



Climate Change (Liquid Fossil Fuels) Amendment Regulations 2009

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 section 163 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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Regulations

- 1 Title**
These regulations are the Climate Change (Liquid Fossil Fuels) Amendment Regulations 2009.
- 2 Commencement**
These regulations come into force on 1 January 2010.
- 3 Principal regulations amended**
These regulations amend the Climate Change (Liquid Fossil Fuels) Regulations 2008.
- 4 Interpretation**
- (1) Regulation 3 is amended by inserting the following definitions in their appropriate alphabetical order:
“**class**, in relation to obligation fuel, means,—
“(a) if there is no unique emissions factor in force in relation to the obligation fuel, a class of obligation fuel listed in paragraphs (a) to (i) of regulation 4(1):
“(b) if a unique emissions factor is in force in relation to the obligation fuel, the class of obligation fuel that the unique emissions factor relates to
“**unique emissions factor** means a unique emissions factor that the chief executive has, under section 91 of the Act, approved a participant to use for the purpose of calculating emissions in accordance with these regulations”.
- (2) Regulation 3 is amended by adding the following subclause as subclause (2):
“(2) A unique emissions factor is in force in relation to a class of obligation fuel if—

- “(a) its use to calculate emissions in relation to the class of obligation fuel has been approved by the chief executive under section 91(1) of the Act; and
- “(b) the approval has not expired or ceased to have effect under section 91(2) of the Act.”

5 Collection of information by obligation fuel participants for purpose of calculating emissions

Regulation 5 is amended by omitting “type” and substituting “class”.

6 Method of calculating emissions by obligation fuel participants

- (1) Regulation 6(1) is amended by omitting “type” and substituting “class”.
- (2) Regulation 6(1) is amended by omitting the item relating to the definition of E and substituting the following item:
 - “E is,—
 - “(a) in relation to a class of obligation fuel for which no unique emissions factor is in force, the emissions factor for the obligation fuel specified in the table set out in the Schedule; or
 - “(b) in relation to a class of obligation fuel for which a unique emissions factor is in force, the unique emissions factor.”
- (3) Regulation 6(3) is amended by omitting “type” and substituting “class”.

7 Collection of information by obligation jet fuel participants for purpose of calculating emissions

Regulation 7 is amended by omitting “volume of obligation jet fuel” and substituting “volume of each class of obligation jet fuel”.

8 Method of calculating emissions by obligation jet fuel participants

- (1) Regulation 8(1) is amended by inserting “each class of” after “emissions from”.

- (2) Regulation 8(1) is amended by omitting the items relating to the definitions of L and E from the formula and substituting the following items:
- “L is the total net kilolitres of the obligation jet fuel recorded under regulation 7
- “E is,—
- “(a) in relation to any class of obligation jet fuel for which no unique emissions factor is in force, the emissions factor for the obligation jet fuel specified in the table set out in the Schedule; or
- “(b) in relation to any class of obligation jet fuel for which a unique emissions factor is in force, the unique emissions factor.”
- (3) Regulation 8 is amended by inserting the following subclause after subclause (1):
- “(1A) An annual emissions return submitted by an obligation jet fuel participant must record the participant’s total emissions from an activity listed in Part 3 of Schedule 4 of the Act in the relevant year, calculated by adding together the emissions for each class of obligation jet fuel calculated under subclause (1).”

9 Schedule amended

The Schedule is amended by omitting the emissions factor for—

- (a) light fuel oil, and substituting “2.929”; and
- (b) heavy fuel oil, and substituting “3.015”.

Michael Webster,
for Clerk of the Executive Council.

Explanatory note

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

These regulations, which come into force on 1 January 2010, amend the Climate Change (Liquid Fossil Fuels) Regulations 2008. Those regulations specify the liquid fossil fuels that are obligation fuels or

obligation jet fuels for the purposes of the Climate Change Response Act 2002. Those regulations also set out the requirements for the collection of data and information and the calculation of emissions under section 62 of the Climate Change Response Act 2002 in relation to obligation fuel participants and obligation jet fuel participants.

The amendments—

- provide for the use of unique emissions factors by participants who have been approved to use them:
- require participants who wish to use unique emissions factors to keep certain data about the fuel to which they relate:
- adjust the formulas for calculating emissions to provide for participants who wish to use unique emissions factors:
- adjust the emissions factors for light fuel oil and heavy fuel oil.

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These regulations are administered by the Ministry for the Environment.
