



**Operational Guidance Document for the
Climate Change Advisory Council**

Revision 3

May 2023

Climate Change Advisory Council

Operational Guidance

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1 Introduction

- 1.1 This is a working document which outlines practices and procedures that will support the operation of the Climate Change Advisory Council (referred to here as the Council) and the Secretariat in its support role for the independent functioning of the Council.
- 1.2 It is expected that the members of the Council will adopt sections or the entire document as a basis for advancing the work of the Council.
- 1.3 Once adopted the Secretariat will make this document or adopted sections of this document available to all members of the Council for their retention.
- 1.4 The mandate of the Council and its work is laid out in the Climate Action and Low Carbon Development Act 2015 ("the 2015 Act"), as amended by the Climate Action and Low Carbon Development (Amendment) Act 2021 ("the 2021 Act"). This document includes an outline of the responsibilities of the Council as required under the Code of Practice for the Governance of State Bodies 2016. [A consolidated Code of Practice for the Governance of State Bodies 2016 is provided here](#). In order to ensure compliance with the Code, each member of the Council shall review the Code and take note of the obligations set out in the Code which are capable of applying to the Council.
- 1.5 Once adopted the members of the Council and Secretariat are required to sign a copy of this Guidance to indicate that they understand the document and return to the Secretariat where it will be kept on file.
- 1.6 Members of the Council are also required to declare any interests that they may have subject to the 2015 Act. Should a declaration of interest be submitted, a record of the submission will be kept by the Secretariat.
- 1.7 This document will be subject to ongoing development as may be required by the Council from time to time and includes a process by which amendments may be made to adopted sections.

2. Climate Change Advisory Council Code of Business Conduct

Objectives

2.1. The objectives of this Code are to:

- (a) Provide an agreed set of ethical and operational principles and processes for the operation of the Council and as appropriate for the Secretariat in their work to support the functioning of the Council.
- (b) Promote and maintain confidence and trust.
- (c) Prevent the development or acceptance of unethical practices.

Integrity

- 2.2 The Disclosure of Interests requirements for the Council and Committees of the Council are outlined in Section 10 of the 2015 Act. All members must ensure that they are familiar with these processes and procedures and take necessary measures to confirm their compliance with the obligations as stated in Section 10.
- 2.3 Council members and the Secretariat must avoid giving or receiving of corporate gifts, hospitality, preferential treatment or benefits which might affect or appear to affect the ability of the donor or the recipient to make independent judgement.
- 2.4 Council members and the Secretariat must ensure that purchasing of goods and/or services are conducted in accordance with best business practice and comply with current national and EU procurement rules as required.
- 2.5 Council members and the Secretariat must ensure that the claiming of expenses is only as appropriate to business needs and is in accordance with best practice within the public sector generally.
- 2.6 Council members and the Secretariat must work with the Agency to ensure that the Council's accounts/reports are accurate and reflect the work of the Council and are not misleading or designed to be misleading.
- 2.7 Council members and the Secretariat must avoid using the Council resources or time for personal gain or for the benefit of persons/organisations unconnected with the Council or its activities.
- 2.8 There is a commitment by the Council and the Secretariat not to acquire information or business secrets by improper means.
- 2.9 Council members will ensure that they uphold and work towards delivery of the mission, vision, strategic goals and value statements as outlined in the Statement of Strategy and other strategic, governance and agreed policy positions by Council.

2.10 The Council agrees under its Communications Strategy to consistently review messaging, with Council members speaking with one voice on Council matters. Council members will differentiate between individual views and the view of the Council if a position is under deliberation.

Information

2.11 The Council and the Secretariat shall:

- (a) Support the provision of access to general information relating to the Council's activities that is open and enhances its accountability to the general public;
- (b) Respect the confidentiality of sensitive information held by the Council, including material such as:
 - (i) Commercially sensitive information;
 - (ii) Personal information;
 - (iii) Information received in confidence.
- (c) Observe appropriate prior consultation procedures with third parties in any case where it is proposed to release sensitive information in the public interest;
- (d) Comply with relevant statutory provisions (e.g. data protection legislation, the Freedom of Information Acts 1997 – 2003 as amended, the AIE Regulations 2007 – 2018, the Companies Act 2014 as amended), and relevant Sections of the 2015 Act as amended by the 2021 Act.

