



# **ENVIRONMENT (REDUCTION OF GREENHOUSE GASES EMISSION) ORDINANCE, 2023**

## **GUIDELINES FOR REGISTRATION OF BUSINESS ENTITY UNDERTAKING ACTIVITIES IN THE SCHEDULED ECONOMIC SECTORS (Section 5)**

**Version 1.1**

### **Natural Resources and Environment Board (NREB) Sarawak**

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## **INTRODUCTION**

The main objective of the guidelines in this document is to provide details and elaboration on the requirements of Section 5 in Environment (Reduction of Greenhouse Gases Emission) Ordinance, 2023 (referred thereafter as the "**Ordinance**").

Efforts are made to ensure that this document accurately interprets and covers all requirements and implementations outlined in Section 5 of the Ordinance. However, if there are any unaddressed requirements within the Ordinance, users should seek clarification from the Controller and the Controller's decision shall be final in such matters.

### **1.0 CITATION AND COMMENCEMENT**

These Guidelines shall be read in conjunction with the Ordinance, particularly in relating to registration of business entity undertaking activities in the scheduled economic sectors.

### **2.0 INTERPRETATION**

2.1 In these Guideline:

All words and expressions used or referred to in these Guideline shall have the same meaning as defined in the Ordinance, unless otherwise defined herein or repugnant to the context.

"Authorized Representative" means a person who has been duly authorized by the registered business entity to act on its behalf and serves as the designated individual to coordinate efforts related to the greenhouse gas emissions reporting, as well as acting as the primary contact point for communication with the Board and/or Controller.

"Block" means a specific geographic area that has been granted to a company or consortium for the purpose of exploration, development and production of petroleum resources.

"Board" shall have the same meaning ascribed to it in the Ordinance.

"Business Activity" means any activity or series of activities (including significant ancillary activities) that involves the emission of greenhouse gas from the Facility.

"Business entity" shall have the same meaning ascribed to it in the Ordinance.

"Facility" shall have the same meaning ascribed to it in the Ordinance.

“Foreign Registered Company” means a foreign company (as defined in the Companies Act, 2016) who is registered in Malaysia pursuant to Section 562 of the Companies Act, 2016.

“Non-Production Mode” means the period during which the facility is not in Pre-Production Mode and Production Mode. This phase typically encompasses activities related to planning, exploration, construction and appraisal but does not involve the activity and/or generating the intended products from the facility for commercial purposes.

“Operator” refers to the business entity or person (for sole proprietorship and enterprise) responsible for the operation and has Operational Control of the Facility in any applicable contractual arrangement.

“Operational Control” refers to any business entity which fulfils the criteria stipulated in Paragraph 3.6 these Guidelines.

“Pre-Production Mode” refers to a specific phase during which the Facility undertaking commissioning and testing of the Facility prior to the Production Mode.

“Production Mode” refers to a specific phase during which the Facility undertakes the production of its intended product for commercial purposes.

“Registered business entity” shall have the same meaning ascribed to it in the Ordinance.

### **3.0 REGISTRATION CONDITIONS**

- 3.1 Section 5 (1) of the Ordinance stipulates that all persons or business entities undertaking any of the activities in the scheduled economic sectors, shall within ninety (90) days of the coming into force of this Ordinance register with the Controller in the prescribed form.
- 3.2 The Operator of the Facility undertaking any of the activities belonging to the scheduled economic sectors as outlined below AND are in Pre-Production Mode or Production Mode are required to register with the Controller. For avoidance of doubt, the registered business entity in Pre-Production Mode may not be required to submit a carbon emission report pursuant to Section 6 of the Ordinance but shall update by submitting its development status to the Controller every six months from the date of registration.

### **3.2.1 Oil and Gas Sector**

This sector encompasses any –

- (i) Business relating to exploration, production and processing of petroleum or gas whether onshore or offshore Sarawak and all activities related to carbon capture and storage; or
- (ii) Business relating to processing or refining of petroleum or gas or manufacture of petrochemical products from petroleum which were issued with permit pursuant to Regulation 3A(1) of Petroleum Regulations, 1974; or
- (iii) Business entity granted with license or lease for oil exploration, prospecting and mining for crude oil, petroleum or natural gas upon any land pursuant to Section 33C of the Oil Mining Ordinance, 1958.

