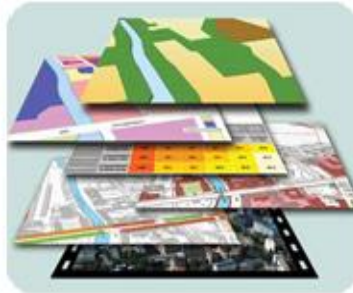


Climate Change Bill



SOUTH AFRICAN NATIONAL WORKSHOP ON THE IMPLEMENTATION OF MARPOL ANNEX VI ON 0.50% SULPHUR LIMIT



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

24 July 2019, Cape Town



LEGAL FORM

- **The Bill will be a specific environmental management act, as defined in the National Environmental Management Act 107 of 1998 and requires the Bill to be read, interpreted and applied in conjunction with that Act.**
 - requires **co-ordinated action** across the social, economic and environmental **sectors**; **and** **across sphere**;
 - must therefore be **overarching**, and create the necessary **framework** to enable coordinated planning and action;
 - provides the necessary cross-cutting **policy certainty** to the business and industry sector, to make investment decisions that result in GHG reductions and climate resilience;
 - provides **single legal reference** to determine obligations rather having to refer to multiple statutes;

OBJECTIVES:

- To provide for the **co-ordinated and integrated response** to climate change and its impacts by all spheres of government in accordance with the **principles of co-operative governance**, as well as designated /prescribed entities;
- To provide for the **effective management of inevitable climate change impacts** through enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change, with a view to building social, economic, and environmental resilience and an adequate national adaptation response in the context of the global climate change response;
- **Make a fair contribution to the global effort to stabilise greenhouse gas (GHG) concentrations** in the atmosphere at a level that avoids dangerous anthropogenic interference with the climate system within a timeframe that enables economic, social and environmental development to proceed in a sustainable manner;

STRATEGIC FOCUS OF CLIMATE CHANGE BILL

- The climate change bill will enable the alignment of policies that influence South Africa's climate change response, to ensure that South Africa's transition to a lower carbon and climate resilient economy and society is not constrained by contradictory policy directives;
- Furthermore, climate change bill will enhance South Africa's ability and capacity over time to reduce greenhouse gas emissions, and build climate resilience, whilst also reducing the risk of job losses, and promoting opportunities for new job opportunities in the emerging green economy sectors;
- The climate change bill will strengthen co-ordination between national sector departments, and provide policy setting and decision-making to enable South Africa to meet the commitments in its Nationally Determined Contribution

PUBLIC CONSULTATION AND KEY REVISIONS

- The draft Bill was published on **8 June 2018** for public consultation for a period of 60 days. Subsequent to the publication of the Bill, the Department convened provincial workshops for stakeholder participation in all nine provinces and a number of bilateral engagement with business formations, non-governmental organizations, research institutions as well as sector departments in government.
- The Bill has been amended to provide that all information provided to the Minister or Department must be made available subject to the provisions of the Promotion of Access to Information Act 2 of 2000 (PAIA).
- The provisions on consultation and public participation have been expanded to secure relevant inputs on the various plans, determinations, listings and related measures, required by the Bill.

National Adaptation to the Impact of Climate Change

National Adaptation Planning

The Minister must in consultation with sector departments, provinces and municipalities:

- within one year of the coming into operation of this Act, set out **national adaptation objectives** that will guide the Republic's adaptation to climate change impacts
- publish **indicators for measuring progress** towards achieving the national adaptation objectives;
- prescribe the **date by which the objectives for adaptation should be incorporated** into all relevant national planning instruments, policies, and programmes which address or are affected by the actual and potential impacts of climate change.
- The Minister in consultation with the provinces and sector departments develop **climate change adaptation scenarios** which anticipate the likely impacts of climate change in the Republic over the short, medium and longer term.

Ministers responsible for sector departments, and the associated state entities must;

- Within one year of the publication of the National Adaptation Strategy, and in alignment with such strategy, conduct an assessment,
- Within two years of the publication of the National Adaptation Strategy develop and implement a Sector Adaptation Plan which must be informed by the assessment;
- Every five years review a Sector Adaptation Plan and amend such plan;

CLIMATE CHANGE RESPONSE: PROVINCES AND MUNICIPALITIES

MECs responsible for the environment, and Mayors must:

- undertake a climate change needs and response assessment for their provinces and municipalities within 1 year of the publication of the strategy; reviewed at least once every five years; and,
- within two years of undertaking the climate change needs and response assessment contemplated in subsection 1(a), develop and implement a climate change response implementation plan;
- A provincial climate change response implementation plan, contemplated in subsection (1)(c), must form a component of the province's Environmental Implementation Plan developed in terms of section 11(1) of the National Environmental Management Act
- A Metropolitan or District municipal climate change response implementation plan, contemplated in subsection (1)(c), must form a component of the municipality's Integrated Development Plan adopted in terms of section 25 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

GHG Emissions and Removals

- **GHG emissions trajectory:** The Minister must, in consultation with the Ministerial Committee on Climate Change (MCCC), determine a national GHG emissions trajectory which binds all organs of state; further set out content and process, including 5 year review
- **Sectoral emissions targets:**
 - The Minister must, in consultation with the MCCC, on a 5 yearly basis, determine sectoral emissions targets (SETs);
 - The Minister responsible for transport sector or sub-sector for which Sectoral Emissions Targets have been determined accordingly must ensure that the greenhouse gas emissions from that sector or sub-sector, as the case may be, remain within the limits of the first five year target.

