



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

Anand Satyanand, Governor-General

Order in Council

At Wellington this 27th day of June 2011

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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Regulations

1 Title

These regulations are the Climate Change (Eligible Industrial Activities) Amendment Regulations (No 3) 2011.

2 Commencement

These regulations come into force on 30 June 2011.

3 Principal regulations amended

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

4 Interpretation

Regulation 3 is amended by adding the following definition:
“**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”.

5 New regulations 31 and 32 inserted

The following regulations are inserted after regulation 30:

“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 the Schedule, **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 con-

tent 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.

“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 the Schedule, **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.”

6 Schedule amended

The Schedule is amended by adding the items set out in the Schedule of these regulations.

Schedule
Items added to Schedule

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Production of lactose	Moderate	1.4210
Production of whey powder	Moderate	0.8427

Rebecca Kitteridge,
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 30 June 2011, amend the Climate Change (Eligible Industrial Activities) Regulations 2010. The amendments prescribe additional eligible industrial activities and their emissions intensity, their products, and their allocative baselines.

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

Date of notification in *Gazette*: 30 June 2011.

These regulations are administered by the Ministry for the Environment.
