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No. 27142



AIDS HELPLINE 0800-0123-22 Prevention is the cure

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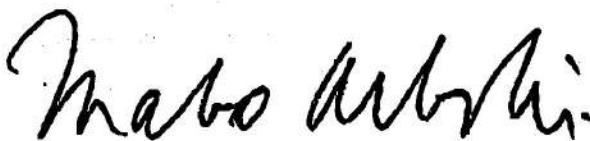
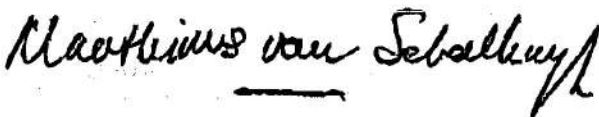
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PROCLAMATION*by the**President of the Republic of South Africa***No. R. 63, 2004****COMMENCEMENT OF THE NATIONAL ENVIRONMENT MANAGEMENT
AMENDMENT ACT, 2003 (ACT NO 56 OF 2003)**

In terms of section 9 of the National Environmental Management Amendment Act, 2003 (Act No 56 of 2003), I hereby, determine, 7 January 2005 as the date on which the said Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at

Pretoria (place) this 18th day of December (month) Two Thousand and Four.

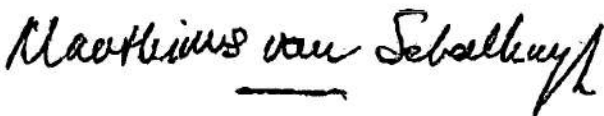
**PRESIDENT****By order of the President-in-Cabinet****MINISTER OF THE CABINET**

PROKLAMASIE*van die**President van die Republiek van Suid-Afrika***No. R. 63, 2004****INWERKINGTREDING VAN DIE NASIONALE OMGEWINGSBESTUUR
WYSIGINGSWET, 2003 (WET NO 56 VAN 2003)**

Ingevolge artikel 9 van die Nasionale Omgewingsbestuur Wysigingswet, 2003 (Wet No 56 of 2003), stel ek hiermee 7 Januarie 2005 vas as die datum waarop gemelde Wet in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te

Pretoria (plek) hierdie 18de dag van Desember (maand) Tweeduisend en Vier.

**PRESIDENT****Op las van die President-in-Kabinet****MINISTER VAN DIE KABINET**

GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM DEPARTEMENT VAN OMGEWINGSKE 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 or Mr Itumeleng Mabalane 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

- 2
- (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

- 3
- (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;

- (e) Promote the establishment of Clean Development Mechanism Projects in South Africa in cooperation with other government agencies with the same or similar responsibilities;
 - (f) Monitor and report to the Minister of Minerals and Energy from time to time on Clean Development Mechanism Projects and activities in South Africa;
 - (g) Declare all donations received in accordance with the provisions of the Public Finance Management Act, 1999 (Act No. 1 of 1999)
- (2) The Designated National Authority may make recommendations to the Minister of Environmental Affairs and Tourism on amendments to Regulations issued in terms of Section 25(3) of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

Establishment of a Steering Committee for the Designated National Authority

4. (1) A Steering Committee of the Designated National Authority is hereby established.
- (2) The Steering Committee shall be comprised of eight members representing the following National Departments-
- (a) Minerals and Energy;
 - (b) Environmental Affairs and Tourism,
 - (c) Water Affairs and Forestry;
 - (d) Foreign Affairs;
 - (e) Trade and Industry;
 - (f) Agriculture and Land Affairs,
 - (g) Transport; and
 - (h) The National Treasury.
- (3) The Directors' General of each of the Departments represented in the Steering Committee must appoint one member of the Committee and an alternate to that member from among the officials in their departments.
- (4) Each member of the Committee shall serve until the member's successor shall have been appointed or until their employment by the department concerns ends, whichever is the sooner.
- (5) The chairperson of the Committee shall be the representative of the Department of Minerals and Energy.
- (6) The Steering Committee must establish a terms of reference for its operations which must address the following matters of procedure:
- (a) Meetings of the Steering Committee;
 - (b) Decisions of the Steering Committee;
 - (c) Powers and Duties of the Steering Committee;
 - (d) Establishment of sub-committees.

