

SUMMARY OF COMMENTS ON DRAFT REGULATION ON GHG EMISSIONS INTENSITY BENCHMARKS AND RESPONSES

JUNE 2020

Issue	Stakeholder	Comments	Response
GENERAL COMMENTS			
<i>Process - Submission of GHG Emission Intensity Benchmark Proposals to the DEFF</i>	<p>Aluminium Federation of South Africa (AFSA)</p> <p>South 32 SA Limited</p> <p>Business Unity South Africa (BUSA)</p> <p>The Industry Task Team on Climate Change (ITTCC)</p>	<ul style="list-style-type: none"> • BUSA and the ITTCC stated that some sector benchmark proposals were submitted but have not been included. BUSA confirmed that there was confusion between a process of the DEFF related to emissions performance guidelines and the Treasury performance allowance benchmark process. BUSA appreciates Treasury’s willingness to consider these sectors for inclusion and accepts that only those sectors who have completed benchmark work could be considered for inclusion in the Regulations at this stage. • AFSA also noted that one of its members, South 32 had submitted its emissions intensity benchmark proposal to the Department of Environment, Forestry and Fisheries (DEFF) as part of the consultation process for developing emissions performance guidelines. South32 indicated that it submitted both Scope 1 and Scope 2 emissions and production data to DEFF. It is concerned that the emissions intensity benchmarks for aluminium has not been included in Annexure A of the Draft Regulations. AFSA has requested that the National Treasury considers including the emissions intensity benchmarks for aluminium in Annexure A. 	<ul style="list-style-type: none"> • Accepted. The National Treasury had embarked on the process for developing emissions intensity benchmarks in 2014 with the publication of the Greenhouse Gas Emissions Intensity Benchmark report. An extensive consultation process was undertaken since the publication of the report in 2014, and a stakeholder consultation workshop was held in 2015. During the consultations, the National Treasury had requested that industry associations and companies develop benchmark proposals for submission to the National Treasury for review and approval. All sector, subsector industry associations and companies were consulted including extensive consultations through Business Unity South Africa on the carbon tax policy including performance benchmarks. • The National Treasury held extensive consultations with industry associations and some companies since 2015 on benchmark proposals submitted. This involved an iterative process comprising discussions on the proposed methodologies, data sources, and benchmark values as contained in presentations, and draft reports culminating in a final report on the benchmark proposal. • Taking into account the extensive stakeholder consultation process, National

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			<p>Treasury was of the view that it is inappropriate to include the aluminium sector benchmark proposal in the current regulation due to insufficient time and resources to engage on the proposed methodology, data sources and benchmark values and to ensure that the proper public consultation process is followed in finalizing the benchmarks. However, after internal NT consultation, it was agreed that benchmarks submitted and evaluated as part of the DEFF process will be evaluated and considered for inclusion in the final regulation.</p>
<p><i>Process - Review of existing benchmarks and process for inclusion of new benchmarks</i></p>	<p>BUSA ITTCC Chemicals and Allied Industry Association (CAIA) Individual – Cecil Morden SASOL Catalyst Solutions</p>	<ul style="list-style-type: none"> • There were suggestions from several stakeholders for the inclusion of a section in the regulation outlining the process and timeframe for a review and update of existing benchmarks and including new benchmarks. It was suggested that the regulations should define a process whereby other companies, sectors or subsectors can prepare and submit a benchmark, to be used as 'A' in the calculation, for consideration and approval by the Minister. If this is not possible then it was suggested that the Minister should issue a call for companies, sectors or subsectors to prepare and submit a benchmark for consideration and approval. • This was also raised in written comments and meetings with BUSA. BUSA noted that Treasury would not normally include the prescription of how amendments would be dealt with, i.e. in terms of timing, and process in the Regulations themselves, however, BUSA appreciates that the opportunity to make amendments has been confirmed and that this can be done at any time and is not governed by the process to update tax Acts. 	<ul style="list-style-type: none"> • Partially accepted. National Treasury takes note of the views of stakeholders and the proposals for a review. The approach taken for companies and industry associations to develop benchmarks was due to the lack of accurate data which was required for government to set the benchmarks. The current benchmarks therefore serve as initial benchmarks, and as emissions and product data becomes available, government will set future benchmarks. The proposal for the inclusion of a review in the regulations is therefore not required. The National Treasury and the DEFF are finalizing the procurement process for the appointment of consultants to assist government with the review of the submitted benchmarks. This will be conducted through NDC Support Facility initiative of the World Bank and will inform future adjustments of benchmarks. • Similar to the response above for the aluminium sector, after internal NT