### **3.2.2 Energy Sector**

This sector encompasses any:

- (i) Business relating to electric power generation transmission from generating facilities to distribution centers and distribution to end users; or
- (ii) Business granted with licenses pursuant to Section 4(1) of the Electricity Ordinance.

### **3.2.3 Other Sectors**

Such other economic sectors as Majlis Mesyuarat Kerajaan Negeri may determine by notification published in the *Gazette*.

- 3.3 Where the status of a Facility changes from Non-Production Mode to Pre-Production Mode, the Operator of the Facility shall register with the Controller within ninety (90) days from the date of the changes.
- 3.4 In the event of change of Operator at any time, the previous Operator must deregister themselves by submitting the prescribed form to the Controller. The subsequent Operator is required to register with the Controller within ninety (90) days from the date of the changes.
- 3.5 A registered business entity shall always be the Operator of the Facility.
- 3.6 A business entity is said to have operational control over the Facility (including a business activity carried out wholly or partly by an

appointed third party) if the business entity has the full authority to introduce and implement its operating policies at the operation of the Facility. Having operational control does not mean that the business entity necessarily has the authority to make all decisions concerning the operations of a Facility.

- 3.7 Only one business entity should have Operational Control over a Facility at any one time.
- 3.8 If more than one business entity satisfies the requirement stipulated in Paragraph 3.6 above at any one time, the business entity that is named as the Operator for the purposes of these Guidelines is regarded to have operational control over the Facility.
- 3.9 Where a business activity is a series of activities that is carried out at more than one parcel of land, field, area, Block or premise as part of the same commercial arrangement, the business activity is treated for the purpose of these Guidelines as carried out at a single Facility if the same business entity has operational control over the business activities and facilities.
- 3.10 The business entity shall nominate an Authorized Representative to act on its behalf concerning registration as outlined in Section 5 of the Ordinance.

## **4.0 REGISTRATION**

### **4.1 Registration Procedure**

4.1.1 Registration shall be submitted to the Controller using the prescribed form set out in Appendix 1 of these Guidelines. The soft copy of the prescribed form can be downloaded at <http://www.nreb.gov.my>.

4.1.2 The Flowchart for Registration of Business Entity undertaking activities in The Scheduled Economic Sectors is shown in Appendix 2 of these Guidelines.

### **4.2 Registration Submission**

4.2.1 Duly completed prescribed form must be submitted to the Controller either by post or e-mail:

(i)	Postal Address: <b>Controller of Environmental Quality Natural Resources and Environment Board, Sarawak 18<sup>th</sup> -20<sup>th</sup> Floor, Menara Pelita, Jalan Tun Abdul Rahman Yakub Petra Jaya, 93050 Kuching, Sarawak Malaysia</b>
(ii)	E-mail Address: <a href="mailto:webmaster@nreb.gov.my">webmaster@nreb.gov.my</a>

4.2.2 The following supporting documents must be attached together during the submission of the prescribed form:

- (i) A copy of Company Profile with digital certified true copy by Suruhanjaya Syarikat Malaysia;
- (ii) A copy of license or permit issued by the relevant authorities for the conducted of the business activities belonging to the scheduled economic sectors, or any other documents confirming the appointment of the business entity as the Operator of the Facility;
- (iii) A copy of the facility boundaries map containing the coordinates of the facility in PDF format;
- (iv) A copy of Letter of Authorization or Resolution of the Board of Directors to affects the authorization of the Authorized Representative.

4.2.3 Each prescribed form is limited to only for one (1) business entity but may include more than one (1) facility operated by the same business entity.

4.2.4 The prescribed form must be reviewed for accuracy, signed by an authorized representative, and accompanied by the complete supporting documents.



### **4.3 Duration of Registration Process**

The submission of the prescribed form will be processed within a duration of twenty (20) working days from the day of receipt of the complete prescribed form.

