



## PROACTIVE RELEASE COVERSHEET

<b>Minister</b>	Hon Simmonds	<b>Portfolio</b>	Environment
<b>Name of package</b>	Proactive release of Cabinet paper on Basel Convention e-waste amendment	<b>Date to be published</b>	22 September 2025

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
13 June 2024	<a href="#">Cabinet paper – Implementing the Basel Convention e-waste amendments</a>	Ministry for the Environment
24 July 2024	<a href="#">Cabinet minute of decision (ECO-24-MIN-0132)</a>	Cabinet Economic Policy Committee
29 July 2024	<a href="#">Cabinet minute of decision (CAB-24-MIN-0277)</a>	Cabinet
20 March 2025	<a href="#">Cabinet paper – Implementing the Basel Convention e-waste amendments</a>	Ministry for the Environment
9 April 2025	<a href="#">Cabinet minute of decision (ECO-25-MIN-0048)</a>	Cabinet Economic Policy Committee
14 April 2025	<a href="#">Cabinet minute of decision (CAB-25-MIN-0125)</a>	Cabinet
10 July 2025	<a href="#">Cabinet paper - Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 2) 2025</a>	Ministry for the Environment
17 July 2025	<a href="#">Cabinet minute of decision (LEG-25-MIN-0133)</a>	Cabinet Legislation Committee
21 July 2025	<a href="#">Cabinet minute of decision (CAB-25-MIN-0240)</a>	Cabinet

**Information redacted**      YES      NO

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#### Summary of reasons for redaction

Some information has been withheld from *CAB 428*, *CAB 486* and *CAB 573* as out of scope. Some information has been withheld from *CAB 486* and *CAB 573* under Section 9(2)(h) of the Official Information Act due to legal privilege.

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Office of the Minister for the Environment  
ECO - Cabinet Economic Policy Committee

## Implementing the Basel Convention e-waste amendments

### Proposal

- 1 I seek Cabinet's agreement to require prior informed consent for the import and export of non-hazardous e-waste in order to meet new international obligations under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention).
- 2 This requires Cabinet approval to issue drafting instructions to the Parliamentary Counsel Office to amend the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 (Imports and Exports Order) to enable the Environmental Protection Authority (EPA) to issue permits for the import and export of non-hazardous e-waste.
- 3 I also seek Cabinet approval:
  - 3.1 to publish the summary of submissions from public consultation, and
  - 3.2 for a minor and technical amendment to adequately reflect New Zealand's obligations as 'State of transit' under the Basel Convention.

### Relation to government priorities

- 4 This is a routine operational adjustment that requires Cabinet approval.

### Executive Summary

- 5 New Zealand has been a Party to the Basel Convention since 1994. This means we have committed to the environmentally sound management of hazardous wastes and other wastes controlled by the Convention, including when these wastes are moved across countries' borders.
- 6 In 2022, the Parties to the Basel Convention, including New Zealand, agreed to require prior informed consent from the importing country for the export of non-hazardous e-waste. The Basel Convention already required prior informed consent in respect of hazardous e-waste.
- 7 The main objective of the e-waste amendment is to improve international monitoring and recording of e-waste shipments. It is expected to reduce uncertainty about when prior consent is required as all e-waste is covered in one system. The e-waste amendment is also expected to contribute to improving resource recovery and environmentally sound e-waste management in recipient countries.
- 8 Cabinet agreed on 29 July 2024 to consultation on the proposal to implement the e-waste amendments to the Basel Convention [CAB-24-MIN-0277 refers]. It requested that I report back to this Committee on the outcome of the public consultation and to seek final policy decisions.

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- 9 The submissions supported requiring a permit for the import and export of all e-waste, whether hazardous or non-hazardous, as this removes the uncertainty about whether a permit is required.
- 10 I seek Cabinet's agreement to amend the Imports and Exports Order so that the import and export of non-hazardous e-waste will require a permit from the EPA. This approach will enable the trade in non-hazardous e-waste to continue, subject to consent from the importing country. Requiring a permit for all e-waste will provide clarity to importers and exporters.
- 11 The effect of this recommendation will be that New Zealand will be compliant with the new Basel Convention obligations. Our main exporting countries have already implemented the e-waste amendments.
- 12 The new obligations entered into force globally on 1 January 2025. New Zealand was not able to complete the required domestic processes before this entry into force date.
- 13 Consequently, importers and exporters of non-hazardous e-waste may need to temporarily store this e-waste until they are able to apply for a permit. Officials have advised me that they have communicated this to stakeholders. Implementing the proposed amendments will therefore allow trade to resume as well as meet our international obligations.
- 14 A notification of non-acceptance was submitted until such time New Zealand could be in a position to implement the obligations contained in the amendments.
- 15 Once the required domestic changes have been implemented New Zealand will substitute an acceptance for the previous declaration of objection and the amendments thereupon apply to New Zealand (Article 18(2)(b) of the Basel Convention).

### Background

- 16 Appendix 1 contains the relevant decision by the Parties to the Basel Convention. In summary, the e-waste amendments:
  - 16.1 add a new entry (A1181) in Annex VIII covering hazardous e-wastes, its components and wastes from the processing of e-waste, and deletes the existing hazardous e-waste entry (A1180);
  - 16.2 add a new 'other wastes' category (Y49) to Annex II covering all e-waste, its components and wastes from the processing of e-waste, except for those e-wastes covered by entry A1181 in Annex VIII;
  - 16.3 remove two entries relating to e-waste in Annex IX (B1110) and B4030) as these entries are now captured in the new entry Y49.
- 17 To give domestic effect to the e-waste amendments, Cabinet approval is required to amend the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 (Imports and Exports Order) to apply the convention's prior informed consent procedure to the transboundary movement of non-hazardous e-waste. These amendments are made through an Order in Council.
- 18 While the Minister of Commerce and Consumer Affairs has responsibility for the Imports and Exports Order, as Minister for the Environment I have the authority to recommend policy changes on his behalf.

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- 19 Cabinet agreed that consultation be undertaken on the proposal to amend the Imports and Exports Order [CAB-24-MIN-0277].
- 20 The Ministry for the Environment undertook consultation from 31 July to 28 August 2024. Fifteen submissions were received on the proposal. The summary of the feedback is provided in Appendix 2.

### Analysis

- 21 Importers and exporters are already required to obtain a permit from the EPA when moving hazardous e-waste across borders. Under the Imports and Exports Order it is the importers and exporters' responsibility to determine whether the waste in their consignment is hazardous or not. Requiring a permit for all e-waste will remove the uncertainty about whether a permit is required for importers and exporters. This was supported by the submissions.
- 22 The majority of New Zealand's e-waste is sent to landfill, with only 1-11 per cent being sent for recycling. Many recycling activities involve processing e-waste into individual components, which are then shipped offshore for further processing and materials recovery, as there is limited onshore capacity. There is an ongoing need to ship e-waste offshore to ensure the recovery of valuable materials and for the final disposal of the e-waste in an environmentally sound manner. This was supported by the submissions.
- 23 In the period 2020-2023, New Zealand exported hazardous e-waste to Belgium, Japan, Republic of Korea, and Singapore, for which the EPA issued between three and six permits per year. During the same period, New Zealand imported hazardous e-waste from New Caledonia, and the EPA issued one to two permits per year for this period. The submissions did not provide new information on the likely number of import or export permits for non-hazardous e-waste.
- 24 Some submitters expressed concern more broadly about the timeframes involved in seeking a Basel Convention permit and the capacity of the EPA to undertake its permitting function under the Convention. Officials have noted this concern and advise that the time taken for the EPA to process applications will depend on a number of factors: the number of applications, the completeness of an application when submitted, and in particular on the number of transit countries in the planned shipping route as each transit country needs to issue consent. This issue is not specific to non-hazardous e-waste but to all wastes covered by the Basel Convention prior informed consent procedure.
- 25 The benefits to New Zealand in implementing the Basel Convention e-waste amendments include:
  - 25.1 providing clarity for importers and exporters, and importing and exporting countries
  - 25.2 ensuring traders can continue to import and export e-waste
  - 25.3 maintaining our international reputation and credibility
  - 25.4 supporting the environmentally sound management of e-waste by imposing controls on the import and export of all e-waste.

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- 26 A number of submitters also provided general feedback, suggesting New Zealand should commit to a reduction in the production, import and use of hazardous products and emphasised the urgent need to expand and expedite mandatory product stewardships schemes.

### Implementation

- 27 The United Nations Secretary General, as the Depository for the Basel Convention, formally notified the Parties on 30 June 2024 that the e-waste amendments would come into force for all Parties on 1 January 2025 (unless a Party issued a notification of non-acceptance by 30 December 2024).
- 28 New Zealand was not able to meet the 1 January 2025 entry into force date, and Officials therefore submitted a notification of non-acceptance to the Basel Convention Depository that we are unable to accept the e-waste amendment, as required by the Basel Convention Article 18(2)(b). This was taken as a procedural step allowing New Zealand further time to implement the amendments.
- 29 A notification of acceptance will need be transmitted to the Depository of the Basel Convention once the required amendments to the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 have been implemented;
- 30 Officials have prepared a timeline that is intended to ensure New Zealand has amended its domestic legislation by 1 July 2025, pending Cabinet agreement. This would allow sufficient time for the Parliamentary Counsel Office to draft the amendments during April to May, for submission to Cabinet for its approval in June. This will also enable the implementing agencies to prepare for implementation.
- 31 New Zealand importers and exporters can continue to ship hazardous e-waste provided they have a permit from the EPA under the Imports and Exports Order.
- 32 Importers and exporters of non-hazardous e-waste will not be able to export non-hazardous e-waste until the EPA can issue permits for these under the Imports and Exports Order. They may need to temporarily store non-hazardous e-waste.
- 33 Officials have informed the sector and provided relevant information on the Ministry for the Environment website.

### *State of transit provision*

- 34 Officials have also advised that the Imports and Exports Order does not fully reflect New Zealand's obligations as a State of transit under Article 6 paragraph 4 of the Basel Convention. I therefore also seek Cabinet approval to amend the Imports and Exports Order to include a specific provision to enable the EPA to provide consent for transits of hazardous waste, as a State of transit.

### Cost-of-living Implications

- 35 There are no cost-of-living implications of the proposal to implement the Basel Convention e-waste amendments.

### Financial Implications

- 36 The EPA have advised that there will be cost implications for the EPA in administering the permitting regime. Requiring the EPA to take on another function and resource this

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from its existing Crown funding represents either a risk to the EPA's ability to undertake the function or will require reallocation of Crown funding from other work risking its ability to undertake this work.

- 37 Between 2020 and 2023 the number of import applications for hazardous e-waste were only 1 or 2 (out of total application numbers for all forms of import applications considered by the EPA of 33-66), and the number of export applications for hazardous e-waste ranged between 3 and 6 (out of total application numbers for all forms of export applications considered by the EPA of 36-43). Most if not all e-waste shipments will be hazardous, and we anticipate there will be minimal additional applications for non-hazardous e-waste.
- 38 Permitting is a function that is typically cost recovered or part cost recovered. There is no provision in the Imports and Exports Order enabling the EPA to cost recover for its work in advising on and issuing permits. This is a general problem relating to permitting for the Stockholm chemicals, Rotterdam chemicals and hazardous and other waste covered by the Imports and Exports Order. The Ministry for the Environment will work with the EPA to ensure additional permit requirements do not impact on the EPA's priority work.
- 39 I have asked for advice on providing for cost recovery, noting that the Imports and Exports (Asbestos-containing Products) Prohibition Order 2016 sets a precedent in having fees for permits under this similar Order.

### Legislative Implications

- 40 Standing Order 405, which governs presentation of treaties to the House of Representatives, applies only to treaties that are subject "to ratification, accession, acceptance, or approval" and not to treaty actions subject to tacit acceptance, like the Basel Convention. The Government has committed as a matter of policy to present amendments which are more than minor and/or technical, to the relevant Committee.
- 41 I consider this amendment to be minor and technical. The proposal is in line with the objectives of the Basel Convention. Requiring prior consent for the trade in non-hazardous e-waste is reflective of the types of waste the convention was established to manage, and it still allows its trade, subject to prior consent from the importing country under a permit issued by the EPA.
- 42 The changes to the Imports and Exports Order are made by Order in Council.
- 43 Globally, the requirements for prior informed consent for the movement of non-hazardous e-waste came into force from 1 January 2025. Provided that New Zealand does not import or export non-hazardous e-waste until the Imports and Exports Order has been amended, the effect of this recommendation is that New Zealand will be technically compliant with the new Basel Convention obligations during the interim period.

### Impact Analysis

#### *Regulatory Impact Statement*

- 44 The Ministry for Regulation has determined that this proposal is exempt from the requirement to provide a Regulatory Impact Statement. This exemption is granted on the grounds that the government has limited statutory decision-making discretion or responsibility for the content of proposed delegated legislation, because it is the

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minimum necessary to comply with international obligations that are binding on New Zealand.

### *Climate Implications of Policy Assessment*

- 45 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this proposal, as the threshold for significance is not met [CAB-428 refers].

### **Population Implications**

- 46 There are no population implications in this proposal.

### **Human Rights**

- 47 There are no human rights implications of the proposal.

### **Use of external Resources**

- 48 No external resources were used in the policy development process, nor the drafting of this paper.

### **Consultation**

- 49 The EPA, the Ministry of Business, Innovation and Employment, the Ministry of Foreign Affairs and Trade, and the New Zealand Customs Service have been consulted on the proposals outlined in this paper and agree with the recommended approach. The Treasury and the Department of the Prime Minister and Cabinet have been informed.

### **Communications**

- 50 Officials have advised that stakeholders have been directly informed of the new international requirements and the information is also available on the Ministry for the Environment website.

### **Proactive Release**

- 51 Consideration of proactive release of this paper will be delayed to coincide with consideration of proactive release for a subsequent and related Cabinet paper for the Cabinet Legislation Committee that is intended to be lodged following this paper. The proactive release of the papers can then be considered at the same time. Any release is subject to redactions as appropriate under the Official Information Act 1982.

### **Recommendations**

The Minister for the Environment, in concurrence with the Minister of Commerce and Consumer Affairs, recommends that the Committee:

1. **note** in June 2022, the Parties to the Basel Convention on the Control of the Transboundary Movements of Hazardous Wastes and their Disposal (the Basel Convention), including New Zealand, adopted a decision to amend Annexes II, VIII and IX to the Convention, with the objective of enlarging the control of transboundary movements by making non-hazardous e-waste subject to its prior informed consent procedure

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2. **note** these amendments came into effect on 1 January 2025 for all Parties to the Basel Convention that have not opted out of the amendments
3. **note** that New Zealand submitted a notification of non-acceptance to the Basel Convention Depository until New Zealand can implement the obligations contained in the amendments, and in the meantime non-hazardous e-waste cannot be exported
4. **note** that New Zealand implements its obligations under the Basel Convention through the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 and while this does not have a statutory requirement to consult, Cabinet agreed to consultation on amendments to the Order which took place 31 July to 28 August 2024 [CAB-24-MIN-0277]
5. **agree** to amend the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 to give effect to the 2022 amendments to the Basel Convention as contained in Appendix 1 with an entry into force date of 1 July 2025;
6. **invite** the Minister for the Environment to issue drafting instructions to the Parliamentary Counsel Office to give effect to the 2022 amendments to the Basel Convention;
7. **authorise** the Minister for the Environment to approve minor policy changes during drafting of the regulations, in line with the policy decisions agreed by Cabinet;
8. **invite** the Minister for the Environment to report back to Cabinet by June 2025 with the proposed regulatory amendments for decision;
9. **approve** publication of *Summary of submissions: Transboundary movement control of all e-waste under the Basel Convention*;
10. **agree** that a notification of acceptance can be transmitted to the Depository of the Basel Convention once the required amendments to the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 have been implemented;
11. **note** that the Imports and Exports (Restrictions) Prohibition Order (No.2) 2004 does not have a specific provision for New Zealand's obligations as a State of transit under Article 6 paragraph 4 of the Basel Convention;
12. **agree** to amend the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 to give effect to Article 6 paragraph 4 of the Basel Convention;
13. **note** that the Environmental Protection Authority has raised concerns about the Imports and Exports (Restrictions) Prohibition Order (No.2) 2004 not providing for cost recovery;
14. **invite** the Minister for the Environment to report back to Cabinet on cost recovery for permit work under the Imports and Exports (Restrictions) Prohibition Order (No.2) 2004.


