emissions over a 5 year period. It is clear from the 5 year time frame of the CAP, that budget periods will correspond with this. However, the detail on budget cap amounts and limits is not as clearly defined, set out and explained in the PMB (Clause 3 (5)), compared to the UK Act 2008 (Part 1 s.4-10) .

The PMB proposals are similar to Scotland by providing for a limit on carbon units purchased by the Department. However, NI limits the units to be purchased at <25% of GHG reduction that year. Whereas Scotland limits the amount that can be credited towards its net emissions account, at <20%, rather than effectively putting a limit on units purchased. Wales in fact limits international offsetting to 0%, meaning that the budget can only be achieved through actions taken in Wales.

The Rol appears to be the only jurisdiction that provides for 5-year binding sector specific carbon budgets, known as 'sectoral emissions ceilings' in s.9 (6c).

Government Ministers will be responsible for achieving the legally-binding targets for their own sectoral area with each Minister accounting for their performance towards sectoral targets and actions before an Oireachtas Committee each year.

¹⁶ HoC Library (Feb 2021) Climate and Ecology Bill 2019-21 <https://commonslibrary.parliament.uk/research-briefings/cbp-9135/>

¹⁷ Reducing emission in Scotland 2019 Progress Report to Parliament (CCC) P.19. To be reviewed as part of the Sixth Carbon Budget.

¹⁸ Clause-by-clause description of the NI Climate Change Bill 2021, provided in Annex C of the briefing to the Committee (29 April 2021)

Tracking scheme under carbon budgets

Similar to Scottish Climate Change Act 2009 s.20, under carbon budgets, the PMB provides for a scheme for tracking carbon usage, including the purchase of carbon units, to be administered by the Department, or a body the Department and Climate Commissioner consider appropriate.

However, the Scottish Act gives powers to the Scottish Ministers to set up such a scheme and decide on an appropriate person, or body to administer it. The PMB gives this power to DAERA, through consultation with the Climate Commissioner. The Scottish Act provides more details in relation to the appointment of members and staff, allowing for an existing scheme to be adapted, and allowing for the costs of operating such a scheme to be covered by charges paid by persons using the scheme. However, the NI Bill proposals do not provide such details.

A carbon unit in the NI PMB, is defined in the same way as the Scotland Act (s.20 (4)), a unit which represents:

- a reduction in an amount of GHG emissions;
 - the removal of an amount of GHG from the atmosphere; or
 - an amount of GHG emissions allowed under a carbon usage tracking scheme that imposes a limit on emissions.
-
- **What is meant by carbon units purchased by DAERA in relation to the limit under carbon budgets?**
 - **Does NI actively limit the amount of units that can be purchased, or like Scotland, limit the amount that can be credited towards net emissions for that year?**
 - **Similar to Scotland, can a NI tracking scheme for carbon usage and units purchased be developed from an existing one?**
 - **Similar to Scotland, will costs of such a scheme be recovered by fees?**
 - **How will a NI tracking scheme compare and fit with the UK ETS and EU ETS?**

3.3.4 Nitrogen Budget

Similar to Scotland, NI proposals provide for nitrogen budgets in the form of a ratio of nitrogen removed from the environment versus nitrogen input. The same sources are identified as those in Scotland, agriculture and food production, transport and energy. However, no other jurisdictions provide for nitrogen budgets or use an efficiency ratio.

While it does not provide for specific targets, the RoI Bill requires the Advisory Council to give its advice on carbon budgets, taking account of scientific advice with regards to biogenic methane (c9 (6A 9)). That being said, during the pre-legislative scrutiny of

the draft Bill by the Joint Climate Action Committee¹⁹, there was a lot of discussion and suggestions by stakeholders for a separate bio-genic methane target, due to the impacts of this from agriculture. On this basis the Committee recommended a separate target, similar to NZ.²⁰ The Bill is currently at 2nd stage and whether amendments to include a bio-genic methane target will be made, remains to be seen²¹.

- **Will the operation and calculation of the nitrogen budgets work in a similar way?**

3.4 Sectoral plans

NI PMB

Sectoral Plans (under the CAP clause 3)

Policies/proposals to ensure the overall objective is achieved in the following sectors:

- energy production and supply (residential, public and district heating/ cooling)
- transport (including shipping and aviation)
- infrastructure (including electric vehicles)
- business and industrial processes
- residential and public buildings
- waste management
- LULUCF
- Agriculture
- Provision of financial services to promote economic development or provision of infrastructure goods or services.

Sectoral plans must specify the timeframe to achieve the proposals

They must support: jobs/job growth; net-zero carbon investment and infrastructure; create work, reduce inequality, poverty, social deprivation.

Similar to most of the jurisdictions in the table, sectoral plans under the PMB appear to provide for sector specific policies and proposals to reach the overriding binding target. The sectoral plans do not appear to provide for binding sector specific targets. That being said, the carbon budget is to provide annual amounts of GHGs to be removed by land use or land-use change in NI.

¹⁹ Oireachtas (Dec 2020) Climate Action Joint Committee Pre-Legislative Scrutiny on the draft of the Climate Action and Low-Carbon Development (Amendment) Bill 2020 <https://www.oireachtas.ie/en/press-centre/press-releases/20201218-joint-committee-on-climate-action-launch-report-on-pre-legislative-scrutiny-on-the-draft-of-the-climate-action-and-low-carbon-development-amendment-bill-2020/>

²⁰ Ibid (p.31)

²¹ Oireachtas Climate Action and Low-Carbon Development (Amendment) Bill 2021 <https://www.oireachtas.ie/en/bills/bill/2021/39/>

The sectors listed are similar to those in other jurisdictions, such as the Scottish Act (s.35):

- energy supply,
- transport (including international aviation and shipping),
- business and industrial process,
- residential and public (in relation to buildings in those sectors),
- waste management,
- land use, land use change and forestry,
- agriculture.

The UK Act is less specific in relation to the production of sectoral plans under its Report (s.14) in that it must explain how its policies and proposals will “affect different sectors of the economy”.

The [Scottish climate action plan](#) lays out sector specific policies and actions, some of which maintain or ‘boost’ existing strategies and policies, and some which are new proposals (see Annex A of the Scottish CAP). Most of the outcomes listed appear to be quite general in nature without specific targets. An example of some includes:

- The electricity system will be powered by a high penetration of renewables, aided by a range of flexible and responsive technologies.
- The heat supply to Scottish homes and non-domestic buildings is very substantially decarbonised, with high penetration rates of renewable and zero emissions heating.
- The Scottish gas network supplies an increasing proportion of green gas (hydrogen and bio - methane) and is made ready for a fully decarbonised gas future.
- Introduce a stepped increase in the annual woodland creation rates from 2020-2021 to enhance the contribution that trees make to reducing emissions through sequestering carbon.
- A more productive, sustainable agriculture sector that significantly contributes towards delivering Scotland’s climate change, and wider environmental, outcomes through an increased uptake of climate mitigation measures by farmers, crofters, land managers and other primary food producers.
- Establishment of a fund, to be known as an Agricultural Modernisation Fund, to support investment in mitigation measures to reduce GHG emissions on Scottish farms.
- Consideration of the potential for the capture and long-term storage of carbon when designating marine protected areas under section 67 of the Marine (Scotland) Act 2010.

However, a couple of sectors are provided with more specific and quantifiable outcomes and policy proposals, not described as binding targets but policy actions. For example:

- Transport: reduce car kilometres by 20% by 2030,
- Waste: reduction of waste to landfill to 5% by 2025.

The NI PMB requires that sectoral plans must support: job/job growth; net-zero carbon investment and infrastructure; create work, reduce inequality, poverty, social deprivation (clause 3s.8). These are referred to in the EFM as “just transition principles”. However, there is no further detail as to what exactly this means and how each of these are to be achieved. In comparison, the Scottish 2009 Act appears to provide much more detail on the sectoral plans compared to the NI Bill. For example, most of the outcomes listed in the CAP are provided on the face of the Act. The Scottish CAP (S.35c) must explain how the proposals and policies are expected to affect different sectors in relation to the principles of a Just Transition. Section 35c explains just transition as reducing emissions in a way which tackles inequality and promotes fair work, at the heart of Scotland’s approach to reaching net-zero. The Scottish Act also provides for a [Just transition Committee](#) to advise Ministers on this aspect of sectoral plans

[Section 94](#) of the Scottish Act 2009 also requires Ministers to report on the emissions impact of their budget proposals any financial year and assess the extent to which any infrastructure investment plan is expected to contribute to meeting emissions targets²².

Similar to the NI Bill, the RoI provides a roadmap of actions and measures for each sector within its carbon action plan. However, these will be in line with the binding 5-year sector specific carbon emission ceilings.

- **Will the NI sectoral plans contain legally binding sector specific targets like the RoI, or just provide for policy proposals and actions, similar to the other jurisdictions?**
- **Will sectoral plans include investment impact on emissions, similar to Scotland (section 94)?**
- **What status will the sectoral plans have?**
- **Will Ministers for each sector be required to report on progress/implementation of the sectoral plans, similar to the RoI?**

²² Scottish Government Scottish Budget 2020-2021: carbon assessment <https://www.gov.scot/publications/carbon-assessment-budget-2020-21/>

3.5 Adaptation Programmes

NI PMB

Climate Adaptation Plan (as part of CAP (cl3 S.3))

Production of climate adaptation plan as required under Climate Adaptation s.60 of the UK Climate Change Act 2008.

Under the Bill NI is to produce an adaptation plan in line with the UK Climate Act 2008 s.60. Similarly, all other jurisdictions in the table provide for the production of an adaptation plan/programme.

However, Scotland has a duty on public bodies considered ‘major players’ to report on adaptation and mitigation measures and progress²³. The RoI Act 2015 (and amendment Bill 2021) and NZ Act, have the power for Ministers to request public bodies to report on their mitigation and adaptation progress and performance (see Appendix 1 for more detail).

In the UK Act, certain priority authorities are required to report, but other public bodies, sectors and organisations may report voluntarily²⁴. The UK Government keeps a [list of those that agree to report](#) in each round (the latest to December 2021).

- **Will NI have duty on public bodies to report on adaptation, similar to Scotland? Or voluntarily under the UK Climate Act?**

²³ Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015
<https://www.legislation.gov.uk/ssi/2015/347/contents/made>

²⁴ Defra (2010) *Adaptation Reporting Power Frequently Asked Questions and Answers* (p.5 and 26)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/182636/report-faq-110126.pdf

3.6 Reporting

NI PMB

Reporting

Reporting to be carried out by the Climate Commissioner:

1) Annual CAP reports (cl.4) by the Climate Commissioner (cl.9) must be laid before the Assembly on meeting annual targets, budgets and implementing sectoral plans. It must identify any failures and reasons for failure. May offer recommendations to ameliorate failures. Advice to be given by UK CCC (4(5c)).

2) Act Review Reports (c.19) by Climate Commissioner on the working, adequacy and effectiveness of the Bill. To be produced every 5 years or each Assembly term (cl.9). The Executive Office must lay a response to the review report to the Assembly within 2 months.