### **4.4 Registration Validity**

The registration shall remain valid from the date of notification of successful registration until the registered business entity deregister themselves by submitting the prescribed form to the Controller. The deregistration may typically encompass the decommissioning of the facilities or the cessation of the operating contract or dissolution of the registered business entity.

### **4.5 Disclaimers**

4.5.1 The Controller reserves the right to request for any additional information from the business entity required for the purpose to process the registration. Failure to provide the requested information within a reasonable timeframe may result in the registered business entity failing to complete registration pursuant to Section 5 of the Ordinance.

4.5.2 Whilst every effort has been taken to ensure accuracy and completeness of the contents of this Guideline, inaccuracies may exist due to change in circumstances and/or amendments due to a change in the policies or prevailing rules or regulations of the governing authorities.

### 5.0 SCHEMATICS OF THE REGISTRATION PROCESS

Process	Description
<pre> graph TD     Start([START]) --&gt; D1{Scheduled Economic Sector?}     D1 -- Yes --&gt; S1[Submission of prescribed form in Appendix 1]     S1 --&gt; D2{Document complete and accepted}     D2 -- No --&gt; S1     D2 -- Yes --&gt; S2[Issuance of Notification of Successful Registration]     S2 --&gt; End([END])     D1 -- No --&gt; End     </pre>	<ul style="list-style-type: none"> <li>• Read full Guidelines &amp; check category of Sector</li> <li>• Check Registration Conditions             <ul style="list-style-type: none"> <li>- Companies must understand the Guideline for "Environment (Reduction of Greenhouse Gases Emission) Ordinance, 2023" Registration of Business Entity Undertaking Activities in the Scheduled Economic Sectors before completing and submitting the registration to Controller</li> </ul> </li> <li>• Complete the Registration             <ul style="list-style-type: none"> <li>- The prescribed form can be downloaded from <a href="http://www.nreb.gov.my">http://www.nreb.gov.my</a></li> <li>- Business entity fill in the prescribed form and compile all the supporting documents as required.</li> </ul> </li> <li>• Submit prescribed form to the Controller             <ul style="list-style-type: none"> <li>- All information and supporting documents must be completed and submitted to the Controller for screening process.</li> </ul> </li> <li>• Screening             <ul style="list-style-type: none"> <li>- The Controller reviews the information and supporting documents submitted. If the information or supporting documents provided are incomplete, notification will be made via email.</li> </ul> </li> <li>• Evaluation by the Controller             <ul style="list-style-type: none"> <li>- Evaluation to verify whether the registration completed and a period of 20 working days required for the whole evaluation.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"><li>• Issuance of Notification of Successful Registration</li><li>• Listing on the Board's Directory<ul style="list-style-type: none"><li>- The registered business entity shall be registered in the Board's Registry at <a href="http://www.nreb.gov.my">http://www.nreb.gov.my</a></li></ul></li></ul>
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## **6.0 THE BOARD'S REGISTRY**

Details of successful registration of business entity will be listed on the Board's Registry page, accessible at <http://www.nreb.gov.my>

## **7.0 TERMS AND CONDITIONS**

### **7.1 Changes of Registration Information**

In any event of change, revision or amendment to the registered business entity's information contained the prescribed form pursuant to Section 5 of the Ordinance, the registered business entity via the Authorized Representative shall submit a fresh prescribed form to the Controller within sixty (60) days of the effective date, indicating the relevant change, revision, or amendment thereto.

### **7.2 Update Company Information**

In addition to the requirement stipulated in Paragraph 7.1, the registered business entity shall submit the annual return form (which is submitted to the SSM on annual basis) to the Controller on or before 31<sup>st</sup> May every year, to ensure the registered business entity's information are being updated regularly on the Board's Registry.

### **7.3 Investigation**

The Controller may conduct an investigation into any the matter related to the Ordinance which may include the following actions:

- a) Request the registered business entity to provide clarification on the information provided in the prescribed form.

- b) Where necessary, request the registered business entity to undergo the registration process again, ensuring that all guidelines are followed accurately and comprehensively.

## **7.4 Liability**

7.4.1 The Board shall not be liable for the accuracy of information provided in the Board's Registry or any damage/losses suffered by the registered business entity or any third party due to the use or misuse of the information.