Authorised for lodgement

Hon Penny Simmonds

Minister for the Environment

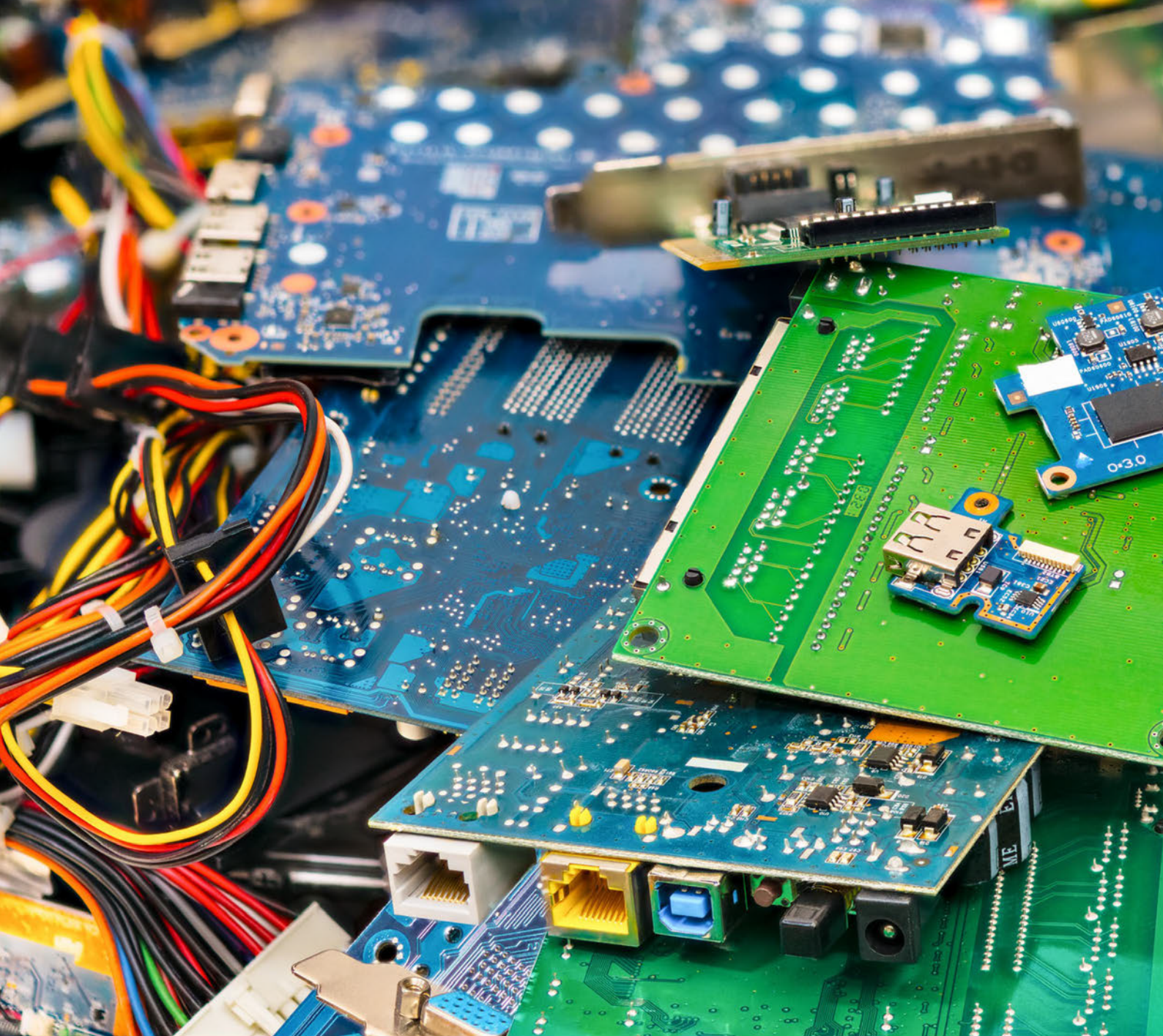
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Out of scope



ECO-24-MIN-0132    **Implementing the Basel Convention E-waste Amendments**    CONFIRMED  
Portfolio: Environment

Rachel Hayward  
Secretary of the Cabinet



Consultation document

# Transboundary movement control of all e-waste under the Basel Convention

Te whakahaere nekenekenga whakawhiti rohenga o ngā ī-para katoa i raro i te Tikanga o Basel



Ministry for the  
**Environment**  
Manatū Mō Te Taiao



**Te Kāwanatanga o Aotearoa**  
New Zealand Government

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# Message from the Minister for the Environment



New Zealand is a proud signatory to several international agreements that aim to lessen our domestic and global impact on the environment.

One such agreement is the Basel Convention, an international treaty that aims to protect human health and the environment against the adverse effects of hazardous waste. The Basel Convention aims to reduce the movement of hazardous waste between nations and especially from developed to less developed countries, including e-waste.

At its 15<sup>th</sup> meeting in 2022, the Conference of the Parties to the Basel Convention adopted a decision that transboundary movement of all e-waste will require consent from the importing country.

Currently, consent is only required to import or export hazardous e-waste. We propose to introduce regulations so that consent is also required to import or export non-hazardous e-waste. These regulations would put New Zealand in a position to comply with these Basel Convention amendments before they come into effect.

Pollution is not confined by international borders. Global problems, like e-waste, need global solutions. I welcome your views on how we achieve this for e-waste.

I invite your feedback on these proposals and their likely impact on importers and exporters of non-hazardous e-waste.

A handwritten signature in blue ink that reads "Penny Simmonds". The signature is fluid and cursive.

**Hon Penny Simmonds**  
Minister for the Environment

# About this consultation

## What the Government is consulting on

The Government intends to implement a decision under the Basel Convention<sup>1</sup> to better manage the international trade in e-waste. It is proposing to introduce regulations to do so.

Currently prior informed consent is required to import or export hazardous e-waste.

The Government is proposing to introduce regulations so that prior informed consent is also required to import or export non-hazardous e-waste under the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004.

## Your views

The Government welcomes your comments on this consultation document. The questions throughout the document are a guide only and all comments are welcome. See appendix 1 for the full list of questions. You do not have to answer them all, and all comments are welcome. To ensure others clearly understand your point of view, you should explain the reasons for your views and give supporting evidence if needed.

## Closing date for submissions

Send in your submission by 11.59 pm, Wednesday 28 August 2024. For details on how to make your submission, see [How to have your say](#).

If you have questions or want more information about the policy proposals or the submission process, please email [basel@mfe.govt.nz](mailto:basel@mfe.govt.nz).

## What happens next?

After receiving submissions, we will analyse them to inform policy and Government decisions. If Cabinet agrees to the proposed changes, from 1 January 2025 companies that import or export e-waste, or whose e-waste transits through New Zealand, will be required to carry out the prior informed consent procedure specified under the Basel Convention.

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<sup>1</sup> Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. The Basel Convention came into force in 1992 and New Zealand has been a Party to the Basel Convention since 1994.

# Proposed transboundary movement control of all e-waste

## The issue

Importing, exporting and transiting non-hazardous and hazardous electrical and electronic waste (e-waste) can pose risks to both the environment and human health when appropriate measures are not taken to manage such waste in an environmentally sound way. To address this issue, the 15th Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention) agreed to amendments to the Basel Convention in 2022. These amendments impose controls on the transboundary movement of all e-waste to support its environmentally sound management.

These amendments to the Basel Convention are set to enter into force on 1 January 2025.

If New Zealand is to be in a position to comply with these amendments to the Basel Convention before they enter into force, regulatory amendments are necessary.

## Background to the Basel Convention

The Basel Convention came into force in 1992. New Zealand has been a Party to the Basel Convention since 1994 and is bound to comply with it.

The Basel Convention aims to protect human health and the environment from the dangers posed by hazardous wastes and other wastes and regulates the international movement of those wastes. It requires importing countries to give prior informed consent (consent) for transboundary movements of wastes listed under the Basel Convention.

The Basel Convention also aims to reduce the generation of hazardous wastes and other wastes and requires environmentally sound management. Environmentally sound management under the Basel Convention means “taking all practicable steps to ensure that hazardous wastes or other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes”.

The Basel Convention uses annexes and codes to describe different wastes.<sup>2</sup>

## The Basel Convention e-waste decision

At its 15th meeting in 2022, the Conference of the Parties to the Basel Convention adopted a decision to amend Annexes II, VIII and IX of the Basel Convention so that transboundary movement of all e-waste will require consent from the importing country. Currently consent is only required for e-waste that meets the Basel Convention’s hazardous waste criteria.

The main objective of the e-waste amendments is to improve international monitoring and recording of e-waste shipments. The purpose behind this is to maximise resource recovery and

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<sup>2</sup> See [Text of the Convention](#).

minimise the negative effects of environmentally unsound e-waste management in the countries that receive e-waste.

## **Obligations start on 1 January 2025**

The Basel Convention e-waste decision subjects all waste electrical and electronic equipment and its components (ie, e-waste) to transboundary movement control from 1 January 2025. This is six months after the formal notification provided to the Parties on 1 July 2024.

As a Party to the Basel Convention, New Zealand will be required to make legislative amendments to the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 to align with the Basel Convention text and annexes, such that all waste electrical and electronic equipment and its components are subject to the Order's import and export provisions.

These amendments would mean that from 1 January 2025, companies that import e-waste to or export e-waste from New Zealand will require a permit from the Environmental Protection Authority before they can ship any e-waste across international borders.

# Hazardous and non-hazardous e-waste

## Summary of the e-waste amendments

In summary, the e-waste amendments to the Basel Convention add:

- a new entry (A1181) in Annex VIII to cover hazardous e-waste, its components and wastes from the processing of e-waste (eg, fractions from shredding), and deleting the existing e-waste entry A1180
- a new 'other wastes' category (Y49) to Annex II to cover all e-waste, its components and wastes from the processing of e-waste (eg, fractions from shredding), except for those forms of e-waste covered by entry A1181 in Annex VIII.

The amendments also remove the two entries relating to e-waste in Annex IX (B1110 and B4030) as these entries are now captured in the new non-hazardous e-waste entry Y49.

As a result of these amendments, the controls on transboundary movement would capture all e-waste, either as 'hazardous wastes' or as 'other wastes', and all e-waste would be subject to the prior consent procedure under the Basel Convention.

## The new entries

Tables 1 and 2 provide in full (verbatim) the new hazardous e-waste entry, and the new e-waste entry under other wastes, that will come into effect from 1 January 2025.

These amendments to the Basel Convention are mirror entries in that e-waste will be controlled either as 'hazardous wastes' or as 'other wastes'.

Both hazardous e-waste and non-hazardous e-waste will be subject to the prior consent procedure under the Basel Convention from 1 January 2025.

**Table 1: Hazardous e-waste amendment to the Basel Convention Annex VIII**

Waste presumed to be hazardous (requires consent)	
<b>Annex VIII</b> <b>A1181</b>	<b>Electrical and electronic waste</b> (note the related entry Y49 in Annex II) <sup>3</sup> : <ul style="list-style-type: none"><li>• Waste electrical and electronic equipment<ul style="list-style-type: none"><li>– containing or contaminated with cadmium, lead, mercury, organohalogen compounds or other Annex I constituents to an extent that the waste exhibits an Annex III characteristic, or</li><li>– with a component containing or contaminated with Annex I constituents to an extent that the component exhibits an Annex III characteristic, including but not limited to any of the following components:</li></ul></li></ul>

<sup>3</sup> Polychlorinated biphenyls (PCBs) or polybrominated biphenyls (PBBs) are at a concentration level of 50 mg/kg or more in equipment, in a component, or in wastes arising from the processing of waste electrical and electronic equipment or waste components of electrical and electronic equipment.

Waste presumed to be hazardous (requires consent)	
	<ul style="list-style-type: none"> <li>▪ glass from cathode-ray tubes included on list A<sup>4</sup></li> <li>▪ a battery included on list A</li> <li>▪ a switch, lamp, fluorescent tube or a display device backlight which contains mercury</li> <li>▪ a capacitor containing PCBs</li> <li>▪ a component containing asbestos</li> <li>▪ certain circuit boards</li> <li>▪ certain display devices</li> <li>▪ certain plastic components containing a brominated flame retardant</li> </ul> <ul style="list-style-type: none"> <li>• Waste components of electrical and electronic equipment containing or contaminated with Annex I constituents to an extent that the waste components exhibit an Annex III characteristic, unless covered by another entry on list A</li> <li>• Wastes arising from the processing of waste electrical and electronic equipment or waste components of electrical and electronic equipment, and containing or contaminated with Annex I constituents to an extent that the waste exhibits an Annex III characteristic (e.g. fractions arising from shredding or dismantling), unless covered by another entry on list A</li> </ul>

**Table 2: Non-hazardous e-waste amendment to the Basel Convention Annex II**

Wastes that require special consideration (requires consent)	
<p><b>Annex II</b></p> <p><b>Y49<sup>5</sup></b></p>	<p><b>Electrical and electronic waste:</b></p> <ul style="list-style-type: none"> <li>• Waste electrical and electronic equipment <ul style="list-style-type: none"> <li>– not containing and not contaminated with Annex I constituents to an extent that the waste exhibits an Annex III characteristic, and</li> <li>– in which none of the components (e.g. certain circuit boards, certain display devices) contain or are contaminated with Annex I constituents to an extent that the component exhibits an Annex III characteristic</li> </ul> </li> <li>• Waste components of electrical and electronic equipment (e.g. certain circuit boards, certain display devices) not containing and not contaminated with Annex I constituents to an extent that the waste components exhibit an Annex III characteristic, unless covered by another entry in Annex II or by an entry in Annex IX</li> <li>• Wastes arising from the processing of waste electrical and electronic equipment or waste components of electrical and electronic equipment (e.g. fractions arising from shredding or dismantling), and not containing and not contaminated with Annex I constituents to an extent that the waste exhibits an Annex III characteristic, unless covered by another entry in Annex II or by an entry in Annex IX</li> </ul>

<sup>4</sup> Annex VIII contains a list of wastes that are characterised as hazardous wastes and require consent (list A). Designation on Annex VIII does not preclude the use of Annex III to demonstrate that a waste is not hazardous.

<sup>5</sup> Note the related entry on list A A1181 in Annex VIII.

# E-waste in New Zealand

Data on e-waste collection and disposal in New Zealand are not readily available because existing data are commercially sensitive and the means of collecting further data are limited. We have no aggregated national dataset. As a result, gaps in our understanding remain.

Responses to the questions in this consultation document will help us assess the impact of implementing the Basel Convention e-waste amendments.

## E-waste recycling

Electrical and electronic products span a huge variety of items – from everyday appliances through to specialised medical or telecommunications equipment, and batteries. These products contain components and parts that encompass multiple streams of materials – including metals, glass, plastics, battery chemistries, and packaging.

E-waste recycling in New Zealand is currently limited. Estimates suggest that New Zealand generates between 80,000 and 100,000 tonnes of e-waste per year, of which 1 to 11 per cent is estimated to be exported for recycling and the remainder goes into landfills (Baldé et al, 2024; Wilson and Lewis, 2023; Wilson et al, 2021).

In New Zealand, re-processors mostly dismantle products into the component materials, or commodities such as printed circuit boards, to on-sell for further re-processing. This is usually done offshore where final re-processors or refineries are located. Some re-processors operate reuse activities, such as refurbishing, repair or parts harvesting.

We have an ongoing need to ship e-waste offshore to recover valuable materials and to finally dispose of the e-waste in an environmentally sound manner.

### E-waste recovery and processing

1. Which e-waste activities does your company undertake?
2. Do you anticipate starting or growing onshore re-processing facilities? If yes, for what type of e-waste?

## E-waste import and export

Tables 3 and 4 set out the total number of hazardous wastes permits the Environmental Protection Authority (EPA) issued from 2020–23. The tables also show the number of permits for hazardous e-waste specifically.<sup>6</sup>

During this period, New Zealand exported hazardous e-waste to the Republic of Korea, Japan, Belgium and Singapore. It also imported hazardous e-waste from New Caledonia.

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<sup>6</sup> For details on the current permits for the import and export of hazardous waste, see [Current permits for hazardous waste](#).

**Table 3: Total export permits and hazardous e-waste export permits issued, 2020–23**

Year	Total number of export permits issued	Number of permits for hazardous e-waste issued
2020	39	3
2021	36	6
2022	39	4
2023	43	4

**Table 4: Total import permits and hazardous e-waste import permits issued, 2020–23**

Year	Total number of import permits issued	Number of permits for hazardous e-waste issued
2020	66	2
2021	33	1
2022	47	1
2023	55	1

In 2022, the World Customs Organization introduced new customs (HS) codes relating to e-waste (electrical and electronic waste and scrap HS 8549). We encourage importers and exporters of e-waste to use the correct tariff codes. For more information, please see appendix 2.