NI and NZ are different to the other jurisdictions in Table 1, above, due to the fact that reporting requirements are the responsibility of their respective Climate Change Commission/ Climate Commissioner. In the RoI, reporting is carried out by the Advisory Council, with respective Ministers including reviews of sectoral progress, and Ministers producing an annual transition statement (on mitigation and adaptation measures and progress, emissions, projections and EU/international agreements). In the other jurisdictions, reporting is carried out completely by government, for example, the SoS under the UK Act and Scottish Ministers in Scotland. In Sweden, the Government must include a climate report to the Riksdag (parliament) in its budget bill every year.

In the UK Act (s.16 and 18) an annual statement on the GHG emissions is to be laid by the Government as well as a statement at the end of each budget period (5 years). This compares to the NI PMB (cl.4) which requires reporting annually on all targets, budgets and plans under the CAP (e.g. annual GHGs, biodiversity, soil and water quality, carbon and nitrogen budgets and sectoral plans).

Scotland also has annual targets, similar to the PMB. However, reports on each target year, by Scottish Ministers, are to be laid before the Parliament “*as soon as reasonably practicable after the information to be contained in the report becomes available.*” (S.33). Also, annual targets are only for GHGs, and not GHGs, biodiversity, soil and water quality under the PMB.

In the RoI, under s.14 of the 2015 Act, the Minister must provide annual transition statements on the GHG emissions, mitigation and adaptation, including sectoral statements from respective Ministers. The RoI 2021 Bill (cl14) also requires the

Minister and sectoral Ministers to appear before a climate committee each year to report on targets, budgets, CAP and how individual sectors have performed. The difference being that RoI sectors will have binding emissions ceilings targets to report against.

None of the other jurisdictions appears to have a similar reporting requirement to the PMB, in relation to the review of their legislation.

- **Scotland also provides for annual targets, but requires reporting “*as soon as reasonably practicable after the information to be contained in the report becomes available*”.**
- **Does the PMB allow for such flexibility with its annual reports? Will annual reporting present practical problems?**
- **Similar to RoI, will individual Ministers be required to formally report on their sectoral plans?**

3.7 Climate Change Commission Office and Commissioner

NI PMB

Climate Office and Commissioner (Part 2)

NI Climate Office and Climate Commissioner, independent from government or the Assembly. It is responsible for:

- 1) Monitoring the implementation of the CAP and making annual reports to the Assembly on the CAP (cl.4).
- 2) Reviewing the implementation of the Bill and recommending amendments through Review Reports, every 5 years (or each Assembly term) (cl 9).

Powers:

The Commissioner:

- May do anything (including acquire or dispose of property or rights) in order to carry out/facilitate its functions.
- Has right of access to any information or documents needed to discharge its functions. (cl.10) From any public body, anyone receiving a public grant or loan, or supplying goods/ services by contract (or sub-contract) to a NI public body.
- May obtain advice from anyone it feels is qualified.

Her Majesty, on nomination by the Assembly, appoints the Commissioner. The Commissioner will hold office for 5 years at a time (may be removed by Her Majesty if passed by resolution by the Assembly). An acting Commissioner may be appointed for 12 months.

The Commissioner is not to be a member of the Assembly, HoC, HoL, EU Parliament, local council, or an authority under Sch2.

The Assembly Commission determines the Commissioner's terms of appointment, salary pensions (no more than the maximum on the civil service scale) to be taken from the Consolidated Fund (clause 6(4)).

The Commissioner appoints staff to the Climate Office, determines their terms and conditions of employment and salaries/pensions.

NI and NZ are the only jurisdictions presented that provide for a Climate Commission or Commissioner in relation to monitoring and reporting (the NZ Commission also provides advice to the Minister on targets, budget setting, reductions plans etc; 5J). However, the NZ Commission does not appear to perform reviews of the legislation, similar to the NI Commissioner.

All the other jurisdictions refer to a form of advisory committee or council with reporting and monitoring carried out by government. While all are independent bodies, the Commissioner in NI and Commission in NZ are classed as a Crown Entity. In the RoI, some of its reporting (Annual Review) is carried out by the Climate Change Advisory Council.

NZ provides for a Climate Change Commission which consists of a chairperson, deputy chair and 5 members (a board). The chair and deputy is recommended by the Minister and appointed by the Governor General. Members are nominated through a nominating committee set up by the minister and chair. NI is different as Her Majesty appoints a Commissioner, who is classed as a corporation sole (a sole legal entity). No such role, other than a chair, is provided under the NZ Commission. The NI Commissioner then appoints staff to the Climate Office and determines their terms and conditions of employment and salaries/pensions. The Commissioner may delegate functions under the Bill to staff.

The Climate Commissioner has right of access to any information/documents needed to discharge its functions (cl.10). This Includes information/documents from any public body, anyone receiving a public grant or loan, anyone supplying goods or services by contract (or sub-contract) to a NI public body. In NZ, the Commission's right to request information does not appear to be as broad. It is limited to adaptation information (specified in the Act 5ZW) from certain reporting organisations listed.

The NI Commissioner may do anything (including acquire or dispose of property or rights) in order to carry out/facilitate its functions. However, the NZ Commission does not appear to be afforded the same power.

The NI Commissioner may obtain advice, including independent research from anyone the Climate Commissioner feels is qualified to give it (sch1). In addition, may determine the fees/allowances to be paid to such persons.

In the EFM, the NI Commissioner has been compared to the NI Ombudsman and the Comptroller Auditor general (in relation to its monitoring and reporting duties).

- **There does not appear to be a similar nominating committee as there is in NZ. Does this give complete staffing appointment powers to the Commissioner alone?**

3.8 Advisory body

NI PMB

Advisory body

Identified in clause 1 as any of the following:

- UK Committee on Climate Change
- Intergovernmental Panel on Climate Change
- The Republic of Ireland Climate Advisory Council

All three bodies may give advice on the Climate Emergency status (cl1).

The UK CCC only is to give advice on CAP (annual targets, carbon and nitrogen budgets (cl 3) and the carbon action plan annual report).

Advice also to be received from:

- SEM Committee on energy production and supply under sectoral plans of the CAP
- Bodies listed in Part V of the Northern Ireland Act 1998, in relation to the transboundary element of carbon and nitrogen budgets, (e.g. North South Ministerial Council, British Irish Council and British Irish Intergovernmental Conference).

Three bodies are listed in the PMB as possible advisory bodies, and while they may advise on the climate emergency, only the UK CCC may advise on the CAP in relation to annual targets, budgets, sectoral plan and adaptation programme. It does not appear that the UK CCC advice is to be referred to in relation to the overriding objective or target.

A number of other bodies are referred to with respect to specific parts of sectoral plans and budgets (e.g. SEM Committee and bodies under Part V of the Northern Ireland Act 1998).

In NZ the advisory body is also the Climate Change Commission (5J), therefore it has both an advisory and monitoring/reporting role.

Scotland has provisions to set up a Scottish advisory body; however, it has not availed of this power and refers to the UK CCC. Scotland also provides for the set up of a Citizens Assembly and [Just Transition Commission](#) (see appendix 1 for more) to advise on reaching climate objectives in its 2019 Amendment Act. [The Citizen Assembly](#) may consider and make recommendations to remedy, mitigate climate change and achieve targets. Recommendation must be laid before Parliament and Ministers must respond within 6 months.

As well as a Climate Change Advisory council in the RoI to advise on targets and budgets, the 2021 Bill provides for the establishment of an Adaptation Committee to advise and assist the Advisory council.

The UK Act 2008 (s.36), Scottish Act 2009 (s.9) and RoI Act 2015 (amended by 2021 Bill) s.12, require their respective advisory bodies (UK CCC and the RoI Advisory

Council) to prepare annual progress reports, similar to the requirements of the PMB. However, progress reports are on GHG emissions and carbon and not the range of targets and budgets under the PMB (GHGs, biodiversity, soil and water quality, carbon and nitrogen).

- **Will the UK CCC have the capacity and expertise to provide annual progress reports on the range of targets and budgets under the PMB, compared to other UK jurisdictions?**
- **Has the UK CCC been informed and agreed to this role?**

3.9 Non-regression

NI PMB

Non-regression

All laws in force NI must not cause any direct or indirect regression of environmental or climate related protections, standards, limits that were in force in NI at the end of the transition period. (cl.12)

NI is the only jurisdiction in the table that provides for a non-regression clause in its climate Bill. The UK Environment Bill requires a non-regression statement to be made by Ministers in relation to the introduction of any new environmental Bill.

- **How will this interface with requirements of the UK Environment Bill and role of the OEP under the Environment Bill?**
- **Will responsibility for non-regression fall with the Commissioner or EO?**

3.10 Duty on public bodies

S.44 -46 of the Scottish 2009 Act places a climate change duty on public bodies in relation to delivering targets (mitigation) and delivering the adaptation programme. It requires public bodies considered 'major players'²⁵ to report on their adaptation and mitigation duties under the Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015.

²⁵ Accompanying guidance considers these Major Players to be bodies with large estates and/or staff numbers, high impact and influence, large expenditure, or an auditing or regulatory function, and suggests that these bodies should be ambitious in their action on climate change and seek to do more than others. See Scottish Gov Guidance: <https://www.gov.scot/publications/public-bodies-climate-change-duties-putting-practice-guidance-required-part/>

The UK Act 2008 does not require mitigation reporting by public bodies and takes a voluntary approach to public body adaptation reporting (as discussed s.3.5).

In the RoI 2015 Act, public bodies have a general obligation, under Section 15, to perform their functions consistently with the adaptation and mitigation requirements of the various plans and strategies. The Minister may require a public body to produce a report detailing the measures and progress made towards this.

- **Does the PMB provide for a similar general duty on public bodies to that of Scotland and RoI?**
- **Will there be both mitigation and adaption reporting requirements on public bodies, similar to Scotland; a voluntary approach to adaption reporting only, similar to the UK Act; or reporting as requested by a Minister (or EO), similar to the RoI?**

4 Further Considerations

The following section provides further observations and considerations in relation to the NI PMB, some of which may require further clarity and information. Some of the points discussed in this section have also been raised in section 3. However, this section explores them in more detail.

4.1 Net zero target

Net zero refers to achieving a balance between the amount of GHG emissions produced and the amount removed from the atmosphere (by natural sinks forests and oceans, or manmade carbon removal technologies e.g. carbon capture and storage). The lower the emissions, the less that needs removed. Therefore reaching net zero is dependent on NI's ability to reduce emissions to a level that can be removed by the natural and man-made options available to it.²⁶

While the PMB provides the framework for the production of CAPs, it does however provide for a binding overall target of net zero by 2045, which **cannot be adjusted beyond 2045**. It's this aspect of the PMB that potentially has the biggest impact on both positively addressing climate change, and putting requirements on sectors to achieve it.