7.4.2 To the fullest extent permitted by law, under no circumstances shall the Board and/or any of its affiliates and/or its employees be liable to the registered business entity for any special punitive, exemplary, incidental and/or consequential damages and/or for any loss of profits, loss of any existing and/or anticipated revenues and/or damage of reputation arising, directly and/or indirectly, from the registered business entity's potential sale of goods or the services promoted or registered under the Board's Registry.

## **7.5 Variations or amendments**

The Controller may change, alter, amend, vary or replace the content of the Guidelines by providing an updated version or notice in writing at any time as the Board deems necessary. Such right is exercised at the Board's sole discretion and decision, and if executed, shall not be disregarded, or questioned by the registered business entity. The aforementioned changes shall be effective thirty (30) days from the date of publishing, posting or uploading of the updated Guidelines via Board's website or issuance of the notice (as relevant).

## **7.6 General Guidance**

7.6.1 Any business entity who fails or neglect to register with the Controller pursuant to Section 5(1) of the Ordinance, shall be guilty of an offence and upon conviction, be liable to a fine not exceeding Ringgit Malaysia fifty thousand (RM50,000) or imprisonment not exceeding one (1) year or, to both pursuant to Section 5(3) of the Ordinance.

7.6.2 Under Section 41 of Ordinance, any person who makes a statement which he knows to be false or does not believe to be true, or otherwise knowingly misleads the Controller or any other person in the exercise of his powers under this Ordinance commits an offence and upon conviction be liable to a fine not exceeding Ringgit Malaysia thirty thousand (RM30,000) or imprisonment not one (1) year, or to both.

## **8.0 ENQUIRIES**

All enquiries and correspondence regarding the Board's Registry, and any matters incidental thereto are to be directed to the Controller at the following address:

### **Controller of Environmental Quality**

Natural Resources and Environment Board, Sarawak  
18th -20th Floor, Menara Pelita, Jalan Tun Abdul Rahman Yakub  
Petra Jaya, 93050 Kuching, Sarawak, Malaysia  
Locked Bag No. 2103, Kuching, Sarawak, Malaysia

E-mail Address: [webmaster@nreb.gov.my](mailto:webmaster@nreb.gov.my)

**Appendix 1 - Prescribed Form for Persons and Business Entity Undertaking Activities in The Scheduled Economic Sectors**



**NATURAL RESOURCES ENVIRONMENT BOARD (NREB) SARAWAK**  
18<sup>th</sup> -20<sup>th</sup> Floor, Menara Pelita, Jalan Tun Abdul Rahman Yakub Petra Jaya,  
93050 Kuching, Sarawak, Malaysia  
Locked Bag No. 2103, Kuching, Sarawak, Malaysia  
Tel: 082-447488, 319500, Fax: 082-312800

**REGISTRATION FORM  
BUSINESS ENTITY UNDERTAKING ACTIVITIES IN THE SCHEDULED  
ECONOMIC SECTORS**

**To: CONTROLLER OF ENVIRONMENTAL QUALITY  
NATURAL RESOURCES AND ENVIRONMENT BOARD SARAWAK (NREB)**

**Please tick  appropriate box for submission category**

- |                          |                  |                          |  |
|--------------------------|------------------|--------------------------|--|
| <input type="checkbox"/> | New Registration | <input type="checkbox"/> | Change of Company /<br>Registration Information / Mode |
| <input type="checkbox"/> | Deregistration   |                          |  |

**Please tick  appropriate box for type of economic sector**

- |                          |                                |
|--------------------------|--------------------------------|
| <input type="checkbox"/> | Oil and Gas                    |
| <input type="checkbox"/> | Energy                         |
| <input type="checkbox"/> | Other Sector (please specify): |
|                          | _____                          |
|                          | _____                          |
|                          | _____                          |

**PART 1 – REGISTERED PERSON INFORMATION (APPLICABLE FOR SOLE PROPRIETORSHIP AND PARTNERSHIP ONLY. FOR OTHER TYPE OF BUSINESS ENTITY, PLEASE LEAVE THIS PART BLANK)**