2.12 Although the Secretariat reports to the Chair of the Council in all material aspects, the Secretariat is additionally bound by the Code of Conduct for Directors and Staff of the EPA and must ensure their compliance with this Code of Conduct as appropriate. Should a conflict arise, the Council Chair and the Director General of the EPA should agree on any steps that are necessary to resolve such a conflict.

Functions of the Council

2.13 The functions of the Council as specified in the 2015 Act, as amended by the 2021 Act, are provided in Appendix 1.

2.14 The specifications for the Annual and Periodic Council reports are provided in Appendix 2.

2.15 The role of the Council in proposing Carbon Budgets is set out in Appendix 3.

2.16 The Council may prepare and publish other reports or statements as considered appropriate by the Council.

2.17 Section 11(3) of the 2015 Act specifies that the Council shall be independent in the performance of its functions. The Council has therefore adopted the following general rules to carry out its functions during the course of its meetings.

Obligations

2.18 The Council and the Secretariat shall:

- (a) Fulfil all regulatory and statutory obligations imposed on them;
- (b) Council members should use their reasonable endeavours to attend all Council meetings;
- (c) Conform with procedures laid down by the Council in relation to conflict of interest situations, including in regard to acceptance of positions following employment and/or engagement by a State body that may give rise to the potential for conflicts of interest and to confidentiality concerns;
- (d) Comply with tendering and purchasing procedures, and with prescribed levels of authority for sanctioning any relevant expenditure;
- (e) Introduce controls to prevent fraud including adequate controls to ensure compliance with prescribed procedures in relation to claiming of expenses for business travel;
- (f) Acknowledge the duty of all to conform to highest standards of business ethics.

Loyalty

2.19 The Council members shall acknowledge the responsibility to be loyal to the Council and fully committed to its function and activities.

Work/External Environment

2.20 The Council will aim to minimise any detrimental impact of the operation on the environment.

Disclosure of Interests Policy

2.21 Section 10 of the 2015 Act outlines the disclosure of interests procedure for the Council and Committees of the Council.

2.22 Each member must make themselves familiar with the legislation in order to satisfy themselves that they understand and are able to act in accordance with Section 10 when appropriate.

2.23 As per Section (10)(2) of the 2015 Act, where a material interest is disclosed pursuant to this section, the disclosure shall be recorded in the minutes of the meeting concerned.

2.24 Members are required to make Disclosures of Interest in the event that they have a declaration to make. This obligation is continuous and applies throughout the entirety

of the period during which the members serve the Council and/or Committees of the Council.

- 2.25 Should a Disclosure of Interest be necessary, it will be signed by the member and returned to the Secretariat, who shall keep the Disclosure of Interest on file.

3. Climate Change Advisory Council Meeting Guidelines

Organisation of Meetings of the Climate Change Advisory Council

- 3.1 A schedule of ordinary Council meetings shall be determined by the Chair in consultation with the members of the Council. These meetings may be held in person, remotely via video link or teleconference facilities or in a hybrid manner.
- 3.2 A minimum of seven days' notice of each ordinary meeting shall be given to each member via the email address that member has furnished to the Secretariat.
- 3.3 In exceptional circumstances, as determined by the Chair, the Chair may convene an extraordinary Council meeting at not less than seventy two hours' notice.
- 3.4 Meetings shall be limited to Council members, the Secretariat and any observers appointed by the Chair (as outlined below). However, the Council may invite external speakers to address the Council on specific issues.
- 3.5 Should a Council member prefer to attend the meeting remotely, they should notify the Secretariat who will furnish the relevant video link or teleconference log in details.
- 3.6 Should an ex-officio Council member be unable to attend the meeting, they may nominate an observer to attend in their place and should notify the Secretariat of this. Observers shall not vote on council decisions and may speak if invited to do so by the Chair.

Quorum

- 3.7. The quorum of a meeting of the Council shall be seven.
- 3.8. If within 60 minutes of the time appointed for the start of a meeting a quorum has not assembled, no business shall be transacted and the meeting shall be rescheduled for a subsequent date by the Secretariat, after consultation with the Chair.
- 3.9. The Chair shall chair meetings of the Advisory Council and in the event of the Chair being unable to attend a meeting, or if the office of Chairperson is vacant, the ordinary members who are present shall choose one of their number to chair the meeting.

Agenda

- 3.10 Meeting agendas and papers for discussion will, where possible, be circulated no less than one week prior to the meeting.

