



PROACTIVE RELEASE COVERSHEET

Minister	Hon Simmonds	Portfolio	Environment
Name of package	Proactive release of Cabinet paper on Rotterdam Convention	Date to be published	26 February 2026

List of documents that have been proactively released

Date	Title	Author
7 October 2025	CAB 595 – New Zealand’s implementation of new obligations under the Rotterdam Convention following the 2025 Conference of the Parties	Ministry for the Environment
4 December 2025	CAB 607 – Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 3) 2025 (RC chemicals)	Ministry for the Environment

Information redacted YES NO

Any information redacted in this document is redacted in accordance with the Ministry for the Environment’s policy on proactive release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Summary of reasons for redaction

Some information has been withheld from CAB 595 and CAB 607 as they are out of scope. Some information has been withheld from CAB 607 under Section 9(2)(h) of the Official Information Act due to legal privilege.

Policy and Privacy

In-Confidence

Office of the Minister for the Environment

ECO - Cabinet Economic Policy Committee

New Zealand's implementation of new obligations under the Rotterdam Convention following the 2025 Conference of the Parties

Proposal

- 1 This paper seeks Cabinet agreement to amend the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 (Imports and Exports Order) to meet new international obligations under the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Rotterdam Convention).
- 2 The proposed amendment will add two chemicals, the pesticides carbosulfan and fenthion (at ultra-low-volume formulations at or above 640g active ingredient/L) (fenthion ULV), to Schedule 2 of the Imports and Exports Order.

Relation to government priorities

- 3 This is a routine operational adjustment that is required to meet New Zealand's obligations under the Rotterdam Convention. New Zealand ratified this Convention in 2003.

Executive Summary

- 4 The Rotterdam Convention promotes shared responsibility and cooperation in the international trade of certain hazardous chemicals among its parties. Chemicals listed in Annex III of this Convention require prior informed consent (PIC) from the importing country before they are imported.
- 5 At its most recent Conference of the Parties (COP) in May 2025, Parties agreed to list two new chemicals in Annex III of the Convention, the pesticides carbosulfan and fenthion ULV. The relevant COP decisions are in the appendix. These decisions mean that import and export of carbosulfan and fenthion ULV will become subject to the PIC procedure.
- 6 Carbosulfan and fenthion ULV are not approved for use and import into New Zealand. However, it is still necessary to amend Schedule 2 of the Imports and Exports Order to implement our international obligations under the Rotterdam Convention in relation to export of carbosulfan and fenthion ULV. Due to these substances not being approved for use in New Zealand, New Zealand is unlikely to export carbosulfan and fenthion ULV. The listings will enter into force globally under the Rotterdam Convention on 22 October 2025.
- 7 While the Minister of Commerce and Consumer Affairs has responsibility for the Imports and Exports Order, I have the authority to recommend policy changes on their behalf. Amendments to the Imports and Exports Order do not require statutory consultation, and I do not consider consultation to be necessary in this instance.

Background

- 8 Carbosulfan is a pesticide used to control insects, mites and nematodes by soil, foliar and seed treatment applications. It has been found to pose risks to groundwater, bees, birds, mammals and aquatic organisms due to its toxicity. It is also known to have harmful impacts on human health and the environment. Carbosulfan's approval for use was revoked in 2013. Even then, there were no products on the market.
- 9 Fenthion ULV is a pesticide formulation used to control insects and birds by foliar and aerial applications. It has been found to pose risks to birds and mammals due to its toxicity. It is also known to have harmful impacts on human health and the environment.

Analysis

- 10 The listing of carbosulfan and fenthion ULV under the Rotterdam Convention will come into effect globally on 22 October 2025.
- 11 There will be no impacts on industry associated with these listings, because they are not approved for use in New Zealand under the Hazardous Substances and New Organisms Act 1996. This means these chemicals also cannot be imported.
- 12 It is still necessary to amend Schedule 2 of the Imports and Exports Order to implement our international obligations under the Rotterdam Convention in relation to export of carbosulfan and fenthion ULV. Due to these substances not being approved for use in New Zealand, New Zealand is unlikely to export carbosulfan and fenthion ULV.
- 13 The proposed timeline to amend the Imports and Exports Order would mean New Zealand implementation would take effect from 1 January 2026. This results in a gap between entry into force in New Zealand and the global entry into force on 22 October 2025. While the risks and operational implications of this delay are low and can be managed, the amendments should be implemented into New Zealand legislation as soon as possible.

