



Summary of Underpinning Analysis: Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order 2026

Agency responsible	Ministry for Cities, Environment, Regions & Transport
Portfolio	Environment
Date finalised	7 August 2026
Identification Number	REG-2220

Good law-making: 9(i)

The importance of consulting, to the extent that is reasonably practicable, the persons or representatives of the persons that the responsible agency considers will be directly and materially affected by the legislation

Inconsistency identified? NO

Summary of agency analysis

[Refer to the [statutory guidance](#) to complete the analysis.

Summarise analysis here in a few paragraphs. Include links to other publicly available material (such as a Regulatory Analysis Summary) rather than repeating content.

If the principle is not applicable, this section may be left blank.]

The amendments implement decisions adopted by the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants in 2025. [Ahead of COP-12, the Minister for the Environment provided direction.](#) New Zealand agencies, including MCERT, the Environmental Protection Authority (EPA), Ministry for Primary Industries (MPI) and the Ministry for Business, Innovation & Employment (MBIE), participated in the development of New Zealand's position ahead of COP-12, [and industry was consulted.](#)

Section 141(1) of the Hazardous Substances and New Organisms (HSNO) Act requires the Minister for the Environment to request the EPA undertake consultation about the proposed amendments to Schedule 2A of the HSNO Act. This consultation took place from 16 March to 17 April 2026.



While consultation is not required under the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 (Imports and Exports Order), the amendments to Schedule 1 of the Imports and Exports Order were also reflected in the consultation.

The feedback informed New Zealand's approach to implementation, including consideration of available exemptions and transition arrangements.

Good law-making: 9(j)

The importance of carefully evaluating—

- the issue concerned; and
- the effectiveness of any relevant existing legislation and common law; and
- whether the public interest requires that the issue be addressed; and
- any options (including non-legislative options) that are reasonably available for addressing the issue; and
- who is likely to benefit, and who is likely to suffer a detriment, from the legislation

Inconsistency identified?

NO

Summary of agency analysis

[Refer to the [statutory guidance](#) to complete the analysis.

Summarise analysis here in a few paragraphs. Include links to other publicly available material (such as a Regulatory Analysis Summary) rather than repeating content.

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The amendments are required to give effect to new international obligations arising from amendments to the Stockholm Convention that enter into force internationally on 16 December 2026. The amendments add chlorpyrifos, medium-chain chlorinated paraffins (MCCPs), and long-chain perfluorocarboxylic acids, their salts and related compounds (LC-PFCAs) to Schedule 1 of the Imports and Exports Order.

While the HSNO Act is responsible for governing the import, use and production of POPs, the Imports and Exports Order governs the export of POPs, and the import and export of POPs waste.

Officials assessed the implications of the new listings, the effectiveness of existing domestic controls, and implementation options. New Zealand is required under the Convention to prohibit or restrict the import and export of listed chemicals except where specified exemptions apply. Non-regulatory options would not achieve compliance with New Zealand's treaty obligations.

The amendments provide benefits through continued protection of human health and the environment from persistent organic pollutants, while retaining the exemptions agreed internationally where appropriate.



Good law-making: 9(k)

The importance of the responsible agency identifying and developing effective arrangements for implementing the legislation

Inconsistency identified? NO

Summary of agency analysis

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The amendments will be implemented through existing import and export control frameworks under the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004. The amendments build on existing mechanisms used to implement previous Stockholm Convention listings.

Guidance and communications will be provided to affected stakeholders where required.

Good law-making: 9(l)

Legislation should be expected to produce benefits that exceed the costs of the legislation to the public or persons

Inconsistency identified? NO

Summary of agency analysis

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The amendments are expected to generate environmental and health benefits internationally and domestically by reducing risks associated with persistent organic pollutants. The amendments also ensure New Zealand continues to meet its international obligations. Implementing agreed bans protects human health and ecosystems, avoids future remediation costs, supports international obligations, and maintains alignment with key trading partners.

The amendments largely extend existing regulatory arrangements and utilise established implementation mechanisms. The proposed amendments implement what we have agreed internationally in domestic legislation. Taking up the specific use exemptions provided in the decisions from the COP ensure New Zealand industry has time to transition to alternatives, while reducing the exposure of New Zealanders to these chemicals and protecting our primary exports.



Good law-making: 9(m)

Legislation should be the most effective, efficient, and proportionate response to the issue concerned that is available

Inconsistency identified?

NO

Summary of agency analysis

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If the principle is not applicable, this section may be left blank.]

Amending the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 is the most effective and efficient means of implementing the Stockholm Convention amendments relating to import and export restrictions.

The amendments mirror decisions agreed internationally and are limited to what is necessary to implement New Zealand's obligations and applicable exemptions. Alternative approaches would not provide equivalent certainty or ensure compliance with the Convention.

Rule of Law: 9(a)(i)

The law should be clear and accessible

Inconsistency identified?

NO

Summary of agency analysis

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The amendments update Schedule 1 of the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 and use terminology consistent with the Stockholm Convention and existing legislation. The amendments will be published on the New Zealand Legislation website and publicly accessible.

Rule of Law: 9(a)(ii)

The law should not adversely affect rights and liberties, or impose obligations, retrospectively

Inconsistency identified?

