**Version**
**as at 9 April 2026**

# Climate Change (Eligible Industrial Activities) Regulations 2010

(SR 2010/189)

Rt Hon Dame Sian Elias, Administrator of the Government

## Order in Council

At Wellington this 5th day of July 2010

Present:
The Hon Bill English presiding in Council

Pursuant to section 161A(1) of the Climate Change Response Act 2002, Her Excellency the Administrator of the Government, acting on the recommendation of the Minister for Climate Change Issues (being satisfied as to the matters specified in section 161A(3) of the Climate Change Response Act 2002) and on the advice and with the consent of the Executive Council, makes the following regulations.

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**Note**

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**These regulations are administered by the Ministry for the Environment.**

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# Regulations

## 1 Title

These regulations are the Climate Change (Eligible Industrial Activities) Regulations 2010.

## 2 Commencement

These regulations come into force on 8 July 2010.

## 3 Interpretation

In these regulations, unless the context otherwise requires,—

**Act** means the Climate Change Response Act 2002

**$CO_2e$** means carbon dioxide equivalent

**dry-weight**, in relation to a product or an activity (other than a cementitious product or activity), means 100% equivalent dry-weight (0% moisture content)

**fresh** means grown for commercial purposes other than processing (examples of processing include, but are not limited to, artificial drying, bottling, canning, evaporating, freezing, or preserving)

**saleable**, in relation to a product specified in these regulations,—

(a) means the product is of a quality generally considered by persons who are regularly in the market for that product to be—

(i) fit for sale; or

(ii) of commercial value; but

(b) excludes any product that—

(i) is substandard and has been discarded by the person who produced the product:

(ii) is recycled while carrying out an eligible industrial activity:

(iii) is scrapped or lost before it is packaged for sale

**weight by weight**, in relation to a solution, means the weight of the solute relative to the weight of the final solution expressed as a percentage.

Regulation 3 **dry-weight**: inserted, on 23 September 2010, by regulation 4 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2010 (SR 2010/327).

Regulation 3 **fresh**: inserted, on 1 January 2011, by regulation 4 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 3) 2010 (SR 2010/448).

Regulation 3 **weight by weight**: added, on 30 June 2011, by regulation 4 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 3) 2011 (SR 2011/228).

## 3A Transitional, savings, and related provisions

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

Regulation 3A: inserted, on 27 October 2016, by regulation 4 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

*General provisions*

## 4 Prescribed emissions intensity and allocative baselines

(1) The emissions intensity for each eligible industrial activity is set out in column A of Schedule 2.

(2) The allocative baseline for each product of each eligible industrial activity is set out in column B of Schedule 2.

Regulation 4(1): amended, on 27 October 2016, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

Regulation 4(2): amended, on 27 October 2016, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

## 5 Method of calculating amount of product from eligible industrial activities

(1) An eligible person who, in a year, carries out an eligible industrial activity must use 1 of the following methods for calculating the amount of each product produced by carrying out the activity during that year:

(a) direct measurement:

(b) measurement derived from—

(i) the units of the product sold; and

(ii) the changes in inventory for the product.

(2) If both of the methods specified in subclause (1) are infeasible, then the eligible person must—

(a) select a different method to calculate the amount of each product produced by the activity; and

(b) take all reasonable care to ensure that the selected method is the most accurate method of the different methods that may be available.

(3) For any application for a provisional allocation or a final allocation entitlement in respect of the same year, an eligible person must use the same method to calculate the amount of product produced.

## 6 Allocation factors for electricity

The allocation factor for electricity used to determine—

(a) the allocative baseline for each product specified in Schedule 2 is 0.516 tonnes of $CO_2e$ per megawatt hour of electricity:

(b) the emissions intensity of each eligible industrial activity is 1 tonne of $CO_2e$ per megawatt hour of electricity.

Regulation 6(a): amended, on 1 January 2026, by regulation 4 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2025 (SL 2025/309).

Regulation 6(a): amended, on 27 October 2016, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

### 6A Modelling assumptions for market model used to determine allocation factors for electricity

(1) Subclause (2) prescribes modelling assumptions for the purpose of the market model that the Electricity Authority uses to determine the ETS impact on the price of electricity in a financial year under section 161FA(3) of the Act.

(2) The modelling assumptions are that,—

(a) in the absence of the emissions trading scheme, thermal electricity generation would be offered at lower prices as generators' marginal costs would be lower:

(b) as a consequence of the modelling assumption in paragraph (a), hydroelectricity generators that have controllable water storage would offer electricity at lower prices, because lower overall prices reduce the opportunity cost of stored water.

Regulation 6A: inserted, on 1 January 2024, by section 21 of the Climate Change Response (Late Payment Penalties and Industrial Allocation) Amendment Act 2023 (2023 No 49).

## *Eligible industrial activities*

### 7 Aluminium smelting

(1) Aluminium smelting is an eligible industrial activity.

(2) The product produced by aluminium smelting that must be used as the basis of allocation is the total tonnes of primary aluminium (Al) as weighed after electrolysis but before casting, with a purity equal to or greater than 98%, and that is produced by carrying out the eligible industrial activity.

(3) For the purposes of this regulation and Schedule 2, **aluminium smelting** means the physical and chemical transformation of alumina (aluminium oxide, $Al_2O_3$) into saleable aluminium metal, where the output of this activity is saleable aluminium metal.

(4) Despite anything in these regulations, the allocative baselines for the product specified in subclause (2) that is produced by New Zealand Aluminium Smelters Limited (company number 156735) are as follows:

(a) 2.645, which is the allocative baseline for any 2010 final allocation:

(b) 2.726, which is the allocative baseline for any 2011 final allocation:

(c) 2.062, which is the allocative baseline for any 2012 final allocation:

(d) 10.441, which is the allocative baseline for any 2013 final allocation:

(e) 5.136, which is the allocative baseline for any 2014 final allocation:

(f) 5.152, which is the allocative baseline for any 2015 final allocation:

(g) 5.160, which is the allocative baseline for any 2016 final allocation:

(h) 5.142, which is the allocative baseline for any 2017 final allocation:

(i) 5.184, which is the allocative baseline for any 2018 final allocation:

(j) 5.366, which is the allocative baseline for any 2019 final allocation:

(k) 5.194, which is the allocative baseline for any 2020 final allocation:

(l) 2.120, which is the allocative baseline for any 2021 final allocation:

(m) 2.048, which is the allocative baseline for any 2022 final allocation:

(n) 2.042, which is the allocative baseline for any 2023 final allocation:

(o) 2.9353, which is the allocative baseline for any 2024 final allocation:

(p) 4.0714, which is the allocative baseline for any 2025 allocation:

(q) 4.0714, which is the allocative baseline for any 2026 allocation:

(r) 4.0714, which is the allocative baseline for any 2027 allocation.