There is clear evidence on the need to address climate change as soon as possible and the benefits to achieving net zero through creating a healthier environment, improving health and making cost savings through more sustainable and energy efficient techniques and approaches. The [UK CCC](#), [IPCC](#) and [UNFCC](#) (and UN Climate Change) have reiterated this. However, apart from the UK CCC, to date, there

²⁶ Institute for Government Explainers: Net Zero Target <https://www.instituteforgovernment.org.uk/explainers/net-zero-target>

appears to be a lack of published material and understanding of NI's unique abilities to achieve net zero and the potential impacts NI may experience from this.

There appears to be a difference in opinion over whether NI can reach net zero and when. DAERA has [consulted](#) on proposals for an Executive Climate Change Bill for NI (Dec 2020 – Feb 2021)²⁷. This presents options to set specific targets for NI, or targets based on the advice of the UK CCC.

The PMB and the UK CCC have differing views on what is achievable for NI with the PMB suggesting that net zero is achievable by 2045, while the latest UK CCC letter (April 2021²⁸) suggests 'at least' 82%, with the provision to tighten the target if there is evidence to support it. However, the letter (and the previous letter Dec 2020²⁹) also highlights the risks and difficulties for NI trying to reach net zero by 2050 or earlier due to its unique circumstances. These are referred to as:

- More limited ability to reduce emissions from the largest emitting sector (agriculture) due to NI being a strong agri-food exporter to the rest of the UK;
- More limited infrastructure (for gas and electric cars), and capabilities for GHG removal technologies (carbon capture and storage CCS); and
- More limited land use opportunities to remove sufficient quantities of emissions naturally (LULUCF sector is an emitter rather than a sink, high percentage of grassland and low percentage of forest coverage).

The latest 2021 letter provides more detail on some of the more specific impacts for NI in achieving net zero by 2050, including a potential 50% reduction in meat and dairy production (discussed in the next section).³⁰

To date, all jurisdictions in the UK have used the advice from the UK CCC with setting their overall net zero target. The PMB does not use the UK's CCC advice for its overall target; however, it is to be used for everything else set under the CAP: annual targets, budgets, sectoral plans and adaptation programs. That being said, the PMB does not use the advice from the UK CCC for its overall target. It goes further by aiming for net zero by 2045.

- **Is the overall net zero target by 2045 set without any allowance for alteration of the date going forward, under clauses 3 (9) and 11?**
- **Is the overall net zero an accumulation of all listed GHGs, e.g can further reductions in one gas offset fewer reductions in another? Or will there be potential for gases to be net zero individually?**

²⁷ DAERA Discussion Document on a Climate Change Bill <https://www.daera-ni.gov.uk/consultations/climatechangediscussion>

²⁸ CCC (April 2021) <https://www.theccc.org.uk/publication/letter-economic-costs-of-setting-and-delivering-a-2050-emissions-target-for-northern-ireland/>

²⁹ CCC (Dec 2020) <https://www.theccc.org.uk/publication/letter-lord-deben-climate-change-committee-to-edwin-poots-mla/>

³⁰ CCC (April 2021) <https://www.theccc.org.uk/publication/letter-economic-costs-of-setting-and-delivering-a-2050-emissions-target-for-northern-ireland/>

- **Will there be further detail in secondary legislation or through the CAP to explain the exact form, calculations and measurements of the overall target?**
- **Being provided under the CAP, what legal status does it have?**
- **Is this a binding target to which all sectors must contribute to equally, or depending on their levels of emissions?**
- **Is there potential for a separate biogenic methane target, similar to NZ and the discussions in RoI?**
- **Will the degradation of peatland be included in the overall target? It's been suggested by the UK CCC that the future inclusion of emissions from degraded peatland in the UK emissions inventory could add around 9% to NI's total emissions - higher than in England and Wales, but lower than Scotland³¹.**
- **Alteration to the overall target date may be made by the EO (but not pushed beyond 2045) and DAERA may add to the gases list. Does the EO and DAERA have joint responsibility for the form of the overall target going forward?**
- **Who or what body provides advice on the overall target going forward, especially should discussions for a methane (or any other separate target) continue down the line?**
- **What evidence has been used in relation to the overall targets and potential specific impacts on NI and its sectors?**
- **In reaching the overall target, what consideration has been given to the impact of NI remaining a net exporter of agricultural produce to the rest of the UK?**
- **As discussed in s.3.3.1 the RoI is legislating for net zero by 2050, what impact will this have for border areas effectively working to two different targets?**

4.2 Potential Costs

The Bill provides for the establishment of:

- a new Climate Office and Commissioner (as discussed in sections 3.7 and 4.9 of the paper above) and
- a new carbon tracking scheme to be administered by DAERA , or a body agreed by DAERA and the Commissioner (cl4 (5biii))

While the EFM explains that it has not been possible to cost the Climate Office and Commissioner (as discussed above), there is no mention of cost implications for the setup of a new carbon tracking scheme. Particularly, whether this can be set up by adapting an existing scheme, similar to the case under the Scottish Act. In fact, the Scottish Act allows for the costs of operating such a scheme to be covered by charges paid by persons using the scheme. However, the PMB does not provide this detail.

³¹ UK CCC (2019) Reducing Emissions in NI <https://www.theccc.org.uk/publication/reducing-emissions-in-northern-ireland/> p.9

- **Does the Department foresee that a new tracking scheme may be required to be set up, or formed under an existing scheme?**
- **Will this require extra resourcing?**
- **Similar to Scotland, can costs be recovered through charges?**
- **Has the Finance Minister been consulted on in relation to funding measures under the PMB, e.g. Climate Office and Commissioner?**

4.2.1 Sectoral costs

The EFM states:

More broadly, the Climate Action Plans involve sectoral plans across the entire economy of Northern Ireland, to achieve the statutory objective of a zero-carbon economy by 2045. This will have financial implications which go beyond the immediate Bill.

However, the EFM also states that it has not been possible to cost these implications. There appears to be a lack of costings specific to NI reaching net zero by 2045 by both the PMB and the UK CCC. The [latest letter from the CCC](#)³² (April 2021) provides detail on projected costs for NI reaching 82% by 2050:

- NI would require an increase in investment of £1.3 billion per year from 2030, mainly for low-carbon power capacity, retrofit of buildings and the added costs of batteries and infrastructure for electric vehicles.
- Annualised resource cost (net additional cost to deliver the same services with lower emissions) = £300 million/yr in the early 2030s. Equates to less than 1% of 2018 GDP in Northern Ireland in every year from now through to 2050.
- Increase in investment mostly delivered by the private sector.
- Operational savings from fuel costs and increased efficiency would help to off set investment down the line.
- Almost all new purchases and investments in NI will need to factor in zero-carbon solutions by 2030 or soon after and virtually all technology will have to be zero-carbon by 2050.

³² CCC (April 2021) Letter: Economic costs of setting and delivering a 2050 emissions target for Northern Ireland
<https://www.theccc.org.uk/publication/letter-economic-costs-of-setting-and-delivering-a-2050-emissions-target-for-northern-ireland/>

4.2.2 Net zero by 2045

The closest costs for NI reaching net zero by 2045, comes as estimations by the UK CCC for net zero by 2050. It states that it has not been able to provide precise costs, but estimates:

Our analysis has not produced a scenario for UK Net Zero in 2050 that sees Northern Ireland reach Net Zero in the same year. We are not therefore able precisely to calculate the costs of Northern Ireland reaching Net Zero, but they will almost certainly be higher than those of the 82% reduction target, by up to £900 million per year by 2050 if engineered removals technologies are used.

The CCC also highlights the following potential impacts in reaching Net Zero by 2050 or earlier:

- **A larger reduction in output from Northern Ireland's livestock sector** compared to the rest of the UK.

Even our most stretching Tailwinds scenario – which entails a 50% fall in meat and dairy production in Northern Ireland by 2050 and significantly greater levels of tree planting on the land released – is not enough to get Northern Ireland to Net Zero emissions in 2050. Without a corresponding reduction in consumption of such produce, this would simply shift emissions overseas.³³

- **A much greater than equitable share of all UK GHG removal technologies** being located in Northern Ireland which could “*simply shift a greater share of the UK-wide costs of reaching Net Zero to Northern Ireland.*”³⁴

In fact, the RoI, with a similar emissions profile as NI³⁵, is aiming for Net Zero by 2050 and has suggested similar impacts on its agriculture:

Depending on the emissions ceilings set for agriculture, the national herd may need to be cut. More farmers may need to either leave farming or change the way they farm. They will have to consider greater diversification

³³ CCC UK (April 2021) Letter: Economic costs of setting and delivering a 2050 emissions target for Northern Ireland <https://www.theccc.org.uk/publication/letter-economic-costs-of-setting-and-delivering-a-2050-emissions-target-for-northern-ireland/>

³⁴ ibid

³⁵ A Sustainable Agricultural Land Management Strategy for NI (p.27) <https://www.daera-ni.gov.uk/publications/sustainable-agricultural-land-management-strategy-report-and-executive-summary> and <https://www.irishexaminer.com/farming/arid-20266293.html>

into forestry and escalate the use of smarter farming methods such as low-emission slurry spreading if the sector is to reduce GHG emissions.³⁶

4.2.3 Treasury spending rules

HM Treasury operates a series of principles for the allocation of funding across the UK as part of their statement of funding policy for the devolved administrations. The most recent statement of funding policy published in November 2020³⁷ includes principle 10 as follows:

where decisions taken by any of the devolved administrations or bodies under their jurisdiction have financial implications for departments or agencies of the UK government or, alternatively, decisions of UK government departments or agencies lead to additional costs for any of the devolved administrations, where other arrangements do not exist automatically to adjust for such extra costs (e.g. if the Barnett formula doesn't apply), the body whose decision leads to the additional cost will meet that cost³⁸.

The potential significance of principle 10 relates to the fact that it could theoretically lead to the NI Executive having to bear costs across the UK resulting from the adoption of a particular policy or piece of legislation within NI. For example, there may be a need to establish if the adoption of the PMB would have financial implications for departments or agencies in the rest of the UK. This may particularly be the case in relation to the transboundary nature of the PMB.