- 3.11 Should a member of the Council wish to submit an item for consideration at the upcoming meeting, a proposal will be received no less than one week prior to the meeting and will be submitted to the Chair and Secretariat for inclusion in the meeting agenda, as appropriate.

Disclosure of Interests

- 3.12. The Disclosure of Interests requirements for Council members are outlined in Section 10 of the 2015 Act and summarised above at Sections 2.19-2.23 of this Guidance.

Decisions of the Climate Change Advisory Council

- 3.13. Each member of the Advisory Council, including the Chair, present at a meeting of the Advisory Council shall have a vote.
- 3.14. Every question at a meeting of the Advisory Council shall be determined by a majority of the votes of the members who are present and voting on the question.
- 3.15. In the first instance, the Council will endeavour to reach decisions by consensus. In instances where this is not possible, the Council shall reach its decisions by a majority of votes pursuant to Section 3.14 above.
- 3.16. In the case of an equal division of votes, the Chair of the meeting shall have a second or casting vote.
- 3.17. Should a decision on an issue outside of the meeting schedule be required, this should be identified at the meeting preceding such a decision where possible. The Council should agree appropriate timeframes for electronic/telephone discussion to facilitate the decision making process.
- 3.18. Outcomes of decisions taken by the Council will be recorded in the minutes of the meeting.
- 3.19. Council members may wish to abstain from the decision making process, and their abstention will be recorded in the minutes of the meeting.
- 3.20. Should a Council member be absent from a meeting and wish to submit points for deliberation, they will do so prior to the meeting taking place to the Secretariat which will then be presented at the meeting.
- 3.21. Where the Council's decision was not unanimous, any Council member who was not in agreement with the decision may provide a summary of their minority opinion, for inclusion in the minutes of the meeting or as an appendix to the report or statement as determined by the Chair.
- 3.22. Agreement on the final text to reflect a minority opinion should be between the Chair and the Council members involved before final publication of the document.

3.23. The Chair shall settle any disputes which may arise as a result of the application of these provisions.

Confidentiality

3.24. The deliberations of the Council are confidential and Council members should not comment on Council business without the prior approval of Council. Decisions of Council and records of its meetings will be recorded in official minutes and Council reports as provided for in this Guidance and under the Act.

3.25. No member of the Council or the secretariat shall record, in audio or video format, a meeting of the Council to include any meeting involving one or more council members without the agreement of all those participating at the meeting.

Observers

3.25. Observer status at Council meetings may be granted to a nominated person by the Chair.

3.26. Observers may be invited to contribute during the course of the meeting by the Chair, but will otherwise not directly contribute to the meeting.

3.27. Observers will have no input into the decision making process.

3.28. Observers will be subject to the confidentiality of proceedings of the Council, as pursuant to 6.2.

3.29. The Chair may ask the Observer to leave the Council meeting at any point during proceedings.

Minutes of the Meetings of the Climate Change Advisory Council

3.30. Draft minutes of the previous meeting will be circulated, where possible, one week in advance of the next meeting.

3.31. A copy of the agreed minutes will be signed by the Chair and kept on file by the Secretariat.

Subcommittees of the Climate Change Advisory Council

3.32. The Council shall establish an Adaptation Committee to assist and advise the Council in relation to the performance of any or all of its functions in relation to adaptation.

3.33. The composition and rules of operation of the Adaptation Committee shall be agreed by the Council before any official meeting of that committee. Once established, the Adaptation Committee shall report back to each meeting of the Council, following a meeting of the Committee. The Council shall decide on how reports, recommendations or other outputs from the work of the Adaptation Committee will be treated subject to section 5.

3.34. The Council may establish other committees consisting, in whole or in part, of persons who are members of the Council, to:

(a) assist and advise it in relation to the performance of any or all of its functions, and

(b) perform such functions of the Council as it may, with the consent of the Minister, delegate to the committee.

3.35. The chairperson of the Adaptation Committee and any other committees established shall be a member (other than an ordinary member to whom Section 9(2) of the 2015 Act as amended applies) of the Advisory Council.

3.36. The mandate, composition and rules of operation of any other committees established by the Council will be agreed by the Council before the first official meeting of that committee. The Council may review and revise these as appropriate. Once established, such other committees of the Council will report back to each meeting of the Council, as required. The Council will decide on how reports, recommendations or other outputs from the work of these other Council committees will be treated subject to section 5.

