



Climate Change (Liquid Fossil Fuels) Amendment Regulations 2015

Hon Sir William Young, Administrator of the Government

Order in Council

At Wellington this 21st day of September 2015

Present:

The Right Hon John Key presiding in Council

Pursuant to section 163 of the Climate Change Response Act 2002, His Excellency the Administrator of the Government makes the following regulations, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Climate Change Issues made after complying with the requirements in sections 163(5) and 166(1) of that Act.

Contents

		Page
1	Title	2
2	Commencement	2
3	Application	2
4	Principal regulations	2
5	Regulation 7 replaced (Collection of information by opt-in obligation fuel participants for purpose of calculating emissions)	2
7	Collection of information by opt-in obligation fuel participants for purpose of calculating emissions	2
6	Regulation 8 amended (Method of calculating emissions by opt-in obligation fuel participants)	2

Regulations

1 Title

These regulations are the Climate Change (Liquid Fossil Fuels) Amendment Regulations 2015.

2 Commencement

These regulations come into force on 29 December 2015.

3 Application

These regulations apply for the year commencing on 1 January 2015 and for each subsequent year.

4 Principal regulations

These regulations amend the Climate Change (Liquid Fossil Fuels) Regulations 2008 (the **principal regulations**).

5 Regulation 7 replaced (Collection of information by opt-in obligation fuel participants for purpose of calculating emissions)

Replace regulation 7 with:

7 Collection of information by opt-in obligation fuel participants for purpose of calculating emissions

An opt-in obligation fuel participant must record the following information in relation to each class of obligation fuel:

- (a) the volume of the obligation fuel purchased by that participant from each obligation fuel participant in a year where the sale is not zero-rated under the Goods and Services Tax Act 1985 less the volume of biofuels in that fuel:
- (b) the volume of the obligation fuel on-sold by the participant or a third party for use on an international aviation or maritime trip (other than a fishing trip) where the sale is zero-rated under the Goods and Services Tax Act 1985 less the volume of biofuels in that fuel:
- (c) the volume of the obligation fuel exported where the related sale is zero-rated under the Goods and Services Tax Act 1985 less the volume of biofuels in that fuel.

6 Regulation 8 amended (Method of calculating emissions by opt-in obligation fuel participants)

- (1) In regulation 8(1), replace item L with:

L is the total net kilolitres of the obligation fuel determined under subclause (1AA)

- (2) After regulation 8(1), insert:

(1AA) For the purposes of subclause (1), L must be calculated as follows:

$$L = A - (B + C)$$

where—

- A is the net volume of the obligation fuel referred to in regulation 7(a) for the year
- B is the net volume of the obligation fuel referred to in regulation 7(b) for the year
- C is the net volume of the obligation fuel referred to in regulation 7(c) for the year.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations amend the Climate Change (Liquid Fossil Fuels) Regulations 2008 to allow opt-in participants to deduct from their emissions calculations emissions related to liquid fossil fuels that are exported from New Zealand. As these deductions can currently be made by obligation participants, the effect of the amendments is to address the inconsistency of treatment between opt-in participants and obligation participants.

These regulations come into force on 29 December 2015, because section 166(3) of the Climate Change Response Act 2002 (the **Act**) provides that regulations made under section 163 of the Act may not come into force earlier than 3 months after the date of their notification in the *Gazette*. However, these regulations apply for the year commencing 1 January 2015 and for each subsequent year, as permitted by section 163(3) of the Act, which allows the regulations to apply from the commencement of the year in which they were made.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 24 September 2015.

These regulations are administered by the Ministry for the Environment.