- **To date the only available costings have been produced by the UK CCC for 82% by 2050, with estimates for Net Zero by 2050. Will there be more detail on the likely costs across the NI economy and sectors for achieving Net Zero by 2045?**
- **In relation to the CCC tailwind projections for livestock reduction for meeting Net Zero by 2050, what is the worst case (or headwind) figures most likely to be?**
- **Does the CCC suggest that the scenario may be even starker for Net Zero by 2045?**

³⁶ Oireachtas Library and Research (April 2021) Bill Digest: Climate Action and Low Carbon Development (Amendment) Bill 2021 https://data.oireachtas.ie/ie/oireachtas/libraryResearch/2021/2021-05-06_bill-digest-climate-action-and-low-carbon-development-amendment-bill-2021_en.pdf

³⁷ Statement of funding policy: Funding the Scottish Government, Welsh Government and Northern Ireland Executive, HM Treasury, November 2020 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/943689/Statement_of_Funding_Policy_2020.pdf

³⁸ Ibid p.7

- **How will any potential negative impacts on agriculture and rural communities be dealt with? Will future agricultural/ rural support and policies take account of this?**
- According to the UK CCC, investment is most likely needed for low-carbon power capacity, retrofit of buildings and the added costs of batteries and infrastructure for electric vehicles. Added to this is the fact that almost all new purchases and investments in NI will need to be in zero-carbon solutions by 2030 or soon after, and virtually all technology zero-carbon by 2050. **Has the power, housing and infrastructure/transport/sector provided any estimations in their ability to achieve this? Do they see this as a problem, particularly if Net Zero by 2045 requires more stringent measures and costs?**
- According to the UK CCC investment costs will be delivered by the private sector, operational savings from fuel costs and increased efficiency helping to off set investment down the line. **How far down the line, and what support would be given for initial investment?**
- **Could there be potential for Treasury spending rules to be applied (particularly in relation to principle 10, referred to above) under the PMB, and have these been taken into account?**
- Will the development of targets and sectoral plans under the CAP be required to take account of EU State Aid guidelines under the Ireland/NI Protocol in relation to environmental protection and energy, as well as ETS (which is currently under consultation due to changes to reflect carbon neutrality by 2050)?³⁹
- Will sectoral plans and actions need to take account of any potential state aid differences between the UK and EU?
- Will this be the responsibility of the EO?

4.3 Consultation

The PMB is being introduced by Claire Baily MLA of the Green Party. It has received cross party support from the Green Party NI, Sinn Féin, SDLP, UUP, Alliance, PBP and

³⁹ EU Commission State aid for environmental protection and energy – revised guidelines <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12616-State-aid-for-environmental-protection-and-energy-revised-guidelines/public-consultation> . Further guidance on Ireland/NI Protocol and State Aid can be found BEIS *Technical guidance on the UK's international subsidy control commitments* (section 7). <https://www.gov.uk/government/publications/complying-with-the-uks-international-obligations-on-subsidy-control-guidance-for-public-authorities/technical-guidance-on-the-uks-international-subsidy-control-commitments#section7>

by independent MLAs.⁴⁰ The Climate Coalition NI (CCNI) appears to have taken the lead with support for the development of the Bill from across its 390,000 members.⁴¹

Members include: Belfast Food Network, Business in the Community NI, Chartered Institute of Environmental Health, Christian Aid Ireland, Climate NI, Friends of the Earth NI, Habitat for Humanity Ireland, Keep Northern Ireland Beautiful, National Trust NI, National Union of Students–Union of Students in Ireland (NUS–USI), Northern Ireland Environment Link, Oxfam Ireland, Queen’s University Belfast, Red Cross NI, RSPB NI, Sustainable NI; Trócaire, Ulster Wildlife, Woodland Trust.⁴²

According to the PMB’s Explanatory and Financial memorandum (EFM), the PMB is informed by “the best available science” and a public opinion poll that was run in summer 2020. The poll was run by RSPB NI in relation to Green Recovery post COVID-19. Results showed support for a climate Act in NI with a target for Net Zero by 2045 (with 68% of respondents in agreement). However, these results were taken from an earlier run RSBP survey by LUCID talk in February 2020, pre-COVID-19, and presented along with the Green Recovery opinion poll in the summer of 2020. An online petition for the DAERA Minister to introduce a climate change act with a 2045 Net Zero target has received 1558 out of the required 2000 signatures (as of 10/052021)⁴³

That being said, the EFM does not appear to provide further detail on the “best available science” used to inform the Bill. The Poll was based on green recovery in general and was not specifically designed for climate change proposals alone. Results are provided for support for climate legislation with a Net Zero 2045 target in NI. Beyond the online petition, there does not appear to be any discussion on specific proposals to reach Net Zero by 2045, whether targets should go beyond GHGs, sectoral plans and the introduction of a climate office and commissioner. There is no further detail on the methodology used, sample size, how long it ran, who responded, and whether it captured responses from across all sectors potentially impacted by the proposals.

The survey referred to was conducted pre COVID-19 (February 2020), yet the results are presented as a post COVID-19 opinion poll (June 2020). It remains to be seen whether opinions and priorities may have changed since then, in light of the impacts of COVID-19.

⁴⁰ BBC (21 March 2021) Climate change: NI-specific bill to go before assembly <https://www.bbc.co.uk/news/uk-northern-ireland-56476513> and Clause-by-clause description of the NI Climate Change Bill 2021, provided in Annex C of the briefing to the Committee (29 April 2021)

⁴¹ NIEL [online] Climate coalition NI <https://www.nienvironmentlink.org/policy-hub/climate-coalition-northern-ireland?&month=11-2020>

⁴² NIEL [online] Climate coalition NI <https://www.nienvironmentlink.org/policy-hub/climate-coalition-northern-ireland?&month=11-2020>

⁴³ Uplift [online] Support an ambitious Climate Change Act for Northern Ireland <https://my.uplift.ie/petitions/support-an-ambitious-climate-change-act-for-northern-ireland-climateactnow-1>

The PMB requires that consultation has to be conducted for the development of the climate action plan, which will give sectors and stakeholders the opportunity to voice their opinions and recommendations on these. However, the binding overall Net Zero target has already been set on the face of the PMB, which will impact all sectors in NI. The EFM details that 68% of respondents to the opinion poll were in favour of Net Zero by 2045. However, there is no further detail on the breakdown of this figure, in terms of what percentage from each sector contributed to the 68%.

- **The EFM explains that engagement with the CCNI members and the opinion poll was the main form of consultation. Was any other form carried out, if so were details of methodologies, responses, range of stakeholders and responses made available?**
- **Does the CCNI membership represent a fair share across all sectors in NI, particularly those mentioned in the PMB?**
- **Publicly available details on the opinion poll suggest the main provision of the PMB presented was the overall Net Zero 2045 target. What sectors responded to the opinion poll? What percentage of different sectors contributed to the 68% agreement?**
- **What form of consultation shaped the rest of the proposals under the Bill i.e. CAP and its contents, Climate Office and Commissioner? How long did it run? What stakeholders responded? Are their detailed responses made available?**
- **The opinion poll was conducted pre COVID-19; could opinions have changed since then in relation to the public's priorities for recovery, or the amount of investment required to reach Net Zero etc.?**
- **Beyond the proposed consultations on the development of the CAPs, is the Committee Stage to be considered the main form of legislative consultation of the overall Net Zero target?**

4.4 Impact Assessment/rural proofing

The PMB does not appear to provide further detail to assess the specific implications of reaching Net Zero by 2045 in NI. There is no form of a regulatory impact assessment (RIA), rural proofing exercise, equality screening or economic appraisal (as discussed s.4.2).

With the Bill having cross- sectoral policy implications, a RIA may help to determine the impacts for sectors, resources required and ability to achieve requirements.

Due to the potential implications on the farming and rural community, potential diversification, change in practices etc., in order to meet the overall target, it may be

best practice to perform a rural proofing exercise. Especially to ascertain if disproportionate burdens will fall on certain members of the agricultural and rural community. Due to the level of detail in the Bill at present, it is not possible to determine this at this stage.

There could potentially be consideration required for Section 75, particularly in relation to the demographics of the agri sector and those most likely to be impacted.

DAERA has conducted a public consultation (Dec 2020- Feb 2021) on a potential Executive led Bill. It is based on the legislative proposals that will be included in the Bill and whether the overall targets will be based on the CCC's advice or Net Zero by 2050⁴⁴.

It states that once the final proposals have been developed, based on the outcome of the consultation, impact assessments and screening (e.g. for Regulatory Impacts, Equality Impacts etc.) for a Northern Ireland Climate Change Bill will be fully considered and carried out appropriately.

- **Has a RIA, rural proofing and section 75/ Equality screening been conducted on the PMB?**
- **Is there likely to be any disproportionate impacts based on farm size, production, area (i.e. less favourable areas) should farming practices have to change?**
- **What does 'just transition' (referred to in s.4.8) mean in relation to rural areas and rural proofing?**

4.5 Responsibilities and roles

A number of different bodies have been given specific roles under the PMB:

- The three bodies referred to in clause 1 (2) (the UK CCC, IPCC, RoI Advisory Council) in relation to giving advice on the climate emergency, and the EO in relation to revoking the climate emergency, in line with reaching the Paris Agreement;
- The EO in the production of the CAP and its contents. This includes annual targets for GHGs, biodiversity, soil and water quality, 5 year budgets for carbon and nitrogen and the production of sectoral plans;
- The Climate Commissioner must monitor and provide annual reports on the CAP;

⁴⁴ DAERA Discussion Document on a Climate Change Bill <https://www.daera-ni.gov.uk/consultations/climatechangediscussion>

- The UK CCC provides advice on the CAP, including advice from the SEM Committee in relation to sectoral plans, and north/south bodies listed under Part v of the Northern Ireland Act 1998 in relation to the transboundary element.

Some of these roles are discussed in more detail in the next sections of this paper (CAP s4.6, Scope of targets and budgets s4.7, sectoral plans s4.8)

- **Have all of these bodies been informed of and agreed to their roles?**
- **With reference to the EO, is this the Executive Office (TEO) or the Executive Committee?**
- **Do they have the capacity, resources and expertise to perform their roles, particularly the EO in relation to the production of the CAP and its contents and revoking of the climate emergency, and the CCC in providing annual advice across the broad range of targets and budgets?**
- **If needed, where will the EO acquire the necessary expertise?**
- **Where will the Climate Change Office acquire the necessary expertise to produce annual reports on the range of targets and budgets?**
- **Is the expectation that expertise will come from DAERA, or consultants? Who will pay for this?**
- **What role does DAERA have, beyond obtaining advice from the north/south bodies on the transboundary element (clause 3 (10))?**
- **How does this role feed into the production of the CAP and when?**
- **If there are any transboundary issues identified with the CAP, who is responsible – DAERA for obtaining advice from north /south bodies, or EO for the production of the CAP?**
- **As mentioned before, the production of targets, measures and sectoral plans will need to take account of development in EU law under the Ireland/NI Protocol. Will this be conducted by the EO? Will the EO have the capacity and resources for this?**
- **Will there be overlap in oversight roles of the CAP by the Climate Change Commission, OEP and EU Commission?**
- **How will any overlap be dealt with e.g agreement or an MOU similar to the proposed one for any overlap between the OEP and Public Service Ombudsman NI?**

4.6 The Climate Action Plan

The CAP is to be produced and laid by the EO and approved by the Assembly (s2(1)). Clause 3 (10) mentions the role of the Department in taking advice from certain bodies on the transboundary element of the CAP.

Annual reports on CAP are to be laid before the Assembly each year (s.4) and developed by the Climate Commissioner (c.9). They are to identify failures, give reasons for them and make recommendations to remedy them.

On the basis of the Annual report, the EO may make alterations to the CAP targets or measures (provided targets and standards are not lowered) (cl 11).

The PMB provides the framework for the production of the CAP. However, it does not detail whether this will be produced through secondary legislation or another form of legislative procedure.