Regulation 7(3): amended, on 27 October 2016, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

Regulation 7(4): replaced, on 3 April 2015, by regulation 4 of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2015 (LI 2015/61).

Regulation 7(4)(f): replaced, on 21 April 2016, by regulation 4 of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2016 (LI 2016/62).

Regulation 7(4)(g): replaced, on 27 April 2017, by regulation 4(1) of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2017 (LI 2017/50).

Regulation 7(4)(h): replaced, on 26 April 2018, by regulation 4(1) of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2018 (LI 2018/48).

Regulation 7(4)(i): replaced, on 19 April 2019, by regulation 4(1) of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2019 (LI 2019/79).

Regulation 7(4)(j): replaced, on 16 April 2020, by regulation 4(1) of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2020 (LI 2020/51).

Regulation 7(4)(k): replaced, on 30 April 2021, by regulation 4(1) of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2021 (LI 2021/59).

Regulation 7(4)(l): replaced, on 21 April 2022, by regulation 4 of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2022 (SL 2022/81).

Regulation 7(4)(m): replaced, on 20 April 2023, by regulation 4 of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2023 (SL 2023/44).

Regulation 7(4)(n): replaced, on 25 April 2024, by regulation 4 of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2024 (SL 2024/28).

Regulation 7(4)(o): replaced, on 17 April 2025, by regulation 4 of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2025 (SL 2025/49).

Regulation 7(4)(p): replaced, on 9 April 2026, by regulation 4 of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2026 (SL 2026/82).

Regulation 7(4)(q): replaced, on 9 April 2026, by regulation 4 of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2026 (SL 2026/82).

Regulation 7(4)(r): inserted, on 9 April 2026, by regulation 4 of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2026 (SL 2026/82).

### 8 Production of burnt lime

(1) The production of burnt lime is an eligible industrial activity.

(2) The product produced by the production of burnt lime that must be used as the basis of allocation is the total tonnes of burnt lime that is—

(a) produced by carrying out the eligible industrial activity; and

(b) of saleable quality.

(3) For the purposes of this regulation and Schedule 2, the **production of burnt lime** means the physical and chemical transformation through the calcining process of calcium and magnesium sources (eg, calcium carbonate ($CaCO_3$) and magnesium carbonate ($MgCO_3$)) into saleable burnt lime, where the output is burnt lime with a calcium oxide (CaO) or magnesium oxide (MgO) mass content equal to or greater than 60%.

Regulation 8(3): amended, on 27 October 2016, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

### 9 Production of carbamide (urea)

(1) The production of carbamide (urea) is an eligible industrial activity.

(2) The products produced by the production of carbamide (urea) that must be used as the basis of allocation are—

(a) Product A, which consists of the total tonnes of dry-weight carbamide ($CO(NH_2)_2$ urea) in high-concentration products that is—

(i) produced by carrying out the eligible industrial activity; and

(ii) of saleable quality:

(b) Product B, which consists of the total tonnes of dry-weight carbamide ($CO(NH_2)_2$ urea) in low-concentration products that is—

(i) produced by carrying out the eligible industrial activity; and

(ii) of saleable quality.

(3) For the purposes of this regulation and Schedule 2,—

**high-concentration products** means products where the concentration of carbamide ($CO(NH_2)_2$, urea) is greater than or equal to 80% with respect to mass

**low-concentration products** means products where the concentration of carbamide ($CO(NH_2)_2$, urea) is between 31% and 41%

**production of carbamide (urea)** means the chemical transformation of hydrocarbons (or other hydrogen and carbon feedstocks) and nitrogen to produce carbamide ($CO(NH_2)_2$, urea), where the outputs include—

(a) carbamide solution ($CO(NH_2)_2$(aq), urea):

(b) saleable granulated, prilled, or other solid forms of carbamide ($CO(NH_2)_2$(s), urea).

Regulation 9(2): replaced, on 1 January 2025, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2024 (SL 2024/272).

Regulation 9(3): replaced, on 1 January 2025, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2024 (SL 2024/272).

## 10 Production of cartonboard

(1) The production of cartonboard is an eligible industrial activity.

(2) The products produced by the production of cartonboard that must be used as the basis of allocation are—

(a) Product A, which consists of the total tonnes of rolls or sheets of coated or uncoated cartonboard that is—

(i) produced by carrying out the eligible industrial activity; and

(ii) of saleable quality:

(b) Product B, which consists of equivalent air-dried tonnes (90% bone-dry fibre, 10% moisture content) of pulp produced directly from wood billets, wood chips, or sawdust that is—

(i) produced by carrying out the eligible industrial activity; and

(ii) of saleable quality:

(c) Product C, which consists of equivalent air-dried tonnes (90% bone-dry fibre, 10% moisture content) of pulp produced directly from recovered paper that is—

(i) produced by carrying out the eligible industrial activity; and

(ii) of saleable quality.

(3) For the purposes of this regulation and Schedule 2, **production of cartonboard** means the physical transformation of wood chips, sawdust, log billets, wood pulp, or recovered paper to produce rolls or sheets of cartonboard, where the output of this activity is saleable cartonboard that has a grammage range of 150 g/$m^2$ to 500 g/$m^2$, a moisture content in the range of 4% to 11% by weight, and is to be generally used as a cartonboard product (for example, kraft liner, multi-ply, and other paperboard).

Regulation 10(3): amended, on 27 October 2016, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

## 11 Production of caustic soda

(1) The production of caustic soda is an eligible industrial activity.

(2) The product produced by the production of caustic soda that must be used as the basis of allocation is the total tonnes of 100% equivalent dry-weight sodium hydroxide (NaOH, caustic soda) that is—

(a) produced by carrying out the eligible industrial activity; and

(b) not recycled back into the eligible industrial activity; and

(c) of saleable quality.

(3) For the purposes of this regulation and Schedule 2, **production of caustic soda** means the production of chlorine gas and sodium hydroxide (caustic soda) solution by the chemical transformation of sodium chloride solution (NaCl(aq), brine) to chlorine ($Cl_2$(l,g)) and sodium hydroxide solution (NaOH(aq), caustic soda solution), where the sodium hydroxide (NaOH) production is 1:1.13 times the production of chlorine ($Cl_2$) by mass and the outputs include—

(a) chlorine ($Cl_2$(l,g)); and

(b) sodium hydroxide solution (NaOH(aq), caustic soda solution), which must have a concentration of sodium hydroxide (NaOH) equal to or greater than 14% with respect to mass.

(4) The chemical reaction involved in the chemical transformation specified in subclause (3) is—

$$2NaCl(aq) + 2H_2O(l) \rightarrow 2NaOH(aq) + Cl_2(g) + H_2(g).$$

Regulation 11(3): amended, on 27 October 2016, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

## 12 Production of ethanol

(1) The production of ethanol is an eligible industrial activity.

