

**Reprint  
as at 1 April 2013**



**Climate Change (Other Removal  
Activities) Regulations 2009**  
(SR 2009/284)

Rt Hon Sir Peter Blanchard, Administrator of the Government

**Order in Council**

At Wellington this 28th day of September 2009

Present:

His Excellency the Administrator of the Government in Council

Pursuant to sections 163 and 168 of the Climate Change Response Act 2002, His Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister for Climate Change Issues, makes the following regulations.

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

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

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## **Regulations**

- 1 Title**

These regulations are the Climate Change (Other Removal Activities) Regulations 2009.
- 2 Commencement**

These regulations come into force on 1 January 2010.
- 3 Interpretation**
  - (1) In these regulations, unless the context otherwise requires,—

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

**ASHRAE designation** means the designation of a refrigerant mix from Standard 34-2007 *Designation and Safety Classification of Refrigerants*, published in 2007 by the American National Standards Institute/American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc

**category**, in relation to a motor vehicle, means a category of motor vehicle listed in table 3 of the Schedule

**chief executive** means the chief executive of the department responsible for the administration of Part 4 of the Act

**class**, in relation to synthetic greenhouse gases, means—

- (a) a refrigerant gas or mix described by reference to its ASHRAE designation and listed in the first column of table 2 of the Schedule; or
- (b) any other mix of constituents that—
  - (i) is not listed in the first column of table 2 of the Schedule; but
  - (ii) contains a synthetic greenhouse gas listed in the first column of table 1 of the Schedule; or
- (c) if it is not mixed with other constituents, any single synthetic greenhouse gas listed in the first column of table 1 of the Schedule

**customs point** means the point where goods are entered for export under section 49 of the Customs and Excise Act 1996

**destroying synthetic greenhouse gases activity** means the activity in subpart 3 of Part 2 of Schedule 4 of the Act of destroying hydrofluorocarbons or perfluorocarbons where any prescribed threshold is met

**destruction efficiency factor** means the percentage of a class of synthetic greenhouse gas that is destroyed and not emitted when submitted to destruction equipment

**embedding activity** means the activity listed in subpart 1 of Part 2 of Schedule 4 of the Act

**excluded goods** means goods referred to in regulation 8(2)

**excluded motor vehicle removals** means 100 tonnes of removals from exporting motor vehicles with hydrofluorocarbons or perfluorocarbons contained in any refrigeration, air conditioning, or other system integrated into or powered by the motor vehicles in the year, as calculated in accordance with regulation 16(1) to (3)

**exporting synthetic greenhouse gases activity** means the activity in subpart 3 of Part 2 of Schedule 4 of the Act of exporting hydrofluorocarbons, perfluorocarbons, including hydrofluorocarbons or perfluorocarbons contained in goods, where any prescribed threshold is met

**GWP** means global warming potential

**in New Zealand temporarily**, in relation to goods, means goods whose presence in New Zealand does not exceed a continuous period of 180 days

**LPG** means liquefied petroleum gas

**motor vehicle** has the same meaning as in section 2(1) of the Land Transport Act 1998

**passing through New Zealand**, in relation to an aircraft or a ship, means an aircraft or a ship—

- (a) on a journey from a foreign port to a foreign port; and
- (b) whose presence in New Zealand does not exceed a continuous period of 180 days, whether or not the aircraft or ship is engaged in moving passengers or cargo between ports in New Zealand during that period

**pre-charged equipment**—

- (a) means any refrigeration or air conditioning equipment or other goods—
  - (i) that contain a synthetic greenhouse gas; and
  - (ii) in which a synthetic greenhouse gas assists the functionality; and
- (b) includes any aircraft or ship in which a synthetic greenhouse gas is contained in any refrigeration, air conditioning, or other system integrated into or powered by the aircraft or ship; but
- (c) does not include a motor vehicle in which a synthetic greenhouse gas is contained in any refrigeration, air conditioning, or other system integrated into or powered by the motor vehicle

**synthetic greenhouse gas** means—

- (a) any hydrofluorocarbon (HFC); or
- (b) any perfluorocarbon (PFC)
- (c) *[Revoked]*

**synthetic greenhouse gas charge**, in relation to pre-charged equipment or motor vehicles, means the amount of synthetic greenhouse gas contained in the equipment or motor vehicles

**type**, in relation to pre-charged equipment or a motor vehicle, means a model or type of pre-charged equipment or motor vehicle that has the same characteristics, including but not

limited to the amount and composition of synthetic greenhouse gases it contains

- (2) In a formula used in these regulations, the symbol  $\Sigma$  means the summation of the calculated amounts that follow the symbol.

