



## **Climate Change (Eligible Industrial Activities) Amendment Regulations (No 3) 2010**

Anand Satyanand, Governor-General

### **Order in Council**

At Wellington this 29th day of November 2010

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 (being satisfied as to the matters specified in section 161A(3) of that Act) and on the advice and with the consent of the Executive Council, makes the following regulations.

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**Schedule**  
**Items added to Schedule**

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## **Regulations**

**1 Title**

These regulations are the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 3) 2010.

**2 Commencement**

- (1) Regulations 4, 5(2), and 6(2) come into force on 1 January 2011.
- (2) The rest of this enactment comes into force on 2 December 2010.

**3 Principal regulations amended**

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

**4 Interpretation**

Regulation 3 is amended by inserting the following definition in its appropriate alphabetical order:

“**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)”.

**5 New regulations 25 to 29 inserted**

- (1) The following regulation is inserted after regulation 24:  
**“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 the Schedule, **production of protein meal** means the physical and chemical transformation of raw livestock-derived animal material to produce protein meal (for example, meat and bone meal, dried blood, and feather meal), where the output of the activity is protein meal that has a moisture content that does not exceed 10%.”

(2) The following regulations are inserted in their appropriate order:

**“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 the Schedule, **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.

**“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 the Schedule, **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.

**“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 the Schedule, **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.

**“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 the Schedule, **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.”

**6 Schedule amended**

(1) The Schedule is amended by adding the item set out in Part 1 of the Schedule of these regulations.

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(2) The Schedule is amended by adding the items set out in Part 2 of the Schedule of these regulations.

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**Schedule  
Items added to Schedule**

**Part 1**

Production of protein meal	Moderate	0.9183
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**Part 2**

Production of fresh capsicums	Moderate	3.5240
Production of fresh cucumbers	Moderate	3.2880
Production of cut roses	High	0.000935
Production of fresh tomatoes	Moderate	2.4260

Rebecca Kitteridge,  
Clerk of the Executive Council.

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**Explanatory note**

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

These regulations amend the Climate Change (Eligible Industrial Activities) Regulations 2010. The amendments prescribe an additional set of eligible industrial activities and their emissions intensity, their products, and their allocative baselines. *Regulations 4, 5(2), and 6(2)* come into force on 1 January 2011. The other provisions of these regulations come into force on 2 December 2010.

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**Climate Change (Eligible Industrial Activities) Amendment Regulations  
(No 3) 2010**

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These regulations are administered by the Ministry for the Environment.

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