### E-waste import and/or export

The following questions apply if your company is involved in importing and/or exporting e-waste.

3. What types of e-waste (eg, printed circuit boards) do you import and/or export?
4. What weight of each product or waste do you import and/or export per year?
5. How frequent are your shipments (eg, what is the number of shipments) per year?
6. Which countries do you currently export to? Do you intend to export e-waste to any other countries, and if so, which ones?
7. Do you import and/or export waste directly or do you go through someone else (eg, a broker, a commodities trader or a freight forwarder)?
8. Which customs (HS) codes do you use for the e-waste shipment?

## Product stewardship

E-waste was declared one of six priority products for product stewardship in July 2020. Product stewardship helps put the responsibility for a product’s life cycle and waste management on manufacturers, importers, retailers and users.

The Ministry for the Environment consulted on proposed regulations to support product stewardship schemes for large batteries (along with tyres) in late 2021. We anticipate that application for accreditation for large batteries may begin in 2024 and the earliest that regulations might be in effect, subject to Cabinet decisions, is 2026. Subject to Cabinet

approval, the Ministry plans to consult on regulations to support e-waste product stewardship (non-large batteries) in 2025/26.

### **Product stewardship**

This question applies if you are involved in product stewardship for e-waste in New Zealand.

9. Do you think product stewardship will change export and import patterns for e-waste?  
How?

# Implementation in New Zealand

We are proposing to amend New Zealand's existing imports and exports permit system, so that the transboundary movement of all e-waste is subject to the Basel Convention permitting process. The regulations must be in place by 1 January 2025, when the Basel Convention e-waste amendments come into effect.

## Opting out of the Basel Convention e-waste decision

If New Zealand opted out of the Basel Convention e-waste amendments, we would not assume the new international legal obligations for non-hazardous e-waste. We would still have obligations for hazardous e-waste.

If we opted out, businesses would likely be prevented from exporting non-hazardous e-waste to countries we currently export to. This is because the Environmental Protection Authority (EPA) would be unable to issue permits for them.

It is likely that New Zealand exporters could export non-hazardous e-waste only to countries that have not implemented the Basel Convention e-waste amendments.

For these reasons, this consultation does not consider opting out of the Basel Convention e-waste amendments.

## Regulatory framework

New Zealand implements its obligations under the Basel Convention through the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 (Imports and Exports Order).<sup>7</sup>

Under the Imports and Exports Order, all imports and exports of hazardous wastes and other wastes controlled under the Basel Convention require a permit from the EPA. The EPA cannot issue permits for exports to Basel Convention Parties unless the importing countries give their prior consent.

The definitions of the wastes in the Imports and Exports Order largely match those under the Basel Convention. The Imports and Exports Order includes specific substances controlled under the Basel Convention Annexes I, II, III and IV in its Schedule 3.

Importers and exporters are already required to obtain a permit from the EPA when moving hazardous e-waste across borders.

It is the importer's or exporter's responsibility to determine whether the waste in their consignment is hazardous or not. To date, if an importer or exporter is unsure whether their e-

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<sup>7</sup> The [Imports and Exports \(Restrictions\) Prohibition Order \(No 2\) 2004](#) is a regulation under the Imports and Exports (Restrictions) Act 1988.

waste is hazardous, the EPA advises that it is safest to assume that e-waste is hazardous and that they will need a permit, because many types of e-waste contain hazardous materials.<sup>8</sup>

Appendix 2 summarises the permitting process and requirements.

## What New Zealand needs to do

As a signatory to the Basel Convention, New Zealand is required to give effect to amendments to the Basel Convention and its annexes.

### Non-hazardous e-waste

To meet the new obligations to include the transboundary movement of all e-waste, we will need to amend the Imports and Exports Order to require a permit for the transboundary movement of non-hazardous e-waste, as described in the new Y49 code in Annex II of the Basel Convention.

### Hazardous e-waste

Imports and exports of hazardous e-waste already require a permit from the EPA before shipping. The EPA will apply the new A1181 hazardous e-waste code in Annex VIII of the Basel Convention when it considers each application for a permit.

### Permitting process

The process for applying for permits under the Imports and Exports Order will remain the same. As currently, exporters will continue to need to meet any importing country requirements.

As part of the permit application process, the EPA seeks consent from importing countries and transit countries on behalf of the applicant.

It can issue a permit to a specific exporter sending one waste stream to a specific importer or facility. The permit could apply to single or multiple shipments.

Permits are issued for a specific amount of waste. Exporters estimate the number of shipments they intend to export in the timeframe.

Currently there are no application fees.

For more information, visit [Shipping hazardous waste](#) on the EPA website.

### Distinction between waste and non-waste

The amendments to the Basel Convention exclude used electrical and electronic equipment intended for refurbishment, reuse or repair.

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<sup>8</sup> Environmental Protection Authority. *Hazardous waste including e-waste*. Retrieved 23 July 2024.

The Basel Convention has published technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment for all those involved in managing electrical and electronic waste and used equipment.

The technical guidelines suggest that used equipment should normally not be considered waste when it is both:

- not destined for any of the operations listed in Annex IV of the Basel Convention (recovery or disposal operations)
- destined for direct reuse, or extended use by the original owner for the purpose for which it was originally intended.

Some Parties may consider used equipment destined for failure analysis, repair or refurbishment to be waste, while others may not. In line with the principles of the Basel Convention, if one of the countries concerned considers used equipment to be waste, the Parties should follow the procedures on transboundary movement of electrical and electronic waste.

The technical guidelines suggest that when used equipment that is not waste is exported, the following should be provided or in place:<sup>9</sup>

- a copy of the invoice and contract relating to the sale and/or transfer of ownership of the used equipment, and documentation accompanying the equipment
- evidence of evaluation or testing in the form of a copy of records (certificate of testing – proof of functionality) on every item within the shipment and a protocol containing all recorded information
- a declaration made by the person who arranges the transport of the equipment that none of the equipment within the shipment is defined as or is considered to be waste in any of the countries involved in the transport (countries of export and import and, if applicable, countries of transit)
- each piece of equipment is individually protected against damage and to prevent hazards during transportation, loading and unloading, in particular through sufficient packaging and stacking of the load.

We would like to hear from you if you think such documentation would be useful to confirm that the shipment is not e-waste.

Appendix 2 provides useful information about what is considered waste under New Zealand's regulations.

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<sup>9</sup> See paragraph 33 of the [Technical guidelines on transboundary movements of electrical and electronic waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention](#). (To access the guidelines, please choose 'e-waste' in the filter.)

### **Distinguishing between waste and non-waste**

10. How do you currently decide whether a shipment is waste or non-waste?
11. Do you think it would be useful to have a process in place for confirming that a shipment is non-waste?

## **Offences and enforcement**

Under section 4 of the Imports and Exports (Restrictions) Act 1988, it is an offence to import or export any goods that are prohibited, or to fail to comply with the requirements of a permit granted through an Order under that Act. Offences are liable to a fine not exceeding \$5,000 for individuals or \$25,000 for corporations, or of an amount equal to three times the value of the goods to which the offence relates, whichever is the greater. The New Zealand Customs Service enforces the Imports and Exports Order at the border.

# Impacts of implementation

We consider that amending the Imports and Exports Order to require permits for imports and exports of all e-waste will support the following objectives:

- provide clarity for importers, exporters, and importing and exporting countries
- increase certainty for industry about international trade requirements
- encourage transparency in the trade of e-waste
- support the environmentally sound management of e-waste
- maintain the international reputation and credibility of New Zealand, as a Party to the Basel Convention.

## Benefits and costs

To help us understand the likely impact on your operation, we would like to hear about whether you expect the control on the transboundary movement of all e-waste to lead to an increase in permit applications to import or export hazardous e-waste. We would also be interested in your view about what the new demand for permits to import or export non-hazardous e-waste is likely to be.

We would like to hear about how you think the requirement for a permit for all imports and exports of e-waste will affect your operation.

Appendix 3 provides an initial assessment of benefits and costs of implementing the Basel Convention e-waste amendments for different affected parties.

### Impact of requiring a permit to import or export all e-waste

12. Do you have any concerns about New Zealand implementing the Basel Convention e-waste amendments to require a permit for all e-waste? Please explain.
13. Do you think you are likely to need an import or export permit for hazardous and/or non-hazardous e-waste over the next couple of years? If yes, how many permits are you likely to need and what is the final destination of the e-waste?
14. What do you think would be the main costs and benefits for you of the proposal to implement the Basel Convention e-waste decision in New Zealand?
15. Do you have any suggestions for us that could help your company comply with the e-waste amendments?

# How to have your say

The Government welcomes your feedback on this consultation document. Appendix 1 summarises the questions asked throughout this document. They are a guide only and all comments are welcome. You do not have to answer all the questions.

To ensure your point of view is clearly understood, you should explain your rationale and provide supporting evidence where appropriate.

## Timeframes

This consultation starts at 10.00am on Wednesday 31 July and ends at 11.59pm on Wednesday 28 August 2024.

After the consultation period, we will consider the feedback received and provide further advice to Cabinet on final policy decisions.

## How to provide feedback

You can make a submission either:

- via Citizen Space, our consultation hub, available at <https://consult.environment.govt.nz/waste/e-waste>
- by writing your own submission.

If you want to provide your own written submission, you can provide this as an uploaded file in Citizen Space.

We request that you don't email or post submissions as this makes analysis more difficult. However, if you need to please send written submissions to *Transboundary movement control of all e-waste*, Ministry for the Environment, PO Box 10362, Wellington 6143 and include:

- your name or organisation
- your postal address
- your telephone number
- your email address.

If you are emailing your feedback, send it to [basel@mfe.govt.nz](mailto:basel@mfe.govt.nz) as a:

- PDF, or
- Microsoft Word document (2003 or later version).

**Submissions close at 11.59 pm, Wednesday 28 August 2024.**

## More information

Please direct any queries to:

Email: [basel@mfe.govt.nz](mailto:basel@mfe.govt.nz)

Postal: *Transboundary movement control of all e-waste*, Ministry for the Environment, PO Box 10362, Wellington 6143

## Publishing and releasing submissions

All or part of any written comments (including names of submitters) may be published on the Ministry for the Environment's website, [environment.govt.nz](http://environment.govt.nz). Unless you clearly specify otherwise in your submission, the Ministry will consider that you have consented to website posting of both your submission and your name.

Contents of submissions may be released to the public under the Official Information Act 1982 following requests to the Ministry for the Environment (including via email). Please advise if you have any objection to the release of any information contained in a submission and, in particular, which part(s) you consider should be withheld, together with the reason(s) for withholding the information. We will take into account all such objections when responding to requests for copies of, and information on, submissions to this document under the Official Information Act.

The Privacy Act 2020 applies certain principles about the collection, use and disclosure of information about individuals by various agencies, including the Ministry for the Environment. It governs access by individuals to information about themselves held by agencies. Any personal information you supply to the Ministry in the course of making a submission will be used by the Ministry only in relation to the matters covered by this document. Please clearly indicate in your submission if you do not wish your name to be included in any summary of submissions that the Ministry may publish.

# Appendix 1: Consultation questions

These questions appear throughout the consultation document.

Questions	
1	Which e-waste activities does your company undertake?
2	Do you anticipate starting or growing onshore re-processing facilities? If yes, for what type of e-waste?
3	If your company is involved in importing and/or exporting e-waste, what types of e-waste (eg, printed circuit boards) do you import and/or export?
4	If your company is involved in importing and/or exporting e-waste, what weight of each product or waste do you import and/or export per year?
5	If your company is involved in importing and/or exporting e-waste, what is the frequency of your shipments (eg, what is the number of shipments) per year?
6	If your company is involved in exporting e-waste, which countries do you currently export e-waste to? Do you intend to export e-waste to any other countries and, if so, which ones?
7	If your company is involved in importing and/or exporting e-waste, do you import and/or export waste directly or do you go through someone else (eg, a broker, a commodities trader or a freight forwarder)?
8	If your company is involved in importing and/or exporting e-waste, which customs (HS) codes do you use for the e-waste shipment?
9	If you are involved in product stewardship for e-waste in New Zealand, do you think product stewardship will change export and import patterns for e-waste? How?
10	How do you currently decide whether a shipment is waste or non-waste?
11	Do you think it would be useful to have a process in place for confirming that a shipment is non-waste?
12	Do you have any concerns about New Zealand implementing the Basel Convention e-waste amendments to require a permit for all e-waste? Please explain.
13	Do you think you are likely to need an import or export permit for hazardous and/or non-hazardous e-waste over the next couple of years? If yes, how many permits are you likely to need and what is the final destination of the e-waste?
14	What do you think would be the main costs and benefits for you of the proposal to implement the Basel Convention e-waste decision in New Zealand?
15	Do you have any suggestions for us that could help your company comply with the e-waste amendments?

# Appendix 2: Useful information

## Waste definition

The Imports and Exports (Restrictions) Prohibitions Order (No 2) 2004 defines **waste** as any substance or object that is:

- intended to be disposed of by any of the methods specified in Part 4 of Schedule 3, or
- required, by any law of New Zealand, to be disposed of by any of the methods specified in Part 4 of Schedule 3.

Part 4 of Schedule 3 of the Imports and Exports (Restrictions) Prohibitions Order (No 2) 2004 lists the disposal operations listed in Annex IV of the Basel Convention.

## Basel Convention disposal operations

The term ‘disposal’ under the Basel Convention refers to both disposal and recovery operations (table A2.1).

**Table A2.1: Disposal operations listed in Annex IV of the Basel Convention**

A. Operations which do not lead to the possibility of resource recovery, recycling, reclamation, direct re-use or alternative uses	B. Operations which may lead to resource recovery, recycling reclamation, direct re-use or alternative uses
Section A encompasses all such disposal operations which occur in practice	Section B encompasses all such operations with respect to materials legally defined as or considered to be hazardous wastes and which otherwise would have been destined for operations include in Section A
D1 Deposit into or onto land, (e.g., landfill, etc.)	R1 Use as a fuel (other than in direct incineration) or other means to generate energy
D2 Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc.)	R2 Solvent reclamation/regeneration
D3 Deep injection, (e.g., injection of pumpable discards into wells, salt domes of naturally occurring repositories, etc.)	R3 Recycling/reclamation of organic substances which are not used as solvents
D4 Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc.)	R4 Recycling/reclamation of metals and metal compounds
D5 Specially engineered landfill, (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)	R5 Recycling/reclamation of other inorganic materials
D6 Release into a water body except seas/oceans	R6 Regeneration of acids or bases
D7 Release into seas/oceans including sea-bed insertion	R7 Recovery of components used for pollution abatement
D8 Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A	R8 Recovery of components from catalysts

A. Operations which do not lead to the possibility of resource recovery, recycling, reclamation, direct re-use or alternative uses	B. Operations which may lead to resource recovery, recycling reclamation, direct re-use or alternative uses
D9 Physico chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A, (e.g., evaporation, drying, calcination, neutralization, precipitation, etc.)	R9 Used oil re-refining or other reuses of previously used oil
D10 Incineration on land	R10 Land treatment resulting in benefit to agriculture or ecological improvement
D11 Incineration at sea	R11 Uses of residual materials obtained from any of the operations numbered R1-R10
D12 Permanent storage (e.g., emplacement of containers in a mine, etc.)	R12 Exchange of wastes for submission to any of the operations numbered R1-R11
D13 Blending or mixing prior to submission to any of the operations in Section A	R13 Accumulation of material intended for any operation in Section B
D14 Repackaging prior to submission to any of the operations in Section A	
D15 Storage pending any of the operations in Section A	

## Hazardous wastes and other wastes

The Basel Convention Annexes I and III together characterise wastes as hazardous. Annex I sets out hazardous wastes and groups these into ‘waste streams’ and ‘wastes having certain constituents’. Annex III sets out a list of hazardous characteristics. If the wastes listed in Annex I also have the hazardous characteristics contained in Annex III, then their transboundary movement requires consent.

To facilitate the application of the Basel Convention, the Parties adopted two additional annexes in 1998 to further establish wastes that are and wastes that are not hazardous.

- Annex VIII contains a list of wastes that are characterised as hazardous wastes and require consent (list A). Designation on Annex VIII does not preclude the use of Annex III to demonstrate that a waste is not hazardous.
- Annex IX contains a list of wastes that are not hazardous wastes and do not require consent, unless they contain Annex I material to an extent causing them to exhibit an Annex III characteristic (list B).