Regulation 3(1) **ASHRAE designation**: inserted, on 1 January 2011, by regulation 4(1) of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

Regulation 3(1) **category**: inserted, on 1 January 2011, by regulation 4(1) of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

Regulation 3(1) **chief executive**: inserted, on 1 January 2011, by regulation 4(1) of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

Regulation 3(1) **class**: inserted, on 1 January 2011, by regulation 4(1) of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

Regulation 3(1) **customs point**: inserted, on 1 January 2011, by regulation 4(1) of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

Regulation 3(1) **destroying synthetic greenhouse gases activity**: inserted, on 1 January 2011, by regulation 4(1) of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

Regulation 3(1) **destroying synthetic greenhouse gases activity**: amended, on 1 January 2013, by section 103 of the Climate Change Response (Emissions Trading and Other Matters) Amendment Act 2012 (2012 No 89).

Regulation 3(1) **destruction efficiency factor**: inserted, on 1 January 2011, by regulation 4(1) of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

Regulation 3(1) **excluded goods**: added, on 1 January 2011, by regulation 4(1) of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

Regulation 3(1) **excluded motor vehicle removals**: added, on 1 January 2011, by regulation 4(1) of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

Regulation 3(1) **exporting synthetic greenhouse gases activity**: added, on 1 January 2011, by regulation 4(1) of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

Regulation 3(1) **exporting synthetic greenhouse gases activity**: amended, on 1 January 2013, by section 103 of the Climate Change Response (Emissions Trading and Other Matters) Amendment Act 2012 (2012 No 89).

Regulation 3(1) **GWP**: added, on 1 January 2011, by regulation 4(1) of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

Regulation 3(1) **in New Zealand temporarily**: added, on 1 January 2011, by regulation 4(1) of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

Regulation 3(1) **LPG**: inserted (with effect on 1 January 2011), on 1 February 2012, by regulation 5 of the Climate Change (Other Removal Activities) Amendment Regulations 2011 (SR 2011/363).

Regulation 3(1) **motor vehicle**: added, on 1 January 2011, by regulation 4(1) of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

Regulation 3(1) **passing through New Zealand**: added, on 1 January 2011, by regulation 4(1) of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

Regulation 3(1) **pre-charged equipment**: added, on 1 January 2011, by regulation 4(1) of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

Regulation 3(1) **synthetic greenhouse gas**: added, on 1 January 2011, by regulation 4(1) of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

Regulation 3(1) **synthetic greenhouse gas** paragraph (b): amended, on 1 January 2013, by section 103 of the Climate Change Response (Emissions Trading and Other Matters) Amendment Act 2012 (2012 No 89).

Regulation 3(1) **synthetic greenhouse gas** paragraph (c): revoked, on 1 January 2013, by section 103 of the Climate Change Response (Emissions Trading and Other Matters) Amendment Act 2012 (2012 No 89).

Regulation 3(1) **synthetic greenhouse gas charge**: added, on 1 January 2011, by regulation 4(1) of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

Regulation 3(1) **type**: added, on 1 January 2011, by regulation 4(1) of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

Regulation 3(2): added, on 1 January 2011, by regulation 4(2) of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

### **3A Chief executive may issue guidelines or standards**

- (1) The chief executive may, by notice in the *Gazette*, issue guidelines or standards in relation to the information required to be collected by these regulations.
- (2) The chief executive may, by notice in the *Gazette*, amend or revoke a guideline or standard.
- (3) A participant who complies with a guideline or standard that is issued under this regulation, and is in force, is to be treated as complying with the requirements of these regulations to which the guideline or standard relates.

Regulation 3A: inserted, on 1 January 2011, by regulation 5 of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

*Thresholds for embedding activities*

Heading: replaced (with effect on 1 January 2011), on 1 February 2012, by regulation 6 of the Climate Change (Other Removal Activities) Amendment Regulations 2011 (SR 2011/363).

**4 Thresholds for embedding activities**

The threshold for the embedding activity of—

- (a) producing methanol is that the embedding of methanol results in at least 5 000 tonnes of removals in a year:
- (b) exporting LPG is that the embedding of LPG results in at least 300 tonnes of removals in a year.

Regulation 4: replaced (with effect on 1 January 2011), on 1 February 2012, by regulation 6 of the Climate Change (Other Removal Activities) Amendment Regulations 2011 (SR 2011/363).

*Production of methanol***5 Application of regulations 6 and 7**

A person must comply with regulations 6 and 7 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 producing methanol.

Regulation 5(a): amended (with effect on 1 January 2011), on 1 February 2012, by regulation 7 of the Climate Change (Other Removal Activities) Amendment Regulations 2011 (SR 2011/363).

**6 Collection of information for purpose of calculating removals from producing methanol**

Information must be collected about—

- (a) the total number of tonnes of methanol produced 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 methanol produced by the person in the other period.