Duties of the Steering Committee for the Designated National Authority

5. (1) The Steering Committee must-
- (a) provide oversight and advice to the operations of the DNA;
 - (b) in concurrence with the Designated National Authority adopt and make publicly available a Clean Development Mechanism project approval procedure;
 - (c) facilitate coordination over issues related to the Clean Development Mechanism between National Departments and government agencies;
 - (d) support the CDM in South Africa;
 - (e) monitor the CDM in South Africa;
 - (f) provide general advice to the Designated National Authority;
 - (g) consider and make recommendations to the Designated National Authority in respect of CDM Projects submitted to it;
 - (h) approve an annual business plan and workplans for the Designated National Authority;
 - (i) address issues arising from CDM projects and activities submitted to;
 - (j) review the performance of the DNA every three years and submit a report on the performance of the DNA to the Minister of Minerals and Energy summarizing the performance evaluation of the DNA;
 - (k) establish a sub-committee on the promotion of Clean Development Mechanism Projects to review and coordinate the implementation and promotion of the Clean Development Mechanism in South Africa through different Government departments and agencies.

Approval Procedure

6. (1) The approval procedure for Clean Development Mechanism projects must include-
- (a) a process for the submission of projects for approval to the Designated National Authority;
 - (b) the sustainable development criteria approved by the Minister of Minerals and Energy from time to time;
 - (c) such other documents, forms, templates or other guidance material as is deemed necessary;
- (2) The Designated National Authority shall make the approval procedure available to the public;
- (3) The approval procedure may be amended from time to time.
- (4) Any project already submitted for approval to the Designated National Authority will be subject to the approval procedure applicable at the time of submission.

Letter of Approval

7. (1) The Director General must consider recommendations by the Designated National Authority to issue letters of approval, within 10 days of receipt thereof.
- (2) If the Director General accepts the recommendation he/she must issue a letter of approval to the project proponent;
- (3) If the Director General does not accept the recommendation he or she must give reasons therefore in writing within 10 days of receipt thereof;
- (4) A letter of approval will contain-
- (a) a statement that South Africa is a signatory to the Kyoto Protocol;
 - (b) a statement that the Designated National Authority is the authorised body in the country to issue Clean Development Mechanism project letters of approval;
 - (c) a statement that the participation in the project is voluntary;
 - (d) confirmation that the project activity assists in supporting sustainable development in South Africa;
 - (e) authorisation for the Project Proponent to participate in the CDM Project;
 - (f) authorisation for the Project Proponent to sell the title and all rights to the greenhouse gas emission reductions generated by the CDM Project;
 - (g) the name, address and telephone number and other contact details of the project proponent;
 - (h) the geographic location of the project;
 - (i) a description of the boundaries of the area occupied by the project;
 - (j) the conditions, if any, included in the letter of approval;
 - (k) the date of expiry or the duration of the letter of approval;
 - (l) the signature of the Director-General and the date thereof.

8. Appeals

- (1) An applicant or an interested and affected party may appeal against a recommendation of the Designated National Authority or of the Steering Committee to the Director General;
- (2) An applicant or an interested and affected party may appeal against a decision of the Director General to the Minister of Minerals and Energy.
- (3) Any appeal contemplated in this section must be made in writing within 30 days of the date on which the recommendation or decision was made known;
- (4) An appeal made in terms of this section must-
- (a) Be in writing;
 - (b) State the grounds for the appeal;
 - (c) Be accompanied by all relevant original documents or copies thereof which a commissioner of oaths has certified as being true copies.

9. Financing of the Designated National Authority

- (1) The funds of the Designated National Authority consist of—
 - (a) Monies provided for in the budget of the Department of Minerals and Energy;
 - (b) Donations received by the Department of Minerals and Energy on behalf of the Designated National Authority from any source;
 - (c) User charges, for the evaluation of Project Proposals.
- (2) The Designated National Authority must utilize the funds at its disposal to defray expenses in connection with the performance of its functions.