The Basel Convention’s Annex II contains categories of wastes that are not ‘hazardous wastes’ under the Convention, but that Parties have agreed require special consideration. These ‘other wastes’ were initially household wastes, and residues from incineration of household wastes. In 2020 certain plastic wastes were added to Annex II. From 1 January 2025, Annex II will also include non-hazardous e-waste.

The transboundary movement of the ‘other wastes’ listed in Annex II are subject to the Basel Convention’s prior informed consent procedure.

The Imports and Exports (Restrictions) Prohibitions Order (No 2) 2004 implements the Basel Convention.

It defines **hazardous wastes** as any waste that:

- either falls into a category of waste specified in Part 1 of Schedule 3 or has as a constituent any substance specified in Part 2 of Schedule 3; and has any of the hazardous characteristics specified in Part 3 of Schedule 3; and
- includes, in relation to exportation to or importation from a Basel Party, any other waste if the Basel Party has informed the Secretariat of the Basel Convention that the waste is considered or defined as hazardous under the Basel Party's national legislation; and
- includes, in relation to exportation to or importation from an OECD member country, any other waste if the OECD member country has informed the OECD Secretariat that the waste is considered or defined as hazardous under the OECD member country's legislation; and any other waste that has any of the hazardous characteristics specified in Part 3 of Schedule 3.

The Imports and Exports (Restrictions) Prohibitions Order (No 2) 2004 currently provides definitions for household waste and plastic waste (**other wastes**).

- Household waste means any waste collected from households; and includes any residue from the incineration of that waste.
- Plastic waste means any plastic waste, including mixtures of plastic waste; but does not include any plastic waste described in Part 2A of Schedule 3.

The plastic waste described in Part 2A of Schedule 3 is not subject to the permitting process.

The New Zealand permitting process for wastes that meet the definitions of hazardous wastes, household waste or plastic waste is the same.

## New Zealand permitting process

If you need to export hazardous wastes and other wastes under the Basel Convention from New Zealand, you must apply for a permit before shipping the waste. Without the right permit, your shipment could be seized at a New Zealand port, or it could be refused entry to countries along the shipping route or at the destination country.

Find out how to apply for an **export permit** for hazardous waste from: [Exporting hazardous waste from New Zealand \(epa.govt.nz\)](https://www.epa.govt.nz/).

If you wish to import hazardous waste into New Zealand, you must apply for a permit before the waste is shipped, or your shipment could be refused entry.

Find out how to apply for an **import permit** for hazardous waste from: [Importing hazardous waste into New Zealand \(epa.govt.nz\)](https://www.epa.govt.nz/).

## Customs codes for e-waste

The Basel Convention has a long-standing cooperation with the World Customs Organization to identify, through the Harmonized System, wastes regulated under the Basel Convention.

The Harmonized Commodity Description and Coding System (HS) is an internationally recognised classification system for the majority of goods in international trade. Developed and maintained by the World Customs Organization, it is used by customs authorities

worldwide for identifying traded products, including chemicals. The assignment of specific HS codes (customs codes) to wastes regulated under the Basel Convention should facilitate the implementation and enforcement of the prior informed consent procedure.

Table A2.2 lists the HS codes relating to e-waste. We encourage importers and exporters of e-waste to use the correct HS tariff code.

HS codes for electrical and electronic waste and scrap (HS 8549) were not available before 2022.

**Table A2.2: HS codes for e-waste**

Code	Description
HS 8542.39	Electronic integrated circuits – Other
HS 8549.21	Electrical and electronic waste and scrap – Of a kind used principally for the recovery of precious metal: Containing primary cells, primary batteries, electric accumulators, mercury-switches, glass from cathode-ray tubes or other activated glass, or electrical or electronic components containing cadmium, mercury, lead or polychlorinated biphenyls (PCBs)
HS 8549.29	Electrical and electronic waste and scrap – Of a kind used principally for the recovery of precious metal: Other
HS 8549.31	Electrical and electronic waste and scrap – Other electrical and electronic assemblies and printed circuit boards: Containing primary cells, primary batteries, electric accumulators, mercury-switches, glass from cathode-ray tubes or other activated glass, or electrical or electronic components containing cadmium, mercury, lead or polychlorinated biphenyls (PCBs)
HS 8549.39	Electrical and electronic waste and scrap – Other electrical and electronic assemblies and printed circuit boards: Other
HS 7112.30	Waste and scrap of precious metal or of metal clad with precious metal; other waste and scrap containing precious metal or precious metal compounds, of a kind used principally for the recovery of precious metal other than goods of heading 85.49. – Ash containing precious metal or precious metal compounds
HS 7112.91	Waste and scrap of precious metal or of metal clad with precious metal; other waste and scrap containing precious metal or precious metal compounds, of a kind used principally for the recovery of precious metal other than goods of heading 85.49. – Of gold, including metal clad with gold but excluding sweepings containing other precious metals
HS 7112.92	Waste and scrap of precious metal or of metal clad with precious metal; other waste and scrap containing precious metal or precious metal compounds, of a kind used principally for the recovery of precious metal other than goods of heading 85.49. – Of platinum, including metal clad with platinum but excluding sweepings containing other precious metals
HS 7112.99	Waste and scrap of precious metal or of metal clad with precious metal; other waste and scrap containing precious metal or precious metal compounds, of a kind used principally for the recovery of precious metal other than goods of heading 85.49. – Other

# Appendix 3: Interim impact assessment of implementing the e-waste amendment

**Table A3.1: Possible costs of requiring permit for transboundary movement of non-hazardous e-waste**

Affected party	Costs and risks	Impact
Importers and exporters	<p>Current information indicates that less than 1% of e-waste in New Zealand is recycled.</p> <p>Most e-waste is considered hazardous. Trade in e-waste is not restricted if permitting conditions are met.</p> <p>There is an administrative cost for importers and exporters as they will need to apply to the Environmental Protection Authority (EPA) for permits to import and export non-hazardous e-waste. (Importers and exporters will need to provide evidence of environmentally sound management, relevant insurance and contracts, and may incur additional costs if transit countries and importing countries have fees or need bank guarantees.)</p> <p>Importing or exporting hazardous e-waste already requires a permit. The scope of what is included in hazardous e-waste is greater and may require additional permits.</p> <p>There is currently no application fee.</p> <p>Exporters will still need to comply with any standards or requirements set by importing countries.</p>	<p>Low–medium, depending on familiarity with the permitting process. If the operator is new to the permitting system, the impact may be higher.</p>
Environmental Protection Authority	<p>The EPA must administer the permits for non-hazardous e-waste. It already administers the permits for hazardous e-waste.</p> <p>The EPA cannot recover costs or charge fees unless the Imports and Exports Order expressly provides for this.</p> <p>The impact and cost to the EPA will depend on the number of permits required, which we are hoping to receive more information on through this targeted consultation. It will also depend on the applications themselves, as applicants will need to meet Basel Convention requirements around insurance, contracts and environmentally sound management. Additionally, the destination of the waste, and any transit countries en route contribute to the impact on both the EPA and applicants, as New Zealand is required to request consent from these Parties and meet their requirements for the transboundary movement of waste. This can also have a significant effect on the time it takes to process an application.</p> <p>Finally, the EPA will face initial implementation costs such as website updates and stakeholder engagement. It is also anticipated that there will be an initial increase in enquiries.</p>	<p>The EPA advises that the impact on its organisation may be medium–high.</p>
New Zealand Customs Service	<p>Customs monitors the transboundary movement of hazardous waste using rules on its system based on goods classification and the importer’s or exporter’s self-declaration. Importers or exporters of waste requiring a permit must have a valid permit issued by the EPA at the time of import or export, or the goods are forfeit and may be seized.</p>	<p>Low</p>

Affected party	Costs and risks	Impact
	<p>Customs is responsible for enforcing the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004.</p> <p>The monitoring of additional compliant imports or exports of electronic waste will not impose additional costs on Customs.</p> <p>There is a risk that importers and exporters will provide inaccurate classification that avoids the system rules in place. Clear guidance from the Ministry for the Environment may assist in voluntary compliance. With exported goods in particular, the ability to check the validity of the claimed classification is limited, as the consignment has physically left New Zealand.</p> <p>Given the length of time it will take to obtain any required permit, it is possible there may be misclassifications to avoid the system rules. Unless the lead agency (the Ministry for the Environment) provides credible and specific information of likely illegal exports (to allow Customs to put targeted rules in place), it would be very challenging to identify such exports.</p> <p>Consignments valued at NZ\$1,000 or less do not require a full entry on the Customs system and would not hit classification-based rules. Any checks in this stream would require credible and specific information from the lead agency to allow Customs to put targeted rules in place.</p>	
Ministry for the Environment	The Ministry for the Environment will need to oversee the regulatory changes, including communications and guidance as appropriate.	Low
Environment	Including non-hazardous e-waste means that more e-waste is subject to environmentally sound management	Low
<b>Interim overall impact assessment</b>		<b>Low–medium</b>

**Table A3.2: Possible benefits of requiring permit for transboundary movement of non-hazardous e-waste**

Affected party	Benefits and opportunities	Impact
Importers and exporters	<p>Importers and exporters will still be able to trade in non-hazardous e-waste, subject to prior consent from importing countries, with flexibility to adjust to international markets.</p> <p>There will be no ambiguity as to whether a shipment of e-waste will require a permit from the EPA.</p> <p>Requiring a permit incentivises legitimate shipments, as the importing country can refuse unconsented shipments. The exporter will also need to know where the e-waste ends up.</p>	Medium
Environmental Protection Authority	<p>The EPA is often dealing with enquiries about the type of e-waste that requires a permit.</p> <p>While the number of some enquiries might lessen because all e-waste will be captured, an upswing in other enquiries is likely as many exporters will not be aware of the requirements, including documentation, to obtain an export permit.</p> <p>There is no ambiguity as to whether a shipment of e-waste will require a permit.</p>	Low
New Zealand Customs Service	There will be no ambiguity that the goods require a permit to import or export. This will remove the risk of possible inaccurate self-declaration, provided that the goods have been accurately classified.	Low

Affected party	Benefits and opportunities	Impact
Ministry for the Environment	Tracking and monitoring of the transboundary movement of all e-waste will be possible. These data can be used to inform policy, regulations and operations.	Medium
Environment	Including all e-waste would contribute to reducing harm to human health and the environment by ensuring that countries are consenting to receive e-waste and that the transboundary movement and the disposal or recycling of the e-waste are managed in an environmentally sound manner.	Medium
<b>Interim overall impact assessment</b>		<b><i>Low–medium</i></b>

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Wilson D, Eve L, Middleton B, Yates S, Blumhardt H, van Gool E. 2021. *Waste and Resource Recovery Infrastructure and Services Stocktake and Gap Analysis: Summary report*. Prepared for the Ministry for the Environment. Auckland: Eunomia Research and Consulting.



# Cabinet Economic Policy Committee

## Minute of Decision

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### Implementing the Basel Convention E-waste Amendments

**Portfolio**                      **Environment**

On 24 July 2024, the Cabinet Economic Policy Committee (ECO):

- 1        **noted** that:
  - 1.1        in June 2022, the Parties to the *Basel Convention on the Control of the Transboundary Movements of Hazardous Wastes and their Disposal* (the Basel Convention), including New Zealand, adopted a decision to amend Annexes II, VIII and IX to the Convention, with the objective of enlarging the control of transboundary movements by making all waste electronic and electrical equipment subject to its prior informed consent procedure;
  - 1.2        these amendments will come into effect on 1 January 2025 for all Parties to the Convention that have not opted out of the amendments;
- 2        **noted** that:
  - 2.1        opting out of the 2022 amendments to the Basel Convention will have negative impacts for industry, the environment, and New Zealand;
  - 2.2        the 2022 amendments to the Basel Convention still allow the trade in waste electronic and electrical equipment, subject to consent from the importing country, to ensure the recovery of valuable materials and for the final disposal of the e-waste in an environmentally sound manner;
- 3        **noted** that New Zealand implements its obligations under the Basel Convention through the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 (the Order);
- 4        **noted** that while the Minister of Commerce and Consumer Affairs has responsibility for the Order, the Minister for the Environment can recommend policy changes regarding the Order;
- 5        **noted** that the Order does not include a statutory requirement to consult;
- 6        **agreed** that consultation be undertaken on the proposal to amend the Order to implement the amendments to the Basel Convention to require prior informed consent for the import and export of all waste electronic and electrical equipment;

- 7 **approved** the release of the consultation document *Transboundary Movement Control of all E-waste under the Basel Convention* (the consultation document), attached under ECO-24-SUB-0132;
- 8 **authorised** the Minister for the Environment to make minor technical and editorial changes to the consultation document prior to its public release;
- 9 **noted** that the consultation is proposed for 31 July to 28 August 2024;
- 10 **invited** the Minister for the Environment to report back to ECO in October 2024 on the outcome of the public consultation and to seek final policy decisions.

Rachel Clarke  
Committee Secretary

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**Present:**

Hon David Seymour  
Hon Nicola Willis (Chair)  
Hon Chris Bishop  
Hon Simeon Brown  
Hon Erica Stanford  
Hon Paul Goldsmith  
Hon Mark Mitchell  
Hon Tama Potaka  
Hon Matt Doocey  
Hon Penny Simmonds  
Hon Nicola Grigg  
Simon Court MP

**Officials present from:**

Office of the Prime Minister  
Office of Hon Simeon Brown  
Officials' Committee for ECO



# Cabinet

## Minute of Decision

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### **Report of the Cabinet Economic Policy Committee: Period Ended 26 July 2024**

On 29 July 2024, Cabinet made the following decisions on the work of the Cabinet Economic Policy Committee for the period ended 26 July 2024:

Out of scope



## CLASSIFICATION

Office of the Minister for the Environment  
ECO - Cabinet Economic Policy Committee

## Implementing the Basel Convention e-waste amendments

### Proposal

- 1 I seek Cabinet's agreement to require prior informed consent for the import and export of non-hazardous e-waste in order to meet new international obligations under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention).
- 2 This requires Cabinet approval to issue drafting instructions to the Parliamentary Counsel Office to amend the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 (Imports and Exports Order) to enable the Environmental Protection Authority (EPA) to issue permits for the import and export of non-hazardous e-waste.
- 3 I also seek Cabinet approval:
  - 3.1 to publish the summary of submissions from public consultation, and
  - 3.2 for a minor and technical amendment to adequately reflect New Zealand's obligations as 'State of transit' under the Basel Convention.

### Relation to government priorities

- 4 This is a routine operational adjustment that requires Cabinet approval.

### Executive Summary

- 5 New Zealand has been a Party to the Basel Convention since 1994. This means we have committed to the environmentally sound management of hazardous wastes and other wastes controlled by the Convention, including when these wastes are moved across countries' borders.
- 6 In 2022, the Parties to the Basel Convention, including New Zealand, agreed to require prior informed consent from the importing country for the export of non-hazardous e-waste. The Basel Convention already required prior informed consent in respect of hazardous e-waste.
- 7 The main objective of the e-waste amendment is to improve international monitoring and recording of e-waste shipments. It is expected to reduce uncertainty about when prior consent is required as all e-waste is covered in one system. The e-waste amendment is also expected to contribute to improving resource recovery and environmentally sound e-waste management in recipient countries.
- 8 Cabinet agreed on 29 July 2024 to consultation on the proposal to implement the e-waste amendments to the Basel Convention [CAB-24-MIN-0277 refers]. It requested that I report back to this Committee on the outcome of the public consultation and to seek final policy decisions.

- 9 The submissions supported requiring a permit for the import and export of all e-waste, whether hazardous or non-hazardous, as this removes the uncertainty about whether a permit is required.
- 10 I seek Cabinet's agreement to amend the Imports and Exports Order so that the import and export of non-hazardous e-waste will require a permit from the EPA. This approach will enable the trade in non-hazardous e-waste to continue, subject to consent from the importing country. Requiring a permit for all e-waste will provide clarity to importers and exporters.
- 11 The effect of this recommendation will be that New Zealand will be compliant with the new Basel Convention obligations. Our main exporting countries have already implemented the e-waste amendments.
- 12 The new obligations entered into force globally on 1 January 2025. New Zealand was not able to complete the required domestic processes before this entry into force date.
- 13 Consequently, importers and exporters of non-hazardous e-waste may need to temporarily store this e-waste until they are able to apply for a permit. Officials have advised me that they have communicated this to stakeholders. Implementing the proposed amendments will therefore allow trade to resume as well as meet our international obligations.
- 14 A notification of non-acceptance was submitted until such time New Zealand could be in a position to implement the obligations contained in the amendments.
- 15 Once the required domestic changes have been implemented New Zealand will substitute an acceptance for the previous declaration of objection and the amendments thereupon apply to New Zealand (Article 18(2)(b) of the Basel Convention).