- Is the CAP to be developed and laid by the EO?
- Is EO aware of its role?
- Does EO have the expertise and resources for the development of annual targets for carbon, biodiversity, soil and water quality, carbon and nitrogen budgets, and sectoral plans?
- If not, where will resources and expertise come from? From DAERA?
- What level of input does DAERA have in the development of the CAP. This is particularly in relation to the transboundary element and what stage is this to be taken into consideration?
- The production of annual reports by the Climate Office and Commissioner will require a broad range of expertise (climate change, biodiversity, soil and water quality, nitrogen, sector specific knowledge). Where will this come from?
- Will annual reporting present practical problems? Scotland allows for reports on annual targets “*as soon as reasonably practicable after the information to be contained in the report becomes available*” (as discussed in s.3 of this paper).
- Is the UK CCC aware of its advisory role on annual reporting of the CAP (clause 4 (9))? Does it have the resources to advise on biodiversity, soil and water quality targets and nitrogen budgets annually?
- What is the legal standing of the CAP? Is it to be produced through secondary legislation and resolution by the Assembly?
- Is the process under the PMB considered the most efficient or effective way to make amendments to annual targets, budgets, sectoral plans?
- Who will be held responsible for meeting the requirements of CAP? The Climate Commissioner makes the annual reports in its monitoring role, but is it the EO or DAERA who will be held responsible and accountable?

- Is annual reporting on the CAP the best timeframe and will the Commissioner and UK CCC have the resources to provide (and advise) on annual reports across the range of targets (including biodiversity, soil and water quality)?
- If requirements under the CAP are not met, could the responsible authority, or body, be subject to Judicial Review by both the OEP and the Climate Commissioner?
- Will the Public Service Ombudsman also have a role, or will there be a form of agreement (or MOU) to avoid possible overlap with other oversight bodies, similar to the proposed operation of the OEP in NI?⁴⁵

4.7 Scope of targets and budgets

While the GHGs listed in relation to the overall Net Zero target are similar to other jurisdictions, NZ provides for a separate biogenic methane target. The RoI Bill has had considerable discussion at pre-legislative scrutiny stage around the inclusion of a separate methane target.⁴⁶

That being said, the annual targets and budgets under the PMB go beyond just GHGs to include biodiversity, soil and water quality (annual targets) and nitrogen (budget).

Key legislation for the management of water quality is the Water Framework Directive (WFD) and the Marine Strategy Framework Directive (MSFD). These ensure that all inland and coastal waters reach at least 'good status' and seas meet 'good environmental status'. These have been transposed through the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017 and the Marine Strategy Regulations 2010.

The Nitrates Directive and Nitrates Action Programme aims to improve water quality by protecting water against pollution caused by nitrates from agriculture sources.⁴⁷

Under the UK Environment Bill, DAERA is required to produce an environmental improvement plan (Environment Strategy). A consultation was carried out in 2019, which detailed the form and content of NI's Environment Strategy. This is to include biodiversity and water quality.

- **How will new targets and budgets under this Bill fit with requirements, targets, policies and reporting requirements of the WFD, environmental improvement plan (or Environment Strategy) and Nitrates Directive/Nitrates Action Programme?**

⁴⁵ DAERA (Dec 2020) Environmental Plans, Principles and Governance for Northern Ireland – Public Discussion Document <https://www.daera-ni.gov.uk/consultations/environmental-plans-principles-and-governance> (p.16)

⁴⁶ Oireachtas Joint Committee PLS Report <https://www.oireachtas.ie/en/press-centre/press-releases/20201218-joint-committee-on-climate-action-launch-report-on-pre-legislative-scrutiny-on-the-draft-of-the-climate-action-and-low-carbon-development-amendment-bill-2020/> (p.12/13)

⁴⁷ <https://www.daera-ni.gov.uk/articles/water-quality>

- **What methodologies and calculations for all the targets and budgets are to be used to ensure that a standard and comparative approach from year to year is used?**
- **Carbon budgets put a limit on carbon units purchased by the Department - what exactly is meant by this? Will further detail be provided in the CAP? (see s.3.3.3)**
- **Will there be further detail and requirements on methodologies in secondary legislation, or guidance?**
- **In relation to nitrogen, do we have the infrastructure to monitor and obtain information required for monitoring and reporting from the different sectors mentioned (agriculture and food, transport and energy)?**
- **Does the EO have the expertise and resources to develop GHG, biodiversity, soil and water quality targets and carbon and nitrogen budgets?**

The development of annual targets must take the following into account (clause 3 (4)):

- 1) international law, including, in particular, the UNFCCC;
- 2) the impact of such targets on the environment of Northern Ireland;
- 3) the impact of such targets on public health and well-being;
- 4) the impact of such targets on fiscal, economic and social circumstances specific to Northern Ireland.

- **Does the EO have the expertise to take international law, the environment, public health and well-being, fiscal, economic and social circumstances (under clause 3(4)) into consideration in the development of annual targets?**
- **Will these considerations include the Ireland/NI Protocol?**
- **Will the EO be responsible for keeping up to date with EU developments in legislation under the Protocol that might impact targets, such as alien invasive species, ETS, Fluorinated gases and ozone depleting substances?**

Under clause 3, carbon and nitrogen budgets must take into account the transboundary element of carbon in NI in relation to any negative impact on the environment in NI from activities in England, Scotland, Wales and RoI.

- **In terms of the “transboundary element” (cl3 (9)) – how will this be impacted by NI and RoI working to different overall targets and potentially different biodiversity, soil and water quality standards as a result?**

- **How will the transboundary element be impacted by the fact ROI does not provide for similar nitrogen budgets as the PMB?**
- **What will happen should there be negative impacts identified from activities in the other jurisdictions? Will the other jurisdictions be held accountable?**
- **Have the other jurisdictions been consulted on this transboundary element?**
- **What about the impacts going the other direction, from NI activities, on any of the areas mentioned (ROI, England, Scotland and Wales)?**
- **Will the impact of the Ireland/NI Protocol be taken into consideration with the transboundary element, especially in instances where we see divergence between the UK and EU legislation that NI is bound to under the Protocol e.g the EU and UK ETS, fluorinated and ozone depleting substances?**
- **Will the impact of the Ireland/NI Protocol be taken into consideration in the development of targets, especially biodiversity where NI will be bound to EU Regulations in relation to invasive species?**

4.8 Sectoral plans

Sectoral plans are provided under the CAP and are specific to the sectors listed in s.3 (7). They are to provide the policy and proposals required by each sector in line with the overall target. While the sectoral plans don't appear to specifically provide for sectoral targets, the carbon budget is to provide for the annual amount of GHGs to be removed by land use or land-use change in NI.

As mentioned in s.3.4 of the paper, under the ROI Bill 2021, sectoral plans are also to be made, but will be in line with the binding sector specific emissions ceilings provided in the Bill. Government Ministers will be responsible for achieving the legally-binding targets for their own sectoral area with each Minister accounting for their performance towards sectoral targets and actions before an Oireachtas Committee each year.

Under cl. 3 (8) of the PMB, sectoral plans must also take consideration of the following points, described in the EFM as 'just transition' principles:

- support jobs and growth of jobs that are climate resilient and environmentally and socially sustainable;
- support Net Zero carbon investment and infrastructure;
- create work which is high-value, fair and sustainable;
- reduce inequality as far as possible;
- reduce, with a view to eliminating, poverty and social deprivation.

A new development in the UK is the inclusion of international aviation and shipping in emission reductions⁴⁸. Aviation and shipping is listed as one of the sectors under the PMB. However, international aviation and shipping in NI is a reserved matter. According to DfI responsibility for aviation matters remains a reserved function of the Department for Transport in London and the Civil Aviation Authority (CAA), both of which are the authority for policy and regulation of aviation services in the UK.⁴⁹

Further information on the role of the UK Government, the EU and international bodies in relation to reducing emissions in aviation is also discussed in the following [House of Commons's Library Paper](#).

- **Have all of the relevant public bodies in relation to the sectors listed (cl.3 (7)) been consulted on the sectoral plans? Are they content with the provisions?**
- **Will sectoral plans only provide for policy proposals and not binding sector specific targets?**
- **Does the carbon budget provide for a sector specific LULUC budget? Will further detail of the amount come in secondary legislation?**
- **Are specific Ministers responsible and to be held accountable for delivery and implementation of sectoral plans?**
- **What information, data and resources is required by Ministers to monitor implementation of sectoral plans?**
- **Will there be further guidance issued?**
- **What extra or new resources will be required by Ministers to communicate with individual sectors?**
- **How will the provisions in 3(8) be implemented/measured/assessed. Is there a hierarchy? Will there be further detail and guidance?**
- **What does 'just transition' mean for rural areas and communities?**
- **Has NI the competence to legislate for sectoral plans for international shipping and aviation?**
- **Will Sectoral plans take into consideration requirements of the Ireland/NI Protocol as it relates to each sector, e.g. vehicle standards, energy, eco labelling and energy efficiency of technologies etc?**
- **Will the EO be required to monitor any changes to EU law down the line and keep sectoral plans in line with this?**
- **Could sectoral plans, and the CAP in general, be subject to oversight by the EU Commission?**

⁴⁸ UK Government [online] UK enshrines new target in law to slash emissions by 78% by 2035 <https://www.gov.uk/government/news/uk-enshrines-new-target-in-law-to-slash-emissions-by-78-by-2035>

⁴⁹ DfI [online] Gateways-airports <https://www.infrastructure-ni.gov.uk/articles/gateways-airports>

4.9 Climate Commissioner

The Climate Commissioner has two main functions: 1) monitoring the implementation of the CAPs and making annual reports to the Assembly and 2) to review the implementation of the Bill and recommend such reforms or amendments.

The Executive Office must respond to the Commissioner Review Reports (cl.9). To perform its functions, the Climate Change Commissioner has been given powers:

- Similar to the Public Services Ombudsman and the Comptroller and Auditor General;
- To do anything in relation to its functions (including acquire or dispose of property or rights);
- To have access to any information/documents needed to discharge its functions (cl.10). This includes: information/documents from any public body, anyone receiving a public grant or loan, anyone supplying goods or services under a contract (or sub-contract) to a NI public body.