- 7 Method of calculating removals from producing methanol**  
Removals in relation to methanol produced by the person in the year or other period covered by an emissions return must be calculated in accordance with the following formula:

$$R = A \times 1.375$$

where—

- A is the total number of tonnes of methanol produced by the person in the year or other period covered by the emissions return, as recorded under regulation 6(a) or (b)
- R is the removals in tonnes from the production of methanol for the year or other period covered by the emissions return.

#### *Exporting LPG*

Heading: inserted (with effect on 1 January 2011), on 1 February 2012, by regulation 8 of the Climate Change (Other Removal Activities) Amendment Regulations 2011 (SR 2011/363).

- 7A Application of regulations 7B and 7C**  
A person must comply with regulations 7B and 7C 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 LPG; and
  - (c) the LPG 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.

Regulation 7A: inserted (with effect on 1 January 2011), on 1 February 2012, by regulation 8 of the Climate Change (Other Removal Activities) Amendment Regulations 2011 (SR 2011/363).

- 7B Collection of information for purpose of calculating removals from exporting LPG**  
Information must be collected about—
- (a) the total number of tonnes of LPG 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 LPG exported by the person in the other period.

Regulation 7B: inserted (with effect on 1 January 2011), on 1 February 2012, by regulation 8 of the Climate Change (Other Removal Activities) Amendment Regulations 2011 (SR 2011/363).

### **7C Method of calculating removals by exporting LPG**

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

$$R = A \times 3.003$$

where—

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

Regulation 7C: inserted (with effect on 1 January 2011), on 1 February 2012, by regulation 8 of the Climate Change (Other Removal Activities) Amendment Regulations 2011 (SR 2011/363).

### *Threshold for exporting synthetic greenhouse gases activity*

Heading: added, on 1 January 2011, by regulation 7 of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

## **8 Threshold for exporting synthetic greenhouse gases activity**

- (1) The threshold for the exporting synthetic greenhouse gases activity is that the exportation results in at least 1 tonne of removals in a year from the exportation of synthetic greenhouse gases other than—
- (a) synthetic greenhouse gases contained in excluded goods; or

- (b) *[Revoked]*
  - (c) *[Revoked]*
  - (d) excluded motor vehicle removals.
- (2) In subclause (1), **excluded goods** means—
- (a) an aircraft or a ship—
    - (i) with synthetic greenhouse gases contained in any refrigeration system, air conditioning system, or other system—
      - (A) that is integrated with or into the aircraft or ship; or
      - (B) that relies on the aircraft or ship for its power; and
    - (ii) that—
      - (A) is passing through New Zealand; or
      - (B) is in New Zealand for the purpose of repairing the aircraft or ship; or
      - (C) is part of the armed forces of a State other than New Zealand; or
      - (D) is registered in New Zealand or is owned by a New Zealand person, unless the aircraft or ship was built in New Zealand and is leaving New Zealand on its maiden voyage:
  - (b) any household goods or other effects of a passenger or member of the crew of an aircraft or a ship (whether the household goods or other effects are accompanied or unaccompanied):
  - (c) any imported goods that have medical uses necessary for human health, including metered dose inhalers:
  - (d) any imported goods that—
    - (i) are not unloaded in New Zealand and are destined for a port outside New Zealand; or
    - (ii) are in New Zealand temporarily; or
    - (iii) contain synthetic greenhouse gases owing solely to the use of synthetic greenhouse gases to manufacture the goods (for example, insulation foam):
  - (e) any goods exported for personal, domestic, or household use or consumption by the person exporting the goods, if the person is an individual:

- (f) any aircraft, unless the total amount of removals from synthetic greenhouse gases contained in any refrigeration system, air conditioning system, or other system that is integrated into or powered by aircraft exported by the person (other than aircraft referred to in paragraph (a)), is 100 tonnes or more in the year of export:
- (g) any ship, unless the total amount of removals from synthetic greenhouse gases contained in any refrigeration system, air conditioning system, or other system integrated into or powered by ships exported by the person (other than ships referred to in paragraph (a)), is 100 tonnes or more in the year of export.
- (h) *[Revoked]*

Regulation 8: added, on 1 January 2011, by regulation 7 of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

Regulation 8(1)(b): revoked, on 1 January 2013, by section 103 of the Climate Change Response (Emissions Trading and Other Matters) Amendment Act 2012 (2012 No 89).

Regulation 8(1)(c): revoked, on 1 January 2013, by regulation 4 of the Climate Change (Other Removal Activities) Amendment Regulations 2012 (SR 2012/400).

Regulation 8(2)(h): revoked, on 1 January 2013, by section 103 of the Climate Change Response (Emissions Trading and Other Matters) Amendment Act 2012 (2012 No 89).

