

## APPENDIX: DEFERRED PROVISIONS OF THE CLIMATE CHANGE ACT, 2024 (ACT NO. 22 OF 2024)

| PROVISION  | REASON FOR DEFERRAL  |
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| <ul style="list-style-type: none"> <li>Sections 12(6), 13(1), 13(2), 13(3)(b), 14(3)(a), 15(5), and 15(6)</li> </ul> | <ul style="list-style-type: none"> <li>There is a Cabinet approved Memorandum of Agreement (“MoA”) entered into between the Department of Forestry, Fisheries and the Environment (the “DFFE”), the Department of Employment and Labour (the “DoEL”) and the Department of Planning, Monitoring and Evaluation (the “DPME”) on 22 August 2022. This MoA concerns the temporary hosting of the Commission and its Secretariat by the National Economic Development and Labour Council (“NEDLAC”) until the Commission is established as a creature of statute and listed as an independent and impartial entity in terms of the Public Finance Management Act, 1999 (Act No. 1 of 199) (PFMA). Based on this MoA, the Commission and its Secretariat were transferred to and are currently hosted by NEDLAC. The Minister of Employment and Labour exercises the executive authority over the Commission and its Secretariat.</li> <li>The work to list the Commission as an independent and impartial legal entity in terms of Schedule 3 to the PFMA is at an advanced stage. The MoA will thus continue to apply and the Commission and the Secretariat will continue to be hosted by NEDLAC until the work to list the Commission as a Schedule 3 entity is finalised.</li> </ul> |
| <ul style="list-style-type: none"> <li>Sections 17 and 18</li> </ul>   | <ul style="list-style-type: none"> <li>These provisions deal with the climate change response by provinces and municipalities and the finance mechanism. The climate change needs and response assessments and implementation plans by Members of the Executive Council (MECs) contemplated in section 17 are dependent upon the development and gazetting of the National Adaptation Strategy and Plan by the Minister. Section 17 will be brought into operation once the National Adaptation Strategy and Plan is finalised.</li> <li>The finance mechanism provided for in section 18 will require broad consultations with relevant stakeholders and concurrence from the Minister of Finance. The Department is working on the draft regulations related to the finance mechanism.</li> </ul>  |
| <ul style="list-style-type: none"> <li>Sections 19, 20, 21, 22</li> </ul>  | <ul style="list-style-type: none"> <li>These provisions deal with the national adaptation to impacts of climate change including the adaptation objectives, scenarios, National Adaptation Strategy and Plan, and sector adaptation strategy and plan. These provisions will be brought into operation once the National Adaptation Strategy and Plan is finalised.</li> </ul>   |
| <ul style="list-style-type: none"> <li>Sections 25(4)(c), 26(2) to (6), 27, 28</li> </ul>                            | <ul style="list-style-type: none"> <li>Section 25(4)(c) provides for quantitative and qualitative Greenhouse Gas (GHG) emission reduction goals for the first five years, the subsequent five to 10 years and for a 10 to 15 year period thereafter. Section 25(4)(c) and section 26</li> </ul>  |

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|  | <p>(section 26(2) to (6)) will be brought into operation at a later date as there is ground work that must still be done, including consultation with the interested and affected parties and the public participation process.</p> <ul style="list-style-type: none"> <li>Sections 27 and 28 deal with carbon budgets and phase-down and phase-out of synthetic GHG cannot be brought into operation immediately in that section 30 of the Act specifically requires the Minister to first develop detailed regulations for implementation of these specific provisions.</li> </ul> |
| <ul style="list-style-type: none"> <li>Section 30(2)(a) and (b)</li> </ul> | <ul style="list-style-type: none"> <li>This provision require the development of quite substantive regulations relating, but not limited, to carbon budgets, phase-out and phase-down of synthetic GHGs. It will be brought into operation when the specific substantive regulations are finalised.</li> </ul>   |