## Background

- 16 Appendix 1 contains the relevant decision by the Parties to the Basel Convention. In summary, the e-waste amendments:
- 16.1 add a new entry (A1181) in Annex VIII covering hazardous e-wastes, its components and wastes from the processing of e-waste, and deletes the existing hazardous e-waste entry (A1180);
  - 16.2 add a new 'other wastes' category (Y49) to Annex II covering all e-waste, its components and wastes from the processing of e-waste, except for those e-wastes covered by entry A1181 in Annex VIII;
  - 16.3 remove two entries relating to e-waste in Annex IX (B1110) and B4030) as these entries are now captured in the new entry Y49.
- 17 To give domestic effect to the e-waste amendments, Cabinet approval is required to amend the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 (Imports and Exports Order) to apply the convention's prior informed consent procedure to the transboundary movement of non-hazardous e-waste. These amendments are made through an Order in Council.
- 18 While the Minister of Commerce and Consumer Affairs has responsibility for the Imports and Exports Order, as Minister for the Environment I have the authority to recommend policy changes on his behalf.

- 19 Cabinet agreed that consultation be undertaken on the proposal to amend the Imports and Exports Order [CAB-24-MIN-0277].
- 20 The Ministry for the Environment undertook consultation from 31 July to 28 August 2024. Fifteen submissions were received on the proposal. The summary of the feedback is provided in Appendix 2.

## Analysis

- 21 Importers and exporters are already required to obtain a permit from the EPA when moving hazardous e-waste across borders. Under the Imports and Exports Order it is the importers and exporters' responsibility to determine whether the waste in their consignment is hazardous or not. Requiring a permit for all e-waste will remove the uncertainty about whether a permit is required for importers and exporters. This was supported by the submissions.
- 22 The majority of New Zealand's e-waste is sent to landfill, with only 1-11 per cent being sent for recycling. Many recycling activities involve processing e-waste into individual components, which are then shipped offshore for further processing and materials recovery, as there is limited onshore capacity. There is an ongoing need to ship e-waste offshore to ensure the recovery of valuable materials and for the final disposal of the e-waste in an environmentally sound manner. This was supported by the submissions.
- 23 In the period 2020-2023, New Zealand exported hazardous e-waste to Belgium, Japan, Republic of Korea, and Singapore, for which the EPA issued between three and six permits per year. During the same period, New Zealand imported hazardous e-waste from New Caledonia, and the EPA issued one to two permits per year for this period. The submissions did not provide new information on the likely number of import or export permits for non-hazardous e-waste.
- 24 Some submitters expressed concern more broadly about the timeframes involved in seeking a Basel Convention permit and the capacity of the EPA to undertake its permitting function under the Convention. Officials have noted this concern and advise that the time taken for the EPA to process applications will depend on a number of factors: the number of applications, the completeness of an application when submitted, and in particular on the number of transit countries in the planned shipping route as each transit country needs to issue consent. This issue is not specific to non-hazardous e-waste but to all wastes covered by the Basel Convention prior informed consent procedure.
- 25 The benefits to New Zealand in implementing the Basel Convention e-waste amendments include:
- 25.1 providing clarity for importers and exporters, and importing and exporting countries
  - 25.2 ensuring traders can continue to import and export e-waste
  - 25.3 maintaining our international reputation and credibility
  - 25.4 supporting the environmentally sound management of e-waste by imposing controls on the import and export of all e-waste.

- 26 A number of submitters also provided general feedback, suggesting New Zealand should commit to a reduction in the production, import and use of hazardous products and emphasised the urgent need to expand and expedite mandatory product stewardships schemes.

## Implementation

- 27 The United Nations Secretary General, as the Depository for the Basel Convention, formally notified the Parties on 30 June 2024 that the e-waste amendments would come into force for all Parties on 1 January 2025 (unless a Party issued a notification of non-acceptance by 30 December 2024).
- 28 New Zealand was not able to meet the 1 January 2025 entry into force date, and Officials therefore submitted a notification of non-acceptance to the Basel Convention Depository that we are unable to accept the e-waste amendment, as required by the Basel Convention Article 18(2)(b). This was taken as a procedural step allowing New Zealand further time to implement the amendments.
- 29 A notification of acceptance will need be transmitted to the Depository of the Basel Convention once the required amendments to the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 have been implemented;
- 30 Officials have prepared a timeline that is intended to ensure New Zealand has amended its domestic legislation by 1 July 2025, pending Cabinet agreement. This would allow sufficient time for the Parliamentary Counsel Office to draft the amendments during April to May, for submission to Cabinet for its approval in June. This will also enable the implementing agencies to prepare for implementation.
- 31 New Zealand importers and exporters can continue to ship hazardous e-waste provided they have a permit from the EPA under the Imports and Exports Order.
- 32 Importers and exporters of non-hazardous e-waste will not be able to export non-hazardous e-waste until the EPA can issue permits for these under the Imports and Exports Order. They may need to temporarily store non-hazardous e-waste.
- 33 Officials have informed the sector and provided relevant information on the Ministry for the Environment website.

### *State of transit provision*

- 34 Officials have also advised that the Imports and Exports Order does not fully reflect New Zealand's obligations as a State of transit under Article 6 paragraph 4 of the Basel Convention. I therefore also seek Cabinet approval to amend the Imports and Exports Order to include a specific provision to enable the EPA to provide consent for transits of hazardous waste, as a State of transit.

## Cost-of-living Implications

- 35 There are no cost-of-living implications of the proposal to implement the Basel Convention e-waste amendments.

## Financial Implications

- 36 The EPA have advised that there will be cost implications for the EPA in administering the permitting regime. Requiring the EPA to take on another function and resource this

from its existing Crown funding represents either a risk to the EPA's ability to undertake the function or will require reallocation of Crown funding from other work risking its ability to undertake this work.

- 37 Permitting is a function that is typically cost recovered or part cost recovered. There is no provision in the Imports and Exports Order enabling the EPA to cost recover for its work in advising on and issuing permits. This is a general problem relating to permitting for the Stockholm chemicals, Rotterdam chemicals and hazardous and other waste covered by the Imports and Exports Order.
- 38 I have asked for advice on providing for cost recovery, noting that the Imports and Exports (Asbestos-containing Products) Prohibition Order 2016 sets a precedent in having fees for permits under this similar Order.

### **Legislative Implications**

- 39 Standing Order 405, which governs presentation of treaties to the House of Representatives, applies only to treaties that are subject "to ratification, accession, acceptance, or approval" and not to treaty actions subject to tacit acceptance, like the Basel Convention. The Government has committed as a matter of policy to present amendments which are more than minor and/or technical, to the relevant Committee.
- 40 I consider this amendment to be minor and technical. The proposal is in line with the objectives of the Basel Convention. Requiring prior consent for the trade in non-hazardous e-waste is reflective of the types of waste the convention was established to manage, and it still allows its trade, subject to prior consent from the importing country under a permit issued by the EPA.
- 41 The changes to the Imports and Exports Order are made by Order in Council.
- 42 Globally, the requirements for prior informed consent for the movement of non-hazardous e-waste came into force from 1 January 2025. Provided that New Zealand does not import or export non-hazardous e-waste until the Imports and Exports Order has been amended, the effect of this recommendation is that New Zealand will be technically compliant with the new Basel Convention obligations during the interim period.

### **Impact Analysis**

#### *Regulatory Impact Statement*

- 43 The Ministry for Regulation has determined that this proposal is exempt from the requirement to provide a Regulatory Impact Statement. This exemption is granted on the grounds that the government has limited statutory decision-making discretion or responsibility for the content of proposed delegated legislation, because it is the minimum necessary to comply with international obligations that are binding on New Zealand.

#### *Climate Implications of Policy Assessment*

- 44 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this proposal, as the threshold for significance is not met [CAB-428 refers].

## Population Implications

45 There are no population implications in this proposal.

## Human Rights

46 There are no human rights implications of the proposal.

## Use of external Resources

47 No external resources were used in the policy development process, nor the drafting of this paper.

## Consultation

48 The EPA, the Ministry of Business, Innovation and Employment, the Ministry of Foreign Affairs and Trade, and the New Zealand Customs Service have been consulted on the proposals outlined in this paper and agree with the recommended approach. The Treasury and the Department of the Prime Minister and Cabinet have been informed.

## Communications

49 Officials have advised that stakeholders have been directly informed of the new international requirements and the information is also available on the Ministry for the Environment website.

## Proactive Release

50 Consideration of proactive release of this paper will be delayed to coincide with consideration of proactive release for a subsequent and related Cabinet paper for the Cabinet Legislation Committee that is intended to be lodged following this paper. The proactive release of the papers can then be considered at the same time. Any release is subject to redactions as appropriate under the Official Information Act 1982.

## Recommendations

The Minister for the Environment, in concurrence with the Minister of Commerce and Consumer Affairs, recommends that the Committee:

1. **note** in June 2022, the Parties to the Basel Convention on the Control of the Transboundary Movements of Hazardous Wastes and their Disposal (the Basel Convention), including New Zealand, adopted a decision to amend Annexes II, VIII and IX to the Convention, with the objective of enlarging the control of transboundary movements by making non-hazardous e-waste subject to its prior informed consent procedure
2. **note** these amendments came into effect on 1 January 2025 for all Parties to the Basel Convention that have not opted out of the amendments
3. **note** that New Zealand submitted a notification of non-acceptance to the Basel Convention Depository until New Zealand can implement the obligations contained in the amendments, and in the meantime non-hazardous e-waste cannot be exported
4. **note** that New Zealand implements its obligations under the Basel Convention through the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 and while this does not

have a statutory requirement to consult, Cabinet agreed to consultation on amendments to the Order which took place 31 July to 28 August 2024 [CAB-24-MIN-0277]

5. **agree** to amend the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 to give effect to the 2022 amendments to the Basel Convention as contained in Appendix 1 with an entry into force date of 1 July 2025;
6. **invite** the Minister for the Environment to issue drafting instructions to the Parliamentary Counsel Office to give effect to the 2022 amendments to the Basel Convention;
7. **authorise** the Minister for the Environment to approve minor policy changes during drafting of the regulations, in line with the policy decisions agreed by Cabinet;
8. **invite** the Minister for the Environment to report back to Cabinet by June 2025 with the proposed regulatory amendments for decision;
9. **approve** publication of *Summary of submissions: Transboundary movement control of all e-waste under the Basel Convention*;
10. **agree** that a notification of acceptance can be transmitted to the Depositary of the Basel Convention once the required amendments to the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 have been implemented;
11. **note** that the Imports and Exports (Restrictions) Prohibition Order (No.2) 2004 does not have a specific provision for New Zealand's obligations as a State of transit under Article 6 paragraph 4 of the Basel Convention;
12. **agree** to amend the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 to give effect to Article 6 paragraph 4 of the Basel Convention;
13. **note** that the Environmental Protection Authority has raised concerns about the Imports and Exports (Restrictions) Prohibition Order (No.2) 2004 not providing for cost recovery;
14. **invite** the Minister for the Environment to report back to Cabinet on cost recovery for permit work under the Imports and Exports (Restrictions) Prohibition Order (No.2) 2004.

Authorised for lodgement

Hon Penny Simmonds

Minister for the Environment

## Appendix 1 Basel Convention e-waste decision

### BC-15/18: Amendments to Annexes II, VIII and IX to the Basel Convention

*The Conference of the Parties,*

*Having considered the proposal by the Governments of Ghana and Switzerland to amend Annexes II, VIII and IX to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal,<sup>1</sup>*

1. *Decides to amend Annex II to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal by adding the following entry:*

<b>Y49<sup>2,3</sup></b>	<p><b>Electrical and electronic waste:</b></p> <ul style="list-style-type: none"> <li>• Waste electrical and electronic equipment           <ul style="list-style-type: none"> <li>– not containing and not contaminated with Annex I constituents to an extent that the waste exhibits an Annex III characteristic, and</li> <li>– in which none of the components (e.g. certain circuit boards, certain display devices) contain or are contaminated with Annex I constituents to an extent that the component exhibits an Annex III characteristic</li> </ul> </li> <li>• Waste components of electrical and electronic equipment (e.g. certain circuit boards, certain display devices) not containing and not contaminated with Annex I constituents to an extent that the waste components exhibit an Annex III characteristic, unless covered by another entry in Annex II or by an entry in Annex IX</li> <li>• Wastes arising from the processing of waste electrical and electronic equipment or waste components of electrical and electronic equipment (e.g. fractions arising from shredding or dismantling), and not containing and not contaminated with Annex I constituents to an extent that the waste exhibits an Annex III characteristic, unless covered by another entry in Annex II or by an entry in Annex IX</li> </ul>
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2. *Also decides to amend Annex VIII to the Basel Convention by inserting a new entry, A1181, as follows:*

<b>A1181<sup>4</sup></b>	<p><b>Electrical and electronic waste (note the related entry Y49 in Annex II)<sup>5</sup>:</b></p> <ul style="list-style-type: none"> <li>• Waste electrical and electronic equipment           <ul style="list-style-type: none"> <li>– containing or contaminated with cadmium, lead, mercury, organohalogen compounds or other Annex I constituents to an extent that the waste exhibits an Annex III characteristic, or</li> <li>– with a component containing or contaminated with Annex I constituents to an extent that the component exhibits an Annex III characteristic, including but not limited to any of the following components:               <ul style="list-style-type: none"> <li>▪ glass from cathode-ray tubes included on list A</li> <li>▪ a battery included on list A</li> <li>▪ a switch, lamp, fluorescent tube or a display device backlight which contains mercury</li> <li>▪ a capacitor containing PCBs</li> <li>▪ a component containing asbestos</li> <li>▪ certain circuit boards</li> <li>▪ certain display devices</li> <li>▪ certain plastic components containing a brominated flame retardant</li> </ul> </li> </ul> </li> </ul>
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<sup>1</sup> UNEP/CHW.15/13/Add.2, annex.

<sup>2</sup> This entry becomes effective as of 1 January 2025.

<sup>3</sup> Note the related entry on list A A1181 in Annex VIII.

<sup>4</sup> This entry becomes effective as of 1 January 2025.

<sup>5</sup> PCBs or PBBs are at a concentration level of 50 mg/kg or more in equipment, in a component, or in wastes arising from the processing of waste electrical and electronic equipment or waste components of electrical and electronic equipment.