Submission of Documents for Meeting

3.37. Meeting papers, where possible, will be made available to the Council no less than one week prior to the scheduled meeting.

Availability of Documents

3.38. In an effort to streamline the activities of the Council, a file sharing system has been established to host working and meeting documents. This will also reduce paper usage at meetings.

3.39. Should members wish to submit comments on a draft document, they can do so by any means specified by the Secretariat.

4. Classification of Documents

- 4.1 This chapter provides an overview of documents that will be used or produced by the Council, their designations as well as sources and uses. The listing is not exclusive and other document types may be developed at the request of the Council.

Official Council Documents

- 4.2 Official Council Document will include Council reports, statements or similar documents. They will include the Council name and/or logo, as well as titles and other designators that may be relevant to the use of the document.
- 4.3 It is expected that official Council documents will be signed off by the Council during meetings or electronically if agreed at an earlier meeting. These will usually be made publicly available either via the Council website or via a request to the Secretariat unless branded as; draft, working document or similar designation that indicates that it is not a final document which has been signed off by the Council.
- 4.4 Council documents will be dated with the sign-off date and include a number or other reference to assist in its identification and filing.
- 4.5 Official Council documents include the Agenda and Minutes of Council meetings.
- 4.6 Some official Council documents may be translated into Irish.

Information Documents

- 4.7 Information documents may be provided to support the work of the Council or its subcommittees on a specific issue or topic (Designated 'INF' in document title. e.g. Climate Action Plan 2021 INF).
- 4.8 They may include operational and administrative briefings prepared by the Secretariat and documents, reports etc. developed by Council subcommittees, Government departments or other bodies.

Decision Documents

- 4.9 Decision papers are prescriptive. 'Prescriptive' means that the document is either a document to be adopted by Council, where Council endorses the content of the paper OR the paper contains proposed action(s) for the Council.
- 4.10 Decision documents are prepared by the Secretariat, Council members or Council subcommittees and may contain submissions, information, analysis etc. (Designated 'DEC' in document title e.g. Analytical Framework DEC).
- 4.11 Such action(s) requiring decision will typically be identified on the document coversheet prepared by the Secretariat.

Discussion Documents

- 4.12 They may include documents prepared by the Secretariat or an external body which addresses a specific issue for which the Council has requested expert input.
- 4.13 Such papers ought to reference source material, be objective and non-prescriptive ('Non-prescriptive' means that the paper will put forward facts, options and questions on a topic for discussion) in relation to the work of the Council. These may be subject to peer review if considered appropriate by the Chair and/or Secretariat (designated 'DIS' in the document Title e.g. Emissions projections DIS).
- 4.14 Working papers or technical papers procured or funded under the Climate Change Advisory Council's budget may be included in Council meeting papers as discussion documents. The content of discussion papers is not put to Council for endorsement and therefore the contents of discussion papers cannot be understood to represent the views of Council members. Discussion papers can be published on the Council website but should include a clear disclaimer. The Council logo should not be added to these papers.

Evidence Documents

- 4.15 Council or Committee documents that are presented and considered to the Council in the course of their meetings may be marked with 'EVI' to indicate an 'evidence' document that will then be published on the Council website.
- 4.16 'Evidence' documents may include but are not limited to presentations, letters, working papers, research papers, evidence synthesis or appropriate information documents. This does not include draft documents, operational or administrative briefing documents, or presentations/documents/material provided to Council on policies or positions that are currently under consideration or have not been formally adopted by the organization/institution involved.

Changes to Documents

- 4.17 Addendum: Addition of text to a previously issued document (designated Add x)
- 4.18 Revision: Superseding and replaces a previous version (designated Rev x).
- 4.19 Corrigendum: Document identifies a correction of error in an existing document.

Council Press Releases

- 4.20 Press releases will be drafted by the Secretariat in consultation with the Chair and circulated to Council members for comment as required. The Chair or a designated substitute will decide on timing and distribution of Council press releases and the management of media engagement.

5. Travel and Subsistence

- 5.1 The purpose of this travel policy is to ensure that the best value for money is obtained in respect of each official trip undertaken, consistent with the requirements of official business.
- 5.2 This policy applies to all members of the Council.
- 5.3 Council members will make their own travel arrangements including payment, unless the Secretariat has been tasked to do so.
- 5.4 Council members are entitled to claim reimbursement of travel and subsistence directly related to the work of the Council.
- 5.5 All travel and subsistence claims must be submitted electronically through the Secretariat.
- 5.6 A signed copy of the 'Expense Claim Form' must be scanned and submitted to the Secretariat, along with a scanned copy of receipts.
- 5.7 Under current Revenue Commissioners regulations, all receipts must be kept for six years in the event of an audit.
- 5.8 Expense Claim Forms are then approved by the Secretariat Manager and sent on to Finance in EPA for processing and payment.