No. R. 1479

24 December 2004

SOUTH AFRICAN WEATHER SERVICE**SOUTH AFRICAN WEATHER SERVICE ACT (ACT No. 8 OF 2001)****PUBLICATION OF FEES FOR THE PROVISION OF AVIATION METEOROLOGICAL SERVICES**

In terms of section 28 (b) of the South African Weather Service Act (Act No. 8 of 2001), it is hereby published for general notice that as from the date of publication of this notice the South African Weather Service will charge fees for the provision of aviation meteorological services set out in the Schedule by virtue of the provisions granted in terms of section 4 (2) (e) and 21 (1) (b) of the said Act.

MARTHINUS VAN SCHALKWYK**MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM****SCHEDULE****1. Liability to pay aviation meteorological user charges**

- (1) Subject to the provisions of these rules, user charges for aviation meteorological services shall be payable by the operator of an aircraft to the South African Weather Service in respect of a flight undertaken within any flight information region established by the Commissioner for Civil Aviation in terms of the Civil Aviation Regulations, 1997, as amended.
- (2) Subject to the provision of these rules, the tariff of the aviation meteorological charges shall be as set out in Annexure A.

(3) The tariffs set out in these rules, including Annexure A, are exclusive of value-added tax and are therefore subject to the appropriate rate as may be applicable to any specific tariff.

(4) These charges shall be payable within 30 days of receipt of an invoice from the South African Weather Service.

2. Information of flights taking place and payment of charges

(1) All the relevant information that is provided by an operator of an aircraft to the Air Traffic and Navigation Service Company of South Africa which will enable that company to calculate and air traffic service charge in terms of the flight, shall be used by the South African Weather Service to calculate aviation meteorological charges for that flight.

3. General Rules

- (1) Aviation meteorological user charges shall be payable in respect of South African and foreign state aircraft.
- (2) No aviation meteorological user charges shall be payable in respect of an aircraft engaged in search and rescue operations and coastal patrol flights of the South African Air Force.

ANNEXURE A

Aviation meteorological user charges

1. Category 1

In respect to an aircraft with a maximum certified mass (MCM) of 2000kg and above aviation meteorological user charge shall be calculated according to the following appropriate formula:

Charge = $T \times W \times D$

Where T =	for 29 November 2002 – 31 March 2003 (Year 1):	R20.41
	for 1 April 2003 – 31 March 2004 (Year 2):	R27.21
	for 1 April 2004 – 31 March 2006 (Year 3 and 4):	R24.05

W = Square root of (MCM in metric tonnes divided by 50)

D = Distance of the flight in the flight information region of South Africa in kilometer divided by 100

2. Category 2

Aircraft with a published certified maximum mass between 2000 and 4999 kg that operate under visual flight rules (VFR) pay user charges as follows according to their weight group:

	Year 1	Year 2	Year 3&4
Level 1: (VFR) 4999 kg to 2000 kg	R531	R689	R754
Level 2: (VFR) 1999 kg to 1050 kg	R255	R331	R362
Level 3: (VFR) 1049 kg to 0 kg	R 21	R 28	R 30

Aircraft within Level 1, operating under Instrument Flight Rules (IFR) will fall in the charging mechanism of Category 1 as above and their (paid) annual fee will be regarded as a credit on their account.

No. R. 1479

24 Desember 2004

SUID-AFRIKAANSE WEERDIENS**WET OP DIE SUID-AFRIKAANSE WEERDIENS (WET No. 8 VAN 2001)****PUBLISERING VAN FOOIE VIR DIE VOORSIENING VAN LUGVAARTWEERKUNDIGE DIENSTE**

Ingevolge artikel 28 (b) van die Wet op die Suid-Afrikaanse Weerdiens 2001, (Wet No. 8 van 2001), word daar hiermee vir algemene kennisname gepubliseer dat die Suid-afrikaanse Weerdiens met ingang van die datum van publikasie van hierdie kennisgewing gebruikersfooie sal hef vir die voorsiening van lugvaartweerkundige dienste soos uiteengesit in die Bylae kragtens die voorsienings in terme van artikel 4 (2) (e) en 21 (1) (b) van die genoemde Wet.