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		<ul style="list-style-type: none"> There was also a view that there is room to tighten the proposed intensity benchmarks as per the December 2019 draft Regulations. If this is not possible, given time and resource constraints, the intention to do so within the next two years or so should be clearly articulated when the final Regulations are published. 	<p>consultations, it was agreed that new benchmark proposal submissions made as part of the public consultation process will be evaluated and considered for possible inclusion in the final regulations.</p> <ul style="list-style-type: none"> National Treasury takes note that some of the submitted benchmarks are generous and should in future be tightened. Taking into account the review of the existing benchmarks through the PMR project, in collaboration with the DEFF, the National Treasury will ensure that more stringent benchmarks are applied in future to strengthen the incentive for companies to reduce the greenhouse gas emissions intensity of their products. Government will also explore the option to specify in the regulations how the benchmark values will be adjusted and become more stringent over time, similar to the EU.
<i>Process – Access to benchmarks by companies that are not members of industry associations</i>	Mamba Cement	<ul style="list-style-type: none"> Mamba cement indicated that it is not a member of the Association of Cementitious Materials Producers (ACMP) and cannot access the methodology developed for the cement sector benchmark. This is required for determining the company emission intensity (B). 	<ul style="list-style-type: none"> Noted. During the consultation process it was agreed that the company could submit its methodological approach for the benchmark value for consideration of the NT, which would form basis for determining the emission intensity for a tax period (B). The company had also agreed to submit the data used for the analysis with the National Treasury.
SPECIFIC COMMENTS			
Section 1 – Definitions	Western Cape Government	<ul style="list-style-type: none"> The full short title of the Act, with Act number should be used. There are numerous references to the Act. A definition for the Act should be added 	<ul style="list-style-type: none"> Accepted.

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Section 2 GHG intensity benchmark			
<i>Legal drafting</i>	Western Cape Government	<ul style="list-style-type: none"> Spelling should be identical to that in Act. Wording in regulation must correspond to that in the Annexure. Add hyphen: sub-sector. Add “SA Industry” before “Benchmark Value”. 	<ul style="list-style-type: none"> Accepted.
<i>Clarification of the approach to benchmark setting - Sector/ sub-sector vs company/ facility – level benchmarks</i>	Catalyst Solutions	<ul style="list-style-type: none"> There was a view that the regulations should provide some guidance on preparing a benchmark. For example, clarification is required on whether benchmarks should be sector-, product- or site-specific. 	<ul style="list-style-type: none"> Noted. The 2014 National Treasury report entitled “Emissions intensity benchmarks for the South African carbon tax” from the study commissioned through the World Bank considered various approaches and criteria for setting greenhouse gas emissions intensity benchmarks. This comprehensive report recommended the adoption of the “one product - one benchmark principle” for benchmark setting and recommended that sector based product benchmarks are the first best options for the determination of benchmarks. To the extent that product based benchmarks are difficult to implement, alternative fall back approaches were suggested in the report. Although some fall back approaches could be used such as energy and fuel based benchmarks, company including facility level benchmarks were not recommended as this reduces the incentive for a company to reduce emissions and improve the energy efficiency relative to its peers in a particular sector. Therefore, product based benchmarks are preferable and simpler to implement. Fall back approaches were considered on a case by case basis.