Cost-of-living Implications

- 14 There are no implications on New Zealanders' ability to maintain their standard of living arising from the proposals in this paper.

Financial Implications

- 15 There are no direct fiscal implications to the Crown from the proposals in this paper.

Legislative Implications

- 16 If the Committee agrees to the recommendation, then I will instruct the Parliamentary Counsel Office to draft an appropriate Order in Council to have these substances added to Schedule 2 of the Imports and Exports Order.

Impact Analysis

Regulatory Impact Statement

- 17 The Ministry for Regulation has determined that this proposal is exempt from the requirement to provide a Regulatory Impact Statement on the grounds that it has no or only minor economic, social, or environmental impacts.

Climate Implications of Policy Assessment

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

Population Implications

- 19 There are no gender implications in this proposal.
- 20 There are no specific implications from a disability perspective in this proposal.
- 21 There are no implications for iwi and Māori in this proposal.

Human Rights

- 22 There are no inconsistencies between the proposal and the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993.

Consultation

- 23 The Ministry for the Environment has consulted with the Ministry for Business, Innovation and Employment, the New Zealand Customs Service, the Ministry of Foreign Affairs and Trade, the Treasury, the Ministry for Primary Industries, the Ministry of Health, and the Environmental Protection Authority. The Department of the Prime Minister and Cabinet was informed.
- 24 Furthermore, amendments to the Imports and Exports Order do not require statutory consultation.

Communications

- 25 This amendment will be notified to our trading partners in accordance with New Zealand's transparency obligations as a member of the World Trade Organisation.
- 26 No other publicity and/or communication is planned as the proposal has a low public interest, and it is unlikely to be controversial.

Proactive Release

- 27 Consideration of the proactive release of this paper will be delayed to coincide with consideration of the proactive release for a subsequent and related Cabinet paper that is intended to be lodged with the Cabinet Legislation Committee following the drafting of the required Order in Council. The proactive release of both papers will then be considered at the same time.
- 28 Any release will be 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:

- 29 **agree** that carbosulfan and fenthion (at ultra-low-volume formulations at or above 640g active ingredient/L) be listed in Schedule 2 of the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 to fulfil New Zealand's international obligations under the

Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade;

- 30 **invite** the Minister for the Environment to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above proposal;
- 31 **invite** the Minister for the Environment to report back to Cabinet by November 2025 with the proposed regulatory amendments for decision.

Authorised for lodgement

Hon Penny SIMMONDS

Minister for the Environment

Appendix 1 Relevant decisions from Rotterdam Convention COP12

RC-12/3: Listing of carbosulfan in Annex III to the Rotterdam Convention

The Conference of the Parties,

Recalling decision RC-8/6, in which the Conference of the Parties decided that all the requirements for listing in Annex III to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade had been met,

Noting with appreciation the work of the Chemical Review Committee,

Having considered the recommendation of the Chemical Review Committee to make carbosulfan (CAS No. 55285-14-8) subject to the prior informed consent procedure and, accordingly, to list it in Annex III to the Rotterdam Convention as a pesticide,

1. *Decides* to amend Annex III to the Rotterdam Convention to list the following chemical:

<i>Chemical</i>	<i>Relevant CAS number(s)</i>	<i>Category</i>
Carbosulfan	55285-14-8	Pesticide

2. *Also decides* that this amendment shall enter into force for all Parties on 22 October 2025;

3. *Approves* the decision guidance document on carbosulfan.¹

¹ UNEP/FAO/RC/COP.12/7/Add.1, annex.