MARTHINUS VAN SCHALKWYK**MINISTER VAN OMGEWINGSKE EN TOERISME****BYLAE****1. Verpligting om vir lugvaartweerkundige dienste te betaal**

- (1) Kragtens die voorsienings van hierdie reëls is gebruikersfooie betaalbaar aan die Suid-Afrikaanse Weerdiens deur die operateur van 'n vliegtuig ten opsigte van 'n vlug wat onderneem is binne die vluginformasiestreek soos vasgestel deur die Kommissaris van Burgerlugvaart in terme van die Burgerlugvaartregulasies, 1997, soos gewysig.
- (2) Kragtens die voorsiening van hierdie reëls, word die tarief vir lugvaartweerkundige gebruikersfooie uiteengesit in Aanhangel A.
- (3) Die tariewe soos uiteengesit in hierdie reëls, insluitend Aanhangel A, is uitgesluit van nelasting op toegevoegde waarde en derhalwe onderworpe aan die toepaslike koers soos van toepassing op enige spesifieke tarief.

- (4) Hierdie gebruikersfooie is betaalbaar binne 30 dae na ontvangs van 'n rekening deur die Suid-Afrikaanse Weerdiens.

2. Inligting van vlugte wat plaasvind en die betaling van gebruikersfooie

- (1) Al die toepaslike inligting wat deur 'n operateur van 'n vliegtuig aan die Lugverkeer en Navigasiediens Maatskappy van Suid-Afrika voorsien word, wat daardie maatskappy in staat stel om lugverkeerdienste gebruikersfooie in terme van die vlug te bereken, sal gebruik word deur die Suid-Afrikaanse Weerdiens om lugvaartweerkundige gebruikersfooie vir daardie vlug te bereken.

3. Algemene reëls

- (1) Lugvaartweerkundige gebruikersfooie sal betaalbaar wees ten opsigte van Suid-Afrikaanse en buitelandse vliegtuie.
- (2) Geen lugvaartweerkundige gebruikersfooie sal betaalbaar wees ten opsigte van 'n vliegtuig wat betrokke is in soek-en reddingsoperasies en kuspatrollievlugte van die Suid-Afrikaanse Lugmag nie.

ANHANGSEL A

Lugvaartweerkundige gebruikersfooie

1. Kategorie 1

Ten opsigte van 'n vliegtuig met 'n maksimum gesertifiseerde massa (MGM) van 2000kg en hoër sal 'n lugvaartweerkundige gebruikersfooie bereken word volgens die volgende toepaslike formule:

$$\text{Gebruikersfooie} = T \times W \times D$$

Waar T = vir 29 November 2002 – 31 Maart 2003 (Jaar 1): R20.41

vir 1 April 2003 – 31 Maart 2004 (Jaar 2): R27.21

vir 1 April 2004 – 31 Maart 2006 (Jaar 3 and 4): R24.05

W = Vierkantwortel van (MGM in metriese ton gedeel deur 50)

D = Afstand van die vlug in die vluginligtingstreek van Suid-Afrika gedeel deur 100

2. Kategorie 2

Vliegtuie met 'n gepubliseerde maksimum massa (MGM) van tussen 2000 en 4999 kg, wat volgens visuele vlugreëls (VVK) funksioneer, betaal gebruikersfooie volgens hul massagroep:

	Jaar 1	Jaar 2	Jaar 3&4
Vlak 1: (VFR) 4999 kg to 2000 kg	R531	R689	R754
Vlak 2: (VFR) 1999 kg to 1050 kg	R255	R331	R362
Vlak 3: (VFR) 1049 kg to 0 kg	R 21	R 28	R 30

Vliegtuie in Vlak 1, wat onder Instrument vlugreëls funksioneer, sal in die fooi-heffingsmeganisme van Kategorie 1 hierbo val en hul (betaalde) jaarlikse fooi sal beskou word as 'n krediet op hul rekening.

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