



Climate Change (Other Removal Activities) Amendment Regulations 2017

Patsy Reddy, Governor-General

Order in Council

At Wellington this 21st day of August 2017

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 163 and 168 of the Climate Change Response Act 2002—

- (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 in accordance with sections 3A, 163, and 166 of that Act.

Contents

		Page
1	Title	3
2	Commencement	3
3	Principal regulations	3
4	Regulation 3 amended (Interpretation)	3
5	New regulation 3AA inserted (Transitional, savings, and related provisions)	3
	3AA Transitional, savings, and related provisions	3
6	New Part 1 heading inserted	3
	Part 1	
	Embedding activities	
7	Regulation 4 amended (Thresholds for embedding activities)	3

8	Regulation 7C amended (Method of calculating removals by exporting LPG)	3
9	New regulations 7D to 7F and cross-heading inserted	3
<i>Exporting natural gasoline</i>		
	7D Application of regulations 7E and 7F	4
	7E Collection of information for purpose of calculating removals from exporting natural gasoline	4
	7F Method of calculating removals by exporting natural gasoline	4
10	New Part 2 heading inserted	4
Part 2		
Synthetic greenhouse gas activities		
11	Regulation 8 amended (Threshold for exporting synthetic greenhouse gases activity)	5
12	Regulation 9 amended (Application of regulations 10 to 16)	5
13	Regulation 10 amended (Collection of information for calculating removals from exporting synthetic greenhouse gases)	5
14	Regulation 12 amended (Method of calculating removals from exporting bulk synthetic greenhouse gases)	5
15	Regulation 14 amended (Method of calculating removals from exporting synthetic greenhouse gases in pre-charged equipment)	5
16	Regulation 16 amended (Method of calculating removals from exporting synthetic greenhouse gases in motor vehicles)	5
17	New regulations 16A and 16B inserted	6
	16A Collection of information for purpose of calculating removals from exporting polyol containing hydrofluorocarbons	6
	16B Method of calculating removals from exporting polyol that contains hydrofluorocarbons	6
18	Regulation 20 amended (Method of calculating removals from destroying synthetic greenhouse gases)	6
19	Regulation 21 amended (Determination of GWP figure for class of synthetic greenhouse gas)	7
20	New Schedule 1AA inserted	7
21	Schedule amended	7
Schedule		
New Schedule 1AA inserted		

Regulations

1 Title

These regulations are the Climate Change (Other Removal Activities) Amendment Regulations 2017.

2 Commencement

- (1) These regulations, except regulations 7 and 9, come into force on 21 September 2017.
- (2) Regulations 7 and 9 come into force on 1 January 2018.

3 Principal regulations

These regulations amend the Climate Change (Other Removal Activities) Regulations 2009 (the **principal regulations**).

4 Regulation 3 amended (Interpretation)

In regulation 3(1), replace “the Schedule” with “Schedule 1” in each place.

5 New regulation 3AA inserted (Transitional, savings, and related provisions)

After regulation 3, insert:

3AA Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

6 New Part 1 heading inserted

After regulation 3A, insert:

Part 1 Embedding activities

7 Regulation 4 amended (Thresholds for embedding activities)

In the heading to regulation 4, after “for”, insert “**certain**”.

8 Regulation 7C amended (Method of calculating removals by exporting LPG)

In the heading to regulation 7C, replace “by” with “**from**”.

9 New regulations 7D to 7F and cross-heading inserted

After regulation 7C, insert:

*Exporting natural gasoline***7D Application of regulations 7E and 7F**

A person must comply with regulations 7E and 7F if—

- (a) the person, in any year, is a participant under section 54(1)(b) of the Act in relation to an embedding activity; and
- (b) the embedding activity carried out by the person is exporting natural gasoline; and
- (c) the natural gasoline is included in any information that a person is required to collect and record under regulation 16 of the Climate Change (Stationary Energy and Industrial Processes) Regulations 2009.

7E Collection of information for purpose of calculating removals from exporting natural gasoline

Information must be collected about—

- (a) the total number of tonnes of natural gasoline exported by the person in the year; and
- (b) if the person wishes to submit a return for a period other than a year under section 66 of the Act, the total number of tonnes of natural gasoline exported by the person in the other period.

7F Method of calculating removals by exporting natural gasoline

Removals in relation to natural gasoline exported by the person in the year or other period covered by an emissions return must be calculated in accordance with the following formula:

$$R = A \times 3.075$$

where—

- A is the total number of tonnes of natural gasoline exported by the person in the year or other period covered by the emissions return, as recorded under regulation 7E
- R is the removals in tonnes from the exportation of natural gasoline for the year or other period covered by the emissions return.

10 New Part 2 heading inserted

Before the cross-heading above regulation 8, insert:

Part 2
Synthetic greenhouse gas activities

11 Regulation 8 amended (Threshold for exporting synthetic greenhouse gases activity)

After regulation 8(2), insert:

- (3) The threshold prescribed by subclause (1) does not apply to the export of hydrofluorocarbons that are contained in polyol if the hydrofluorocarbons are included in any information that a person is required to collect and record under regulation 44I or 44P of the Climate Change (Stationary Energy and Industrial Processes) Regulations 2009.

12 Regulation 9 amended (Application of regulations 10 to 16)

- (1) In the heading to regulation 9, replace “16” with “16B”.
- (2) In regulation 9, replace “16” with “16B”.