RC-12/4: Listing of fenthion (ultra-low-volume formulations at or above 640 g active ingredient/L) in Annex III to the Rotterdam Convention

The Conference of the Parties,

Recalling decision RC-8/7, in which the Conference of the Parties decided that all the requirements for listing in Annex III to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade had been met,

Noting with appreciation the work of the Chemical Review Committee,

Having considered the recommendation of the Chemical Review Committee to make fenthion (ultra-low-volume formulations at or above 640 g active ingredient/L) (CAS No. 55-38-9) subject to the prior informed consent procedure and, accordingly, to list it in Annex III to the Rotterdam Convention as a severely hazardous pesticide formulation,

1. *Decides* to amend Annex III to the Rotterdam Convention to list the following chemical:

<i>Chemical</i>	<i>Relevant CAS number(s)</i>	<i>Category</i>
Fenthion (ultra-low-volume formulations at or above 640 g active ingredient/L)	55-38-9	Severely hazardous pesticide formulation

2. *Also decides* that this amendment shall enter into force for all Parties on 22 October 2025;

3. *Approves* the decision guidance document on fenthion (ultra-low-volume formulations at or above 640 g active ingredient/L).²

² UNEP/FAO/RC/COP.12/10/Add.1, annex.



Cabinet Expenditure and Regulatory Review Committee

Minute of Decision

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Implementation of New Obligations Under the Rotterdam Convention Following the 2025 Conference of Parties

Portfolio **Environment**

On 7 October 2025, the Cabinet Expenditure and Regulatory Review Committee:

- 1 **agreed** that carbosulfan and fenthion (at ultra-low-volume formulations at or above 640g active ingredient/L) be listed in Schedule 2 of the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 to fulfil New Zealand's international obligations under the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade;
- 2 **invited** the Minister for the Environment to issue drafting instructions to the Parliamentary Counsel Office to give effect to the decision above;
- 3 **invited** the Minister for the Environment to report back to the Cabinet Legislation Committee by November 2025 with the regulatory amendments

Sam Moffett
Committee Secretary

Present:

Hon David Seymour (Chair)
Rt Hon Winston Peters
Hon Nicola Willis
Hon Simeon Brown
Hon Brooke van Velden
Hon Paul Goldsmith
Hon Louise Upston
Hon Judith Collins KC
Hon Simon Watts
Hon Casey Costello
Hon Penny Simmonds
Hon Andrew Hoggard
Hon Mark Patterson

Officials present from:

Officials' Committee for EXP
Office of the Minister for the Environment



Cabinet


Minute of Decision

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Report of the Cabinet Expenditure and Regulatory Review Committee: Period Ended 10 October 2025

On 13 October 2025, Cabinet made the following decisions on the work of the Cabinet Expenditure and Regulatory Review Committee for the period ended 10 October 2025:

Out of scope



EXP-25-MIN-0094

**Implementation of New Obligations Under the
Rotterdam Convention Following the 2025
Conference of Parties**
Portfolio: Environment

CONFIRMED

Rachel Hayward
Secretary of the Cabinet

IN CONFIDENCE

Policy and Privacy

In-Confidence

Office of the Minister for the Environment

Cabinet Legislation Committee

Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 3) 2025 (RC chemicals)

Proposal

- 1 This paper seeks authorisation for the submission to the Executive Council of the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 3) 2025.
- 2 This Order in Council will add two new chemicals, the pesticides carbosulfan and fenthion (at ultra-low-volume formulations at or above 640g active ingredient/L) (fenthion ULV), to Schedule 2 of the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 (Imports and Exports Order), to fulfil New Zealand's international obligations under the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Rotterdam Convention).

Relation to government priorities

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

Executive Summary

- 4 The Rotterdam Convention promotes shared responsibility and cooperation in the international trade of certain hazardous chemicals among its parties.
- 5 At the Conference of the Parties to the Rotterdam Convention in May 2025, parties agreed to list two new chemicals in Annex III of the Convention: carbosulfan and fenthion ULV. Chemicals listed in Annex III of the Convention can still be moved between borders, provided the importing country gives prior informed consent.
- 6 There are no direct impacts on New Zealand industry, as carbosulfan and fenthion ULV are not approved for use in New Zealand.
- 7 The listings of carbosulfan and fenthion ULV in the Rotterdam Convention entered into force globally on 22 October 2025. To give domestic effect to this listing, Cabinet approval is required to amend Schedule 2 of the Imports and Exports Order to add carbosulfan and fenthion ULV.
- 8 There is a gap between entry into force and New Zealand's domestic implementation. The legal and reputational risks are low and can be managed. New Zealand would be unlikely to export carbosulfan or fenthion ULV as approval for carbosulfan was revoked in 2013 and there were no products on the market. The EPA have never had approvals for fenthion ULV.