Day Allowance

- 5.9 A day allowance is not payable for an absence at any place within 5 miles of an employee's home or base.
- 5.10 A day allowance will be paid in respect of absence from base of 5 hours or more. Time spent at base or on journeys from home to base or vice versa will not reckon towards the qualifying period of 5 hours.
- 5.11 A night and day allowance will not both be paid in respect of the same period. Where an absence includes one or more nights, a day allowance will be paid only if the last period of 24 hours is exceeded by 5 or more hours.
- 5.12 Where lunch is provided either by the Council or a third party, the 5-hour rate is not payable as an expense. If a claim for expenses includes this period the claimant should deduct an amount equivalent to the five-hour rate from his/her claim. Similarly where dinner is provided the claimant should deduct the difference between the five-hour rate and the ten-hour rate from the total claim. Where both lunch and dinner have been provided an amount equivalent to the ten-hour rate should be deducted from any claim.

Night Allowance

- 5.13 A night allowance is payable only where accommodation is not supplied and paid for by the Council or a third party.

- 5.14 The night allowance covers a period up to 24 hours from the time of departure as well as any further period not exceeding 5 hours. A night allowance will be paid for each night necessarily spent away from home on official Council business.
- 5.15 In selecting hotel accommodation, preference should be given to facilities that participate in the Green Hospitality programme.
- 5.16 Where meals are provided by the Council or a third party, the same provisions as set out in 2(4) above apply.

Domestic Travel

- 5.17 Maximum use is to be made of public transportation options for official travel; the use of Taxi services should be rationalised as much as possible.

Use of Car

- 5.18 Council members are permitted to use their own transport for official business where no suitable public transport is available at equal or less cost, where practicable.
- 5.19 Motor insurance is a matter for each individual to arrange with his/her insurance company. The Council does not assume any responsibility in this regard and Council members utilising their own vehicles assume that risk.
- 5.20 Mileage can be claimed through the 'Expense Claim Form' which is based on rates as outlined on <http://www.revenue.ie/en/tax/it/leaflets/it51.html>.

Foreign Travel

- 5.21. Council members may in cases avail of the EPA's travel booking service to ensure ease of travel and to avoid reclaiming costs via the Managing Administrator.
- 5.22. The most economical transportation from the airport or hotel should be used and receipts for all foreign travel expenses must be submitted to the Managing Administrator where they will be retained.
- 5.23. All airline ticket stubs and receipts must be submitted to the Managing Administrator.
- 5.24. Car hire should be used exceptionally and generally only where it is either the only practical means of transport or it is clearly the cheapest method.
- 5.25. Air travel may be arranged for either an internal or external journey where it is the most effective use of time for a particular journey.
- 5.26. Air travel will be by Economy class and should be arranged to ensure the purchase of the best value fare available (taking into account that the use of air travel may obviate the need for an overnight stay and the payment of hotel and subsistence costs). Use of any higher class of travel must be approved by the Secretariat Manager.

5.27. Frequent flyer points should be not allowed to influence decisions taken in relation to the carriers used for official business.

Subsistence Allowances Abroad

5.28. Subsistence allowances for foreign travel are outlined in the latest version of the DPER guidance document 'Foreign Subsistence Rates and Deductions 2016'.

5.29. Conference rate may be payable to employees attending international conferences or to employees travelling on overnight visits where the accommodation has been arranged by the Council or by a third party and the overnight rate is not application.

5.30. Where meals have been provided subsistence claims must be reduced as per paragraph 2 and 3 above.

Accommodation

5.31. If Council members are not required to stay in a particular hotel for business reasons, the standard of hotel used should not be extravagant e.g. three or four star hotels should be used.

Disallowed Expenses

5.32. Travel paid for by any other organisation.

5.33. Meals or hotel/motel accommodation for spouse or guest.

5.34. Alcoholic beverages other than where provided as part of an approved hospitality event in accordance with the Hospitality Policy and Procedures.