(2) The product produced by the production of ethanol that must be used as the basis of allocation is the total kilolitres of 100% equivalent ethanol ($C_2H_5OH$) at 20°C, assuming a density of ethanol ($C_2H_5OH$) of 789.24 kg/$m^3$ at 20°C, that is—

(a) produced by carrying out the eligible industrial activity; and

(b) of saleable quality.

(3) For the purposes of this regulation and Schedule 2, **production of ethanol** means the production of high-purity ethanol by the chemical transformation of fermentable sugars (for example, $C_6H_{12}O_6$ or $C_5H_{10}O_5$ or $C_{12}H_{22}O_{11}$ or $C_{18}H_{32}O_{16}$) to ethanol ($C_2H_5OH$) and the subsequent purification process, where the outputs include high-purity ethanol, which must have a concentration of ethanol ($C_2H_5OH$) equal to or greater than 95% with respect to volume.

Regulation 12(3): amended, on 27 October 2016, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

## 13 Production of hydrogen peroxide

(1) The production of hydrogen peroxide is an eligible industrial activity.

(2) The product produced by the production of hydrogen peroxide that must be used as the basis of allocation is the total tonnes of 100% equivalent hydrogen peroxide ($H_2O_2$) that is—

(a) produced by carrying out the eligible industrial activity; and

(b) of saleable quality.

(3) For the purposes of this regulation and Schedule 2, **production of hydrogen peroxide** means the chemical transformation of hydrogen (H) feedstocks and oxygen (O) feedstocks to produce a crude aqueous hydrogen peroxide solution, where the concentration of hydrogen peroxide ($H_2O_2$(aq)) is equal to or greater than 39% with respect to mass, and subsequent production of saleable aqueous hydrogen peroxide solutions, where the outputs include aqueous hydrogen peroxide solutions, which must have a concentration of hydrogen peroxide ($H_2O_2$(aq)) equal to or greater than 34% with respect to mass.

Regulation 13(3): amended, on 27 October 2016, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

### 14 Production of market pulp

(1) The production of market pulp is an eligible industrial activity.

(2) The products produced by the production of market pulp that must be used as the basis of allocation are—

(a) Product A, which consists of equivalent air-dried tonnes (90% bone-dry fibre, 10% moisture content) of low-yield pulp that is—

(i) produced by carrying out the eligible industrial activity; and

(ii) of saleable quality:

(b) Product B, which consists of equivalent air-dried tonnes (90% bone-dry fibre, 10% moisture content) of high-yield and low-freeness pulp that is—

(i) produced by carrying out the eligible industrial activity; and

(ii) of saleable quality:

(c) Product C, which consists of equivalent air-dried tonnes (90% bone-dry fibre, 10% moisture content) of high-yield and high-freeness pulp that is—

(i) produced by carrying out the eligible industrial activity; and

(ii) of saleable quality.

(3) Any amount of the products described in subclause (2) that is to be used as the basis of allocation for the production of market pulp may not be used as the basis of allocation for any other eligible industrial activity.

(4) For the purposes of this regulation and Schedule 2, **production of market pulp** means the physical transformation of wood chips, sawdust, wood pulp, or recovered paper to produce rolls or bales of market pulp, provided that the market pulp is dried to a moisture content of 4% to 20% by weight and is generally used in paper manufacturing, fibre cement products, or in the production of sanitary products, where the outputs include—

(a) low-yield pulp with a fibre recovery less than or equal to 80% bone-dry fibre by mass on bone-dry wood input:

(b) high-yield and low-freeness pulp with a fibre recovery greater than 80% bone-dry fibre by mass on bone-dry wood input, and a Canadian Standard Freeness of less than 150 ml:

(c) high-yield and high-freeness pulp with a fibre recovery greater than 80% bone-dry fibre by mass on bone-dry wood input, and a Canadian Standard Freeness of greater than or equal to 150 ml.

Regulation 14(4): amended, on 27 October 2016, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

## 15 Production of methanol

(1) The production of methanol is an eligible industrial activity.

(2) The product produced by the production of methanol that must be used as the basis of allocation is the total tonnes of 100% equivalent methanol ($CH_3OH$) that is—

(a) produced by carrying out the eligible industrial activity; and

(b) of saleable quality.

(3) For the purposes of this regulation and Schedule 2, **production of methanol** means the chemical transformation of 1 or more of hydrocarbons, hydrogen feedstocks, carbon feedstocks, and oxygen feedstocks to produce liquid methanol ($CH_3OH$), where the outputs include liquid methanol ($CH_3OH$), which must have a concentration equal to or greater than 98% with respect to mass.

Regulation 15(3): amended, on 27 October 2016, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

## 16 Production of newsprint

(1) The production of newsprint is an eligible industrial activity.

(2) The products produced by the production of newsprint that must be used as the basis of allocation are—

(a) Product A, which consists of tonnes of rolls of uncoated newsprint that is—

(i) produced by carrying out the eligible industrial activity; and

(ii) of saleable quality:

(b) Product B, which consists of equivalent air-dried tonnes (90% bone-dry fibre, 10% moisture content) of pulp produced directly from wood chips or sawdust that is—

(i) produced by carrying out the eligible industrial activity; and

(ii) of saleable quality.

(3) For the purposes of this regulation and Schedule 2, **production of newsprint** means the physical transformation of wood chips, sawdust, wood pulp or recovered paper to produce rolls of uncoated newsprint, where the output of this activity is uncoated newsprint that has a grammage range of 30 $g/m^2$ to 80

g/m$^2$, a moisture content in the range of 6% to 11% by weight, and is generally used as a newspaper product.

Regulation 16(3): amended, on 27 October 2016, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

### 17 Production of packaging and industrial paper

(1) The production of packaging and industrial paper is an eligible industrial activity.

(2) The products produced by the production of packaging and industrial paper that must be used as the basis of allocation are—

(a) Product A, which consists of tonnes of saleable rolls of uncoated packaging or industrial paper that is—

(i) produced by carrying out the eligible industrial activity; and

(ii) of saleable quality:

(b) Product B, which consists of equivalent air-dried tonnes (90% bone-dry fibre, 10% moisture content) of pulp produced directly from wood chips or sawdust that is—

(i) produced by carrying out the eligible industrial activity; and

(ii) of saleable quality:

(c) Product C, which consists of equivalent air-dried tonnes (90% bone-dry fibre, 10% moisture content) of pulp produced directly from recovered paper that is—

(i) produced by carrying out the eligible industrial activity; and

(ii) of saleable quality.

(3) For the purposes of this regulation and Schedule 2, **production of packaging and industrial paper** means the physical transformation of wood chips, sawdust, wood pulp, or recovered paper to produce rolls of uncoated packaging and industrial paper, where the output of this activity is uncoated packaging or industrial paper that has a grammage range of 30 g/m$^2$ to 500 g/m$^2$, a moisture content in the range of 4% to 12% by weight, and that is generally used as a packaging or industrial paper product (for example, kraft liner; recycled or multi-ply liner; medium, sack, and bag paper; wrapping paper; plasterboard liner; horticultural paper; or building paper; but excluding products produced by the production of cartonboard as specified in regulation 10).