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<p><i>Setting of Benchmarks – Methodological approaches to determine GHG Emission Intensity Benchmarks and stringency of benchmarks</i></p>	<p>DEFF Individual - Cecil Morden</p>	<ul style="list-style-type: none"> Some concerns were raised on the benchmark development process where the benchmarks are developed by the industries themselves with limited information being available to government to assess the benchmarks. It would be critical for government to put in place systems that would allow assessment of benchmarks coming from industries against what is considered best practice for the sectors / sub-sectors using a single methodology. In this way, the allowance would be used to reward those who are moving away from the high emissions technologies to cleaner options. A concern was raised on the average emissions approach to setting benchmarks which resulted in relatively generous benchmarks. It was suggested that the National Treasury should request the Industries (sectors) to also provide information on the 25th, 50th and 75th percentile GHG emissions per product category. The 25th and 50th percentile figures should also be made public -in due course – with the medium target (by 2025) to move the Intensity Benchmark to the 25th percentile. The proposal to publish the 25th and 50th percentile figures, with the 25th percentile as the aspirational target and taking into consideration international developments of GHG product benchmarks should be considered. There are inconsistencies in methodology applied to calculate the intensity benchmarks across sectors including units of measurement. This has the potential challenge of not being able to use intensity benchmarks to assess mitigation potential / emission reduction. DEFF suggests that National Treasury uses 	<ul style="list-style-type: none"> Noted. See response above. The current benchmarks therefore serve as initial benchmarks, and as emissions and product data becomes available, government will set future benchmarks. Taking into account the review of the existing benchmarks through the PMR project, in collaboration with the DEFF, the National Treasury will ensure that more stringent benchmarks are applied in future to strengthen the incentive for companies to reduce the greenhouse gas emissions intensity of their products. Government will also explore the option to specify in the regulations how the benchmark stringency will be adjusted and tightened over time. Accepted. The review of the benchmarks under the World Bank NDC project will consider the proposed data requirements and analytical approach for setting stringent benchmarks going forward. Accepted. Requirements for a company level data range used in the calculation of the emissions intensity indicating the median, 25th, 50th and 75th percentile will be catered for in the Act. A new section in the Carbon Tax Act on “Reporting, methodology, data and information” will be considered. Noted. Due to competition issues, industry has raised concerns on the publication of company specific data.

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		<p>one set of units of measurement for these intensity benchmarks.</p> <ul style="list-style-type: none"> • There were suggestions that the various studies and input data which were used to inform these intensity benchmarks be made available. 	
<i>Cement benchmark</i>	Individual – Cecil Morden	<ul style="list-style-type: none"> • It was noted in a study for one of China’s carbon trading pilots a relatively modest benchmark of 0.95 t CO_{2e} per ton cement product was recommended. This was recommended to provide the industry time to adjust to the carbon market, and at the same time, early actions are appropriately rewarded. In this context the proposed benchmark of 1 tonne CO_{2e} / tonne clinker might seem reasonable. However, a report by the Transition Pathway Initiative suggest that the average carbon intensity of a cement producer aligned with the Paris Pledges path is 0.56 tonnes of CO_{2e} per tonne of cement produced (p 7). Given this more ambitious benchmark (which is in line with Paris commitments) the proposed 1 tonne CO_{2e} / tonne clinker might be on the high side (too lenient). 	<ul style="list-style-type: none"> • Noted. The proposed benchmark for cement is based on the World Business Council for sustainable development methodology for developing benchmarks for the cement sector. This demonstrated that 1tCO_{2e}/tClinker was reasonable and in line with other international benchmarks. However, as part of the review of the benchmarks, National Treasury will consider the appropriateness of the GHG emissions intensity benchmark for cement.
<i>Paper and Pulp sector benchmark</i>	DEFF	<ul style="list-style-type: none"> • Concerns were raised on the approach to setting benchmarks for the pulp and paper sector where the approach used to determine intensity benchmarks for mills do not necessarily define the product benchmarks but are mill specific. It was noted that mills A to F have similar products however different benchmarks are proposed. 	<ul style="list-style-type: none"> • Accepted. The National Treasury engaged the paper and pulp sector further to explore product based benchmarks. The technical analysis suggested that current mills in South Africa are distinctly different with no two mills producing the same products and combination of products of wood, pulp and / or paper. The benchmarks have been revised from mill specific to product based benchmarks.
<i>Coal mining benchmark</i>	South32 SA Limited	<ul style="list-style-type: none"> • A single coal mining benchmark was developed by the industry and included in the published regulations. Comments provided requested that the mining sector 	<ul style="list-style-type: none"> • Accepted. A consultation with the Minerals Council including some of its member companies to discuss the benchmarks