5.35. Tour bus fees or sight-seeing tours.

5.36. Personally arranged travel insurance.

5.37. Personal entertainment (i.e. in-room movies, hotel spa or exercise facility).

5.38. Valet services.

6. Confidentiality

6.1 Internal communication between Council members (including the Chair) and between the Secretariat and Council members (including the Chair) are considered confidential at all times, however parties should be aware that communications may be subject to FOI and AIE procedures.

6.2 Council documents, regardless of document status, are received in confidence. Council members shall not disclose the confidential information or use the confidential information other than for the specific purposes for which it was obtained.

6.3 Conversations and discussions as held in the Council meeting should be treated as confidential subject to the official meeting minutes to be agreed by the Council and subject to conditions laid out in the meeting guidelines.

7. Climate Change Advisory Council Website

Introduction

- 7.1 The Climate Change Advisory Council website will provide information about the role and work of the Council, demonstrate the work that the Council has been tasked with by Government, publish relevant documents produced by the Council or other content of interest.
- 7.2 The website is located at www.climatecouncil.ie.
- 7.3 Other communication channels may be considered by the Council and appropriate procedures will be prepared in advance of their development.

Objective

- 7.4 To provide an effective interface for the Climate Change Advisory Council to inform the community of stakeholders and the wider public about its work.
- 7.5 To deliver a professional, accessible, cost effective and easy to navigate website that the Secretariat can update with ease.

Legal Compliance

- 7.6. This site must comply with relevant legal and data protection requirements.

Appendix 1 - General functions of the Council

Section 11 of the 2015 Act, as amended by the 2021 Act, provides as follows:

11(1) - The functions of the Advisory Council shall be to advise and make recommendations to—

(a) the Minister in relation to—

- (i) the preparation of a climate action plan,
- (ii) the preparation of a national long term climate action strategy,
- (iii) the preparation of a national adaptation framework,
- (iv) the finalisation and revision of a carbon budget, and
- (v) compliance with any existing obligation of the State under the law of the European Union or any international agreement referred to in section 2 ,

(b) a Minister of the Government in relation to—

- (i) sector specific actions, within his or her responsibility, which are to be included in the climate action plan, and
- (ii) the making by him or her of a sectoral adaptation plan,

(c) the Government in relation to the approval of—

- (i) a climate action plan,
- (ii) a national long term climate action strategy,
- (iii) a national adaptation framework, and
- (iv) a sectoral adaptation plan,

and

(d) the Government, the Minister and any other Minister of the Government in respect of any policy of the Government, or any policy that is proposed to be submitted to the Government for approval relating to—

- (i) the reduction of greenhouse gas emissions, and
- (ii) adaptation to the effects of climate change in the State.

11(1A) The Advisory Council shall prepare and submit to the Minister—

- (a) a proposed carbon budget programme under section 6A(4),
- (b) a proposed carbon budget under section 6A(6)(a), and

(c) proposed amendments, if any, to a provisional carbon budget under section 6A(6)(b).

11(2) For the purposes of the performance of its functions, the Advisory Council may—

(a) gather such information as it considers necessary or appropriate, and

(b) meet and consult with such persons (including members of the public) as it considers appropriate.

11(3) The Advisory Council shall be independent in the performance of its functions.

Appendix 2 - Reports

The Council must adhere to the review structures and preparation of key reports as detailed in the 2015 Act, as amended by the 2021 Act. The reviews and reports required are as follows:

- an annual review and report (Section 12);
- the periodic review and report (Section 13).

The relevant sections of the 2015 Act, as amended by the 2021 Act, are as follows:

12(1) The Advisory Council shall—

(a) conduct a review (in this section referred to as the ‘annual review’) by 30 October in each year of the progress made during the immediately preceding year in—

- (i) achieving reductions in greenhouse gas emissions,
- (ii) complying with the carbon budget and each sectoral emissions ceiling for that period, and
- (iii) furthering the achievement of the national climate objective,

And

(b) not later than 30 days after the completion of the annual review, prepare and submit to the Minister a report (in this Act referred to as the “annual report”) on its findings and recommendations consequent upon that annual review.

[Note – per Section 12(2)(A) of the 2021 Act, the Advisory Council shall not, until 2022, be required to conduct a review of the progress made in respect of the matter referred to in subparagraph (ii) above.]