NO

Summary of agency analysis

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The amendments do not operate retrospectively and do not impose obligations in respect of past conduct.

Rule of Law: 9(a)(iii)

Every person is equal before the law

Inconsistency identified? NO

Summary of agency analysis

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The amendments apply equally to all persons and entities undertaking relevant activities covered by the legislation.

Rule of Law: 9(a)(iv)

There should be an independent impartial judiciary

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

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If the principle is not applicable, this section may be left blank.]

The amendments do not affect judicial independence or confer judicial functions.

Rule of Law: 9(a)(v)

Issues of legal right and liability should be resolved by the application of law, rather than the exercise of administrative discretion

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

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If the principle is not applicable, this section may be left blank.]

The amendments do not delegate authority to determine legal rights or liabilities through administrative discretion.

Liberties: 9(b)

Legislation should not unduly diminish a person's liberty, personal security, freedom of choice or action, or rights to own, use, and dispose of property, except as is necessary to provide for, or protect, any such liberty, freedom, or right of another person

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

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The amendments regulate certain chemicals to protect human health and the environment in accordance with international obligations. They do not unduly diminish rights or liberties within the meaning of this principle.

Taking of property: 9(c)

Legislation should not take or severely impair, or authorise the taking or severe impairment of, property without the consent of the owner unless-

- **there is a good justification for the taking or severe impairment; and**
- **fair compensation for the taking or severe impairment is provided to the owner; and**
- **the compensation is provided, to the extent practicable, by or on behalf of the persons who obtain the benefit of the taking or severe impairment**

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

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The amendments do not take or severely impair property, nor authorise its taking or severe impairment.



Taxes, fees and levies: 9(d)

The importance of maintaining consistency with section 22(a) of the Constitution Act 1996 (Parliamentary control of taxation)

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

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If the principle is not applicable, this section may be left blank.]

The amendments do not impose or affect taxation.

Taxes, fees and levies: 9(e)

Legislation should impose, or authorise the imposition of, a fee for goods or services only if the amount of the fee bears a proper relation to the cost of providing the good or service to which it relates

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

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Summarise analysis here in a few paragraphs. Include links to other publicly available material (such as a Regulatory Analysis Summary) rather than repeating content.

If the principle is not applicable, this section may be left blank.]

The amendments do not impose or authorise fees.

Taxes, fees and levies: 9(f)

Legislation should impose, or authorise the imposition of, a levy to fund an objective or a function only if the amount of the levy is reasonable in relation to both—

- **the benefits that the class of payers is likely to derive, or the risks attributable to the class, in connection with the objective or function; and**
- **the costs of efficiently achieving the objective or providing the function**

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

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If the principle is not applicable, this section may be left blank.]

The amendments do not impose or authorise levies.

Role of courts: 9(g)

Legislation should preserve the courts' constitutional role of ascertaining the meaning of legislation

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

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If the principle is not applicable, this section may be left blank.]

The amendments do not alter or affect the constitutional role of the courts.

Role of courts: 9(h)

Legislation should make rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

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Summarise analysis here in a few paragraphs. Include links to other publicly available material (such as a Regulatory Analysis Summary) rather than repeating content.

If the principle is not applicable, this section may be left blank.]

The amendments do not make rights, liberties or obligations dependent on administrative powers that are insufficiently defined or reviewed.

Additional information [optional]

Relevant publicly available inquiry, review, or evaluation reports

[Provide links to any published reviews or evaluation reports informing the policy). If there is nothing to include here, this box may be left blank.]

[The POPRC review of the chemicals and their recommendations to the COP: Reports and Decisions](#)

[Decision documents for chlorpyrifos \(SC-12/9\), medium-chain chlorinated paraffins \(SC-12/10\), long-chain perfluorocarboxylic acids, their salts and related compounds \(SC-12/12\), and amendment to UV-328 \(SC-12/14\): COP Decisions](#)



[EPA consultation document: Discussion-document-Amendments-to-Schedule-2A-HSNO-new-POPs-March-2026.pdf](#)

[EPA report to the Minister: Report-to-Minister-Amendments-to-Schedule-2A-HSNO-new-POPs_May-2026.pdf](#)

Relevant international treaties, standards and obligations

[Consider seeking advice from MFAT to identify any relevant international treaties, standards or obligations the legislation needs to give effect to or comply with and provide links. If there is nothing to include here, this box may be left blank.]

The amendments implement decisions adopted under the Stockholm Convention on Persistent Organic Pollutants, to which New Zealand is a Party. The amendments give effect to new obligations relating to chlorpyrifos, medium-chain chlorinated paraffins (MCCPs), and long-chain perfluorocarboxylic acids, their salts and related compounds (LC-PFCAs). They support New Zealand's ongoing compliance with the Convention.

[Text of the Convention](#)

Departures from the Legislation Guidelines

[Provide information on departures from principles set out in [Legislation Guidelines](#) not captured by the principles of responsible regulation above. If there is nothing to include here, this box may be left blank.]

Other unusual provisions or features

[Provide information on any other provisions regarded as unusual or which call for specific comment. Identify provisions, explain the nature and purpose and why provisions are necessary. If there is nothing to include here, this box may be left blank.]