#### *Exporting synthetic greenhouse gases activity*

Heading: added, on 1 January 2011, by regulation 7 of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

### **9 Application of regulations 10 to 16**

A person must comply with regulations 10 to 16 if the person, in any year, is a participant under section 54(1)(b) of the Act in relation to the exporting synthetic greenhouse gases activity.

Regulation 9: added, on 1 January 2011, by regulation 7 of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

### **9A Collection of information in relation to synthetic greenhouse gases for period in calendar year 2013**

If the person is required to collect and record information under regulations 11, 13, and 15 in the year beginning on

1 January 2013 and ending with the close of 31 December 2013, the information must relate to that period.

Regulation 9A: inserted, on 1 April 2013, by regulation 8 of the Climate Change (Other Removal Activities) Amendment Regulations 2012 (SR 2012/400).

**10 Collection of information for calculating removals from exporting synthetic greenhouse gases**

- (1) Information must be collected and recorded and removals must be calculated in relation to—
  - (a) each class of synthetic greenhouse gas—
    - (i) exported in bulk by the person in the year in accordance with regulations 11 and 12; and
    - (ii) exported in pre-charged equipment by the person in the year in accordance with regulations 13 and 14; and
  - (b) synthetic greenhouse gases contained in any refrigeration, air conditioning, or other system integrated into or powered by motor vehicles exported by the person in the year in accordance with regulations 15 and 16.
- (2) An emissions return for the activity must record the person's total removals in the period covered by the return, calculated by adding together the removals for—
  - (a) each class of synthetic greenhouse gas—
    - (i) exported in bulk by the person in the period, as calculated under regulation 12; and
    - (ii) exported in pre-charged equipment by the person in the period, as calculated under regulation 14; and
  - (b) motor vehicles exported by the person in the period, as determined under regulation 16.

Regulation 10: added, on 1 January 2011, by regulation 7 of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

**11 Collection of information for calculating removals from exporting bulk synthetic greenhouse gases**

- (1) The person must collect and record the following information:
  - (a) the constituents of each class of synthetic greenhouse gas exported in bulk by the person in the year; and

(b) the total number of kilograms of each class of synthetic greenhouse gas referred to in paragraph (a), as recorded at the customs point.

(2) *[Revoked]*

(3) *[Revoked]*

Regulation 11: added, on 1 January 2011, by regulation 7 of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

Regulation 11(2): revoked, on 1 April 2013, by regulation 5 of the Climate Change (Other Removal Activities) Amendment Regulations 2012 (SR 2012/400).

Regulation 11(3): revoked, on 1 January 2013, by section 103 of the Climate Change Response (Emissions Trading and Other Matters) Amendment Act 2012 (2012 No 89).

## 12 Method of calculating removals from exporting bulk synthetic greenhouse gases

Removals in relation to each class of synthetic greenhouse gases exported in bulk by the person in the year or other period covered by an emissions return must be calculated in accordance with the following formula:

$$R = A \times \frac{GWP}{1\,000}$$

where—

A is the total number of kilograms of the class of synthetic greenhouse gas exported by the person in the year or other period covered by the emissions return, as recorded under regulation 11(1)(b)

GWP is, for a class of synthetic greenhouse gas—

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

R is the removals for the class of synthetic greenhouse gas exported in bulk in the year or other period covered by the emissions return in tonnes.

Regulation 12: added, on 1 January 2011, by regulation 7 of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

**13 Collection of information for purpose of calculating removals from exporting synthetic greenhouse gases in pre-charged equipment**

- (1) The person must collect and record the following information in relation to each class of synthetic greenhouse gas exported in the year in pre-charged equipment:
- (a) the constituents of the class of synthetic greenhouse gas; and
  - (b) the number of units of each type of pre-charged equipment containing the class of synthetic greenhouse gas exported by the person in the year that were not excluded goods, as recorded at the customs point; and
  - (c) the synthetic greenhouse gas charge for the type of pre-charged equipment in grams.
- (2) *[Revoked]*
- (3) *[Revoked]*

Regulation 13: added, on 1 January 2011, by regulation 7 of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

Regulation 13(2): revoked, on 1 April 2013, by regulation 6 of the Climate Change (Other Removal Activities) Amendment Regulations 2012 (SR 2012/400).

Regulation 13(3): revoked, on 1 January 2013, by section 103 of the Climate Change Response (Emissions Trading and Other Matters) Amendment Act 2012 (2012 No 89).