The EFM describes the Commissioner's monitoring role as similar to that of the Public Ombudsman and Auditor General. Consideration may be needed in relation to any overlap with these and similar oversight bodies, such as:

- The regulatory role of NIEA;
 - The Office of Environmental (OEP) once functions extend to NI. There could be cross over with its oversight of environmental law, including biodiversity, climate change, and non-regression; (see RalSe paper [Environment Bill 2019-20](#) and [DAERA Environment Governance Discussion Document Dec 2020](#))
 - EU Commission in relation to the Protocol and legislation under it that might impact climate emissions e.g. EU ETS, fluorinated gases, vehicle standards etc. (See RalSe paper [Ireland/ Northern Ireland Protocol and Net Zero](#)).
-
- **What level of staffing, expertise, resources and support will be required to report annually on the CAP? Where will this come from?**
 - **Will annual reporting present any practical problems for the Commissioner? For example, the Scottish Act (s.33) requires reports on annual targets “as soon as reasonably practicable after the information to be contained in the report becomes available”;**
 - **There does not appear to be a similar nominating committee as there is in NZ (see s.3.7). Does this give complete staffing appointment powers to the Commissioner alone?**
 - **Is the appointment of the Commissioner a normal type of role performed by the Assembly Commission?**

- **As a corporation sole, does the Commissioner be held accountable independently from the Office?**
- **The level of power and access to information is determined by relevance to the Commissioner's functions. Who determines relevance, is it left to the discretion of the Commissioner?**
- **Should a Minister disagree with any recommendation, analysis or reports made by the Climate Commissioner, can the Minister respond?**
- **Can the Climate Commissioner be held accountable, and by whom?**
- **Her Majesty may remove a Commissioner from office due to proven misconduct, through resolution by the Assembly (cl 7 (8)). Who investigates and decides on misconduct?**
- **How will any overlap in roles with other oversight bodies be dealt with?**
- **Will there be a form of agreement (or MOU) to avoid possible overlap with other oversight bodies, similar to the proposed operation of the OEP and Public Service Ombudsman in NI?**

4.9.1 Enforcement

The OEP has no fine/infraction powers, apart from Judicial Review (see Raise Environment Bill 2019-20 (February 2020) NIAR 56-2020⁵⁰).

It appears that the Climate Office and Commissioner do not have any enforcement or sanction/fine powers under the PMB. Failure to meet targets and budgets are to be highlighted in the Annual report provided by the Climate Change Commissioner with recommendations to remedy such failures.

Similarly, the NZ Act does not give sanction/fine powers to the Climate Change Commission. However, it gives the Climate Change Commission powers to hold Ministers to account by requiring a right of response from the Minister, should there be any departure from the Commission's recommendations (s.5). The Commission states:

Our independence means we can provide impartial advice, challenge and hold the Government of the day to account for action on climate change⁵¹.

- **What powers of enforcement does the Climate Commissioner have?**
- **Are they similar to the OEP, where the main mechanism is Judicial Review?**

⁵⁰ RalSe (February 2020) *Environment Bill 2019-20*

<http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2017-2022/2020/aera/0820.pdf>

⁵¹ NZ Climate Commission [online] <https://www.climatecommission.govt.nz/>

- **How will the Climate Change Commissioner interface with powers of the OEP and EU Commission?**
- **Does the NI Climate Commissioner have similar powers to NZ to hold Ministers to account?**
- **Are Minister obligated to act on the recommendations of the Commissioner?**

4.9.2 Costs

The Bill states that the salary and pension of the Commissioner is to be determined by the Assembly Commission and should not go above the maximum of the civil service. It is stated that both are to come from the Consolidated Fund.

Climate Office staff salaries and pensions are to be determined by the Commissioner, in line with the Civil Service.

The EFM does not give any specifics on salaries, costs for the setting up, resourcing and operation of the Climate Office and Commissioner. It states that it has not been possible to cost these by the drafters of the Bill or the Climate Coalition.

However, the EFM explains that the Commissioner will have powers similar to the Public Service Ombudsman and the Comptroller and Auditor General.

- **Have any projected costs for the set up of a Climate Change Office and Commissioner been conducted?**
- **Could resourcing costs, salaries and staffing be similar to the NI Ombudsman and/or NI Comptroller and Auditor General?**
- **In terms of salary, this is to come from the Consolidated fund. Have discussions been had with the Finance Minister in this respect?**

4.10 Advice

Clause 1 (2) lists three relevant bodies for giving advice:

- (a) the United Kingdom Committee on Climate Change;
- (b) the Intergovernmental Panel on Climate Change; and
- (c) the Republic of Ireland Climate Advisory Council.

However, the three bodies are only mentioned in relation to advice on the climate emergency (clause1). Throughout the rest of the PMB, reference is made to the UK CCC in relation to giving advice. The UK CCC is required to give advice on the CAP and its contents: annual targets, budgets, sectoral plans under the CAP. However, it does not appear that it is required to give advice on the overriding target, which is also provided under the CAP.

Advice is to be given annually from the UK CCC on the CAP. While annual advice and a progress report are given by the UK CCC to other jurisdictions (UK Act 2008 and the Scottish Act 2009), these are for GHG and carbon, and not the same range of other annual targets and budgets under the PMB e.g. biodiversity, soil and water quality, nitrogen (as discussed in s 3.8 of the paper).

A number of other bodies are mentioned in relation to giving advice:

- As well as the UK CCC, advice and recommendations on sectoral plans is to be given by: the SEM Committee (under Article 6(2) of the Electricity (Single Wholesale Market) (Northern Ireland) Order 2007), in relation to policies and proposals on energy production and supply.
- Advice on the annual targets, budget and sectoral plan of the CAP is to be given by the UK CCC and any of the bodies in Part V of the Northern Ireland Act 1998 (North South Ministerial Council, British Irish Council and British Irish Intergovernmental Conference), with respect to the transboundary element.

The Bill explains that “transboundary element” means any negative impact on the environment of NI, including its waters and atmosphere, from activity that occurs in the RoI, Scotland, Wales and England.

- **Does the UK CCC give advice on all contents of the CAP, including the overall Net Zero target?**
- **Does the CCC have the capacity and expertise to advise annually on the range of targets and budgets under the PMB? In comparison to its advisory roles with other UK jurisdictions?**
- **Do the other two advisory bodies listed in clause 1 (2) only provide advice on the climate emergency? If so why?**
- **Have all bodies listed been informed of, and agreed to, their role?**
- **What happens if any of the bodies do not, or cannot assume their role in giving advice?**
- **In relation to transboundary element, how does this operate in relation to the role of the Climate Commissioner, OEP, NIEA, UK Environment Agency, RoI EPA, and EU Commission in relation to RoI and responsibility under the Protocol?**

4.11 Terminologies and definitions

Some of the following terminology may need further clarification:

- s.2 (2) the overriding climate objective is “the establishment in Northern Ireland of a net-zero carbon, climate resilient and environmentally sustainable economy by the

year 2045". Net Zero carbon and climate resilient are defined on the face of the PMB. However, "environmentally sustainable economy" is not. **Where did the definition of 'climate resilient' (under cl.2(6) come from? Will there be further guidance or detail provided on the overriding target and its meaning through secondary legislation or the CAP?**

- In terms of the annual targets under cl 3, there appears to be no meaning or definition given to biodiversity, soil and water quality. **Will definitions be given in line with existing requirements of the Water Framework Directive and any new environment strategy (environment improvement plan)?**
- Taking the transboundary element into consideration in the development of CAP, is described in cl 3(9) as any negative impact on the environment of NI, including its waters and atmosphere, from activity which occurs in RoI, England, Scotland and Wales. **What is the aim of these provisions? What happens if such negative impacts are detected and are the bodies specified in 3(10) content with assuming this responsibility? What about if negative impact arises for NI and is felt in RoI / GB? What dialogue/consultation has been had with the identified regions in relation to this proposal? Is advice from the bodies listed the only form of consultation/dialogue required with the other regions listed?**
- As detailed in section 4.8, the list provided in cl3(8) in relation to sectoral plans is vague in terms of what each requirement means and how it could be achieved. The EFM explains this list as "just transition" principles which are to be taken into account in the development of sectoral plans. It is similar to the Scottish Act in this respect. However, the Scottish Act provides more detail on the face of the Act and has a Just Transition Commission to provide advice (see section 3.4 of this paper). **Does the PMB provide the necessary infrastructure to deliver these complex requirements in comparison to the Scottish Act? Will further detail and clarity on meaning, requirements and measures be provided through secondary legislation, the CAP and/or guidance?**

Appendix 1: Comparison with other jurisdictions' Climate Change Acts

Scope	NI PMB	UK Act	Scottish Act	RoI 2020 Bill amending 2015 Act	NZ Amendment Act 2019	Swedish climate Act
Climate Emergency	<p>To remain in place until requirements under Paris Agreement are met (temperature rise less <0.5°C).</p> <p>Can be annulled through the Assembly via an Executive Office motion, providing there is proof, from the advisory bodies (detailed below), that the temperature threshold is achieved.</p>	<p>No - nothing legally binding.</p> <p>Through a Parliament motion May 2019</p> <p>Wales in a Statement in April 2019.</p>	<p>No – nothing legally binding</p> <p>Nicola Sturgeon declared a Climate Emergency at a speech in April 2019.</p>	<p>No - nothing legally binding</p> <p>Through an amendment to the Joint Committee on Climate Action Report May 2019.</p>	<p>No - nothing legally binding</p> <p>Through a motion 2 Dec 2020.</p>	<p>No - national government has not declared one.</p> <p>Local jurisdictions, cities of Lund and Malmö have declared one (Dec 2019, Jan 2020)</p>
Climate Action Plan (CAP)	<p>The CAP is to achieve the overall 2050 target.</p> <p>To be prepared by Executive Office and approved by</p>	<p>A climate action plan is not referred to, but s.14 requires the SoS to produce a</p>	<p>A strategic delivery plan (Climate Action Plan) on sector by sector policies and actions for meeting</p>	<p>Annual CAP detailing a roadmap of actions and measures for each</p>	<p>Emission Reduction Plan sets out the policies and strategies for</p>	<p>Produces a 4 yr climate policy action plan to describe how the climate targets are to be</p>

Scope	NI PMB	UK Act	Scottish Act	RoI 2020 Bill amending 2015 Act	NZ Amendment Act 2019	Swedish climate Act
	<p>Assembly. First within 3 years of Bill enacted. Then every 5 years.</p> <p>Alteration to the CAP may be made by the same process following the laying of an annual report (CI11).</p> <p>The CAP provides:</p> <ul style="list-style-type: none"> • annual targets; • carbon budgets; • nitrogen budgets; • sectoral plans; and • adaptation programme under s.60 UK Act). 	<p>report setting out proposals and policies for meeting the carbon budgets. To include how proposals will affect different sectors of the economy.</p>	<p>the overall target. To be published every 5 years. Provides for just transition principle (s.35 of 2019 Act).</p> <p>Does not set annual targets or carbon budgets, but refers to the actions and policies of the plan for achieving the overall and interim targets.</p>	<p>sector in line with carbon budgets.</p> <p>Long term Climate Action Strategy every 5 years setting out how the national climate objective is to be achieved and provide 30 yr projections (s.6).</p> <p>Does not set annual targets, or carbon budgets.</p> <p>Minister to request each local authority to prepare a Climate Action Plan to include both mitigation</p>	<p>meeting next emissions budget.</p> <p>Does not set annual targets or budgets.</p>	<p>achieved⁵². It also reports on progress, trends, adequacy of measures, further measures or changes needed.</p> <p>Does not set annual targets or budgets.</p> <p>Also has a Draft Integrated Energy and Climate Plan 2019 in accordance with EU Reg 2018/1999/EU. Not under the Climate Act.</p>