Background

- 9 The Cabinet Expenditure and Regulatory Review Committee agreed on 7 October 2025, followed by Cabinet on 13 October 2025, that carbosulfan and fenthion ULV be listed in Schedule 2 of the Imports and Exports Order and invited the Minister for the Environment to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above decision [EXP-25-MIN-0094 Minute refers].
- 10 Carbosulfan is a pesticide used to control insects, mites and nematodes. It has been found to pose risks to groundwater, bees, birds, mammals and aquatic organisms, along with harmful impacts on human health and the environment. Carbosulfan's approval for use in New Zealand was revoked in 2013. There were no products on the market at that time.
- 11 Fenthion ULV is a pesticide formulation used to control insects and birds. It has been found to pose risks to birds and mammals and is known to have harmful impacts on human health and the environment. There are no fenthion ULV products approved for use in New Zealand.
- 12 There will be no impacts on industry associated with these listings, because they are not approved for use in New Zealand under the Hazardous Substances and New Organisms Act 1996. This means these chemicals also cannot be imported.
- 13 It is still necessary to amend Schedule 2 of the Imports and Exports Order to implement our international obligations relating to the export of carbosulfan and fenthion ULV under the Rotterdam Convention.
- 14 While the Minister of Commerce and Consumer Affairs has Parliamentary responsibility for the Imports and Exports Order, I as the Minister for the Environment have the authority to recommend policy changes on his behalf. The Minister of Commerce and Consumer Affairs has been consulted on this Cabinet paper.

Analysis

- 15 The Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 3) 2025 (appendix 1) will add two new chemicals, carbosulfan and fenthion ULV, to Schedule 2 of the Imports and Exports Order.
- 16 The proposed amendment to include carbosulfan and fenthion ULV in Schedule 2 of the Imports and Exports Order is necessary to fulfil New Zealand's international obligations under the Rotterdam Convention.

Timing and 28-day rule

- 17 The global entry into force date for the proposed amendment to the Rotterdam Convention was 22 October 2025. New Zealand was unable to meet the global entry into force date.
- 18 To meet the entry into force date agreed by Cabinet and comply with New Zealand's international obligations, I seek a waiver of the 28-day rule [CAB-25-MIN-0355 refers]. If agreed by Cabinet, this allows the amendments to be notified in the New Zealand Gazette on 11 December 2025 and come into force on 12 December 2025.

Implementation

- 19 If agreed to by Cabinet, the changes would be notified in the New Zealand Gazette on 11 December 2025 and will come into force on 12 December 2025.

Cost-of-living Implications

- 20 I consider that the proposal in the Cabinet paper will not impact New Zealanders' ability to maintain their standard of living.

Financial Implications

- 21 There are no direct fiscal implications to the Crown from the proposal in this paper.

Legislative Implications

- 22 The changes to the Imports and Exports Order can be made by Order in Council.
- 23 Pursuant to s3A(1) of the Imports and Exports (Restrictions) Act 1988 (the Act) the Governor General must be satisfied that the Order is necessary to give effect to international obligations. As New Zealand is a party to the Rotterdam Convention, and adoption of the chemical listings into New Zealand law is required under that convention, the Minister for the Environment can advise the Governor-General that she should be satisfied that the statutory test under s3A(1) of the Act has been met.

Impact Analysis

Regulatory Impact Statement

- 24 The Ministry for Regulation has determined that this proposal is exempt from the requirement to provide a Regulatory Impact Statement on the grounds that it has no or only minor economic, social, or environmental impacts.