Regulation 17(3): amended, on 27 October 2016, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

### 18 Production of tissue paper

(1) The production of tissue paper is an eligible industrial activity.

(2) The products produced by the production of tissue paper that must be used as the basis of allocation are—

(a) Product A, which consists of tonnes of rolls of uncoated tissue paper that is—

(i) produced by carrying out the eligible industrial activity; and

(ii) of saleable quality:

(b) Product B, which consists of equivalent air-dried tonnes (90% bone-dry fibre, 10% moisture content) of pulp produced directly from wood chips or sawdust that is—

(i) produced by carrying out the eligible industrial activity; and

(ii) of saleable quality.

(3) For the purposes of this regulation and Schedule 2, **production of tissue paper** means the physical transformation of wood chips, sawdust, or wood pulp to produce rolls of uncoated tissue paper, where the output of this activity is uncoated tissue paper that has a grammage range of 13 $g/m^2$ to 75 $g/m^2$, a moisture content in the range of 4% to 11% by weight, and is generally used as a tissue paper product (for example, facial tissue, paper towel, bathroom tissue, or napkins).

Regulation 18(3): amended, on 27 October 2016, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

### 19 Manufacture of carbon steel from cold ferrous feed

(1) The manufacture of carbon steel from cold ferrous feed is an eligible industrial activity.

(2) The products produced by the manufacture of carbon steel from cold ferrous feed that must be used as the basis of allocation are—

(a) product A and product AA, which consist of the total tonnes of continuously cast carbon steel products and ingots of carbon steel, whether or not subsequently hot-rolled, that—

(i) are produced by carrying out the eligible industrial activity of manufacture of carbon steel from cold ferrous feed; and

(ii) are not a relevant product; and

(iii) are of saleable quality; and

(b) product B, which consists of the total tonnes of long products of hot-rolled carbon steel that—

(i) are produced by carrying out the eligible industrial activity of manufacture of carbon steel from cold ferrous feed; and

(ii) are not a relevant product; and

(iii) are of saleable quality; and

(c) product C, which consists of the total tonnes of flat products of hot-rolled carbon steel that—

(i) are produced by carrying out the eligible industrial activity of manufacture of carbon steel from cold ferrous feed; and

(ii) are not a relevant product; and

(iii) are of saleable quality.

(2A) An eligible person who, in a year, produces the continuously cast products and ingots of carbon steel referred to in subclause (2)(a) must use the following methodology for calculating the total amount of product A and the total amount of product AA produced in the year:

*Step 1: calculate total amount of products A and AA ($T_{A\ \&\ AA}$)*

(a) in accordance with regulation 5, calculate the total amount (in tonnes) of those continuously cast products and ingots of carbon steel produced in the year:

*Step 2: calculate total amount of cold and molten ferrous feed used ($T_{C\ \&\ M}$)*

(b) calculate the total amount (in tonnes) of cold ferrous feed and molten ferrous feed used to produce those continuously cast products and ingots of carbon steel in the year:

*Step 3: calculate total amount of each product*

(c) use the following formula to calculate the total amount of product A produced in the year:

$$T_A = T_{A\ \&\ AA} \times (C \div T_{C\ \&\ M})$$

where—

$T_A$ is the total amount of product A produced in the year

$T_{A\ \&\ AA}$ is the amount calculated in respect of the year at step 1

C is the total amount (in tonnes) of cold ferrous feed used to produce the continuously cast products and ingots of carbon steel referred to in subclause (2)(a) in the year

$T_{C\ \&\ M}$ is the amount calculated in respect of the year at step 2:

(d) use the following formula to calculate the total amount of product AA produced in the year:

$$T_{AA} = T_{A\ \&\ AA} \times (M \div T_{C\ \&\ M})$$

where—

$T_{AA}$ is the total amount of product AA produced in the year

$T_{A\ \&\ AA}$ is the amount calculated in respect of the year at step 1

M is the total amount (in tonnes) of molten ferrous feed used to produce the continuously cast products and ingots of carbon steel referred to in subclause (2)(a) in the year

$T_{C\ \&\ M}$ is the amount calculated in respect of the year at step 2.

(3) Long products of hot-rolled carbon steel and flat products of hot-rolled carbon steel may each be counted as a product only once in relation to the carrying on of the eligible industrial activity of manufacture of carbon steel from cold ferrous feed.

(4) For the purposes of this regulation and Schedule 2,—

**carbon steel** means a material that contains by mass more iron (Fe) than any other single element and has a carbon (C) content of less than 2%

**flat products of hot-rolled carbon steel** means hot-rolled carbon steel products that—

(a) are flat in profile, such as plate and hot-rolled coil; and

(b) are generally produced in hot strip and plate mills; and

(c) are generally at least 600 mm wide; and

(d) are generally no thicker than 150 mm; and

(e) are produced from continuously cast carbon steel products that are produced as part of carrying on the eligible industrial activity of either the manufacture of carbon steel from cold ferrous feed or the manufacture of iron and steel from iron sand

**long products of hot-rolled carbon steel** means hot-rolled carbon steel products that—

(a) are in coils or straight lengths; and

(b) are generally produced in rod, bar, and structural (section) mills; and

(c) are generally of a cross-sectional shape such as I, T, Y, U, V, H, C, L, square, rectangular, round, flat, hexagonal, angle, channel, structural beam profile, or rail profile; and

(d) are produced from continuously cast carbon steel products that are produced as part of carrying on the eligible industrial activity of either the manufacture of carbon steel from cold ferrous feed or the manufacture of iron and steel from iron sand

**manufacture of carbon steel from cold ferrous feed**—

(a) means the physical and chemical transformation of cold ferrous feed (for example, ferrous scrap, pig iron, and flat iron) by heating it and melting it into liquid steel and the subsequent casting of the liquid steel to produce 1 or more of the following:

(i) continuously cast carbon steel products:

(ii) ingots of carbon steel:

(iii) hot-rolled carbon steel products that commence hot-rolling at a temperature higher than 800°C; and

(b) includes the physical transformation of continuously cast carbon steel products into hot-rolled carbon steel products that commence hot-rolling

at a temperature higher than 800°C where the continuously cast carbon steel products are produced at any other facility that conducts—

(i) the eligible industrial activity of manufacture of carbon steel from cold ferrous feed; or

(ii) the eligible industrial activity of manufacture of iron and steel from iron sand

**manufacture of iron and steel from iron sand** has the meaning given to it in regulation 23(3)

**relevant product** means a product that is used as a basis of allocation for the eligible industrial activity of manufacture of iron and steel from iron sand.

Regulation 19: added, on 12 August 2010, by regulation 4 of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2010 (SR 2010/237).