12(2) Without prejudice to the generality of subsection (1), the annual report shall contain—

(a) a summary of the findings set out in the most recent national greenhouse gas emissions inventory prepared by the Agency,

(b) a summary of the most recent projection of future greenhouse gas emissions prepared by the Agency,

(ba) a projection of future greenhouse gas emissions in each sector of the economy to which a sectoral emissions ceiling applies,

(bb) such recommendations, as the Advisory Council considers necessary or appropriate, in relation to sector specific actions to be included under section 4(2)(b)(ii) to address any failure, or projected failure, to comply with a sectoral emissions ceiling,

(c) such recommendations, as the Advisory Council considers necessary or appropriate, in relation to the most cost-effective manner of achieving reductions in greenhouse gas emissions in order to enable the achievement of the national transition objective,

(d) such recommendations as the Advisory Council considers necessary or appropriate, in relation to compliance with an existing obligation of the State under the law of the European Union or an international agreement referred to in section 2 ,

(e) such other recommendations or advice as the Advisory Council considers necessary or appropriate in order to enable the achievement of the national transition objective, and

(f) a summary of—

(i) the activities of the Advisory Council under section 11 (2), and

(ii) any information gathered in accordance with section 11 (2).

[Note – per Section 12(2)(B) of the 2021 Act, the annual report shall not be required to contain the matters referred to in paragraphs (ba) and (bb) above until 2022.]

12(3) Not more than 30 days after submitting an annual report to the Minister under this section, the Advisory Council shall publish the annual report by such means as the Agency may advise.

13(1) The Advisory Council shall, not later than 18 months after the establishment day, conduct a review (in this Act referred to as a “periodic review”) of—

(a) progress made in meeting the obligations of the State under Decision No. 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community’s greenhouse gas emission reduction commitments up to 2020, and

(b) progress made in furthering the achievement of the national transition objective.

13(2) The Advisory Council may, at any time it considers appropriate having regard to—

(a) any significant developments relating to scientific knowledge in relation to climate change,

(b) any significant developments in the law of the European Union or international law relating to the control and reduction of emissions of greenhouse gases or adaptation to the effects of climate change, or

(c) the need to maintain progress to enable the achievement of the national transition objective,

conduct a review (in this Act also referred to as a “periodic review”) of—

(i) progress made in furthering the achievement of the national transition objective,

(ii) the most recent approved climate action plan, approved national long term climate action strategy, approved national adaptation framework, approved sectoral adaptation plans, the carbon budget programme or any sectoral emissions ceiling, and

(iii) the implementation of the plans, strategy, framework, budget or sectoral emissions ceiling referred to in paragraph (ii).

13(3) The Minister may request the Advisory Council to conduct a periodic review of the matters referred to in paragraphs (i), (ii) and (iii) of subsection (2) and when conducting that review to have regard to paragraphs (a), (b) and (c) of that subsection.

13(4) The Advisory Council shall, not later than 30 days after receiving a request under subsection (3), either—

(a) initiate a periodic review, or

(b) where it is of the opinion that a periodic review is not necessary having regard to paragraphs (a), (b) and (c) of subsection (2), notify the Minister of its opinion and the reasons for it.

13(5) The Advisory Council shall, not later than 30 days after the completion of a periodic review, prepare and submit to the Minister a report (in this Act referred to as a “periodic review report”) of its findings and recommendations consequent on that review.

13(6) The Minister shall, as soon as may be after receiving a periodic review report, cause the report to be submitted to the Government.

13(7) A periodic review report shall include—

(a) where it is prepared consequent upon a periodic review under subsection (2) or (3), a statement of the reason for conducting the periodic review,

(b) a consideration of the national transition objective and any matter relating to that objective as the Advisory Council considers appropriate,

(c) in relation to an existing obligation of the State under the law of the European Union or an international agreement referred to in section 2 —

(i) a consideration of compliance with such obligation and any matters relating to such obligation as the Advisory Council considers appropriate, and

(ii) such advice or recommendations in relation to such compliance as the Advisory Council considers appropriate,

(d) such advice or recommendations, as the Advisory Council considers appropriate, in relation to—

(i) the climate action plan,

(ii) the national long term climate action strategy,

- (iii) the national adaptation framework,
- (iv) a sectoral adaptation plan,
- (v) the carbon budget programme, and
- (vi) any sectoral emissions ceiling,

and

(e) such other advice or recommendations as the Advisory Council considers necessary or appropriate—

- (i) for the purposes of the development and implementation of the national policy regarding climate change, and
- (ii) in relation to likely future obligations of the State under the law of the European Union or an international agreement.