**14 Method of calculating removals from exporting synthetic greenhouse gases in pre-charged equipment**

Removals in relation to each class of synthetic greenhouse gases exported in pre-charged equipment by the person in the year or other period covered by an emissions return must be calculated in accordance with the following formula:

$$R = \Sigma \left( A \times B \times \frac{\text{GWP}}{1\,000\,000} \right)$$

where—

- A is, for each type of pre-charged equipment containing the class of synthetic greenhouse gas exported by the person in the year or other period covered by the emissions return, the total number of units of the type of pre-charged equipment that were not excluded goods, as recorded under regulation 13(1)(b)
- B is the synthetic greenhouse gas charge for the type of pre-charged equipment in grams, as recorded under regulation 13(1)(c)
- GWP is, for a class of synthetic greenhouse gas—
- (a) listed in the first column of table 2 of the Schedule, the GWP figure for the class specified in the right-hand column of the table:
  - (b) that consists of a single synthetic greenhouse gas, the GWP figure for the synthetic greenhouse gas specified in the second column in table 1 of the Schedule:
  - (c) that contains more than 1 synthetic greenhouse gas and is not listed in table 2 of the Schedule, the GWP figure determined under regulation 21
- R is the removals for the class of synthetic greenhouse gas exported in pre-charged equipment in the year or other period covered by the emissions return in tonnes.

Regulation 14: added, on 1 January 2011, by regulation 7 of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

## 15 Collection of information for purpose of calculating removals from exporting synthetic greenhouse gases in motor vehicles

- (1) If the person exports synthetic greenhouse gases contained in any refrigeration, air conditioning, or other system integrated into or powered by motor vehicles (other than excluded goods) in the year, the person may elect whether to collect information and calculate removals in respect of the motor vehicles under—
- (a) subclause (2) and regulation 16(1) (the **actual charge method**); or



- (b) subclause (3) and regulation 16(2) (the **default charge method**); or
  - (c) a combination of those provisions (that is, some vehicles in accordance with the actual charge method and others in accordance with the default charge method).
- (2) The person must collect and record the following information in relation to each class of synthetic greenhouse gas contained in any refrigeration, air conditioning, or other system integrated into or powered by the motor vehicles in respect of which the person wishes to calculate removals in accordance with the actual charge method:
- (a) the constituents of the class of synthetic greenhouse gas; and
  - (b) the total number of each type of motor vehicle containing the class of synthetic greenhouse gas exported by the person in the year that were not excluded goods, as recorded at the customs point; and
  - (c) the synthetic greenhouse gas charge for each type of motor vehicle in grams.
- (3) The person must collect and record, for each category of motor vehicle in respect of which the person wishes to use the default charge method to calculate removals from synthetic greenhouse gases contained in any refrigeration, air conditioning, or other system integrated into or powered by the motor vehicles, the total number of motor vehicles in that category exported by the person in the year that were not excluded goods, as recorded at the customs point.

(4) *[Revoked]*

Regulation 15: added, on 1 January 2011, by regulation 7 of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

Regulation 15(4): revoked, on 1 April 2013, by regulation 7 of the Climate Change (Other Removal Activities) Amendment Regulations 2012 (SR 2012/400).

## **16 Method of calculating removals from exporting synthetic greenhouse gases in motor vehicles**

- (1) A person who wishes to use the actual charge method to calculate removals from any motor vehicles exported in the year or other period covered by an emissions return must calculate

removals in relation to each class of synthetic greenhouse gas exported in those vehicles using the following formula:

$$R_1 = \Sigma \left( A \times B \times \frac{\text{GWP}}{1\,000\,000} \right)$$

where—

- A is, for each type of motor vehicle containing the class of synthetic greenhouse gas exported by the person in the year or other period covered by the emissions return, the total number of units of the type of motor vehicle exported that were not excluded goods, as recorded under regulation 15(2)(b)
- B is the synthetic greenhouse gas charge for the type of motor vehicle in grams, as recorded under regulation 15(2)(c)
- GWP is, for a class of synthetic greenhouse gas—
- (a) listed in the first column of table 2 of the Schedule, the GWP figure for the class specified in the right hand column of the table:
  - (b) not listed in table 2 of the Schedule and that contains more than 1 synthetic greenhouse gas, the GWP figure determined under regulation 21:
  - (c) that contains a single synthetic greenhouse gas, the GWP figure for the synthetic greenhouse gas specified in the second column in table 1 of the Schedule
- $R_1$  is the removals for the class of synthetic greenhouse gas in the year or other period covered by the emissions return in tonnes.

- (2) A person who wishes to use the default charge method to calculate removals from any motor vehicles exported in the year or other period covered by an emissions return must calculate removals in relation to each category of those motor vehicles exported, using the following formula:

$$R_2 = A \times B \times \frac{\text{GWP}}{1\,000\,000}$$

where—

- A is the total number of motor vehicles in that category that the person exported in the year or other period covered by the emissions return that were not excluded goods, as recorded under regulation 15(3)
- B is the default charge for the category specified in table 3 of the Schedule
- GWP is the GWP figure for HFC-134a in table 1 of the Schedule
- R<sub>2</sub> is the removals for the category of motor vehicles in the year or other period covered by the emissions return in tonnes.