CLASSIFICATION

	<ul style="list-style-type: none"><li>• Waste components of electrical and electronic equipment containing or contaminated with Annex I constituents to an extent that the waste components exhibit an Annex III characteristic, unless covered by another entry on list A</li><li>• Wastes arising from the processing of waste electrical and electronic equipment or waste components of electrical and electronic equipment, and containing or contaminated with Annex I constituents to an extent that the waste exhibits an Annex III characteristic (e.g. fractions arising from shredding or dismantling), unless covered by another entry on list A</li></ul>
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3. *Further decides* to add a footnote to the entry A1180 in Annex VIII, as follows:  
“Entry A1180 is effective until 31 December 2024.”;

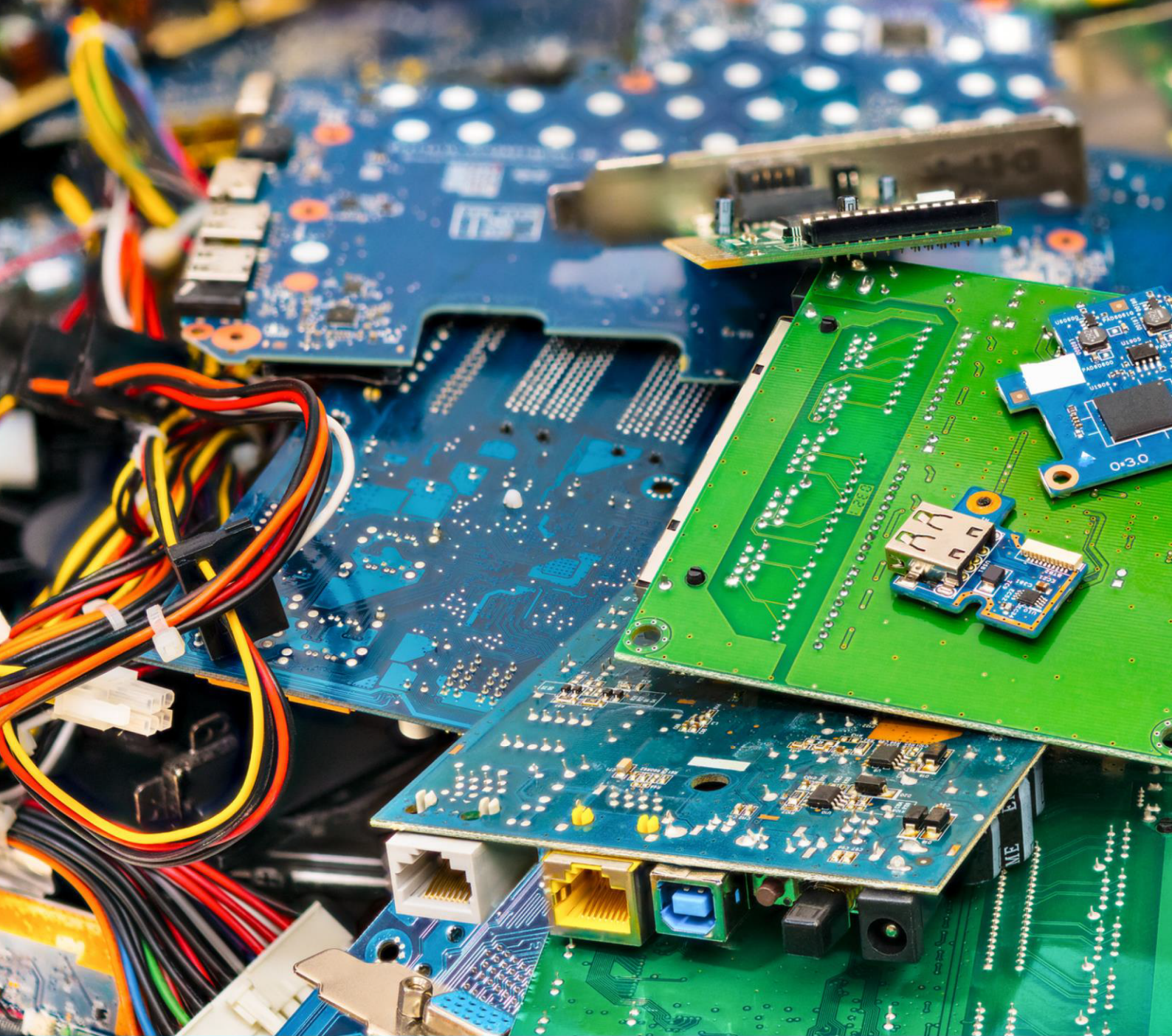
4. *Decides* to delete entries B1110 and B4030 in Annex IX to the Basel Convention;

5. *Requests* the Depositary to communicate the adoption of the amendments set out in the present decision to all Parties on 30 June 2024 so that the amendments will become effective on 1 January 2025 pursuant to subparagraphs (b) and (c) of paragraph 2 of Article 18 of the Convention.

DRAFT

**Appendix 2 Summary of submissions: Transboundary movement control of all e-waste under the Basel Convention**

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Summary of submissions

# Transboundary movement control of all e-waste under the Basel Convention

Te whakahaere nekenekenga whakawhiti rohenga o ngā ī-para katoa i raro i te Tikanga o Basel



Ministry for the  
**Environment**  
Manatū Mō Te Taiao



**Te Kāwanatanga o Aotearoa**  
New Zealand Government

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# Introduction

Importing, exporting and transiting non-hazardous and hazardous electrical and electronic waste (e-waste) can pose risks to the environment and human health when appropriate measures are not taken to manage such waste in an environmentally sound way. To address this issue, in 2022, Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention) agreed to amendments to the Basel Convention.

New Zealand has been a Party to the Basel Convention since 1994 and is bound to comply with it. To comply with the e-waste decision, regulatory amendments to New Zealand's Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 are necessary.

The Government's proposal is to amend the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 to require prior informed consent to import and export non-hazardous e-waste. This would be in addition to the current requirement for prior informed consent to import or export hazardous e-waste.

This report summarises the views expressed from public consultation. It does not analyse those views or make recommendations in response to them. Any such recommendations will be made through policy development and advice to the Government.

# Public consultation

## How we consulted

From 31 July to 28 August 2024, the Government consulted on proposals to amend the Import and Exports (Restrictions) Prohibition Order (No 2) 2004 to require prior informed consent to import or export non-hazardous e-waste.

To inform the consultation, the discussion document *Transboundary movement control of all e-waste under the Basel Convention* was published on the Ministry for the Environment (the Ministry) website on 31 July 2024. The consultation questions are in the [appendix](#).

## Consultation tools

Submitters were invited to submit their views using the Ministry's online public engagement and survey platform Citizen Space ([Have your Say](#)) or by email to its consultation inbox ([basel@mfe.govt.nz](mailto:basel@mfe.govt.nz)). If identical submissions were made through both methods, one was counted and the other archived.

Submitters choosing to submit via Citizen Space could respond to the questions in the discussion document, with the option of answering all or some of the questions. Submitters could also add written feedback and provide additional supporting information.

## Who responded?

Although the response was relatively small (15 submissions), a good cross-section was represented of potentially affected businesses, industry bodies, iwi and hapū, registered charities and individuals. Most responses were submitted via Citizen Space. Table 1 shows the proportions of submitters from each group.

**Table 1: Number of submissions by submitter group**

Submitter type		Number
Organisation	Business	4
	Industry bodies	4
	Iwi, hapū and Māori organisations	1
	Registered charity	1
Individual	Academic or subject-matter expert	4
	Individual	1
<b>Total</b>		<b>15</b>

## Submitter comments

Comments from submitters are included throughout this summary. Footnotes state the name of submitters who consented for it to be published. Some comments are not footnoted, either for brevity, because they are paraphrased or because the submitter chose to remain anonymous.

## **Next steps**

### **Publishing submissions**

Alongside the release and publication of this report, we will also publish and release submissions from those who agreed to publication. These will be available on the Ministry's website.

### **Policy decisions**

The Ministry is advising Ministers and Cabinet on the next steps to implementing the Basel Convention e-waste decisions. This advice will be informed by the insights gathered from this consultation process and other Ministry work. It will include engaging with stakeholders, consulting across government agencies, researching best practice methods from overseas and other work programmes.

### **Stay up to date**

To stay up to date on any decisions and announcements, visit the Ministry's website or go to its Facebook or Instagram page.

# What we heard

## E-waste recycling in New Zealand

Electrical and electronic waste is known as e-waste. It contains components that encompass multiple streams of materials, including metals, glass, plastic, battery chemistries and packaging. Existing data on e-waste collection and disposal in New Zealand is not readily available because it is commercially sensitive and the means of collecting further data is limited.

Submitters were asked to describe what e-waste activities their company undertakes. Of the seven who answered question 1, all provided collection and recycling services for either a specific category or broad range of e-waste products. Four submitters provided services including collection, transport, sorting and reprocessing.<sup>1</sup> Two submitters operated voluntary product stewardship schemes<sup>2</sup> and one submitter specialised in the collection and export of printed circuit boards.<sup>3</sup>

One submitter noted that:

The metals recycling industry undertakes a broad range of recycling activities of a vast range of metal consumer goods, including electronic and electrical equipment. This includes manual processing, cutting, crushing, compressing and shredding.<sup>4</sup>

## Many submitters anticipate growth in onshore reprocessing facilities

We consulted on whether submitters anticipated growth in onshore reprocessing facilities. Of the eight who answered question 2, four anticipated growth in onshore reprocessing facilities,<sup>5</sup> two did not<sup>6</sup> and two were uncertain.<sup>7</sup> Comments and feedback related to onshore reprocessing facilities are summarised below.

- One submitter anticipates onshore facilities for processing lithium-ion and lithium-ion phosphate batteries<sup>8</sup> will be built and one submitter anticipates generic e-waste reprocessing<sup>9</sup> will be built.

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<sup>1</sup> Anonymous businesses (x 2), Abilities Incorporated, New Zealand Association of Metal Recyclers.

<sup>2</sup> Anonymous business, NZ Telecommunications Forum.

<sup>3</sup> New Age Materials Ltd.

<sup>4</sup> New Zealand Association of Metal Recyclers.

<sup>5</sup> Anonymous business, Anonymous industry body, Abilities Incorporated, Freda Woisin.

<sup>6</sup> New Age Materials, New Zealand Association of Metal Recyclers.

<sup>7</sup> Anonymous business, Anonymous iwi/hapū.

<sup>8</sup> Anonymous business.

<sup>9</sup> Abilities Incorporated.

- The capacity exists within the current network of onshore reprocessors. It is possible minor bespoke facilities could be built to reprocess select high-value materials with taxpayer funding.<sup>10</sup>
- New Zealand's small volumes make investment in new infrastructure challenging.<sup>11</sup>
- While not directly involved, three submitters support establishing onshore reprocessing facilities.<sup>12</sup>

## **New Zealand exports e-waste for recycling**

New Zealand reprocessors typically dismantle products into the component materials to export and on-sell for reprocessing. Submitters were asked what types and weights of e-waste they import and/or export. Of the five who answered questions 3 and 4, their comments and feedback are summarised below.

- The metal industry exports over 500,000 tonnes of ferrous metals and 127,000 tonnes of non-ferrous metals annually, much of which is recovered from electrical equipment. This can be sourced from appliances, home goods, communication, information technology, vehicles, medical, utility and manufacturing equipment.<sup>13</sup>
- Three submitters estimated 20 tonnes to 300 tonnes of printed circuit boards could be imported and/or exported.<sup>14</sup>
- One submitter estimated 150 tonnes to 700 tonnes of batteries could be imported and/or exported.<sup>15</sup>

One submitter commented:

Since its inception in 2015, [Remobile] has diverted 147.4 tonnes of e-waste from landfills.<sup>16</sup>

Submitters were also asked how often they shipped e-waste, whether they used brokerage services, which countries they shipped to and under which customs (harmonised system (HS)) codes. Of the four who answered questions 5 to 8, it was not clear if their shipments were for hazardous or non-hazardous e-waste. Their comments and feedback are summarised below.

- For two submitters, shipment frequencies ranged from 2 to 5 shipments<sup>17</sup> and up to 10 to 50 shipments a year.<sup>18</sup>
- For four submitters, the e-waste was sent to Australia, Belgium, Japan, Korea and Malaysia, either through direct arrangements or with the help of brokerage services like freight forwarders.<sup>19</sup>

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<sup>10</sup> New Zealand Association of Metal Recyclers.

<sup>11</sup> Anonymous business.

<sup>12</sup> Anonymous iwi/hapū, WasteMINZ Product Stewardship Sector Group, Anonymous individual.

<sup>13</sup> New Zealand Association of Metal Recyclers.

<sup>14</sup> New Age Materials Ltd, Anonymous business, Abilities incorporated.

<sup>15</sup> Anonymous business.

<sup>16</sup> NZ Telecommunications Forum.

<sup>17</sup> Anonymous business, New Age Materials Ltd.

<sup>18</sup> Abilities Incorporated, Anonymous business.

<sup>19</sup> Anonymous businesses (x 2), New Age Materials, Abilities Incorporated.

- Not all submitters were aware of the HS codes used,<sup>20</sup> but those who were referred to 8473.30,<sup>21</sup> 7112.99<sup>22</sup> and 9534.00.90.00.<sup>23, 24</sup>

## Product stewardship

In July 2020, e-waste was declared as one of six priority products for product stewardship under the Waste Minimisation Act 2008. Product stewardship encourages (and in certain cases requires) people involved in a product's lifecycle to share responsibility for minimising waste and managing any environmental harm when a product becomes waste.

Submitters were asked if e-waste product stewardship would affect shipment patterns. Six of the seven submitters who answered question 9, agreed patterns would be affected. Comments and feedback on the effects of product stewardship on e-waste shipment patterns are summarised below.

- Two submitters anticipate increased volumes of e-waste will be exported.<sup>25</sup>
- One submitter noted that product stewardship will aim for high recovery rates and zero waste to landfill. "Given land scarcity, we need to ensure we avoid e-waste going to landfill."<sup>26</sup>

A submitter commented:

This amendment will only work to the best of its ability when enacted alongside other proposals, such as mandatory management schemes (currently we only have voluntary schemes) and/or mandatory EPR (Extended Producer Responsibility) which boasts some of the highest e-waste recycling rates globally since its enactment in the EU [European Union] in 2003.<sup>27</sup>

One submitter commented:

A mandatory product stewardship will assist major OEMs [Original Equipment Manufacturers] importers and alike to plan their products' end-of-life when importing their products into NZ. Having end-of-life plans helps to ensure recoverable resources are diverted from landfill and recycled in an environmentally sound manner.<sup>28</sup>

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<sup>20</sup> Anonymous business.

<sup>21</sup> Parts and accessories (other than covers, carrying cases and the like) suitable for use solely or principally with machines of headings 84.70 to 84.72.

<sup>22</sup> Waste and scrap of precious metal or metals clad with precious metal; other waste and scrap containing precious metal or precious metal compounds, of a kind used principally for the recovery of precious metal other than goods of heading 85.49 other.

<sup>23</sup> Chapter 95 relates to toys, games and sports requisites; parts and accessories thereof.

<sup>24</sup> Anonymous business, New Age Materials Ltd, Abilities Incorporated.

<sup>25</sup> Abilities Incorporated, WasteMINZ Product Stewardship Sector Group.

<sup>26</sup> Anonymous business.

<sup>27</sup> Anonymous individual.

<sup>28</sup> Anonymous business.

Another submitter commented:

By prioritising material recovery over collection, the scheme can facilitate the development of advanced recycling facilities and technologies, thereby reducing reliance on overseas processing ... moreover, as product stewardship encourages the recovery of valuable materials through reuse and repair, it is expected to stimulate growth of refurbished products in the market.<sup>29</sup>

Further comments from submitters about product stewardship that fall out of scope for this consultation can be found under [Additional feedback and comments](#).

## Distinguishing between waste and non-waste

Submitters were asked how they currently decide whether a shipment is waste or non-waste. Of the six who answered question 10, two sought guidance from the Environmental Protection Authority (EPA)<sup>30</sup> and one stated the EPA decides.<sup>31</sup> Other comments and feedback on this question are summarised below.

- **Varying interpretations.** One submitter stated that dismantled e-waste components were a waste product and if products are being sold as working units to be re-used, they are non-waste products.<sup>32</sup> Another submitter stated that waste materials have no commercial value with no ability to be recycled and must be landfilled, while metals are a valuable commodity, therefore, they are not waste.<sup>33</sup>
- **Lack of safety data sheets to determine product characteristics.** One submitter assessed the product's characteristics by reviewing available safety data sheets but noted that these sheets were not always available.<sup>34</sup>

## Most submitters agreed guidance on the distinction between waste and non-waste is needed

Submitters were asked if it would be beneficial to have a process to confirm if a shipment is non-waste. Of the six who answered question 11, five agreed it would be useful<sup>35</sup> and one disagreed.<sup>36</sup> Those who agreed commented it is important to have clear guidance from a regulatory body to ensure stakeholders understand the appropriate processes and practices for handling these materials. One submitter stated their support for the adoption of the Basel Convention Technical Guidelines to include the distinction between waste and non-waste to confirm the status of a shipment.

The submitter who disagreed noted they already had a process in place, where the end-user determines if the product is waste.

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<sup>29</sup> Anonymous business.

<sup>30</sup> Anonymous business (x 2).

<sup>31</sup> New Age Materials Ltd.

<sup>32</sup> Abilities Incorporated.

<sup>33</sup> New Zealand Association of Metal Recyclers.

<sup>34</sup> Anonymous business.

<sup>35</sup> New Age Materials Ltd, Anonymous business, Anonymous industry body, Abilities Incorporated, Anonymous business.

<sup>36</sup> Anonymous business.

## Effect of requiring a permit to import or export all e-waste

Submitters were asked if they had any concerns with New Zealand implementing the Basel Convention e-waste amendments. Of the 12 submitters who answered question 12, seven supported the e-waste amendments, and all agreed the amendments would affect their operations. Comments and feedback are summarised below.