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		<p>GHG intensity benchmark for the mining of coal differentiates between opencast and underground mining operations. For coal mining, open cast operations do not include fugitive emissions associated with coal mining, whereas underground operations include the release of fugitive emissions which are higher than for opencast operations.</p>	<p>submitted for coal mining was held on 25 February 2020. It was agreed that two separate benchmarks i.e., for opencast and underground coal mining should be developed.</p> <ul style="list-style-type: none"> • A preliminary report on the coal mining benchmark i.e. open cast and underground coal mining, outlining the methodologies, sample of companies and data sources used, production volumes, operations covered, and percentage of coal mining covered was submitted to National Treasury on 9 March 2020. • The submitted benchmarks and data were considered and further analysis done to verify the proposed benchmarks for the period 2016 to 2018 and 2017 to 2019. Since the proposed benchmark would be used for the 2019 tax period, the benchmarks for open cast and underground coal mining of 0,014 and 0.022tCO_{2e}/t run of mine coal for the 2016-2018 period, respectively, is proposed for inclusion in the list of benchmarks.
<p><i>Finalisation of regulations - Provision of blanket 5 per cent performance to all companies</i></p>	<p>SAPOA</p>	<ul style="list-style-type: none"> • Stakeholders were of the view that limited time will be afforded to taxpayers to determine Symbol B, and in the interests of fairness, it is proposed that the full Performance Allowance (5%) be granted to all sectors for the first tax period to enable sufficient time to make full use of the Performance Allowance and to minimize the impact of the carbon tax during its initial application. 	<ul style="list-style-type: none"> • Not accepted. The methodology for setting the benchmarks were developed by industry in consultation with the National Treasury and taking into account the approaches outlined in the 2014 GHG Emissions Intensity Benchmark report. NT had requested submission of benchmark proposals in 2014. A blanket application of the performance allowance will therefore not be necessary due to the timeframe afforded to industry to develop proposals and this would prejudice sectors that have

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			<p>put immense effort in determining benchmarks for their sectors.</p> <ul style="list-style-type: none"> The industry and companies would use the same approach to determine the factor B for calculating the performance allowance and can engage the National Treasury at any time to start the benchmark setting process.
<i>Process – Measurement and Verification of Benchmarks</i>	Catalyst Solutions DEFF	<ul style="list-style-type: none"> Clarity was requested on a recommended methodology which must be followed or requirements for determining the intensity benchmark. This included whether the emissions intensity benchmark must be measured and verified and if the calculation should be reviewed by an accredited measurement and verification body or if an external verification company (without accreditation) would be sufficient. It is recommended that National Treasury develops Carbon Tax Act Guidelines which would amongst other things guide on the roles and responsibility, verification process etc. for implementation of the performance and other allowances. 	<ul style="list-style-type: none"> Noted. See responses above. The National Treasury had embarked on the process for emissions intensity benchmarks in 2014 with the publication of the Greenhouse Gas Emissions Intensity Benchmark report. This report served as a guidance document to industry and set out various approaches and criteria for setting greenhouse gas emissions intensity benchmarks. This comprehensive report recommended the adoption of the one product one benchmark principle for benchmark setting and recommended that sector based product benchmarks are the first best options for the determination of benchmarks. This report was used by the National Treasury to assess the benchmarks submitted i.e. the methodology and benchmark values. Going forward, based on data collected during the first 3 years of implementation of the carbon tax, and the review of benchmarks through the World Bank NDC project, government will set the benchmarks.
<i>Determination of the applicable benchmark where a benchmark range or multiple benchmarks apply</i>	Climate Neutral Group (CNG) SASA	<ul style="list-style-type: none"> It is not clear how the Regulations provide for the determination of Z, the actual performance allowance, to be determined by the taxpayer as per the formula “$Z = (A/B - C) \times D$”, stipulated in section 11 of the Carbon Tax Act, in case the taxpayer has multiple activities, 	<ul style="list-style-type: none"> Accepted. A formula would be included in the regulation to determine the specific benchmark value where multiple benchmarks or a benchmark range applies for an activity. This would be based on a

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<i>for a single activity</i>		<p>each with specific intensity benchmarks. For example, a gold mine operating at different depths. It is recommended to provide an industry benchmark figure for those sectors or subsectors where different intensity benchmarks could be applicable within the operations of the same taxpayer similar to the industry benchmark value for the sector/sub-sector “sugar”.</p> <ul style="list-style-type: none"> The Benchmark Regulations indicate in Annexure A, a range for mills producing both raw and white sugar without clarifying how this range should be applied. For these mills, the “raw and white sugar” benchmark is applicable showing a range of 0.217 to 0.601 tonne CO₂e per tonne of white sugar and raw sugar together. In order to clarify this in the Benchmark Regulations, we propose to add the following (for example as a note to the table): “The benchmark within the range is established by multiplying the tonne of raw sugar and white sugar with the respective benchmark value and divide the total by the tonne of white sugar and raw sugar produced.” 	<p>“weighted average formula” taking into account the amount of product produced.</p>
<i>Multiple performance allowances for a particular activity – weighted average</i>	Ecometrix Africa	<ul style="list-style-type: none"> A method for combined allowances will be required for every allowance where there are differences in allowances value for different activities covered. Similar to the trade exposure allowance, provision should be made in the Benchmark regulations for combining performance allowances. For example, a facility (site) includes two processes, for process A one can claim a performance allowance of 5% and for process B one cannot claim any performance allowance. 	<ul style="list-style-type: none"> Noted. The performance allowance is based on an activity. In the case where a company reports emissions for 2 or more activities, and a single benchmark has been developed, then the same performance allowance will apply for all the activities. If a company reports emissions under 2 or more activities and there are 2 or more benchmarks that could apply to an activity, then a weighted average of the performance allowance could be applied. To cater for this scenario, consideration will