⁵² <http://www.swedishepa.se/Environmental-objectives-and-cooperation/Swedish-environmental-work/Work-areas/Climate/Climate-Act-and-Climate-policy-framework/>

Scope	NI PMB	UK Act	Scottish Act	RoI 2020 Bill amending 2015 Act	NZ Amendment Act 2019	Swedish climate Act
				and adaptation measures		
Overall Net Zero	By 2045 for all GHGs (carbon dioxide, methane, nitrous oxide, hydrofluorocarbons; perfluorocarbons; sulphur hexafluoride; nitrogen trifluoride).	Net zero by 2050 for all targeted GHGs (same as NI list, but doesn't include nitrogen trifluoride).	Net zero by 2045 for all GHG emissions (s.10 same as NI list). Interim targets: 2030 - 75% 2040 - 90%	Climate neutral economy by the end of 2050 through its National 2050 Climate Objective (s3).	The Act has two 2050 targets: <ul style="list-style-type: none"> • Zero GHG emissions • Reduce biogenic methane to 24%-47% below 2017 levels. Interim target: 2030 target for biogenic methane to 10% below 2017 levels.	Targets for 2045 = Net Zero Post 2045 = Negative net emissions Interim targets (for sectors outside the ETS): 2030-63% below 1990 levels 2040-75% below 1990 levels.
Annual Targets (Part of CAP)	Annual targets for GHGs, biodiversity, water and soil quality. To be set out in CAP,	No annual targets	Annual reduction targets to 2050 for GHGs:	No annual targets	No annual targets	No annual targets

Scope	NI PMB	UK Act	Scottish Act	RoI 2020 Bill amending 2015 Act	NZ Amendment Act 2019	Swedish climate Act
	not provided on face of Bill.		2021- 57.9% 2022 – 59.8% 2023 - 61.7% 2030 – 75% 2040 – 90% The full list up to net-zero in 2045 is provided here			
Carbon Budgets (Part of CAP)	Set under 5 year CAP Must specify: <ul style="list-style-type: none"> An annual limit on amount of carbon units purchased by the Department (<25% of GHG reduction that yr) 	5 year cap on emissions. Advised by CCC but SoS decides on recommendations to Parliament. Set through Orders:	2019 Act (Part 2) sets an annual limit on the amount of carbon units purchased by Ministers that can be credited towards the net Scottish emissions for a year (<20% of planned reduction in net emissions account for that year)	5 year carbon budgets starting 2021 (s.6). Proposed by the Advisory Council, finalised by the Minister, approved by Oireachtas. Sectoral budgets S.9 (6c) provides for sectoral emissions	5 year Carbon budgets are to be set up to 2050 by 31 Dec 2021 (Part 1A s5X). First period beginning 2022-2025, then 2026-2030 etc. Budgets are to be recommended by the Climate Change	No carbon budgets

Scope	NI PMB	UK Act	Scottish Act	RoI 2020 Bill amending 2015 Act	NZ Amendment Act 2019	Swedish climate Act
	<ul style="list-style-type: none"> Annual amounts of GHG to be removed by LULUC sector A tracking scheme for carbon usage including carbon units purchased Transboundary element (RoI, Scotland, Wales, England) 	<p>2018-2022 = 2,544, MtCO_{2e}⁵³ (34% by 2020⁵⁴)</p> <p>2023–2027 = 1,950 MtCO_{2e}⁵⁵ (50% by 2025⁵⁶)</p> <p>2028-2032 = 1,725 MtCO_{2e}. (57% by 2030).⁵⁷</p> <p>2033-2037 = 965 MtCO_{2e} (78% by 2035).⁵⁸</p> <p>New sixth budget also extends budget to include international</p>	<p>Also has a 'Fair and Safe' Scottish emissions budget (s.2B 2009 Act): the aggregate amount of net Scottish emissions of GHGs for 2010 to 2050 keeping in line with Paris Agreement. Recommended by UK CCC as 1,330 MtCO_{2e}⁶⁰</p>	<p>ceilings - the maximum amount of GHG emissions permitted by different sectors during a budget period.</p> <p>Relevant Ministers responsible for achieving these. They are to account for their performance before an Oireachtas Committee each year.</p>	<p>Commission, but set by Government.</p> <p>S.5ZF gives power to bank or borrow emissions from one budget period to the next, depending if there an excess reduction or under reduction of emissions in a budget period.</p>	

⁵³ Carbon Budgets Order 2009 https://www.legislation.gov.uk/uksi/2009/1259/pdfs/uksi_20091259_en.pdf

⁵⁴ S.5 1a of UK Climate Change Act 2008 <https://www.legislation.gov.uk/ukpga/2008/27/section/5>

⁵⁵ Carbon budget Order 2011 <http://www.legislation.gov.uk/uksi/2011/1603/made>

⁵⁶ CCC 4th Carbon Budget Advice p.99 https://www.theccc.org.uk/wp-content/uploads/2010/09/CCC-4th-Budget-Book_with-hypers.pdf

⁵⁷ [Carbon Budget 2016 Order](#) Also see Advice on the 5th Carbon Budget from the CCC <https://www.theccc.org.uk/publication/the-fifth-carbon-budget-the-next-step-towards-a-low-carbon-economy/>

⁵⁸ Carbon Budget Order 2021 <https://www.legislation.gov.uk/ukdsi/2021/9780348222616> and <https://www.gov.uk/government/news/uk-enshrines-new-target-in-law-to-slash-emissions-by-78-by-2035>

⁶⁰ Reducing emission in Scotland 2019 Progress Report to Parliament (CCC) P.19. <https://www.theccc.org.uk/publication/reducing-emissions-in-scotland-2019-progress-report-to-parliament/>

Scope	NI PMB	UK Act	Scottish Act	RoI 2020 Bill amending 2015 Act	NZ Amendment Act 2019	Swedish climate Act
		aviation and shipping ⁵⁹ .				
Nitrogen Budgets (part of CAP)	<p>Must specify:</p> <ul style="list-style-type: none"> An overall target nitrogen use efficiency (the ratio of nitrogen removed V nitrogen added to environment from agri and food production, transport and energy.) Annual targets to reach the target nitrogen use efficiency by end of the climate action plan 	No nitrogen budget.	<p>Must quantify all major nitrogen flows across all sectors (knowns as a nitrogen balance sheet)</p> <p>Includes production of a baseline figure for nitrogen use efficiency (ratio of nitrogen removed from environment versus input).</p> <p>Sources: food production and waste; energy; and transport.</p>	No nitrogen budget.	No nitrogen budget.	No nitrogen budget.

⁵⁹ UK Government [online] <https://www.gov.uk/government/news/uk-enshrines-new-target-in-law-to-slash-emissions-by-78-by-2035>

Scope	NI PMB	UK Act	Scottish Act	RoI 2020 Bill amending 2015 Act	NZ Amendment Act 2019	Swedish climate Act
	<ul style="list-style-type: none"> transboundary element 		Regulations to be produced by March 2022. (s.17 2019 Act)			
Sectoral plans (part of CAP)	Policies/proposals to ensure the overall objective is achieved in sectors: <ul style="list-style-type: none"> energy production and supply (residential, public and district heating/ cooling) transport (including shipping and aviation) infrastructure (including electric vehicles) 	A climate action plan is not referred to, but 14 requires SoS to produce a Report on policies and proposals for meeting carbon budget. Includes sectoral implications.	Climate Action plan lays out the policies, proposals and actions for individual sectors towards meeting overall and annual targets (2019 Act). Sectors include: energy supply, transport, business and industrial process, residential and public, waste management, land, land use change and forestry, agriculture. (s.35 2009 Act).	Sectoral plans (policies and actions) under the CAP, in line with binding emission ceilings.	The Emissions Reduction Plan (5ZG) must: <ul style="list-style-type: none"> set out sector-specific policies to reduce emissions and increase removals; and a multi-sector strategy to meet emissions budgets and improve ability of sectors to adapt to the effects of climate change. 	The emissions from domestic transport, with the exception of domestic flights, are to be reduced by at least 70 % by 2030, compared to 2010.

Scope	NI PMB	UK Act	Scottish Act	RoI 2020 Bill amending 2015 Act	NZ Amendment Act 2019	Swedish climate Act
	<ul style="list-style-type: none"> • business and industrial processes • residential and public buildings • waste management • LULUCF • Agriculture • Provision of financial services to promote economic development or provision of infrastructure goods or services. <p>Sectoral plans must specify the timeframe to achieve the proposals</p>					

Scope	NI PMB	UK Act	Scottish Act	RoI 2020 Bill amending 2015 Act	NZ Amendment Act 2019	Swedish climate Act
	<p>They must support: job/job growth; net-zero carbon investment and infrastructure; create work, reduce inequality, poverty, social deprivation.</p>					
<p>Adaptation Programme</p>	<p>Climate Adaptation for NI as required under s.60 UK Climate Change Act 2008.</p>	<p>Adaptation Plan must be developed by SoS, providing objectives, proposals and policies for adapting to climate change (s.58)</p>	<p>National Adaptation Framework produced by Ministers (Part 5 2009 Act). To provide objectives proposals, policies for adapting to climate change and addressing risks identified in the UK Adaptation Programme under s.56 of the UK Act 2008.</p>	<p>National Adaptation Framework by the Minister (s.5 of 2015 Act amended by s.5 of 2020 Bill) and Joint Sectoral Adaptation Plans by relevant Ministers (s.6 2015 Act amended by s.8 2020 Bill).</p>	<p>National Adaptation Plan and National Climate Change Risk Assessment (Part 1C). National climate change risk assessment to be prepared by Climate Commission (5J).</p>	<p>National Strategy for climate change adaptation Off the back of this adaptation actions plan at regional and local authority level have been produced to focus on specific sectors.</p>

Scope	NI PMB	UK Act	Scottish Act	RoI 2020 Bill amending 2015 Act	NZ Amendment Act 2019	Swedish climate Act
			Has mitigation and adaptation reporting duties on public bodies.			
Reporting	<p>Reporting to be carried out by the Climate Commissioner:</p> <p>1) Annual CAP reports by the Climate Commissioner (cl.4) must be laid before Assembly on meeting annual targets, budgets and implementing sectoral plans.</p> <p>It must identify any failures and reasons for failure. May offer recommendations to ameliorate failures.</p>	<p>Reporting carried out by the SOS:</p> <p>1) An annual Statement each year detailing the amount of emissions that year, whether there has been an increase or decrease from previous year, calculation methods.</p> <p>2) A final statement for each budgetary period to be laid within 2 years of</p>	<p>Reporting duties carried out by Scottish Ministers on:</p> <ul style="list-style-type: none"> each carbon year stating the amount, whether the target was met (Part 3 s.18 2019 Act) report annually on progress implementing the adaptation programme (s.54). <p>The UK CCC must provide a report, within 2 years, on its</p>	<p>Annual review report by the Advisory Council on the previous year in achieving GHG emission reductions, carbon budgets and sectoral emission ceilings (s.12 2015 Act amended by 2020 Bill)</p> <p>In the Annual report, each Minister must give a progress report for their respective sector in relation to sector specific</p>	<p>Commission to report on:</p> <ul style="list-style-type: none"> progress against the 2050 target, the end of budget periods and the emissions reduction plan. First is due due in 2023. the national adaptation plan First is due in 2024 <p>The Minister must respond to the reports.</p>	<p>Government must include a climate report to the Riksdag (parliament) in its budget bill every year. This must contain emission trends and policies, what is further needed and when.</p> <p>The CAP also reports every 4 years on progress, trends, adequacy of measures, further measures or changes needed.</p>