Climate Implications of Policy Assessment

- 25 The Climate Implications of Policy Assessment (CIPA) Team was consulted and confirmed that the CIPA requirements did not apply to this proposal as the threshold for significance was not met.

Population Implications

- 26 There are no population implications of this proposed amendment.

Human Rights

- 27 The proposal is not inconsistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

Use of external Resources

- 28 No external resources were engaged in this proposal.

IN CONFIDENCE

Consultation

- 29 The Ministry for the Environment has consulted with the Ministry for Business, Innovation and Employment, the New Zealand Customs Service, the Ministry of Foreign Affairs and Trade, the Treasury, the Ministry for Primary Industries, the Ministry of Health, and the Environmental Protection Authority. The Department of the Prime Minister and Cabinet was informed.

Communications

- 30 No publicity and/or communication is planned as the proposal has a low public interest and it is unlikely to be controversial.

Proactive Release

- 31 This paper will be proactively released within 30 business days following Cabinet approval. Proactive release will be subject to redaction as appropriate under the Official Information Act.

Recommendations

The Minister for the Environment recommends that the Committee:

- 1 **note** that on 7 October 2025 the Cabinet Expenditure and Regulatory Review Committee agreed, and on 13 October 2025 Cabinet approved, that carbosulfan be listed in Schedule 2 of the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 to fulfil New Zealand's international obligations under the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade [EXP-25-MIN-0094 Minute refers];
- 2 **note** that the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 3) 2025 will give effect to the Cabinet approval;
- 3 **authorise** the submission to the Executive Council and the Governor General of the Imports and Exports (Restrictions) Prohibitions Order (No 2) 2004 Amendment Order (No 3) 2025;
- 4 **note** that a waiver of the 28-day rule is sought:
- 5 so that the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 3) 2025 can come into force on 12 December;
- 6 on the grounds that this will allow the entry into force date to meet the date agreed by Cabinet and comply with international obligations;
- 7 **agree** to waive the 28-day rule so that the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 3) 2025 can be notified in the Gazette on 11 December 2025 and come into force on 12 December 2025.

Authorised for lodgement

Hon Penny Simmonds
Minister for the Environment

Appendix 1: 9(2)(h)





Cabinet Legislation Committee

Minute of Decision

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Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 3) 2025

Portfolio **Environment**

On 4 December 2025, the Cabinet Legislation Committee:

- 1 **noted** that in October 2025, the Cabinet Expenditure and Regulatory Review Committee agreed that carbosulfan and fenthion (at ultra-low-volume formulations at or above 640g active ingredient/L) be listed in Schedule 2 of the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 to fulfil New Zealand's international obligations under the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade [EXP-25-MIN-0094];
- 2 **noted** that the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 3) 2025 will give effect to the decision above;
- 3 **authorised** the submission to the Executive Council of the Imports and Exports (Restrictions) Prohibitions Order (No 2) 2004 Amendment Order (No 3) 2025 [PCO 28456/7.0];
- 4 **noted** that a waiver of the 28-day rule is sought:
 - 4.1 so that the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 3) 2025 can come into force on 12 December 2025;
 - 4.2 on the grounds that this will allow the entry into force date to meet the date agreed by Cabinet and comply with international obligations;
- 5 **agreed** to waive the 28-day rule so that the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 3) 2025 can come into force on 12 December 2025.

Secretary's Note: Paragraph 1 has been corrected to include both chemicals listed in the Order.

Tom Kelly
Committee Secretary

Attendance: (See over)

Present:

Hon David Seymour
Hon Chris Bishop (Chair)
Hon Paul Goldsmith
Hon Shane Jones
Hon Nicole McKee
Hon Casey Costello
Hon James Meager
Stuart Smith, MP

Officials present from:

Officials Committee for LEG
Office of the Associate Minister of Justice (Hon Nicole
McKee)



