



Cabinet Environment, Energy and Climate Committee

Minute of Decision

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Basel Convention to Better Manage the International Trade in Plastic Waste: Final Policy Proposals

Portfolio Associate Environment (Hon Eugenie Sage)

On 23 July 2020, the Cabinet Environment, Energy and Climate Committee (ENV):

Background

- 1 **noted** that in May 2019, Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (the Basel Convention) agreed, by consensus, to amend Annexes II, VIII and IX of the Convention to better manage the international trade in plastic waste;
- 2 **noted** that the amendments to the Basel Convention will regulate imports and exports of most mixed plastic waste, as this waste tends to have more residual waste and worse environmental outcomes;
- 3 **noted** that the amendments come into effect on 1 January 2021 for all Parties that have not opted out;
- 4 **noted** that New Zealand has not opted out of the amendments and so is legally bound to implement them by 1 January 2021;
- 5 **noted** that as the amendments will enter into force through a process of tacit acceptance, the amendments are not subject to the Parliamentary treaty examination process and will not be presented to Parliament;
- 6 **noted** that New Zealand implements its obligations under the Basel Convention through the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004;
- 7 **noted** that while the Minister of Commerce and Consumer Affairs has parliamentary responsibility for the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 (the Order), the Associate Minister for the Environment (Hon Eugenie Sage) has policy responsibility for waste and can recommend changes to the Order;

8 **noted** that in March 2020, ENV:

8.1 agreed to public consultation on options to amend the Order to implement the amendments to the Basel Convention, and approved the consultation document *Managing the Trade in Plastic Waste: New Zealand's Approach to Implementing Amendments to the Basel Convention*;

8.2 invited the Associate Minister for the Environment (Hon Eugenie Sage) to report back following public consultation seeking final policy decisions;

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Policy proposals

9 **agreed** to amend the Order by adding the requirement that the import and export of mixed plastic waste (with the exception of mixtures of polyethylene terephthalate, polyethylene, and/or polypropylene) requires consent from the importing country and a permit from the Environmental Protection Authority;

10 **agreed** that the costs to implement the above proposal be met from either cost recovery, existing Environmental Protection Authority funding, or wider Vote Environment baseline as appropriate, to be determined by relevant Ministers over time;

11 **noted** that the Basel Convention includes a provision for informed consent of transit shipments for hazardous and household waste, without there needing to be import and export permits from countries of transit;

12 **noted** that New Zealand's implementation of transit shipments is problematic under the existing wording of the Order, as the Order requires permits for all imports and exports of goods, which means each transit shipment requires a separate import and export permit (although this is not what happens operationally);

13 **noted** that issuing import and export permits in place of a single transit permit involves unnecessary paperwork, may make transit shipments difficult, and could make New Zealand responsible for any liability for the waste after it leaves New Zealand;

14 **agreed** to amend the Order to introduce a transit permit provision for shipments of hazardous and household waste;

15 **invited** the Associate Minister for the Environment to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above paragraphs;

16 **authorised** the Associate Minister for the Environment to take further decisions on minor and technical issues in line with the policy decisions agreed by Cabinet.

Vivien Meek
Committee Secretary

Attendees (see over)

Present:

Hon Grant Robertson
Hon David Parker (Chair)
Hon Stuart Nash
Hon Shane Jones
Hon Nanaia Mahuta
Hon Damien O'Connor
Hon James Shaw
Hon Eugenie Sage

Officials present from:

Officials Committee for ENV