13(8) Not more than 30 days after submitting a periodic review report to the Minister in accordance with this section, the Advisory Council shall publish the report by such means as the Agency may advise.

Appendix 3 - Role of the Council in proposing Carbon Budgets, as set out in the 2021 amendment to the 2015 Act

6A. (1) A carbon budget, consistent with furthering the achievement of the national climate objective, shall be proposed by the Advisory Council, finalised by the Minister and approved by the Government for the period of five years commencing on 1 January 2021 and ending on 31 December 2025 and for each subsequent period of five years (in this Act referred to as a 'budget period').

6A. (2) A carbon budget shall be made for three sequential budget periods so that, at any one time, there is a series of three carbon budgets which have effect under section 6B (in this Act referred to as a 'carbon budget programme').

6A. (3) The carbon budget relating to the third budget period in a carbon budget programme shall be made in draft form and may be amended in accordance with section 6B (in this Act referred to as a 'provisional carbon budget').

6A. (4) The Advisory Council shall prepare and submit a proposed carbon budget programme to the Minister as soon as may be after the coming into operation of section 9 of the Climate Action and Low Carbon Development (Amendment) Act 2021.

6A. (5) The first two carbon budgets proposed by the Advisory Council shall provide for a reduction in greenhouse gas emissions such that the total amount of annual greenhouse gas emissions in the year ending on 31 December 2030 is 51 per cent less than the annual greenhouse gas emissions reported for the year ending on 31 December 2018, as set out in the national greenhouse gas emissions inventory prepared by the Agency.

6A. (6) Not less than 12 months prior to the expiry of the first carbon budget in a carbon budget programme, the Advisory Council shall prepare and submit to the Minister—

(a) a proposed carbon budget in respect of the budget period following the third budget period in the carbon budget programme, and

(b) proposed amendments, if any, to the provisional carbon budget.

6A. (7) The Advisory Council shall provide the reasons for its proposed carbon budget programme under subsection (4), a proposed carbon budget under subsection (6)(a) and any proposed amendments to a provisional carbon budget under subsection (6)(b), in writing to the Minister.

6A. (8) Not more than 30 days after submitting a proposed carbon budget programme, a proposed carbon budget or any proposed amendments to a provisional carbon budget to the Minister under this section, the Advisory Council shall publish the proposed carbon budget programme, the proposed carbon budget or any proposed amendments to the provisional carbon budget, as the case may be, in such manner as the Advisory Council considers appropriate.

6A. (9) The Advisory Council shall—

(a) carry out its functions under this section in a manner—

(i) that is consistent with the ultimate objective specified in Article 2 of the United Nations Framework Convention on Climate Change done at New York on 9 May 1992 and the matters specified in subparagraphs (i) and (ii) of section 3(3)(a), and

(ii) which takes account of—

(I) the most recent national greenhouse gas emissions inventory and projection of future greenhouse gas emissions, prepared by the Agency,

(II) relevant scientific advice, including with regard to the distinct characteristics of biogenic methane,

(III) international best practice on the reporting of greenhouse gas emissions and removal, and

(IV) in so far as practicable, the need to maximise employment, the attractiveness of the State for investment and the long term competitiveness of the economy,

(b) have regard to climate justice when carrying out its functions under this section, and

(c) the Advisory Council shall comply with regulations under subsection (5A) when carrying out its functions under this section.

Note that Sections 6A(5A), 6A(5B), 6A(10), 6A(11), 6C impose obligations on the Minister and Government and are, for that reason, not included in the above list.

The Act additionally makes provisions under 6B(8) and 6D(6) which may be relevant to the Council. These obligations arise only after certain action has been taken by the Minister, Government and/or Houses of the Oireachtas. These provisions are inserted below:

6B(8) Where the motion is not approved by both Houses of the Oireachtas under subsection (7), the Minister shall within a period of two months—

(a) consult with any other Minister of the Government as he or she considers appropriate,

(b) consult with the Advisory Council,

(c) amend the carbon budget, if appropriate, and

(d) submit the carbon budget to the Government for approval to lay the budget before each House of the Oireachtas in accordance with subsection (11).

6D(6) The Minister shall consult with and consider the advice of the Advisory Council prior to requesting the approval of the Government in relation to a revision of a carbon budget under this section.