Regulation 19(2): replaced, on 1 January 2014, by regulation 4 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2013 (SR 2013/466).

Regulation 19(2)(a): amended, on 1 January 2026, by regulation 5(1) of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2025 (SL 2025/309).

Regulation 19(2A): inserted, on 1 January 2026, by regulation 5(2) of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2025 (SL 2025/309).

Regulation 19(3): replaced, on 1 January 2014, by regulation 4 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2013 (SR 2013/466).

Regulation 19(4): inserted, on 1 January 2014, by regulation 4 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2013 (SR 2013/466).

Regulation 19(4): amended, on 27 October 2016, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

## 20 Production of cementitious products

(1) The production of cementitious products is an eligible industrial activity.

(2) The products produced by the production of cementitious products that must be used as the basis of allocation are—

(a) Product A, which consists of the total tonnes, on a dry-weight basis, of Portland cement clinker produced by carrying out the eligible industrial activity:

(b) Product B, which consists of the total tonnes, on a dry-weight basis, of cement produced by carrying out the eligible industrial activity.

(3) For the purposes of this regulation and Schedule 2, **production of cementitious products** means the physical and chemical transformation of calcium carbonate compounds ($CaCO_3$, limestone) or other calcium carbonate ($CaCO_3$) feedstocks (**component A**) and clay or other silicon dioxide ($SiO_2$, silica), iron (Fe), aluminium oxide ($Al2O_3$, alumina), and other feedstocks (**component B**) into cementitious outputs—

(a) that—

(i) involves the fusion of inputs together at a temperature greater than 1000ºC into Portland cement clinker that consists of at least 60%

by mass of calcium silicates, and a maximum magnesium oxide (MgO) mass content of 4.5% (**Process 1**); and

(ii) may involve the further transformation of this Portland cement clinker, produced as a result of Process 1, into cement through a process of blending and grinding with other suitable feedstocks (**Process 2**); and

(b) where the outputs are—

(i) Portland cement clinker that is suitable for the subsequent manufacture of cement specified in subparagraph (ii):

(ii) cement that complies with the relevant New Zealand Standards for cement (NZS 3122:2009, NZS 3123:2009, and NZS 3125:1991) and any other relevant international standards required for export cement consignments.

Regulation 20: added, on 12 August 2010, by regulation 4 of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2010 (SR 2010/237).

Regulation 20(3): amended, on 27 October 2016, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

## 21 Production of clay bricks and field tiles

(1) The production of clay bricks and field tiles is an eligible industrial activity.

(2) The products produced by the production of clay bricks and field tiles that must be used as the basis of allocation are—

(a) Product A, which consists of the total tonnes of facing bricks and pavers primarily used for facade and landscaping that is—

(i) produced by carrying out the eligible industrial activity; and

(ii) of saleable quality:

(b) Product B, which consists of the total tonnes of field tiles and other clay-based products related to the fitting and joining of field tiles and drainage that is—

(i) produced by carrying out the eligible industrial activity; and

(ii) of saleable quality:

(c) Product C, which consists of the total tonnes of fire bricks that is—

(i) produced by carrying out the eligible industrial activity; and

(ii) of saleable quality.

(3) For the purposes of this regulation and Schedule 2, **production of clay bricks and field tiles** means the physical and chemical transformation of clays (including kaolinite and other clay minerals) by controlled mixing, forming, drying, and firing of the raw materials at a single location, where clay makes up at least 90% by weight of the raw materials (and additives to the clay do not exceed 10% by weight of the raw materials) and the clay composition

includes alumina, silica, and varying degrees of metal oxides, where the outputs include—

(a) facing bricks and pavers primarily used for facade and landscaping:

(b) field tiles and other clay-based products related to the fitting and joining of field tiles and drainage:

(c) fire bricks, where these are produced from clays as the raw material and additives to the clays (including feldspar, silica, and other metal oxides).

Regulation 21: added, on 12 August 2010, by regulation 4 of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2010 (SR 2010/237).

Regulation 21(3): amended, on 27 October 2016, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

## 22 Production of glass containers

(1) The production of glass containers is an eligible industrial activity.

(2) The product produced by the production of glass containers that must be used as the basis of allocation is the total tonnes of blown and pressed glass containers that is—

(a) produced by carrying out the eligible industrial activity; and

(b) of saleable quality.

(3) For the purposes of this regulation and Schedule 2, **production of glass containers** means the physical and chemical transformation of silica (silicon dioxide ($SiO_2$)) and other raw and recycled materials (for example, cullet) to produce blown or pressed glass containers by controlled melting and forming in a contiguous process, where the outputs include blown and pressed glass containers.

Regulation 22: added, on 12 August 2010, by regulation 4 of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2010 (SR 2010/237).

Regulation 22(3): amended, on 27 October 2016, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

## 23 Manufacture of iron and steel from iron sand

(1) The manufacture of iron and steel from iron sand is an eligible industrial activity.

(2) The products produced by the manufacture of iron and steel from iron sand that must be used as the basis of allocation are—

(a) Product A, which consists of the total tonnes of molten iron, as measured before the addition of any cold ferrous feed (for example, scrap steel or solid pig iron), that is produced by carrying out the eligible industrial activity:

(b) Product B, which consists of the total tonnes of cast carbon steel products that are rectangular in cross-section (known as steel slab) and that are—

(i) produced by carrying out the eligible industrial activity; and

(ii) of saleable quality:

(c) Product C, which consists of the total tonnes of vanadium-bearing materials that are—

(i) produced by carrying out the eligible industrial activity; and

(ii) of saleable quality:

(d) Product D, which consists of the total tonnes of flat products of hot-rolled carbon steel that are—

(i) produced by carrying out the eligible industrial activity; and

(ii) of saleable quality:

(e) Product E, which consists of the total tonnes of cast carbon steel products that are square in cross-section (known as steel billet) and that are—

(i) produced by carrying out the eligible industrial activity; and

(ii) of saleable quality:

(f) Product F, which consists of the total tonnes of long products of hot-rolled carbon steel that are—

(i) produced by carrying out the eligible industrial activity; and

(ii) of saleable quality.