- (3) The person must calculate total removals in relation to synthetic greenhouse gases in motor vehicles exported by the person in the year using the following formula:

$$TR = \Sigma(R_1) + \Sigma(R_2)$$

where—

- R<sub>1</sub> is the removals in tonnes for each class of synthetic greenhouse gas in respect of which the person has calculated removals using the actual charge method, as calculated under subclause (1)
- R<sub>2</sub> is the removals in tonnes for each category of motor vehicles in respect of which the person has calculated removals using the default charge method, as calculated under subclause (2)
- TR is the total removals for synthetic greenhouse gases in motor vehicles exported by the person in the year or other period covered by the emissions return in tonnes.

- (4) Taking into account the person's excluded motor vehicle removals, the removals that must be included in the person's emissions return for the year is the greater of—

- (a) the figure calculated in accordance with the following formula:

$$TR - 100$$

where—

- TR is the person's total removals for motor vehicles exported by the person in the year as calculated under subclause (3)

100 is the person's excluded motor vehicles removals; and

(b) zero.

Regulation 16: added, on 1 January 2011, by regulation 7 of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

*Threshold for destroying synthetic greenhouse gases*

Heading: added, on 1 January 2011, by regulation 7 of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

**17 Threshold for destroying synthetic greenhouse gases**

The threshold for the destroying synthetic greenhouse gases activity is that the destruction of the synthetic greenhouse gases results in at least 1 tonne of removals in a year from synthetic greenhouse gases other than sulphur hexafluoride imported before 1 January 2013.

Regulation 17: added, on 1 January 2011, by regulation 7 of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

*Destroying synthetic greenhouse gases*

Heading: added, on 1 January 2011, by regulation 7 of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

**18 Application of regulations 19 and 20**

A person must comply with regulations 19 and 20 if the person, in any year, is a participant under section 54(1)(b) of the Act in relation to the destroying synthetic greenhouse gases activity.

Regulation 18: added, on 1 January 2011, by regulation 7 of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

**19 Collection of information for purpose of calculating removals from destroying synthetic greenhouse gases**

(1) The following information must be collected in relation to each class of synthetic greenhouse gas destroyed at each destruction facility used by the person in the year:

(a) the constituents of the class of synthetic greenhouse gas; and

- (b) the number of kilograms of chemicals in each batch of chemicals containing the class of synthetic greenhouse gas submitted by the person to the destruction facility in the year; and
  - (c) the percentage by mass of the class of synthetic greenhouse gas in each batch of chemicals referred to in paragraph (b); and
  - (d) the destruction efficiency factor for the class of synthetic greenhouse gas at the destruction facility; and
  - (e) an estimate of the number of kilograms of the class of synthetic greenhouse gas that are lost through handling losses between submission of the batches of chemicals containing the class of synthetic greenhouse gas to the destruction facility and the destruction of the gas.
- (2) *[Revoked]*
- (3) *[Revoked]*

Regulation 19: added, on 1 January 2011, by regulation 7 of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

Regulation 19(2): revoked, on 1 January 2013, by section 103 of the Climate Change Response (Emissions Trading and Other Matters) Amendment Act 2012 (2012 No 89).

Regulation 19(3): revoked, on 1 January 2013, by section 103 of the Climate Change Response (Emissions Trading and Other Matters) Amendment Act 2012 (2012 No 89).

## 20 Method of calculating removals from destroying synthetic greenhouse gases

- (1) Removals in relation to each class of synthetic greenhouse gas destroyed by the person in the year or other period covered by an emissions return at each destruction facility used by the person must be calculated in accordance with the following formula:

$$R = (((\Sigma (A \times B)) \times C) - D) \times \frac{GWP}{1\,000}$$

where—

- A is, for each batch of chemicals containing the class of synthetic greenhouse gas submitted by the person to the destruction facility in the year or other period covered by the emissions return, the number of kilograms of