GHG Emissions and Removals

Carbon budgets: The Minister must:

- determine a GHG emissions threshold for determining carbon budgets
- allocate a carbon budget to a specified person, for a period not less than 3 successive 5 year periods
- require a GHG mitigation plan that describes mitigation actions to meet the carbon budget

A person to whom a carbon budget has been allocated is obliged to:

- Comply with their carbon budget
- Implement their approved GHG mitigation plans
- Monitor annual GHG emissions
- Report on progress towards compliance with their carbon budgets

GHG Emissions and Removals

PHASE DOWN AND PHASE OUT OF SYNTHETIC GREENHOUSE GAS EMISSIONS AND DECLARATION

The Minister must:

- Declare certain greenhouse gases to be synthetic greenhouse gases
- Specify , in respect of each of the gases listed in the declaration, whether such gases are required to be phased out or phased down

The Minister, in consultation with the Minister responsible for energy, Minister of Trade and Industry and any affected party must:

- Develop a plan to phase down or phase out synthetic greenhouse gases
- Review and update the plan every five years

GHG Emissions and Removals

PHASE DOWN AND PHASE OUT OF SYNTHETIC GREENHOUSE GAS EMISSIONS AND DECLARATION

The plan must:

- Address how importers and exporters of synthetic greenhouse gases must account for their emissions of synthetic greenhouse gases;
- Contain measures that facilitate the phase down or phase out of synthetic greenhouse gases;
- Prescribe thresholds for the use of synthetic greenhouse gases;
- Contain timeframes for the phase down or phase out synthetic greenhouse gases; and
- Be consistent with the Republic's international obligations

The Minister may prescribe a carbon budget applicable to emitters of the synthetic greenhouse gases

Transport Sector Emissions

Inventory Year: 2015

Categories	Emissions (Gg)							Emissions (Gg CO ₂ e)
	CO ₂	CH ₄	N ₂ O	NOx	CO	NMVOCs	SO ₂	
1 - Energy	423 153,82	195,83	8,40	0,00	0,00	0,00	0,00	429 871,55
1.A - Fuel Combustion Activities	397 845,85	22,46	8,40	0,00	0,00	0,00	0,00	400 922,75
1.A.1 - Energy Industries	258 763,79	2,95	3,95	0,00	0,00	0,00	0,00	260 048,85
1.A.2 - Manufacturing Industries and Construction	36 704,14	0,47	0,50	0,00	0,00	0,00	0,00	36 870,32
1.A.3 - Transport	52 950,94	14,60	2,50	0,00	0,00	0,00	0,00	54 032,75
1.A.3.a - Civil Aviation	4 258,05	0,18	0,04	NE	NE	NE	NE	4 272,88
1.A.3.b - Road Transportation	46 676,43	14,26	2,28	NE	NE	NE	NE	47 681,37
1.A.3.c - Railways	468,18	0,02	0,16	NE	NE	NE	NE	517,97
1.A.3.d - Water-borne Navigation	1 548,28	0,14	0,03	NE	NE	NE	NE	1 560,52
<i>1.A.3.d.i - International water-borne navigation (International bunkers) (1)</i>								<i>0,00</i>
<i>1.A.3.d.ii - Domestic Water-borne Navigation</i>	<i>1 548,28</i>	<i>0,14</i>	<i>0,03</i>	<i>NE</i>	<i>NE</i>	<i>NE</i>	<i>NE</i>	<i>1 560,52</i>

Water-borne Navigation contribution in 2015

- 2,89% of Transport sector emissions
- 0,36% of Energy sector emissions

Reporting Requirements

- **National Environmental Management: Air Quality Act No.39 of 2004**
 - National Greenhouse Gas (GHG) Emission Reporting Regulations
 - Published on 3 April 2017
 - 1 February 2019 - National Gazette No. 42203
 - Reporting instruction on where to submit information
 - Extension of registration period

IPCC Code	Category Name	Category A		
		shall report when their total installed capacity for this activity is over the threshold	Threshold	Transitional Arrangement Applicability (Regulation 15)
1A3c	Railways	Tier 2 or 3	100 000 litres/year	Yes
1A3d	Water-borne Navigation	Tier 2 or 3	100 000 litres/year	Yes

Reporting Requirements

1. Energy	1A. Fuel Combustion Activities	1A3 Transport	1A3d Water-borne Navigation	1A3di International water-borne navigation
				1A3dii Domestic water-borne navigation
		1A4 Other Sectors	1A4c Agriculture / Forestry / Fishing / Fish Farms	1A4ciii Fishing (mobile combustion)
		1A5 Non-Specified	1A5b Mobile	1A5bii Mobile (water-borne component)
1A5c Multilateral Operations				

Sector	Relevant IPCC code/s	Definition	Relevant IPCC gases	Tier	Methodology reference	Transitional arrangements
Water-borne Navigation	1A3dii	Emissions from fuels used by vessels that depart and arrive in the same country	CO ₂	2 or 3	Section 19	Yes
			CH ₄	1, 2 or 3	Section 19	No
			N ₂ O	1, 2 or 3	Section 19	No

Challenges

- Data collection (Bottom-up disaggregated data)
- Institutionalization of data flows
- Defining of reporting boundaries for Companies (IPCC v.s. GHG Protocol)

Way Forward

- Have been presented to the government cluster (DG) level
- Currently the Bill is being considered by National Economic Development and Labor Council (NEDLAC) and the process of consultation should be concluded in the next two months or so
- Should be presented to the Cabinet committees request approval for the Bill to be introduced to the Parliament
- Once done, the Parliament process shall begin

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