



Climate Change (Unit Register) Amendment Regulations 2012

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 13th day of December 2012

Present:

Hon Gerry Brownlee presiding in Council

Pursuant to sections 30G and 30H(4) of the Climate Change Response Act 2002, His Excellency the Governor-General makes the following regulations, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Climate Change Issues made in accordance with the requirements of section 30H of that Act.

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal regulations	2
4 New regulation 8B inserted (Certain industrial gas ERUs and large-scale hydropower ERUs and CERs not to be transferred to surrender account)	2

	8B	Certain industrial gas ERUs and large-scale hydropower ERUs and CERs not to be transferred to surrender account	2
5		New Schedule inserted	4
		Schedule	4
		New Schedule inserted	

Regulations

- 1 Title**
 These regulations are the Climate Change (Unit Register) Amendment Regulations 2012.
- 2 Commencement**
 These regulations come into force on 18 December 2012.
- 3 Principal regulations**
 These regulations amend the Climate Change (Unit Register) Regulations 2008 (the **principal regulations**).
- 4 New regulation 8B inserted (Certain industrial gas ERUs and large-scale hydropower ERUs and CERs not to be transferred to surrender account)**
 After regulation 8A, insert:
“8B Certain industrial gas ERUs and large-scale hydropower ERUs and CERs not to be transferred to surrender account
“(1) In this regulation,—
“industrial gas ERU means an emission reduction unit generated from—
“(a) the destruction of hydrofluorocarbon-23 (HFC-23); or
“(b) the destruction of nitrous oxide (N₂O) resulting from the production of adipic acid
“large-scale hydropower ERU or CER means an emission reduction unit or a certified emission reduction unit generated from a hydropower project that—
“(a) has a generation capacity of more than 20 megawatts; and

- “(b) is not listed in the Schedule
- “**specified ERU or CER** means—
 - “(a) an industrial gas ERU;
 - “(b) a large-scale hydropower ERU or CER.
- “(2) An account holder may not, on or after 18 December 2012, transfer a specified ERU or CER to a surrender account.
- “(3) The prohibition in subclause (2) does not apply to the following:
 - “(a) a specified ERU or CER held in an account in the Registry immediately before 18 December 2012;
 - “(b) a specified ERU or CER purchased by an account holder under a forward contract if—
 - “(i) the forward contract was entered into before 17 December 2012; and
 - “(ii) the account holder has complied with subclause (4); and
 - “(iii) the specified ERU or CER purchased under the forward contract is transferred to a surrender account by the account holder on or before 1 June 2014.
- “(4) An account holder complies with this subclause if the account holder provides to the Registrar by 11 February 2013—
 - “(a) a copy of the forward contract; and
 - “(b) a statutory declaration by the account holder that the forward contract was entered into before 17 December 2012.
- “(5) If at any time the Registrar discovers that a specified ERU or CER appears to have been transferred to a surrender account in contravention of subclause (2), the Registrar must notify the account holder and the Environmental Protection Authority accordingly and set out in the notification the terms or effect of subclauses (6), (7), and (8).
- “(6) If, within 20 working days after the notification under subclause (5), the account holder does not satisfy the Registrar that the transfer of the specified ERU or CER to a surrender account was permitted under subclause (3)(a) or (b), the Registrar must reverse the transfer of the unit.

- “(7) If a transfer of a unit is reversed under subclause (6), the transfer is to be treated as if it had never taken place for the purpose of assessing whether the account holder has surrendered the required number of units by the due date as required under the relevant section of the Act.
- “(8) If, within 20 working days after the notification under subclause (5), the account holder transfers a unit (a **replacement unit**) to a surrender account for the purpose of replacing the unit to which the notification relates (the **original unit**), the replacement unit is to be treated as if it had been transferred to the surrender account on the date on which the original unit was transferred to the surrender account.”

5 New Schedule inserted

After regulation 23, insert the Schedule set out in the Schedule of these regulations.

Schedule

r 5

New Schedule inserted

Schedule

r 8B

Large-scale hydropower projects generating units approved for surrender

Project ID	Project name	Host country
519	Passo do Meio, Salto Natal, Pedrinho I, Granada, Ponte, and Salto Corgão Small Hydroelectric Power Plants—Brascan Energética S.A. Project Activity	Brazil
520	Cachoeira Encoberta and Triunfo Small Hydroelectric Power Plants—Brascan Energética Minas Gerais S.A. (BEMG) Project Activity	Brazil
530	ARAPUtanga Centrais ELétricas S.A.—ARAPU-CEL—Small Hydroelectric Power Plants Project	Brazil
541	La Joya Hydroelectric Project (Costa Rica)	Costa Rica
693	Votorantim’s Hydropower Plant with existing reservoir “Pedra do Cavalo” CDM Project	Brazil
773	Ceran’s Monte Claro Run of River Hydropower Plant CDM Project Activity	Brazil

Schedule—*continued*

Project ID	Project name	Host country
809	Garganta da Jararaca Small Hydroelectric Power Plant (SHP)	Brazil
891	Atiaia—Buriti Small Hydropower Plant	Brazil
1232	UHE Mascarenhas power upgrading project	Brazil
1328	Brasil Central Energia S.A.—Sacre II Small Hydro Power Plant Project	Brazil
1342	São João hydro power plant	Brazil
2852	Yunnan Saizhu Hydropower Project	China
3872	Ngoi Phat Hydropower Project	Vietnam
4496	Gansu Taolai River 52.8MW Dongshuixia Hydropower Project	China
4537	DakRTih Hydropower Project, Vietnam	Vietnam
4658	Hongkou 200MW Hydropower Project in Fujian Province	China
4921	Bac Ha Hydropower Project, Vietnam	Vietnam
4937	Anhanguera Hydro Power Project	Brazil
4970	Dak Mi 4 Hydropower Project, Vietnam	Vietnam
4996	Pampeana and Terra Santa Small Hydropower Plants Project Activity	Brazil
5115	Srepok 4 Hydropower Project	Vietnam
5577	Devoll Hydropower (DHP), Albania	Albania
5583	Xekaman 3 Hydropower Project, Lao PDR	Laos

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 amend the Climate Change (Unit Register) Regulations 2008. These regulations come into force on 18 December 2012.

The amendments insert *new regulation 8B*, which applies to—

- industrial gas emission reduction units generated from—
 - the destruction of hydrofluorocarbon-23 (HFC-23); or
 - the destruction of nitrous oxide (N₂O) resulting from the production of adipic acid:
- large-scale hydropower emission reduction units and certified emission reduction units generated from a hydropower project that—
 - has a generation capacity of more than 20 megawatts; and
 - is not listed in the *new Schedule* inserted by these regulations.

New regulation 8B provides that an account holder must not, on or after 18 December 2012, transfer any of these units to a surrender account (subject to certain exceptions). If a unit appears to have been transferred to a surrender account in contravention of this prohibition, the Registrar must notify the account holder concerned and the Environmental Protection Authority. If, within 20 working days after the notification, the account holder does not satisfy the Registrar that the surrender was permitted under an exception, the Registrar must reverse the transfer of the unit. The transfer of a unit that is reversed is to be treated as if it had never taken place for the purpose of assessing whether the account holder has surrendered the required number of units by the due date.

If, within 20 working days after the notification, the account holder transfers a unit to a surrender account to replace the unit to which the notification relates, the replacement unit is to be treated as having been transferred on the date of the transfer of the unit it is replacing.

2012/414 **Climate Change (Unit Register) Amendment
Regulations 2012**

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 17 December 2012.

These regulations are administered by the Ministry for the Environment.