No.	Item	Details
1	Name	
2	Identification Card No. (IC)	
3	Position Title	
4	Correspondence Address	
5	Email	
6	Phone No	
7	Fax No	

**PART 2 – REGISTERED BUSINESS ENTITY INFORMATION**

No.	Item	Details				
1	Type of business entity-duly registered with Companies Commission of Malaysia (SSM)	<p><b>Please tick <input checked="" type="checkbox"/> one</b></p> <table> <tr> <td><input type="checkbox"/> Private Limited Company</td> <td><input type="checkbox"/> Foreign Registered Company</td> </tr> <tr> <td><input type="checkbox"/> Public Limited Company</td> <td><input type="checkbox"/> Others; please specify:</td> </tr> </table>	<input type="checkbox"/> Private Limited Company	<input type="checkbox"/> Foreign Registered Company	<input type="checkbox"/> Public Limited Company	<input type="checkbox"/> Others; please specify:
<input type="checkbox"/> Private Limited Company	<input type="checkbox"/> Foreign Registered Company					
<input type="checkbox"/> Public Limited Company	<input type="checkbox"/> Others; please specify:					
2	Entity Registered Name					
3	Registration No.					
4	Incorporation Date					
5	Registered Address					
6	Main Business Address <i>(Leave it blank if it's the same as the Registered Address)</i>					

**Guideline For Registration of Business Entity Undertaking Activities in Scheduled Economic Sectors**

7	Company's MSIC Code*	1.  2.  3.
8	Business Nature & Description <i>(as per information in SSM Company Profile)</i>	1.  2.  3.
9	Email	
10	Phone Number	
11	Fax Number	

\*The MSIC Code refers to the "Malaysia Standard Industrial Classification" Code which is a classification system used to categorize economic activities in Malaysia. An item code (5 digits) representing the nature of business of an organization.

**PART 3 - AUTHORIZED REPRESENTATIVE INFORMATION**

Please tick  if information is same as the Registered Person in Part 1

1	Name	
2	Position Title	
3	Telephone Number	
4	Email	



**PART 4 - FACILITY INFORMATION**

**Notes:**

1. The business entity is required to provide details of the facility they operate.
2. If the business entity operates more than one (1) facility, kindly include an additional page to accommodate the necessary information for each facility.

**FACILITY INFORMATION**

<b>No.</b>	<b>Item</b>	<b>Details</b>
1	Please tick <input checked="" type="checkbox"/> appropriate box for facility mode	<input type="checkbox"/> Pre-Production Mode <input type="checkbox"/> Production Mode
2	Facility Name	
3	Facility Operating Name <i>(Leave it blank if it's the same as the Facility Name)</i>	
4	Physical Address <i>(if applicable)</i>	
5	Description of Business Activity	

**PART 5 - DECLARATION BY AUTHORIZED REPRESENTATIVE**

I, named in Part 1 / the Authorized Representative on behalf of registered business entity described in Part 2 of this form, hereby declare that the information and documents attached herewith are complete, accurate, and genuine.

.....  
Signature

.....  
Date

.....  
Name

.....  
Position

.....  
Company's Official Stamp

**ATTENTION:**

- 1. Under Section 41 of the Environment (Reduction of Greenhouse Gases Emission) Ordinance, 2023, any person who makes a statement which he knows to be false or does not believe to be true, or otherwise knowingly misleads the Controller or any other person in the exercise of his powers under this Ordinance commits an offence and upon conviction be liable to a fine not exceeding thirty thousand ringgit or imprisonment not exceeding one year, or to both.**
- 2. In any event of change, revision or amendment to the information contained herein, the registered business entity shall submit a fresh prescribed form to the Controller within sixty (60) days of the effective date, indicating the relevant change, revision or amendment thereto.**

**PART 6 - FOR INTERNAL USE ONLY (NREB)**

This registration is marked as [COMPLETE/NOT COMPLETE]\*

Remarks (if any)

.....  
.....

Signature :

Name :

Designation :

Date :

**\* Please strikethrough if not applicable**

**Appendix 2 - Flowchart for Registration of Business Entity Undertaking Activities in The Scheduled Economic Sectors**