Cabinet

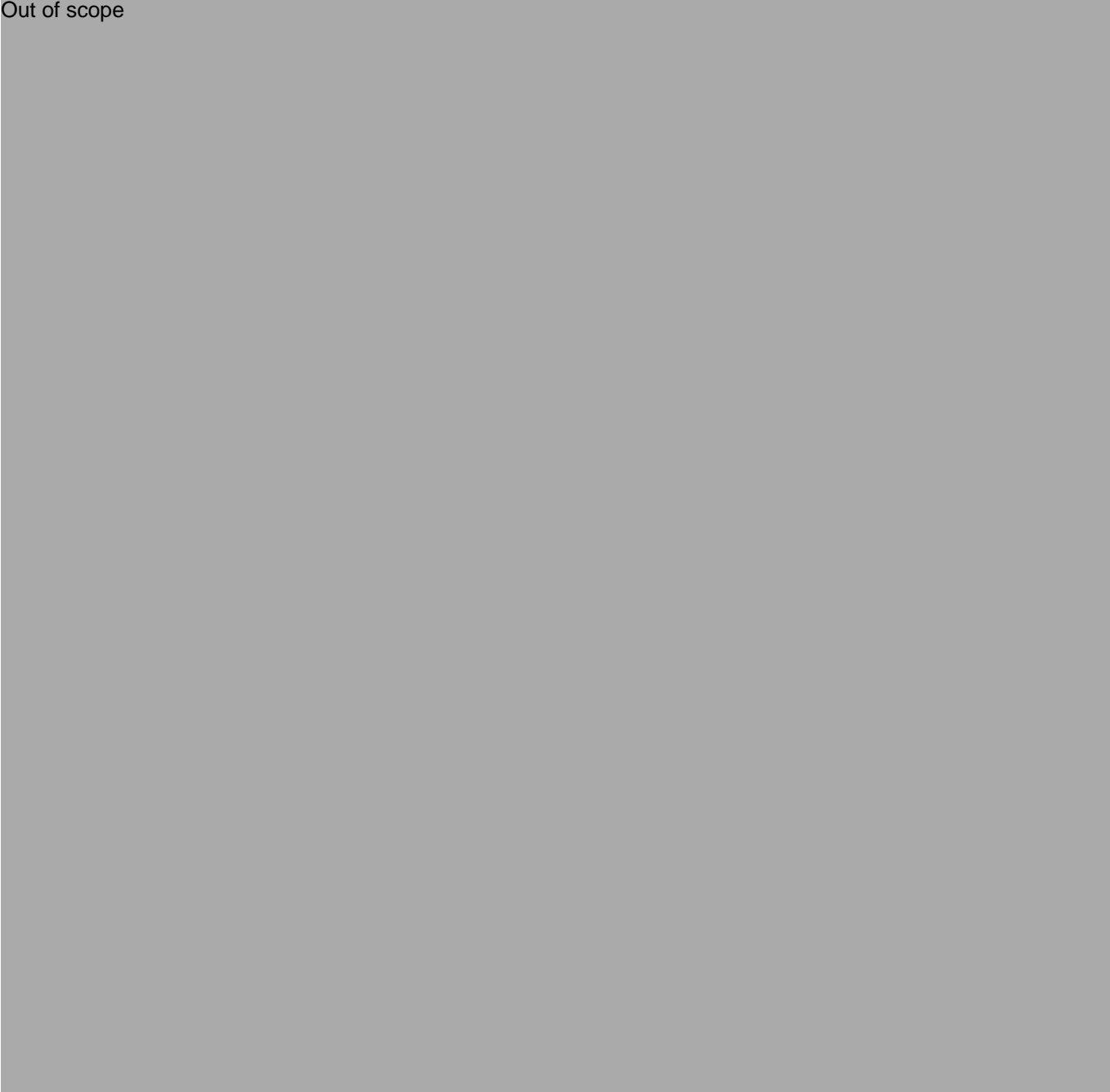
Minute of Decision

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Report of the Cabinet Legislation Committee: Period Ended 5 December 2025

On 8 December 2025, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 5 December 2025:

Out of scope




Out of scope



LEG-25-MIN-0257 **Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 3) 2025** CONFIRMED
Portfolio: Environment

Out of scope



Rachel Hayward
Secretary of the Cabinet