- chemicals in the batch, as recorded under regulation 19(1)(b)
- B is the percentage by mass of the class of synthetic greenhouse gas in the relevant batch of chemicals, as recorded under regulation 19(1)(c)
- C is the destruction efficiency factor for the class of synthetic greenhouse gas at the destruction facility, as recorded under regulation 19(1)(d)
- D is the estimate of any handling losses for the class of synthetic greenhouse gas, as recorded under regulation 19(1)(e)
- GWP is, for a class of synthetic greenhouse gas—
- (a) listed in the first column of table 2 of the Schedule, the figure for GWP for the class specified in the right-hand column of the table:
  - (b) that consists of a single synthetic greenhouse gas, the figure for GWP for the synthetic greenhouse gas specified in the second column in table 1 of the Schedule:
  - (c) that contains more than 1 synthetic greenhouse gas and is not listed in table 2 of the Schedule, the figure for GWP determined under regulation 21
- R is the removals for the class of synthetic greenhouse gas destroyed at the destruction facility for the year or other period covered by the emissions return in tonnes.
- (2) An emissions return submitted by a person required to comply with this regulation must record the person's total removals from the destroying synthetic greenhouse gases activity in the period covered by the return, calculated by adding together the removals for each class of synthetic greenhouse gas destroyed at each destruction facility in the period covered by the return, as calculated under subclause (1).

Regulation 20: added, on 1 January 2011, by regulation 7 of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

### *Determination of GWP*

Heading: added, on 1 January 2011, by regulation 7 of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

**21 Determination of GWP figure for class of synthetic greenhouse gas**

If a person is required to use a GWP figure for a class of synthetic greenhouse gas that contains more than 1 synthetic greenhouse gas and the GWP figure for the class of synthetic greenhouse gas is not listed in table 2 of the Schedule, then the GWP figure for the class of synthetic greenhouse gas must be calculated in accordance with the following formula:

$$\text{GWP} = \Sigma (\text{A} \times \text{B})$$

where—

- A is, for each synthetic greenhouse gas specified in table 1 of the Schedule that is contained in the class of synthetic greenhouse gas, the GWP figure specified in that table
- B is, for the relevant synthetic greenhouse gas, the percentage by mass of the synthetic greenhouse gas in the class of synthetic greenhouse gas

GWP is the GWP figure for the class, being—

- (a) the product of the equation rounded down to the nearest 10 if the last number of the product is 1, 2, 3, or 4:
- (b) the product of the equation rounded up to the nearest 10 if the last number of the product is 5, 6, 7, 8, or 9.

Regulation 21: added, on 1 January 2011, by regulation 7 of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

*Criteria for registering as participant in relation to hydrofluorocarbons and perfluorocarbons removal activity*

Heading: inserted, on 1 January 2013, by regulation 9 of the Climate Change (Other Removal Activities) Amendment Regulations 2012 (SR 2012/400).

**22 Criteria for registering as participant in relation to hydrofluorocarbon and perfluorocarbon removal activity**

A person who exports or destroys hydrofluorocarbons or perfluorocarbons may register as a participant in relation to an activity listed in subpart 3 of Part 2 of Schedule 4 of the Act if—

- (a) the person is the manager of a product stewardship scheme accredited under the Waste Minimisation Act 2008; or
- (b) the hydrofluorocarbon or perfluorocarbon that is the subject of the activity or goods that contain the hydrofluorocarbon or perfluorocarbon that is the subject of the activity were imported on or after 1 January 2013.

Regulation 22: inserted, on 1 January 2013, by regulation 9 of the Climate Change (Other Removal Activities) Amendment Regulations 2012 (SR 2012/400).

### Schedule

rr 3, 12, 14, 16, 20

### Figures for synthetic greenhouse gases

Schedule: added, on 1 January 2011, by regulation 8 of the Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336).

Table 1  
Figures for synthetic greenhouse gases

Gas	Chemical formula	GWP figure
<i>Hydrofluorocarbons</i>		
HFC-23	CHF <sub>3</sub>	14 800
HFC-32	CH <sub>2</sub> F <sub>2</sub>	675
HFC-41	CH <sub>3</sub> F	92
HFC-125	CHF <sub>2</sub> CF <sub>3</sub>	3 500
HFC-134	CHF <sub>2</sub> CHF <sub>2</sub>	1 100
HFC-134a	CH <sub>2</sub> FCF <sub>3</sub>	1 430
HFC-143	CH <sub>2</sub> FCHF <sub>2</sub>	353
HFC-143a	CH <sub>3</sub> CF <sub>3</sub>	4 470
HFC-152	CH <sub>2</sub> FCH <sub>2</sub> F	53
HFC-152a	CH <sub>3</sub> CHF <sub>2</sub>	124
HFC-161	CH <sub>3</sub> CH <sub>2</sub> F	12
HFC-227ea	CF <sub>3</sub> CHFCF <sub>3</sub>	3 220
HFC-236cb	CH <sub>2</sub> FCF <sub>2</sub> CF <sub>3</sub>	1 340
HFC-236ea	CHF <sub>2</sub> CHFCF <sub>3</sub>	1 370