Scope	NI PMB	UK Act	Scottish Act	RoI 2020 Bill amending 2015 Act	NZ Amendment Act 2019	Swedish climate Act
	<p>Advice to be given by UK CCC (4(5c)).</p> <p>Executive Office must lay a response to the Annual report within 2 months of it being laid.</p> <p>2) Act Review Reports (c.19) by Climate Commissioner on the working, adequacy and effectiveness of the Bill. To be produced every 5 years or each Assembly term (cl.9).</p> <p>The Executive Office must lay a response to the review report to the Assembly within 2 months.</p>	<p>the final budget period.</p> <p>3) A final statement for 2050, by 2052. If target not met, must state why. (s.16-20)</p> <p>4) Impact report every 5 years giving risk assessment of climate change (.56)</p> <p>5) Adaptation Programme to address risks in Impact Report (s.58)</p> <p>The UK Climate Change</p>	<p>assessment of progress (s.55).</p> <p>Public bodies must report on compliance with climate duties (s.46).</p>	<p>progress under the CAP. (14 2019 Bill)</p> <p>Advisory Council can also conduct a review at any stage it considers necessary (s.10).</p> <p>An annual transition Statement by the Minister to the Oireachtas on mitigation and adaptation measures, progress, emissions, projections, EU/international agreements. To include annual sector specific adaptation and mitigation measures statement by each</p>	<p>The Minister may request a report by the Commission at any time provided certain conditions are met (Part 1A s.5k)</p>	

Scope	NI PMB	UK Act	Scottish Act	RoI 2020 Bill amending 2015 Act	NZ Amendment Act 2019	Swedish climate Act
		<p>Committee will submit:</p> <p>1)annual reports to parliament on progress towards the targets. To which the government must respond. (s.36)</p> <p>2)a report to SoS giving advice on adaptation Impact Report (s.57)</p> <p>3)Progress report on Adaptation Programme (s.59)</p>		<p>respective Minister. (s.14 2015 Act)</p> <p>The joint committee may also request the Minister to present its annual Review Report (S.14).</p>		
Climate Office and Climate Commissioner	NI Climate Office and Climate Commissioner, independent from	None	None	None However, there is an enhanced role	A new independent Climate Change	None

Scope	NI PMB	UK Act	Scottish Act	RoI 2020 Bill amending 2015 Act	NZ Amendment Act 2019	Swedish climate Act
	<p>government or the Assembly. It is responsible for:</p> <p>1) Monitoring the implementation of the CAP and make annual reports to the Assembly on the CAP (cl.4).</p> <p>2) Reviewing the implementation of the Bill and recommend amendments through Review Reports, every 5 years (or each Assembly term).(cl 9).</p> <p>Powers: The Commissioner:</p> <ul style="list-style-type: none"> may do anything (including acquire or dispose of property or rights) in order to carry 			<p>for the Oireachtas in approving carbon budgets (s.9 (6b)), and ensuring accountability from Ministers for their performance towards sectoral targets and actions before an Oireachtas Joint Committee each year (s.14)</p>	<p>Commission and is a Crown entity (s.5B).</p> <p>It consists of a Chair, Deputy Chair and 5 other members.</p> <p>Functions are advice and monitoring and includes (5J):</p> <p>Provides independent advice to Minister on setting targets and budgets</p> <p>Prepares national climate change risk assessment.</p> <p>Monitor and report on progress of meeting budgets and 2050 target (5ZJ-5ZL) and implementation of</p>	

Scope	NI PMB	UK Act	Scottish Act	RoI 2020 Bill amending 2015 Act	NZ Amendment Act 2019	Swedish climate Act
	<p>out/facilitate its functions.</p> <ul style="list-style-type: none"> • Has right of access to any information or documents needed to discharge its functions. (cl.10) From any public body, anyone receiving a public grant or loan, or supplying goods/ services by contract (or sub-contract) to a NI public body. • May obtain advice from anyone it feels is qualified. 				<p>national adaptation plan (5ZU)</p> <p>The Minister is not bound to follow the Commission’s advice but must respond to the advice and explain any reasons for any departures.</p> <p>The Commission states that:</p> <p>“Our independence means we can provide impartial advice, challenge and hold the Government of the day to account for action on climate change.”⁶¹</p>	

⁶¹ Climate Change Commission NZ [online] Monitoring <https://www.climatecommission.govt.nz/our-work/monitoring/>

Scope	NI PMB	UK Act	Scottish Act	RoI 2020 Bill amending 2015 Act	NZ Amendment Act 2019	Swedish climate Act
					For further detail see: Climate Change Commission website	
Advice Body	<p>Identified in clause 1 as any of the following:</p> <ul style="list-style-type: none"> • UK CCC • Intergovernmental Panel on Climate Change • the Republic of Ireland Climate Advisory Council <p>All 3 to give advice on the Climate Emergency status (cl1).</p> <p>However advice on targets and measures under the climate</p>	<p>The UK CCC, an independent, expert body to advise government on targets, budgets, mitigation and adaptation.</p> <p>Functions of the Committee include:</p> <p>Advice on 2050 target, carbon budgets, emissions on international aviation and shipping</p>	<p>Part 2 of the 2009 Act allows for the establishment of an advisory body – the Scottish Committee on Climate Change – or the appointment of an existing appropriate body (the UK CCC).</p> <p>However Scotland has not used this power and is advised by the UK CCC</p> <p>Functions include advice and assistance to the</p>	<p>The Climate Change Advisory Council is an independent advisory body established under the 2015 Act.</p> <p>It provides advice on climate response and policies and reports regularly on the RoI’s progress on targets.</p> <p>The 2020 Bill gives the existing Advisory Council additional responsibilities:</p>	Climate Commission (see above)	<p>Climate policy council (Klimatpolitiska rådet)</p> <p>An independent scientific council; formed 2018</p> <p>Tasked with supporting the Government through independent assessment of policies in relation to climate targets</p>

Scope	NI PMB	UK Act	Scottish Act	RoI 2020 Bill amending 2015 Act	NZ Amendment Act 2019	Swedish climate Act
	<p>action plan is only to be given by:</p> <p>The UK CCC on annual targets (GHGs, water and soil quality, biodiversity), carbon and nitrogen budgets (cl3), and the carbon action plan annual report.</p> <p>Single Electricity Market (SEM) Committee on energy production and supply under sectoral plans</p> <p>Part V bodies NI Act 1998 on transboundary element of carbon and nitrogen budgets.</p>	<p>Annual Progress reports to parliament on targets. Any advice as requested by a national authority or SoS.</p> <p>(Government must respond, but is not bound to the advice – must give reason for any departure)</p> <p>Further information on the CCC can be found here</p>	<p>Minister in relation to targets, the Citizens Assembly and climate change in general.</p> <p>The 2019 Act amends the 2009 Act to require the Minister to seek advice from the relevant body (in this case the UK CCC) on the net-zero emission target, interim targets and budgets and contribution towards global efforts.</p> <p>Other</p> <p>The 2019 Act also provides for the set up of:</p> <ul style="list-style-type: none"> • A Citizens assembly established by 	<ul style="list-style-type: none"> •developing and proposing carbon budgets •requiring a greater mix and balance of gender and expertise •changes to its membership and voting rights •The development of an Adaptation Committee to advise and assist the Advisory council on all climate adaptation functions (s.7). <p>Enhanced role of an Oireachtas joint committee in providing recommendations</p>		

Scope	NI PMB	UK Act	Scottish Act	RoI 2020 Bill amending 2015 Act	NZ Amendment Act 2019	Swedish climate Act
			<p>Ministers. It provides recommendations to remedy, mitigate climate change and achieve targets. All recommendations to be laid in a report before the Parliament and Ministers must respond within 6 months of the report.</p> <ul style="list-style-type: none"> • A Just transition Commission – to prepare advice for Scottish Ministers on how to maximise the economic and social 	<p>on proposed carbon budgets to Dáil Éireann (s.9(6b)).</p>		

Scope	NI PMB	UK Act	Scottish Act	RoI 2020 Bill amending 2015 Act	NZ Amendment Act 2019	Swedish climate Act
			<p>opportunities from meeting emissions reduction targets, whilst managing the risks.</p> <p>Further info on both can be found here</p>			
Non regression	<p>Non regression</p> <p>All laws in NI must not cause any direct or indirect regression of environmental or climate related protections, standards, limits that were in force in NI at the end of the transitions period.</p> <p>(cl.12)</p>	<p>No non regression in Act.</p> <p>UK Environment Bill (clause 19) requires Ministers to make non-regression statement in new environmental Bills. This applies across the UK.</p>	<p>No non regression Act (as amended).</p>	<p>No Non regression</p>	<p>No non regressions</p>	<p>No non-regression</p>

Scope	NI PMB	UK Act	Scottish Act	RoI 2020 Bill amending 2015 Act	NZ Amendment Act 2019	Swedish climate Act
Duty on public bodies	<p>No public body climate change duty.</p> <p>Does the voluntary approach to adaptation reporting by public bodies under the UK Act, apply here?</p>	<p>Has voluntary reporting by public bodies on climate adaptation</p> <p>Other:</p> <p>Also includes provisions for</p> <p>Carrier bags charges</p> <p>Introduction of a new community energy saving programme.</p> <p>Emissions reporting by companies.</p>	<p>S.44 of the 2009 Act places a climate change duty on public bodies in relation to achieving targets under the Act and delivering adaptation programme. It also requires public bodies to report on their duties under the Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015</p> <p>Other:</p>	<p>Public bodies will have a general obligation, under Section 15 of the Bill, to perform their functions, in so far as practicable, in a manner consistent with the requirements of the various plans and strategies under the legislation, and furthering the achievement of the national climate objective.</p> <p>Ministers can request public bodies to report on</p>	<p>Minister or Commission may require local authorities and public services to provide a report on their adaptation measures and progress (s.5ZW)</p>	<p>Regional and local authorities to produce adaptation plans.</p>

Scope	NI PMB	UK Act	Scottish Act	RoI 2020 Bill amending 2015 Act	NZ Amendment Act 2019	Swedish climate Act
			<p>Scottish 2009 Act and amending 2019 Act also covers:</p> <p>Land use – production of a land use strategy</p> <p>Waste reduction and recycling- Deposit return scheme, carrier bags levy</p>	<p>its performance of the above.</p>		