



Environment (Wales) Act 2016

2016 anaw 3

PART 2

CLIMATE CHANGE

Compliance with carbon budgets: reports and statements by the Welsh Ministers

39 Proposals and policies for meeting carbon budget

- (1) The Welsh Ministers must prepare and publish a report for each budgetary period setting out their proposals and policies for meeting the carbon budget for that period.
- (2) The report must set out proposals and policies covering the areas of responsibility of each of the Welsh Ministers.
- (3) The Welsh Ministers must—
 - (a) publish the report for the first budgetary period as soon as reasonably practicable after setting the carbon budget for that period;
 - (b) publish the report for the second and later budgetary periods before the end of the first year of the period in question.

40 Carrying amounts from one budgetary period to another

- (1) The Welsh Ministers may decide to carry part of the carbon budget for a budgetary period back to the preceding budgetary period.
- (2) The carbon budget for the later period is reduced, and that for the earlier period is increased, by the amount carried back.
- (3) The amount carried back must not exceed 1% of the carbon budget for the later period.
- (4) The Welsh Ministers may decide to carry any unused part of the carbon budget for a budgetary period forward to the next budgetary period.

Status: This is the original version (as it was originally enacted).

- (5) The carbon budget for the later period is increased, and that for the earlier period is reduced, by the amount carried forward.
- (6) The carbon budget for a period is “unused” to the extent that it exceeds the net Welsh emissions account for the period.
- (7) Before deciding to carry an amount back or forward under this section, the Welsh Ministers must consult the advisory body.

41 Final statement for budgetary period

- (1) The Welsh Ministers must—
 - (a) prepare a final statement for each budgetary period in accordance with this section, and
 - (b) lay the statement before the National Assembly for Wales before the end of the second year after the period to which it relates.
- (2) A final statement under this section must state, in respect of each greenhouse gas, the total amount of Welsh emissions, Welsh removals and net Welsh emissions for the budgetary period to which the statement relates.
- (3) It must—
 - (a) state the total amount of carbon units that have been credited to or debited from the net Welsh emissions account for the period, and
 - (b) give details of the number and type of those units.
- (4) It must state the final amount of the net Welsh emissions account for the period.
- (5) It must state whether the Welsh Ministers have decided to carry an amount back or forward under section 40 so as to increase or reduce the carbon budget for the period, and if so must state the amount carried back or forward.
- (6) It must state the final amount of the carbon budget for the period.
- (7) Whether the carbon budget for the period has been met is to be determined by reference to the information in the statement.
- (8) The statement must explain what the Welsh Ministers consider to be the reasons why the carbon budget for the period has, or has not, been met.
- (9) In particular, it must include the Welsh Ministers’ assessment of the extent to which their proposals and policies for meeting the carbon budget for the period—
 - (a) have been carried out, and
 - (b) have contributed to the carbon budget for the period being met (or not being met).
- (10) The assessment must cover the areas of responsibility of each of the Welsh Ministers.
- (11) A statement under this section must also include—
 - (a) an estimate of the total amount of Welsh consumer emissions for the budgetary period to which the statement relates, and
 - (b) an explanation of how the Welsh Ministers have calculated the estimate.

- (12) The “Welsh consumer emissions” for a period are the emissions of greenhouse gases, whether in Wales or elsewhere, that may reasonably be attributed to the consumption and use of goods and services in Wales during the period.

42 Proposals and policies where carbon budget not met

- (1) This section applies if the Welsh Ministers have laid a final statement before the National Assembly for Wales in respect of a budgetary period for which the net Welsh emissions account exceeds the carbon budget.
- (2) No later than three months after laying the statement, the Welsh Ministers must lay before the National Assembly for Wales a report setting out proposals and policies to compensate for the excess emissions in later budgetary periods.