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<p><i>Scope 2 emissions - Applicable and recommended Grid Emission Factor</i></p>	<p>Ecometrix Africa South African Sugar Association (SASA) Ferro Alloy Producers' Association (FAPA)</p>	<ul style="list-style-type: none"> Stakeholders requested clarity on the grid emissions factor to be used for calculating indirect, scope 2 emissions. It was noted that the indicative grid emission factor (GEF) of 0.94 t CO₂-e / MWh was given in the National Treasury study "Emissions intensity benchmarks for the South African carbon tax Technical support study; The Green House and Ecofys, commissioned by the National Treasury, 2014." Clarity was required on whether the 0.94 grid emission factor would be used for determining A. 	<p>be given for the incorporation of a weighted average calculation in the Carbon Tax Act.</p> <ul style="list-style-type: none"> Accepted. It was clarified by the NT during the stakeholder consultation workshop that the Grid Emissions Factor (GEF) for electricity emissions intensity of 0.94 tCO₂e / MWh in line with the 2014 Ecofys report would be used for setting benchmarks. <p>It was agreed at the stakeholder workshop that revisions to most existing benchmark proposals which did not use the 0.94 factor will be required and should be submitted to the NT by 28 February 2020. The revised benchmark values have been included in the regulation.</p>
<p>Section 3 GHG intensity determination</p>			
<p><i>Legal drafting</i></p>	<p>Western Cape Government</p>	<ul style="list-style-type: none"> Wording should be consistent throughout regulations. Spelling should be identical to that in the Act. Delete "the formula prescribed by". Add hyphen: sub-sector. Incorrect punctuation. Semi-colon at the end of paragraph (a)(vii). Incorrect numbering. Correct the numbering of paragraphs. 	<ul style="list-style-type: none"> Not accepted Accepted
<p><i>Correction to crude oil refining benchmark unit</i></p>	<p>South African Petroleum Industry Association (SAPIA)</p>	<ul style="list-style-type: none"> It should be noted that the benchmark for petroleum refining is an emissions relative to complexity weighted tons (CWT) benchmark and not a simple greenhouse gas emissions benchmark as provided under (g). Previous submissions made indicate that the most 	<ul style="list-style-type: none"> Accepted. Text will be changed to "GHG emissions per complexity weighted tons in respect of a tax period".

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		<p>suitable way to compare relative emissions as it takes into account specific refinery configurations in an equitable and scientific manner. To correct any misreading of clause (g), we recommend that this clause be changed to reflect the intent above as follows;</p> <p>“(g) petroleum refining, greenhouse gas emissions per complexity weighted tons in respect of a tax period.”</p>	
<p><i>Measurement and verification of B</i></p>	<p>Ecometrix Africa</p> <p>Business Unity South Africa (BUSA)</p> <p>ITTCC</p> <p>Catalyst Solutions</p> <p>Sasol</p>	<ul style="list-style-type: none"> • The Carbon Tax Act indicates that the actual intensity (B) is measured and verified but does not clarify how the measurement and verification should be performed, neither do the Benchmark Regulations. Regulation 3 provides that a “taxpayer must determine the measured and verified emissions intensity of that taxpayer” either in relation to the product produced or in relation to certain fall-back options such as the emissions intensity of the ore mined. In order to ensure legal certainty and consistency in approach, it is proposed that the Regulations be supplemented to indicate the process, administrative authority and relevant guideline documents for the procedure to determine a taxpayer’s “measured and verified emissions intensity.” • BUSA understands that the intention of both Treasury and SARS, at least for the first phase, is that an entity should be able to provide SARS with the data and parameters for this allowance as may be requested by SARS in line with normal self-assessment processes. It was noted that verification will be refined over time and that there will be further consultation on this process. • The regulations do not define the statutory requirements for claiming the allowance i.e. a 	<ul style="list-style-type: none"> • Accepted. During the stakeholder consultation workshop held on 19 February 2020, the NT outlined possible options for verification of the B including the joint verification of the emissions and product volumes data, supplied by taxpayers, by the Department of Environmental Affairs and the NT, respectively. There were concerns raised by industry regarding data confidentiality and the PAIA, while some companies were willing to share the data with NT. NT responded that taxpayer information would be aggregated and anonymised. • To address this concern, a requirement for third party verification will be considered in terms of the Carbon Tax Act. • In the interim, verification would be a SARS process where the taxpayer is expected to keep source/ support documentation in line with normal self-assessment processes.