(3) For the purposes of this regulation and Schedule 2,—

**carbon steel** means a material that contains by mass more iron (Fe) than any other single element and has a carbon (C) content that does not exceed 2%

**flat products of hot-rolled carbon steel** means hot-rolled steel products produced in hot strip or plate mills that are flat in profile (for example, plate and hot-rolled coil), and typically are greater than 600 mm in width and less than 150 mm in thickness

**long products of hot-rolled carbon steel** means hot-rolled carbon steel products that are—

(a) in coils or straight lengths; and

(b) generally produced in rod, bar, and structural (section) mills; and

(c) generally of a cross-sectional shape such as I, T, Y, U, V, H, C, L, square, rectangular, round, flat, hexagonal, angle, channel, structural beam profile, or rail profile

**manufacture of iron and steel from iron sand** means the chemical and physical transformation of iron sand into pig iron products, cast carbon steel products, and hot-rolled carbon steel products, where iron sand is the predominant feed material,—

(a) involving the conduct of the following processes:

(i) the—

(A) chemical and physical transformation of iron sand into iron, which proceeds via the reduction of oxides of iron using carbon as the predominant reducing agent; and

(B) conditioning or pre-treatment of molten iron to remove impurities, upstream of the steel-making process; and

(ii) the—

(A) subsequent solidification of molten iron into pig iron; or

(B) chemical and physical transformation of molten iron and cold ferrous feed (for example, solid pig iron and ferrous scrap) into saleable cast carbon steel products or saleable hot-rolled carbon steel products (where the hot-rolling of the hot-rolled carbon steel products commences at over 800°C); and

(b) where the outputs are—

(i) saleable pig iron products that are not subsequently used in the steel-making process:

(ii) saleable cast carbon steel products that are not subsequently hot-rolled:

(iii) saleable vanadium-bearing materials with a minimum vanadium concentration (expressed as $V_2O_5$) of 8%:

(iv) saleable hot-rolled carbon steel products

**molten iron** means molten iron that has a maximum carbon (C) mass content of 6% and a minimum total iron (Fe) content of 94%.

(4) Despite anything in these regulations, the allocative baselines for Products A to E that are produced by New Zealand Steel Limited (company number 68953) are as follows:

(a) for Product A,—

(i) 2.8574, which is the allocative baseline for any 2024 final allocation:

(ii) 2.8505, which is the allocative baseline for any 2025 allocation:

(iii) 2.8505, which is the allocative baseline for any 2026 allocation:

(iv) 2.8505, which is the allocative baseline for any 2027 allocation:

(b) for Product B,—

(i) 0.1113, which is the allocative baseline for any 2024 final allocation:

(ii) 0.1107, which is the allocative baseline for any 2025 allocation:

(iii) 0.1107, which is the allocative baseline for any 2026 allocation:

(iv) 0.1107, which is the allocative baseline for any 2027 allocation:

(c) for Product C,—

(i) 0.0983, which is the allocative baseline for any 2024 final allocation:

(ii) 0.0959, which is the allocative baseline for any 2025 allocation:

(iii) 0.0959, which is the allocative baseline for any 2026 allocation:

(iv) 0.0959, which is the allocative baseline for any 2027 allocation:

(d) for Product D,—

(i) 0.1409, which is the allocative baseline for any 2024 final allocation:

(ii) 0.1400, which is the allocative baseline for any 2025 allocation:

(iii) 0.1400, which is the allocative baseline for any 2026 allocation:

(iv) 0.1400, which is the allocative baseline for any 2027 allocation:

(e) for Product E,—

(i) 0.1193, which is the allocative baseline for any 2024 final allocation:

(ii) 0.1185, which is the allocative baseline for any 2025 allocation:

(iii) 0.1185, which is the allocative baseline for any 2026 allocation:

(iv) 0.1185, which is the allocative baseline for any 2027 allocation.

Regulation 23: added, on 23 September 2010, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2010 (SR 2010/327).

Regulation 23(2)(b): amended, on 27 October 2016, by regulation 6(1) of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

Regulation 23(2)(e): inserted, on 27 October 2016, by regulation 6(2) of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

Regulation 23(2)(f): inserted, on 27 October 2016, by regulation 6(2) of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

Regulation 23(3): amended, on 27 October 2016, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

Regulation 23(3) **long products of hot-rolled carbon steel**: inserted, on 27 October 2016, by regulation 6(3) of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

Regulation 23(4): inserted, on 17 April 2025, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2025 (SL 2025/49).

Regulation 23(4)(a)(ii): replaced, on 9 April 2026, by regulation 5(1) of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2026 (SL 2026/82).

Regulation 23(4)(a)(iii): replaced, on 9 April 2026, by regulation 5(1) of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2026 (SL 2026/82).

Regulation 23(4)(a)(iv): inserted, on 9 April 2026, by regulation 5(1) of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2026 (SL 2026/82).

Regulation 23(4)(b)(ii): replaced, on 9 April 2026, by regulation 5(2) of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2026 (SL 2026/82).

Regulation 23(4)(b)(iii): replaced, on 9 April 2026, by regulation 5(2) of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2026 (SL 2026/82).

Regulation 23(4)(b)(iv): inserted, on 9 April 2026, by regulation 5(2) of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2026 (SL 2026/82).

Regulation 23(4)(c)(ii): replaced, on 9 April 2026, by regulation 5(3) of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2026 (SL 2026/82).

Regulation 23(4)(c)(iii): replaced, on 9 April 2026, by regulation 5(3) of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2026 (SL 2026/82).

Regulation 23(4)(c)(iv): inserted, on 9 April 2026, by regulation 5(3) of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2026 (SL 2026/82).

Regulation 23(4)(d)(ii): replaced, on 9 April 2026, by regulation 5(4) of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2026 (SL 2026/82).

Regulation 23(4)(d)(iii): replaced, on 9 April 2026, by regulation 5(4) of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2026 (SL 2026/82).

Regulation 23(4)(d)(iv): inserted, on 9 April 2026, by regulation 5(4) of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2026 (SL 2026/82).

Regulation 23(4)(e)(ii): replaced, on 9 April 2026, by regulation 5(5) of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2026 (SL 2026/82).

Regulation 23(4)(e)(iii): replaced, on 9 April 2026, by regulation 5(5) of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2026 (SL 2026/82).

Regulation 23(4)(e)(iv): inserted, on 9 April 2026, by regulation 5(5) of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2026 (SL 2026/82).

## 24 Production of gelatine

(1) The production of gelatine is an eligible industrial activity.

(2) The product produced by the production of gelatine that must be used as the basis of allocation is the total tonnes, on a dry-weight basis, of gelatine that is—

(a) produced by carrying out the eligible industrial activity; and

(b) of saleable quality.

(3) For the purposes of this regulation and Schedule 2, **production of gelatine** means the physical and chemical transformation of collagen contained in animal material, including skins, bones, and connective tissues, where the output of the activity is gelatine with at least 97% protein content on a dry-weight basis.

Regulation 24: added, on 23 September 2010, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2010 (SR 2010/327).

Regulation 24(3): amended, on 27 October 2016, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

## 25 Production of protein meal

(1) The production of protein meal is an eligible industrial activity.

(2) The product produced by the production of protein meal that must be used as the basis of allocation is the total tonnes of protein meal that is—

(a) produced by carrying out the eligible industrial activity; and

(b) of saleable quality.

(3) For the purposes of this regulation and Schedule 2, **production of protein meal** means the physical and chemical transformation of raw livestock-derived animal material into—

(a) protein meal (for example, meat and bone meal, dried blood, and feather meal) that has a moisture content that does not exceed 10%; and

(b) tallow co-products.