13 Regulation 10 amended (Collection of information for calculating removals from exporting synthetic greenhouse gases)

- (1) In regulation 10(1)(b), after “16”, insert “; and”.
- (2) After regulation 10(1)(b), insert:
 - (c) hydrofluorocarbons contained in polyol exported by the person in the year in accordance with regulations 16A and 16B.
- (3) In regulation 10(2)(b), after “16”, insert “; and”.
- (4) After regulation 10(2)(b), insert:
 - (c) polyol exported by the person in the period, as determined under regulation 16B.
- (5) After regulation 10(2), insert:
 - (3) Subclauses (1)(c) and (2)(c) apply only to hydrofluorocarbons included in information that a person is required to collect and record under regulation 44I or 44P of the Climate Change (Stationary Energy and Industrial Processes) Regulations 2009.

14 Regulation 12 amended (Method of calculating removals from exporting bulk synthetic greenhouse gases)

In regulation 12, replace “the Schedule” with “Schedule 1” in each place.

15 Regulation 14 amended (Method of calculating removals from exporting synthetic greenhouse gases in pre-charged equipment)

In regulation 14, replace “the Schedule” with “Schedule 1” in each place.

16 Regulation 16 amended (Method of calculating removals from exporting synthetic greenhouse gases in motor vehicles)

In regulation 16(1) and (2), replace “the Schedule” with “Schedule 1” in each place.

17 New regulations 16A and 16B inserted

After regulation 16, insert:

16A Collection of information for purpose of calculating removals from exporting polyol containing hydrofluorocarbons

The person must collect the following information:

- (a) the total number of kilograms of each class of hydrofluorocarbon contained in polyol exported by the person in the year; and
- (b) if the person wishes to submit a return for a period other than a year under section 66 of the Act, the total number of kilograms of each class of hydrofluorocarbon contained in polyol exported by the person in the other period.

16B Method of calculating removals from exporting polyol that contains hydrofluorocarbons

Removals in relation to each class of hydrofluorocarbon contained in polyol exported by the person in the year or other period covered by an emissions return must be calculated in accordance with the following formula:

$$R = A \times GWP \div 1\,000$$

where—

A is the total number of kilograms of the class of hydrofluorocarbon contained in polyol exported by the person in the year or other period covered by the emissions return, as recorded under regulation 16A

GWP is, for a class of hydrofluorocarbon—

- (a) listed in the first column of table 2 in Schedule 1, the GWP figure for the class specified in the right-hand column of the table;
- (b) that consists of a single hydrofluorocarbon, the GWP figure for the hydrofluorocarbon specified in the second column in table 1 of Schedule 1;
- (c) that contains more than 1 hydrofluorocarbon and is not listed in table 2 of Schedule 1, the GWP figure determined under regulation 21

R is the removals in tonnes for the class of hydrofluorocarbon contained in polyol exported by the person for the year or other period covered by the emissions return.

18 Regulation 20 amended (Method of calculating removals from destroying synthetic greenhouse gases)

In regulation 20(1), replace “the Schedule” with “Schedule 1” in each place.

19 Regulation 21 amended (Determination of GWP figure for class of synthetic greenhouse gas)

In regulation 21, replace “the Schedule” with “Schedule 1” in each place.

20 New Schedule 1AA inserted

Insert the Schedule 1AA set out in the Schedule of these regulations as the first schedule to appear after the last regulation of the principal regulations.

21 Schedule amended

- (1) In the Schedule heading, replace “**Schedule**” with “**Schedule 1**”.
- (2) In Schedule 1, table 2, after the item relating to R422A, insert:

Class	HFC-32	HFC-125	HFC-134a	Other gas	GWP figure for class
R448A	26%	26%	21%	27%	1273
R449A	24%	25%	26%	25%	1397

Schedule
New Schedule 1AA inserted

r 20

Schedule 1AA
Transitional, savings, and related provisions

r 3AA

Part 1
Provisions relating to Climate Change (Other Removal Activities)
Amendment Regulations 2017

1 Regulations related to exporting polyol apply on and from 1 January 2017

The following apply on and from 1 January 2017:

- (a) the amendments made to regulations 8 to 10 by the Climate Change (Other Removal Activities) Amendment Regulations 2017; and
- (b) regulations 16A and 16B.

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 (Other Removal Activities) Regulations 2009. The amendments mainly prescribe requirements for collecting information about, and calculating, removals of greenhouse gases owing to the export of natural gasoline or polyol containing hydrofluorocarbons. The requirements are relevant to section 62 of the Climate Change Response Act 2002.

The amendments come into force and apply as follows:

- the amendments relating to the export of polyol containing hydrofluorocarbons come into force on 21 September 2017, but their application is back-dated so that they apply from the start of 1 January 2017 (*see new Schedule 1AA*);
- the amendments relating to the export of natural gasoline come into force on, and apply from the start of, 1 January 2018;
- all other amendments come into force on 21 September 2017.

The other amendments include the addition in table 2 in the Schedule (which becomes *Schedule 1*) of the global warming potential figure for R448A and R449A, which are 2 synthetic greenhouse gas blends.

Regulatory impact statement

The Ministry for the Environment produced a regulatory impact statement on 15 June 2017 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <http://www.mfe.govt.nz/sites/default/files/media/Legislation/RIS/RIS-nzets-regulations-updates-2017.pdf>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 24 August 2017.

These regulations are administered by the Ministry for the Environment.