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		<p>formalised report or a letter of approval, and the name of the department required to grant approval.</p>	
<p><i>Clarification of the use of the same methodology for determination of A and B</i></p>	<p>Ecometrix Africa South African Sugar Association (SASA)</p>	<ul style="list-style-type: none"> Stakeholders were of the view that in order to come to a fair A/B factor, the benchmark and actual emission intensity for a tax period both need to be determined on the same basis. NT should make sure that when applying a benchmark value from Annexure A in section 11(1) of the Benchmark Regulations, the tax payer ensures that in determining the GHG emissions intensity for the respective tax period (B), the same methodology is applied as for determining the GHG emissions intensity benchmark (A). 	<ul style="list-style-type: none"> Noted. The NT clarified that the same methodology should be used in the determination of A (agreed emission intensity benchmark) and B (company emissions intensity for a tax period) and this is specified in Regulation 4.
<p><i>Applicable data and methodology for emissions intensity determination (B)</i></p>	<p>The Industry Task Team on Climate Change (ITTCC) South32 SA Limited Catalyst solutions</p>	<ul style="list-style-type: none"> Clarity was requested on the types of emissions that should form part of the CO_{2e} emissions that are used to do comparative emission intensity calculations for B. It was suggested that the Regulations or additional supporting documentation, stipulate the emissions that should be included in the determination of the industry benchmarks. For example, should emissions from the treatment of waste, such as at water treatment plants which is reported under the National Greenhouse Gas Reporting Regulations, included in this total, even though it receives a 100% basic Tax allowance. Another scenario is when two production facilities produce the same product but with different processes. The emission generating activities can thus differ between the facilities, creating confusion on the emissions that should be included. 	<ul style="list-style-type: none"> Noted. The 2014 National Treasury “Emissions intensity benchmarks for the South African carbon tax” sets out the methodological approaches and outlines the key principles and criteria that could be used to develop and guide the establishment benchmarks for key sectors. Generally, the methodology for determining the benchmark, should also be used for calculating B, the emission intensity for a tax period. For the submitted benchmarks, the data requirements and methodology are clearly outlined in the reports compiled by the industry. A link to the 2014 study will be included in the media statement.

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Annexure A - Proposals for revision of benchmark values			
<i>Legal drafting</i>	Western Cape Government	<ul style="list-style-type: none"> • Incorrect punctuation. Delete full stop after “clinker”. 	<ul style="list-style-type: none"> • Accepted.
<i>Crude oil refining</i>	South African Petroleum Industry Association (SAPIA)	<ul style="list-style-type: none"> • The benchmark provided in Annexure A for petroleum refining is 53.2 kg CO₂e/ SA-CWT. The 53.2 figure in Annexure A is not an arithmetic average of the South African refineries but a determination from the regressed curve of South African refineries of the daily SA - CWT versus annual emissions. It is determined from the slope of the curve of SA - CWT versus Emissions and is obtained from the equation $(19.409 / 365) * 1000 = 53.2$. The true average, as provided by Solomon Associates and included in the report to NT, is 53,6 which should be used. 	<ul style="list-style-type: none"> • Accepted. The average as provided by Solomon Associates of 53,6 kg CO₂e/ SA-CWT will be used. The benchmark value will be revised in Annexure A.
Section 4 – Short title and commencement	Western Cape Government	<ul style="list-style-type: none"> • Words in title of regulations must be capitalized. • It is unclear whether the commencement date is correct, as the current date will have the effect that the regulations will have retroactive force. 	<ul style="list-style-type: none"> • Not accepted.