Regulation 25: added, on 2 December 2010, by regulation 5(1) of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 3) 2010 (SR 2010/448).

Regulation 25(3): replaced, on 1 January 2025, by regulation 8 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2024 (SL 2024/272).

## 26 Production of fresh capsicums

(1) The production of fresh capsicums is an eligible industrial activity.

(2) The product produced by the production of fresh capsicums that must be used as the basis of allocation is the total tonnes of fresh capsicums that are—

(a) produced by carrying out the eligible industrial activity; and

(b) of saleable quality.

(3) For the purposes of this regulation and Schedule 2, **production of fresh capsicums** means the biological transformation of capsicum seedlings in their final growing position to produce capsicums, where the output of the activity is fresh capsicums.

Regulation 26: added, on 1 January 2011, by regulation 5(2) of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 3) 2010 (SR 2010/448).

Regulation 26(3): amended, on 27 October 2016, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

## 27 Production of fresh cucumbers

(1) The production of fresh cucumbers is an eligible industrial activity.

(2) The product produced by the production of fresh cucumbers that must be used as the basis of allocation is the total tonnes of fresh cucumbers that are—

(a) produced by carrying out the eligible industrial activity; and

(b) of saleable quality.

(3) For the purposes of this regulation and Schedule 2, **production of fresh cucumbers** means the biological transformation of cucumber seedlings in their final growing position to produce cucumbers, where the output of the activity is fresh cucumbers.

Regulation 27: added, on 1 January 2011, by regulation 5(2) of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 3) 2010 (SR 2010/448).

Regulation 27(3): amended, on 27 October 2016, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

### 28 Production of cut roses

(1) The production of cut roses is an eligible industrial activity.

(2) The product produced by the production of cut roses that must be used as the basis of allocation is the number of cut flowering rose stems that are—

(a) produced by carrying out the eligible industrial activity; and

(b) of saleable quality.

(3) For the purposes of this regulation and Schedule 2, **production of cut roses** means the biological transformation of rose plants in their final growing position to produce flowering rose stems grown for commercial purposes, where the output of the activity is cut flowering rose stems.

Regulation 28: added, on 1 January 2011, by regulation 5(2) of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 3) 2010 (SR 2010/448).

Regulation 28(3): amended, on 27 October 2016, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

### 29 Production of fresh tomatoes

(1) The production of fresh tomatoes is an eligible industrial activity.

(2) The product produced by the production of fresh tomatoes that must be used as the basis of allocation is the total tonnes of fresh tomatoes that are—

(a) produced by carrying out the eligible industrial activity; and

(b) of saleable quality.

(3) For the purposes of this regulation and Schedule 2, **production of fresh tomatoes** means the biological transformation of tomato seedlings in their final growing position to produce tomatoes, where the output of the activity is fresh tomatoes.

Regulation 29: added, on 1 January 2011, by regulation 5(2) of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 3) 2010 (SR 2010/448).

Regulation 29(3): amended, on 27 October 2016, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

### 30 Production of reconstituted wood panels

(1) The production of reconstituted wood panels is an eligible industrial activity.

(2) The product produced by the production of reconstituted wood panels that must be used as the basis of allocation is the total tonnes of reconstituted wood panels that are—

(a) produced by carrying out the eligible industrial activity; and

(b) of saleable quality.

(3) For the purposes of this regulation and Schedule 2, production of reconstituted wood panels means the physical and chemical transformation of wood particles (for example, wood flakes, chips, shavings, sawdust, and strands) and adhesives (for example, resins), where—

(a) the output of the activity is reconstituted wood panels (for example, particleboard, fibreboard, strandboard, and triboard) with a density that exceeds 400 kg/$m^3$; and

(b) the individual wood particles have no dimension that exceeds 100 mm.

Regulation 30: added, on 24 March 2011, by regulation 4 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2011 (SR 2011/55).

Regulation 30(3): amended, on 27 October 2016, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

## 31 Production of lactose

(1) The production of lactose is an eligible industrial activity.

(2) The product produced by the production of lactose that must be used as the basis of allocation is the total tonnes of dry-weight lactose that is—

(a) produced by carrying out the eligible industrial activity; and

(b) of saleable quality.

(3) For the purposes of this regulation and Schedule 2, **production of lactose** means the separation and drying of lactose from permeate, where—

(a) permeate consists of milk solids in a dilute aqueous solution separated from milk or whey by permeation through ultrafiltration membranes and has a water content that does not exceed 96.5% weight by weight and a milk-derived protein content that does not exceed 0.5% weight by weight; and

(b) the output is lactose that meets the compositional standards of the lactose component of Codex Standard 212-1999 for sugars.

Regulation 31: added, on 30 June 2011, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 3) 2011 (SR 2011/228).

Regulation 31(3): amended, on 27 October 2016, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

## 32 Production of whey powder

(1) The production of whey powder is an eligible industrial activity.

(2) The product produced by the production of whey powder that must be used as the basis of allocation is the total tonnes of dry-weight whey powder that is—

(a) produced by carrying out the eligible industrial activity; and

(b) of saleable quality.

(3) For the purposes of this regulation and Schedule 2, **production of whey powder** means the physical and chemical transformation of whey, which consists of residual water and milk solids following the separation of curd from a milk-based coagulation process (for example, cheese or casein curd manufacture), into whey powder, where the output is whey powder that meets the compositional standards in the Codex Standard 289-1995 for whey powders

and has a milk-derived protein content that does not exceed 33% weight by weight on an as-is basis.

Regulation 32: added, on 30 June 2011, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 3) 2011 (SR 2011/228).

Regulation 32(3): amended, on 27 October 2016, by regulation 5 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

# Schedule 1
# Transitional, savings, and related provisions

r 3A

Schedule 1: inserted, on 27 October 2016, by regulation 7 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214).

## Part 1
## Provision relating to Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016

### 1 Allocation for period beginning on 1 January 2016 for manufacture of iron and steel from iron sand

(1) A person may apply for and receive an allocation in respect of a period beginning on or after 1 January 2016 in accordance with these regulations as amended by the amendment regulations.

(2) In this clause, **amendment regulations** means the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016.

## Part 2
## Provision relating to Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2024

Schedule 1 Part 2: inserted, on 1 January 2025, by regulation 9(a) of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2024 (SL 2024/272).

### 2 Allocation for period beginning 1 January 2024

These regulations, as amended by the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2024, affect and are to be applied in determining the level of allocation that a person is entitled to receive for 2024 even if the person has received a provisional allocation in respect of 2024.

Schedule 1 clause 2: inserted, on 1 January 2025, by regulation 9(a) of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2024 (SL 2024/272).

## Part 3
## Provision relating to Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2025

Schedule 1 Part 3: inserted, on 1 January 2026, by regulation 6(a) of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2025 (SL 2025/309).