- **Support for proposed amendments.** Three submitters supported the proposed amendments due to the significant human and environmental health risks caused by hazardous e-waste, particularly in vulnerable communities.<sup>37</sup> One submitter noted that the improved tracking of e-waste movements would allow better implementation of measures to minimise harm.<sup>38</sup> A submitter felt the amendments would ensure everyone fulfilled their obligations.<sup>39</sup>
- **Increase compliance costs for new permits.** One submitter noted that, while no application fee is needed to apply for a permit, significant costs are involved in the application process itself, including translation services and administration fees for countries that must provide approval for the shipment.<sup>40</sup> One submitter commented a risk exists that the additional administration burden would make their recycling programme unviable, resulting in e-waste going to landfill.<sup>41</sup>
- **The lengthy permit process causes shipment delays.** Many submitters expressed concern with the already cumbersome and slow permit application process.<sup>42</sup> New Zealand exports typically pass through several countries before reaching their final destination. Each transit country has 30 days to approve a permit, meaning the application process can take at least six months.<sup>43</sup> One submitter noted that applying for permits for low-risk waste, such as printer cartridges, can lead to shipment delays if the permit process is not efficient.<sup>44</sup> Another submitter commented it may slow down the movement of products, causing extra costs to exporters, although businesses will adapt.<sup>45</sup>
- **EPA capacity to process permits.** Two submitters had concerns about the anticipated surge in permit applications and the capacity of the EPA to respond promptly, which could result in shipment delays and additional storage costs to exporters.<sup>46</sup>

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<sup>37</sup> Anonymous individual, WasteMINZ Product Stewardship Sector Group, Freda Woisin.

<sup>38</sup> Anonymous individual.

<sup>39</sup> Abilities Incorporated.

<sup>40</sup> New Zealand Association of Metal Recyclers.

<sup>41</sup> Anonymous business.

<sup>42</sup> New Age Materials Ltd, New Zealand Association of Metal Recyclers, Anonymous business.

<sup>43</sup> New Zealand Association of Metal Recyclers.

<sup>44</sup> Anonymous business.

<sup>45</sup> Anonymous individual.

<sup>46</sup> Anonymous individual, New Zealand Association of Metal Recyclers.

- **Effect on trade relations with Pacific Island nations.** A submitter raised concerns that increased compliance costs could make e-waste trade between the Pacific Islands and New Zealand uneconomical, especially given the already high shipping costs and reliance of the Pacific Islands on New Zealand for reprocessing due to limited infrastructure.<sup>47</sup>
- **Unable to quickly adapt to market demand.** One submitter noted that the requirement to obtain a permit could limit the ability of New Zealand recyclers to adapt to changing international markets, restricting them to specific markets and potentially preventing exports if market conditions shift.<sup>48</sup>
- **Existing guidance is ambiguous.** One submitter suggested a comprehensive product list is needed, to clearly define whether a product is classified as hazardous or a controlled waste, to enable all stakeholders to understand their responsibilities.<sup>49</sup>
- **Environmental impact if permits are declined.** One submitter raised concerns about what happens to the e-waste should exporters not receive permits.<sup>50</sup> They asked what proactive steps are being taken to ensure New Zealand companies are supported to manage e-waste effectively, so the environment is not left to bear the cost. Another submitter commented that putting controls on non-hazardous e-waste may push companies to take an illegal route to avoid extra costs.<sup>51</sup>

A submitter commented:

The passing of this amendment will hopefully slow down current e-waste exports offshore, allowing New Zealand to better control, manage and track our e-waste while simultaneously giving recipient countries (a) more time to prepare for e-waste shipments and (b) more reliable catalogued e-waste shipments.<sup>52</sup>

Another submitter said:

Regulations need to be sufficient to ensure that any products exported are safe to do so and the handling of them is of the highest standards. Regulations should control e-waste so that it does not end up in overseas territories where it negatively impacts their environment and social wellbeing.<sup>53</sup>

One submitter commented:

The term 'waste' is prohibitive to exporting; it creates barriers and compliance burdens that limit exporting potential and devalues the commodity. It limits market availability [because] many countries have strict regulations to prohibit the importation of any material classified as waste.<sup>54</sup>

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<sup>47</sup> New Zealand Association of Metal Recyclers.

<sup>48</sup> New Zealand Association of Metal Recyclers.

<sup>49</sup> Anonymous business.

<sup>50</sup> Anonymous iwi/hapū.

<sup>51</sup> Anonymous individual.

<sup>52</sup> Anonymous individual.

<sup>53</sup> WasteMINZ Product Stewardship Sector Group.

<sup>54</sup> New Zealand Association of Metal Recyclers.

## Future demand for permits to import or export non-hazardous and hazardous e-waste

Submitters were asked if it was likely they would need an import or export permit for e-waste in the next couple of years. Of the five who answered question 13, four answered yes and one answered no. Of the submitters who answered yes, their rationale was that they need to renew their permits every three years.<sup>55</sup> One submitter is heavily reliant on the financial revenue for selling the items.<sup>56</sup> One submitter noted their vendor would need an export permit.<sup>57</sup>

The submitter who answered no commented that they believe their export product does not require a permit.<sup>58</sup>

## Costs and benefits of implementing the Basel Convention e-waste decision

Submitters were asked what the main costs and benefits would be to them of the proposal to implement the Basel Convention e-waste decision. Of the eight who answered question 14, many were concerned with the anticipated increased administration and compliance costs and the length of time it would take to process permits. A few submitters said the decision would promote circular solutions, open the market to smaller traders and maintain New Zealand's reputation and integrity as a Party to the Basel Convention.

Feedback on the costs of implementing the e-waste decision is summarised below.

- **Increased compliance costs.** Three submitters commented that the cost of compliance and length of the permit process would make the cost of recycling various products prohibitive.<sup>59</sup> One submitter noted that service providers would pass the additional compliance costs onto their clients and customers.<sup>60</sup>
- **More e-waste disposed to landfills.** One submitter commented that fewer materials would be recovered, causing recycling rates to drop, landfill disposal to rise and hinder New Zealand's progress towards zero waste goals.<sup>61</sup>
- **Effect on fair and free trade.** One submitter noted it would restrict the ability of New Zealand recyclers to undertake fair and free trade, leading to a reduction in New Zealand export earning potential.<sup>62</sup>
- **Risk of environmental damage due to stockpiling.** One submitter commented it would be likely to increase onshore material stockpiles because stock would be retained while

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<sup>55</sup> New Age Materials Ltd, Anonymous business.

<sup>56</sup> Abilities Incorporated.

<sup>57</sup> Anonymous business.

<sup>58</sup> Anonymous business.

<sup>59</sup> New Zealand Association of Metal Recyclers, Anonymous business, New Age Materials Ltd.

<sup>60</sup> Anonymous business.

<sup>61</sup> New Zealand Association of Metal Recyclers.

<sup>62</sup> New Zealand Association of Metal Recyclers.

permits were applied for, which would increase health and safety risks and potential environmental damage (eg, fires).<sup>63</sup>

- **More complex regulatory framework.** One submitter anticipated an increased administrative workload for the EPA, which would need to be resourced. One submitter commented that, if the EPA were to introduce an application fee, it should be no more than \$1,000.<sup>64</sup>

Feedback on the benefits of implementing the e-waste decision is summarised below.

- **Promote circular economy.** One submitter commented that the decision would prevent greenwashing and promote sustainable circular solutions.<sup>65</sup> Another submitter stated that, while it is important to align with the Basel Convention, New Zealand must ensure exports do not inhibit the New Zealand circular economy and rigorous constraints are in place to promote compliance.<sup>66</sup>
- **Open the market to smaller traders.** One submitter noted that smaller community-based recyclers would be able to trade commodities in a more regulated market and would benefit because they were well positioned to lead by example and trade more.<sup>67</sup>
- **Contribute to more environmentally sound e-waste management.** One submitter commented that implementation of the e-waste decision would reduce greenhouse gas emissions, contribute to healthy living environments and potentially create jobs.<sup>68</sup>
- **More information leading to better policy decisions.** One submitter commented that information sharing, education and clarity for importers, exporters, importing and exporting countries would be enhanced.<sup>69</sup>

## Suggestions to help companies comply with the e-waste decision

Submitters were asked for suggestions on how the Government could help their company comply with the e-waste decisions. The comments and feedback from the eight submitters who answered question 15 are summarised below.

- **Improving the permit process.** One submitter suggested allowing permit holders to 'renew' a permit rather than having to reapply every three years.<sup>70</sup> Another submitter suggested prioritising certified businesses that invest in environmentally sound management technology.<sup>71</sup> A further submitter recommended that exporters who provide evidence their e-waste is hazardous (or not) be given priority for earlier export.<sup>72</sup>

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<sup>63</sup> New Zealand Association of Metal Recyclers.

<sup>64</sup> NZ Telecommunications Forum.

<sup>65</sup> Anonymous business.

<sup>66</sup> WasteMINZ Product Stewardship Sector Group.

<sup>67</sup> Abilities Incorporated.

<sup>68</sup> Anonymous individual.

<sup>69</sup> Anonymous individual.

<sup>70</sup> New Age Materials Ltd.

<sup>71</sup> Anonymous business.

<sup>72</sup> Anonymous individual.

- **More guidance for importers and exporters.** One submitter commented that a comprehensive product list that clearly defines whether a product is classified as hazardous or non-hazardous waste would be beneficial.<sup>73</sup> Another submitter recommended publishing the list of pre-approved environmentally sound management facilities that can be used by all recyclers.<sup>74</sup> One submitter suggested establishing clear guidance as being essential because companies are increasingly focusing on selling, refurbishing and repairing products.<sup>75</sup> One submitter promoted facilitating communication campaigns to raise businesses' awareness of the importance of environmentally sound e-waste management and the new amendments.<sup>76</sup>
- **Impact on the Green Controls.** One submitter advocated for retaining the Green Control Procedure under the Organisation for Economic Co-operation and Development for low-risk e-waste, such as printer cartridges, especially when shipping to Australia.<sup>77</sup> Another submitter asked how the new regulations would affect the Green Control Procedure, specifically GC020.<sup>78 79</sup>
- **Enforcement of non-compliance.** One submitter stated that the enforcement of offences when importing prohibited goods is relatively low when the value of the goods may not be a big enough deterrent to prevent non-compliance and suggested increasing fines and pursuing prosecution where necessary.<sup>80</sup>

## Additional feedback and comments

Additional feedback from submitters fell under the following topics, which are considered out of scope for this consultation.

### General comments

- **Commit to a reduction in the production, import and use of hazardous products.** One submitter suggested introducing incentives or legislation to limit the production and/or importation of hazardous products, to move to less hazardous and more recyclable products, where disposal can be managed onshore without the need for exportation.<sup>81</sup> They further commented that immobilisation or incineration of hazardous waste could reduce the toxicity of waste in Class B landfills or move towards all hazardous waste going to Class A landfills.
- **Support for companies to manage their e-waste.** One submitter raised concerns that e-waste may cause environmental harm if export permits are declined.<sup>82</sup> They

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<sup>73</sup> Anonymous business.

<sup>74</sup> Abilities Incorporated.

<sup>75</sup> Anonymous business.

<sup>76</sup> Anonymous individual.

<sup>77</sup> Anonymous business.

<sup>78</sup> Anonymous business.

<sup>79</sup> Electronic scrap (eg printed circuit boards, electronic components, wire etc) and reclaimed electronic components suitable for base and precious metal recovery.

<sup>80</sup> Noah Kirkham.

<sup>81</sup> Noah Kirkham.

<sup>82</sup> Anonymous iwi/hapū.

recommended conducting a comprehensive study to determine what proactive support can be offered to companies to help them manage their e-waste effectively.

- **Increased environmental pollution due to vape products.** One submitter raised concerns about the proliferation of vape products adding to New Zealand's pollution problem, recommending that the Government has a responsibility to manage unforeseen human health issues as well as environmental health.<sup>83</sup>

A submitter commented:

Ultimately it is our responsibility as a developed nation to take responsibility for our e-waste, as it harms vulnerable people in developing nations who often have no say regarding the matter.<sup>84</sup>

## General product stewardship comments

- **Mandatory product stewardship is urgently needed.** One submitter stated that producers, manufacturers and industry must be held responsible for the full lifecycle of their products rather than leaving it to consumers and individuals.<sup>85</sup>
- **Expand and expedite product stewardship schemes.** One submitter called for the Government to accelerate the development and implementation of product stewardship schemes. They stated that schemes need to target the most hazardous and carbon intensive waste streams and apply the Extended Producer Responsibility tools, such as eco-modulation and eco-design.<sup>86</sup>
- **Design should include viewpoints of multiple stakeholders.** One submitter commented that not limiting scheme design to a specific industry would ensure agility and the best possible outcomes.<sup>87</sup>
- **Lack of a circular economy levy results in environmental harm.** One submitter raised concern about the volume of hazardous and non-hazardous waste illegally dumped in the environment over the years. The submitter supports the use of a circular economy levy to encourage recovery and cited the work of businesses such as Noel Leeming and HP, which operate take-back schemes.<sup>88</sup>

## E-waste product stewardship scheme comments

- **Critical for batteries to be part of the e-waste scheme.** One submitter noted the slow progress in designing a product stewardship scheme and that batteries need to be in scope.<sup>89</sup> They said that given batteries are increasingly integrated into electrical products, such as single-use vapes, end-of-life batteries need to be responsibly managed to reduce potential fires, prevent other environmental harm and reduce emissions.

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<sup>83</sup> Freda Woisin.

<sup>84</sup> Anonymous individual.

<sup>85</sup> Anonymous iwi/hapū.

<sup>86</sup> WasteMINZ Product Stewardship Sector Group.

<sup>87</sup> WasteMINZ Product Stewardship Sector Group.

<sup>88</sup> Freda Woisin.

<sup>89</sup> WasteMINZ Product Stewardship Sector Group.

- **Mandatory e-waste export targets.** One submitter suggested targets be put in place for whole equipment and its parts, with the targets steadily tightened to help drive New Zealand’s e-waste recovery sector.<sup>90</sup>
- **Investment in onshore infrastructure.** One submitter stated that New Zealand needs to invest in onshore infrastructure to process more e-waste generated here for local reuse and repair.<sup>91</sup>
- **Restrict importation of e-waste.** One submitter suggested that, if New Zealand is generating more e-waste, consideration should be given to reducing the importation of e-waste from other countries.<sup>92</sup>
- **Support the right to repair.** One submitter recommended setting legislation to require products to be repairable.<sup>93</sup>

## Large battery product stewardship scheme comments

- **Lack of financial management for legacy batteries.** One submitter raised concerns about the short-sightedness of the financial model for the large battery product stewardship scheme, which states recycling for imported batteries is 20 years away.<sup>94</sup> They suggested the model should include a value for the volume of legacy batteries in the New Zealand market that are at end-of-life now.
- **Chemistry and weight-based battery stewardship fee.** One submitter commented that the market already provides a chemistry and weight-based price to recycle batteries.<sup>95</sup> They stated that battery chemistries are evolving quickly, so we should be planning for today’s costs and not the projected 20-year lifespan.

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<sup>90</sup> WasteMINZ Product Stewardship Sector Group.

<sup>91</sup> WasteMINZ Product Stewardship Sector Group.

<sup>92</sup> WasteMINZ Product Stewardship Sector Group.

<sup>93</sup> WasteMINZ Product Stewardship Sector Group.

<sup>94</sup> Anonymous business.

<sup>95</sup> Anonymous business.

# Appendix: Questions

These questions appear throughout the consultation document.

## Questions

1. Which e-waste activities does your company undertake?

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2. Do you anticipate starting or growing onshore re-processing facilities? If yes, for what type of e-waste?

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3. If your company is involved in importing and/or exporting e-waste, what types of e-waste (eg, printed circuit boards) do you import and/or export?

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4. If your company is involved in importing and/or exporting e-waste, what weight of each product or waste do you import and/or export per year?

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5. If your company is involved in importing and/or exporting e-waste, what is the frequency of your shipments (eg, what is the number of shipments) per year?

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6. If your company is involved in exporting e-waste, which countries do you currently export e-waste to? Do you intend to export e-waste to any other countries, and if so, which ones?

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7. If your company is involved in importing and/or exporting e-waste, do you import and/or export waste directly or do you go through someone else (eg, a broker, a commodities trader or a freight forwarder)?

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8. If your company is involved in importing and/or exporting e-waste, which customs (HS) codes do you use for the e-waste shipment?

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9. If you are involved in product stewardship for e-waste in New Zealand, do you think product stewardship will change export and import patterns for e-waste? How?

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10. How do you currently decide whether a shipment is waste or non-waste?

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11. Do you think it would be useful to have a process in place for confirming that a shipment is non-waste?

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12. Do you have any concerns about New Zealand implementing the Basel Convention e-waste amendments to require a permit for all e-waste? Please explain.