Table 1—*continued*

<b>Gas</b>	<b>Chemical formula</b>	<b>GWP figure</b>
HFC-236fa	$\text{CF}_3\text{CH}_2\text{CF}_3$	9 810
HFC-245ca	$\text{CH}_2\text{FCF}_2\text{CHF}_2$	693
HFC-245fa	$\text{CHF}_2\text{CH}_2\text{CF}_3$	1 030
HFC-365mfc	$\text{CH}_3\text{CF}_2\text{CH}_2\text{CF}_3$	794
HFC-43-10mee	$\text{CF}_3\text{CHFCHFCF}_2\text{CF}_3$	1 640
<i>Perfluorocarbons</i>		
PFC-14 (perfluoromethane)	$\text{CF}_4$	7 390
PFC-116 (perfluoroethane)	$\text{C}_2\text{F}_6$	12 200
PFC-218 (perfluoropropane)	$\text{C}_3\text{F}_8$	8 830
PFC-318 (perfluorocyclobutane)	$\text{c-C}_4\text{F}_8$	10 300
PFC-3-1-10 (perfluorobutane)	$\text{C}_4\text{F}_{10}$	8 860
PFC-4-1-12 (perfluoropentane)	$\text{C}_5\text{F}_{12}$	9 160
PFC-5-1-14 (perfluorohexane)	$\text{C}_6\text{F}_{14}$	9 300
PFC-9-1-18	$\text{C}_{10}\text{F}_{18}$	7 500

Table 2  
GWP figures for classes of hydrofluorocarbons or perfluorocarbons

Class	Type of hydrofluorocarbon							Type of perfluorocarbon	Other gas	GWP figure for class
	HFC-23	HFC-32	HFC-125	HFC-134a	HFC-143a	HFC-152a	PFC-218			
<i>GWP</i>	14 800	675	3 500	1 430	4 470	124	8 830		0	
R23	100%									14 800
R134a				100%						1 430
R403B: 5% R290, 56% R22, 39% R218							39%	61%		3 440
R404A: 44% R125, 52% R143a, 4% R134a			44%	4%	52%					3 920
R407C: 23% R32, 25% R125, 52% R134a		23%	25%	52%						1 770
R408A: 7% R125, 46% R143a, 47% R22			7%		46%			47%		2 300
R410A: 50% R32, 50% R125		50%	50%							2 090
R413A: 9% R218, 88% R134a, 3% R600a				88%			9%	3%		2 050
R416A: 59% R134a, 39.5% R124, 1.5% R600				59%					41%	840
R417A: 46.6% R125, 50% R134a, 3.4% R600			46.6%	50%					3.4%	2 350

Schedule

Climate Change (Other Removal Activities) Regulations 2009

Reprinted as at 1 April 2013

Table 2—continued

Class	Type of hydrofluorocarbon						Type of perfluorocarbon PFC-218	Other gas	GWP figure for class
	HFC-23	HFC-32	HFC-125	HFC-134a	HFC-143a	HFC-152a			
<i>GWP</i>	14 800	675	3 500	1 430	4 470	124	8 830	0	
R422A: 85.1% R125, 11.5% R134a, 3.4% R600a			85.1%	11.5%				3.4%	3 140
R507A: 50% R125, 50% R143a			50%		50%				3 980

Reprinted as at  
1 April 2013

Climate Change (Other Removal  
Activities) Regulations 2009

Schedule

Table 3  
Default charges for categories of motor  
vehicles

<b>Category of motor vehicle</b>	<b>Default charge (g)</b>
Cars, vans, and utes	700
Trucks	1 200
Buses and off-engine refrigerated trucks and trailers	2 500

Schedule table 1: replaced, on 1 April 2013, by regulation 10 of the Climate Change (Other Removal Activities) Amendment Regulations 2012 (SR 2012/400).

Schedule table 2: replaced, on 1 April 2013, by regulation 10 of the Climate Change (Other Removal Activities) Amendment Regulations 2012 (SR 2012/400).

Michael Webster,  
for Clerk of the Executive Council.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 1 October 2009.

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## **Contents**

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  - 2 Status of reprints
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## **Notes**

### **1 *General***

This is a reprint of the Climate Change (Other Removal Activities) Regulations 2009. The reprint incorporates all the amendments to the regulations as at 1 April 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

### **2 *Status of reprints***

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

### **3 *How reprints are prepared***

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 Changes made under section 17C of the Acts and Regulations Publication Act 1989**

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint  
(most recent first)***

Climate Change (Other Removal Activities) Amendment Regulations 2012 (SR 2012/400)

Climate Change Response (Emissions Trading and Other Matters) Amendment Act 2012 (2012 No 89): section 103

Climate Change (Other Removal Activities) Amendment Regulations 2011 (SR 2011/363)

Climate Change (Other Removal Activities) Amendment Regulations 2010 (SR 2010/336)