### 3 Allocation for period beginning 1 January 2025

These regulations, as amended by the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2025, affect and are to be applied

in determining the level of allocation that a person is entitled to receive for 2025, even if the person has received a provisional allocation for 2025.

Schedule 1 clause 3: inserted, on 1 January 2026, by regulation 6(a) of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2025 (SL 2025/309).

# Part 4
# Provision relating to Climate Change (Eligible Industrial Activities) Amendment Regulations 2026

Schedule 1 Part 4: inserted, on 9 April 2026, by regulation 6(a) of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2026 (SL 2026/82).

## 4 Allocation for period beginning 1 January 2025

These regulations, as amended by the Climate Change (Eligible Industrial Activities) Amendment Regulations 2026, affect and are to be applied in determining the level of allocation that a person is entitled to receive for 2025, even if the person has received a provisional allocation for 2025.

Schedule 1 clause 4: inserted, on 9 April 2026, by regulation 6(a) of the Climate Change (Eligible Industrial Activities) Amendment Regulations 2026 (SL 2026/82).

# Schedule 2
# Prescribed emissions intensity and allocative baselines

r 4

Schedule 2: replaced, on 1 January 2026, by regulation 7 of the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2025 (SL 2025/309).

| | Column A | Column B |
|---|---|---|
| **Eligible industrial activity** | **Emissions intensity** | **Allocative baseline** |
| Aluminium smelting | High | 9.6969 |
| Manufacture of carbon steel from cold ferrous feed | High | Product A: 0.3465<br>Product AA: 0.0615<br>Product B: 0.1595<br>Product C: 0.1783 |
| Manufacture of iron and steel from iron sand | High | Product A: 3.1368<br>Product B: 0.1381<br>Product C: 0.1936<br>Product D: 0.1780<br>Product E: 0.1540<br>Product F: 0.1592 |
| Production of burnt lime | High | 1.3006 |
| Production of carbamide (urea) | High | Product A: 1.6022<br>Product B: 1.5467 |
| Production of cartonboard | High | Product A: 0.7220<br>Product B: 0.6021<br>Product C: 0.0703 |
| Production of caustic soda | High | 1.3936 |
| Production of cementitious products | High | Product A: 0.8273<br>Product B: 0.0219 |
| Production of clay bricks and field tiles | Moderate | Product A: 0.0681<br>Product B: 0.4084<br>Product C: 0 |
| Production of cut roses | High | 0.0004 |
| Production of ethanol | Moderate | 1.8509 |
| Production of fresh capsicums | Moderate | 2.9874 |
| Production of fresh cucumbers | Moderate | 0.7663 |
| Production of fresh tomatoes | Moderate | 1.4863 |
| Production of gelatine | Moderate | 0 |
| Production of glass containers | Moderate | 0.5972 |
| Production of hydrogen peroxide | High | 1.2562 |
| Production of lactose | Moderate | 1.2728 |
| Production of market pulp | High | Product A: 0.6914<br>Product B: 0<br>Product C: 0.7754 |
| Production of methanol | High | 0.8373 |
| Production of newsprint | High | Product A: 0<br>Product B: 0 |

| Eligible industrial activity | Column A<br>Emissions intensity | Column B<br>Allocative baseline |
|---|---|---|
| Production of packaging and industrial paper | High | Product A: 0.5149<br>Product B: 0.5009<br>Product C: 0.1041 |
| Production of protein meal | Moderate | 1.1148 |
| Production of reconstituted wood panels | Moderate | 0.1947 |
| Production of tissue paper | Moderate | Product A: 0.8644<br>Product B: 0 |
| Production of whey powder | Moderate | 0.6179 |

Rebecca Kitteridge,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 8 July 2010.

# Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2012

(SR 2012/320)

Jerry Mateparae, Governor-General

## Order in Council

At Wellington this 23rd day of October 2012

Present:
His Excellency the Governor-General in Council

Pursuant to section 161A(1) of the Climate Change Response Act 2002, His Excellency the Governor-General, acting on the recommendation of the Minister for Climate Change Issues and on the advice and with the consent of the Executive Council, makes the following regulations.

## Regulations

### 1 Title

These regulations are the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2012.

### 2 Commencement

These regulations come into force on 1 January 2013.

### 3 Principal regulations

These regulations amend the Climate Change (Eligible Industrial Activities) Regulations 2010 (the **principal regulations**).

### 6 Transitional provision

Despite regulations 4 and 5, regulation 6 and the Schedule as they were immediately before the commencement of these regulations continue in force for any 2012 final allocation as if these regulations had not been made.

Michael Webster,
for Clerk of the Executive Council.

Date of notification in *Gazette*: 25 October 2012.

## Notes

### *1 General*

This is a consolidation of the Climate Change (Eligible Industrial Activities) Regulations 2010 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### *2 Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### *3 Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### *4 Amendments incorporated in this consolidation*

Climate Change (Eligible Industrial Activities) Amendment Regulations 2026 (SL 2026/82)

Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2025 (SL 2025/309)

Climate Change (Eligible Industrial Activities) Amendment Regulations 2025 (SL 2025/49)

Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2024 (SL 2024/272)

Climate Change (Eligible Industrial Activities) Amendment Regulations 2024 (SL 2024/28)

Climate Change Response (Late Payment Penalties and Industrial Allocation) Amendment Act 2023 (2023 No 49): section 21

Climate Change (Eligible Industrial Activities) Amendment Regulations 2023 (SL 2023/44)

Climate Change (Eligible Industrial Activities) Amendment Regulations 2022 (SL 2022/81)

Climate Change (Eligible Industrial Activities) Amendment Regulations 2021 (LI 2021/59)

Climate Change (Eligible Industrial Activities) Amendment Regulations 2020 (LI 2020/51)

Climate Change (Eligible Industrial Activities) Amendment Regulations 2019 (LI 2019/79)

Climate Change (Eligible Industrial Activities) Amendment Regulations 2018 (LI 2018/48)

Climate Change (Eligible Industrial Activities) Amendment Regulations 2017 (LI 2017/50)

Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2016 (LI 2016/214)

Climate Change (Eligible Industrial Activities) Amendment Regulations 2016 (LI 2016/62)

Climate Change (Eligible Industrial Activities) Amendment Regulations 2015 (LI 2015/61)

Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2014 (LI 2014/368)

Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2013 (SR 2013/466)

Climate Change (Eligible Industrial Activities) Amendment Regulations (No 3) 2011 (SR 2011/228)

Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2011 (SR 2011/55)

Climate Change (Eligible Industrial Activities) Amendment Regulations 2011 (SR 2011/48)

Climate Change (Eligible Industrial Activities) Amendment Regulations (No 3) 2010 (SR 2010/448)

Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2010 (SR 2010/327)

Climate Change (Eligible Industrial Activities) Amendment Regulations 2010 (SR 2010/237)

Wellington, New Zealand:
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