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**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

## GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

### DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME

No. R. 1478

24 December 2004

#### REGULATIONS UNDER SECTION 25(3) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: ESTABLISHMENT OF A DESIGNATED NATIONAL AUTHORITY FOR THE CLEAN DEVELOPMENT MECHANISM

The Minister of Environmental Affairs and Tourism has under section 25(3) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) made the regulations in the Schedule. Comments can be forwarded to DEAT, Directorate Air Quality, P/BAG X447, Pretoria 0001, or Fax 012 320 1167 for Attention Ms Kelebogile Moroka [kmoroka@deat.gov.za](mailto:kmoroka@deat.gov.za) or Mr Itumeleng Mabalane [imbalance@deat.gov.za](mailto:imbalance@deat.gov.za) on or before 11 February 2005.

#### SCHEDULE

To give effect to the Clean Development Mechanism established under Article 12 of the Kyoto Protocol. To establish a Designated National Authority as required by the Protocol. To establish an intra-governmental Steering Committee for the Designated National Authority and related matters.

#### DEFINITIONS

In these regulations any word or expression given a meaning in the National Environmental Management Act, 1998, has that meaning, unless such word or expression is defined in this regulation for the purposes of these regulations, and, unless the context indicates otherwise –

“**Act**” means the National Environmental Management Act, 1998 (Act No. 107 of 1998);

“**Clean Development Mechanism**” or “**CDM**” means the mechanism referred to in Article 12 of the Kyoto Protocol;

“**Clean Development Mechanism Project**” or “**CDM Project**” means a project activity proposed or established under the rules adopted under the UNFCCC and the Kyoto Protocol for the CDM, which seeks approval from the DNA;

“**Designated National Authority**” or DNA means the national authority responsible for the approval of Clean Development Mechanism projects for the purposes of the Kyoto Protocol established in terms of regulation 2.

“**Director General**” means the Director General of the Department of Minerals and Energy.

**“Executive Board of the Clean Development Mechanism”** means the Executive Board for the Clean Development Mechanism established under Article 12 of the Kyoto Protocol;

**“Kyoto Protocol”** means the Protocol to the United Nations Framework Convention on Climate Change adopted at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change in Kyoto, Japan on December 11, 1997;

**“Letter of Approval”** means the [Permit/Authorization/Decision -> refer to the adequate instrument under SA administrative law] that the CDM Project contributes to the sustainable development of the Republic of South Africa for the purposes of the UNFCCC and the Kyoto Protocol;

**“Project proponent”** means the person submitting a CDM project for approval;

**“Steering Committee”** means the Steering Committee established in terms of regulation 5.

**“United Nations Framework Convention on Climate Change”** or “UNFCCC” means the United Nations Framework Convention on Climate Change adopted in New York on May 9, 1992;

### **Establishment of the Designated National Authority**

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- (1) Designated National Authority for the Republic of South Africa is hereby established;
  - (2) The responsibilities of the Designated National Authority are hereby allocated to the Office of the Director-General, who must perform all such powers, duties and functions of the Designated National Authority.
  - (3) The Director General may delegate any power of the Designated National Authority conferred on it by these regulations to one or more officers in the Department of Minerals and Energy;

### **Duties of the Designated National Authority**

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- (1) The Designated National Authority must-
    - (a) In concurrence with the Steering Committee for the Designated National Authority establish and apply an approval procedure in terms of regulation 7.
    - (b) Consider applications by project proponents for comments on Project Design Documents and where appropriate comment on Project Design Documents;
    - (c) Issue Letters of Approval to project proponents in respect of Clean Development Mechanism Projects that meet the sustainable development criteria approved by the Minister of Minerals and Energy from time to time;
    - (d) Facilitate the effective and beneficial participation of South Africa and South African public and private sector entities in the activities of the Clean Development Mechanism;