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13. Do you think you are likely to need an import or export permit for hazardous and/or non-hazardous e-waste over the next couple of years? If yes, how many permits are you likely to need and what is the final destination of the e-waste?

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14. What do you think would be the main costs and benefits for you of the proposal to implement the Basel Convention e-waste decision in New Zealand?

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15. Do you have any suggestions for us that could help your company comply with the e-waste amendment?

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# Cabinet Economic Policy Committee

## Minute of Decision

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### Implementing the Basel Convention e-Waste Amendments

**Portfolio**                      **Environment**

On 9 April 2025, the Cabinet Economic Policy Committee:

- 1        **noted** that in June 2022, the Parties to the Basel Convention on the Control of the Transboundary Movements of Hazardous Wastes and their Disposal (the Basel Convention), including New Zealand, adopted a decision to amend Annexes II, VIII and IX to the Convention, with the objective of enlarging the control of transboundary movements by making non-hazardous e-waste subject to its prior informed consent procedure;
- 2        **noted** that the above amendments came into effect on 1 January 2025 for all Parties to the Basel Convention that have not opted out of the amendments;
- 3        **noted** that New Zealand submitted a notification of non-acceptance to the Basel Convention Depository until New Zealand can implement the obligations contained in the amendments, and in the meantime non-hazardous e-waste cannot be exported;
- 4        **noted** that:
  - 4.1      New Zealand implements its obligations under the Basel Convention through the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004;
  - 4.2      while there is no statutory requirement to consult, in July 2024, ECO agreed to consultation on amendments to the Order [ECO-24-MIN-0132];
  - 4.3      consultation took place between 31 July and 28 August 2024;
- 5        **agreed** to amend the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 to give effect to the 2022 amendments to the Basel Convention, as contained in Appendix 1 to the paper under ECO-25-MIN-0048, with an entry into force date of 1 July 2025;
- 6        **invited** the Minister for the Environment to issue drafting instructions to the Parliamentary Counsel Office to give effect to the 2022 amendments to the Basel Convention;
- 7        **authorised** the Minister for the Environment to approve minor policy changes during drafting of the regulations, in line with the policy decisions agreed by Cabinet;
- 8        **invited** the Minister for the Environment to report back to Cabinet by June 2025 with the proposed regulatory amendments for decision;

- 9 **approved** publication of the Summary of submissions: Transboundary movement control of all e-waste under the Basel Convention, attached under ECO-25-SUB-0048;
- 10 **agreed** that a notification of acceptance can be transmitted to the Depositary of the Basel Convention once the required amendments to the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 have been implemented;
- 11 **noted** that the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 does not have a specific provision for New Zealand's obligations as a State of transit under Article 6 paragraph 4 of the Basel Convention;
- 12 **agreed** to amend the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 to give effect to Article 6 paragraph 4 of the Basel Convention;
- 13 **noted** that the Environmental Protection Authority has raised concerns about the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 not providing for cost recovery;
- 14 **invited** the Minister for the Environment to report back to Cabinet on cost recovery for permit work under the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004.

Rachel Clarke  
Committee Secretary

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**Present:**

Hon David Seymour  
Hon Nicola Willis (Chair)  
Hon Chris Bishop  
Hon Brooke van Velden  
Hon Shane Jones  
Hon Simeon Brown  
Hon Erica Stanford  
Hon Paul Goldsmith  
Hon Louise Upston  
Hon Dr Shane Reti  
Hon Tama Potaka  
Hon Simon Watts  
Hon Chris Penk  
Hon Penny Simmonds  
Hon Andrew Hoggard  
Hon Nicola Grigg  
Hon Scott Simpson  
Hon Mark Patterson  
Simon Court MP

**Officials present from:**

Office of the Prime Minister  
Officials Committee for ECO



# Cabinet

## Minute of Decision

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### Report of the Cabinet Economic Policy Committee: Period Ended 11 April 2025

On 14 April 2025, Cabinet made the following decisions on the work of the Cabinet Economic Policy Committee for the period ended 11 April 2025:

Out of scope



ECO-25-MIN-0048

**Implementing the Basel Convention e-Waste Amendments**  
Portfolio: Environment

CONFIRMED

Out of scope



Rachel Hayward  
Secretary of the Cabinet

**CLASSIFICATION**

Office of the Minister for the Environment

Chair, Cabinet Legislation Committee

**CAB-537 Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 2) 2025****Proposal**

- 1 On 14 April 2025, Cabinet approved amendments to the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 (Imports and Exports Order) [CAB-24-MIN-0277 refers].
- 2 This paper seeks Cabinet approval to submit to the Executive Council the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 2) 2025 (Amendment Order).
- 3 This Amendment Order will enable the Environmental Protection Authority (EPA) to issue permits for the import and export of all waste electronic and electrical equipment (e-waste).
- 4 This amendment is required to meet new obligations under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (the Convention) that came into force internationally on 1 January 2025. New Zealand was unable to meet the global entry into force date and we were therefore required to notify the United Nations Secretary-General as the Depository of the Convention of New Zealand's non-acceptance until such time the domestic regulations are in place.
- 5 The Amendment Order will also enable the EPA to issue permits to persons seeking to transit hazardous wastes and other wastes through New Zealand en route to its ultimate destination in the import country.
- 6 While the Minister of Commerce and Consumer Affairs has responsibility for the Imports and Exports Order, as Minister for the Environment I have the authority to recommend policy changes on their behalf.

**Policy**

- 7 New Zealand is a party to the Convention. We fulfil our obligations under the Convention to protect human health and the environment against the adverse effects of hazardous wastes and other wastes requiring special consideration through the Imports and Exports Order.
- 8 This Amendment Order will give domestic effect to decisions made by the Conference of the Parties to the Convention in 2022 to enlarge the control of transboundary movements by making all e-waste subject to prior consent.
- 9 The Amendment Order will also ensure that the Amendment Order will appropriately reflect New Zealand's obligations under the Convention as a State of transit.

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- 10 The interpretation section of the Imports and Exports Order includes an out-of-date reference to the OECD Decision. It currently shows ‘Decision C(2001)107/FINAL concerning the Control of Transboundary Movements of Wastes Destined for Recovery Operations’. The Amendment Order will update this reference which is now ‘Decision of the Council on the Control of Transboundary Movements of Wastes Destined for Recovery Operations, OECD/LEGAL/0266’.

**Timing and 28-day rule**

- 11 The global entry into force date for the proposed e-waste amendment to the Basel Convention was 1 January 2025. New Zealand was unable to meet the global entry into force date and submitted a notification of non-acceptance to the UN Depository.
- 12 Cabinet agreed to amend the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 to give effect to the 2022 amendments to the Convention with an entry into force date of 1 July 2025 [CAB-25-MIN-0125].
- 13 Officials were not able to meet the 1 July 2025 entry into force date agreed to by Cabinet.
- 14 I therefore seek a waiver of the 28-day rule so that, if agreed by Cabinet, the changes would be notified in the *New Zealand Gazette* on 24 July 2025 and will come into force on 25 July 2025.
- 15 Officials will then submit a notification of acceptance to the UN Depository for the Basel Convention.

**Compliance**

- 16 The Amendment Order complies with each of the following:
- 16.1 the principles of the Treaty of Waitangi;
  - 16.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
  - 16.3 the principles and guidelines set out in the Privacy Act 2020;
  - 16.4 relevant international standards and obligations;
  - 16.5 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.
- 17 Officials did not need to seek advice from the Treaty Provisions Officials Group on any Treaty of Waitangi provisions.

*Statutory prerequisites*

- 18 The Amendment Order is made under sections 3 and 3A of the Imports and Exports (Restrictions) Act 1988. Both these sections impose statutory prerequisites to the making of the Amendment Order. This section briefly summarises how each prerequisite has been satisfied.

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- 19 Section 3 of the Act requires any prohibition on imports made by Order in Council to be in the public interest. I consider it in the public interest that New Zealand meets and implements its international obligations under the Convention.
- 20 Section 3A(1) of the Act requires the Governor-General to be satisfied that the prohibition on exports made by Order in Council is necessary to give effect to an international obligation. I confirm that officials have advised me that the order is necessary to give effect to New Zealand's international obligations under the Convention, and I recommend Cabinet take note of this to advise the Governor-General accordingly.

**Regulations Review Committee**

- 21 There are no grounds for the Regulations Review Committee to draw the Order to the attention of the House of Representatives as a Standing Order requirement.

**Certification by Parliamentary Counsel**

- 22 The Amendment Order was certified by the Parliamentary Counsel Office (PCO) as being in order for submission to Cabinet, provided that the pre-conditions in sections 3(1) and 3A(1) of the Imports and Exports (Restrictions) Act 1988 are met and except that it will come into force on 25 July 2025, which is earlier than the 28th day after its notification in the Gazette.

**Impact Analysis**

- 23 The Ministry for Regulation determined that the proposal to amend the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 is exempt from the requirement to provide a Regulatory Impact Statement. This is on the basis that the proposal is the minimum necessary to comply with binding international obligations [CAB-25-MIN-0125 refers].
- 24 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this proposal, as the threshold for significance is not met [CAB-24-MIN-0277 refers].

**Publicity**

- 25 No publicity is planned as the proposal has a low public interest. The EPA and the Ministry for the Environment will communicate the new requirements by putting them on its website and using its regular communication channels with industry.

**Proactive release**

- 26 This paper will be proactively released within 30 business days after Cabinet's decision. Proactive release will be subject to redaction as appropriate under the Official Information Act.

**Consultation**

- 27 The EPA, the Ministry of Business, Innovation and Employment, the Ministry of Foreign Affairs and Trade, and the New Zealand Customs Service have been consulted

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on the proposals outlined in this paper and agree with the recommended approach. The Treasury and the Department of the Prime Minister and Cabinet have been informed.

**Recommendations**

The Minister for the Environment, in concurrence with the Minister of Commerce and Consumer Affairs, recommends that the Cabinet Legislation Committee

- 1 **note** that on 14 April 2025 Cabinet agreed to require prior informed consent for all transboundary movement of e-waste by amending the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 [CAB-24-MIN-0277 refers];
- 2 **note** that Cabinet also agreed to amending the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 to enable the Environmental Protection Authority to issue transit permits to persons seeking to transit hazardous wastes and other wastes through New Zealand en route to its ultimate destination in the import country (CAB-24-MI-0277 refers);
- 3 **note** that these amendments are required to meet international obligations under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention);
- 4 **note** that New Zealand was not able to meet the international entry into force date of 1 January 2025 for the e-waste requirements and therefore submitted a notification of non-acceptance to the UN Depository for the Basel Convention;
- 5 **note** that the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 2) 2025 will give effect to the decision referred to in paragraphs 1 and 2 above;
- 6 **note** that section 3 of the Imports and Exports (Restrictions) Act 1988 requires any Order in Council prohibiting imports into New Zealand to be made in the public interest
- 7 **note** the advice of the Minister for the Environment that this statutory prerequisite is met as there is a strong public interest in ensuring New Zealand ensures compliance with international law
- 8 **note** that section 3A of the Imports and Exports (Restrictions) Act 1988 requires the Governor-General to be satisfied that any Order in Council prohibiting exports from New Zealand is necessary to give effect to an international obligation
- 9 **note** that the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 2) 2025 is necessary to give effect to international obligations under the Basel Convention, such that the Governor-General can be satisfied of this fact to meet the statutory prerequisite to making this Order in section 3A(1) of the Imports and Exports (Restrictions) Act 1988;
- 10 **authorise** the submission to the Executive Council of the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 2) 2025;
- 11 **note** that a waiver of the 28-day rule is sought:

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11.1 so that the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 2) 2025 can come into force on 25 July 2025;

11.2 on the grounds that this is the earliest date following final Cabinet decision for New Zealand to implement the required domestic changes;

12 **agree** to waive the 28-day rule so that the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 2) 2025 can come into force on 25 July 2025.

Authorised for lodgement

Hon Penny Simmonds

Minister for the Environment

# CLASSIFICATION

## **Appendix 1 Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 2) 2025**



# Cabinet Legislation Committee

## Minute of Decision

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### Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 2) 2025

Portfolio                      Environment

On 17 July 2025, the Cabinet Legislation Committee:

- 1        **noted** that in April 2025, the Cabinet Economic Policy Committee (ECO) agreed to require prior informed consent for all transboundary movement of e-waste by amending the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 (the Order) [ECO-25-MIN-0048];
- 2        **noted** that ECO also agreed to amend the Order to enable the Environmental Protection Authority to issue transit permits to persons seeking to transit hazardous wastes and other wastes through New Zealand enroute to its ultimate destination in the import country [ECO-25-MIN-0048];
- 3        **noted** that the above amendments are required to meet international obligations under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention);
- 4        **noted** that New Zealand was not able to meet the international entry into force date of 1 January 2025 for the e-waste requirements and therefore submitted a notification of non-acceptance to the United Nations Depository for the Basel Convention;
- 5        **noted** that the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 2) 2025 will give effect to the decisions in paragraphs 1 and 2 above;
- 6        **noted** that section 3 of the Imports and Exports (Restrictions) Act 1988 requires any Order in Council prohibiting imports into New Zealand to be made in the public interest;
- 7        **noted** the advice of the Minister for the Environment that the above statutory prerequisite is met as there is a strong public interest in ensuring New Zealand ensures compliance with international law;
- 8        **noted** that section 3A of the Imports and Exports (Restrictions) Act 1988 requires the Governor-General to be satisfied that any Order in Council prohibiting exports from New Zealand is necessary to give effect to an international obligation;

- 9 **noted** that the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 2) 2025 is necessary to give effect to international obligations under the Basel Convention, such that the Governor-General can be satisfied of this fact to meet the statutory prerequisite to making this Order in section 3A(1) of the Imports and Exports (Restrictions) Act 1988;
- 10 **authorised** the submission to the Executive Council of the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 2) 2025 [PCO 27985/8.0];
- 11 **noted** that a waiver of the 28-day rule is sought:
- 11.1 so that the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 2) 2025 can come into force on 25 July 2025;
- 11.2 on the grounds that this is the earliest date following final Cabinet decisions for New Zealand to implement the required domestic changes;
- 12 **agreed** to waive the 28-day rule so that the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 2) 2025 can come into force on 25 July 2025.

Tom Kelly  
Committee Secretary

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**Present:**

Rt Hon Winston Peters  
Hon Chris Bishop (Chair)  
Hon Mark Mitchell  
Hon Brooke van Velden  
Hon Nicole McKee  
Hon Casey Costello  
Hon Chris Penk  
Hon Penny Simmonds  
Hon James Meager  
Stuart Smith, MP  
Todd Stephenson, MP  
Jamie Arbuckle, MP

**Officials present from:**

Officials Committee for LEG



# Cabinet

## Minute of Decision

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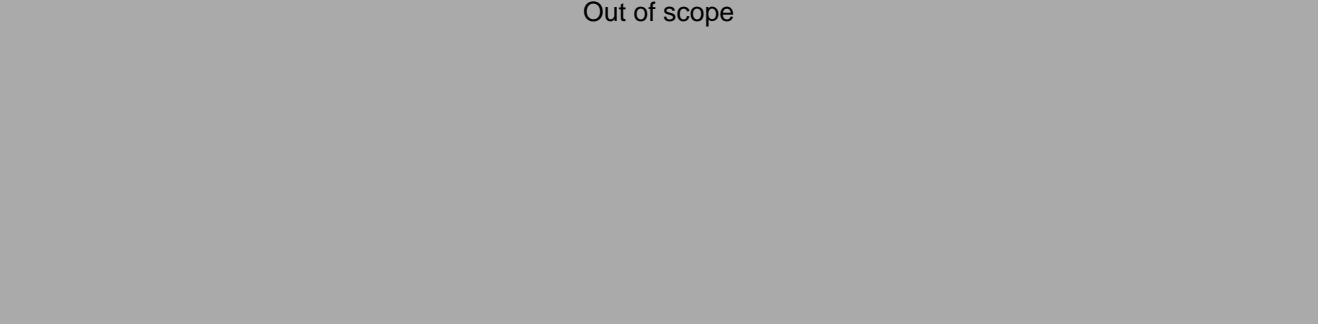
### **Report of the Cabinet Legislation Committee: Period Ended 18 July 2025**

On 21 July 2025, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 18 July 2025:

Out of scope

LEG-25-MIN-0133 **Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 2) 2025** CONFIRMED  
Portfolio: Environment

Out of scope



Rachel Hayward  
Secretary of the Cabinet