



Cabinet Environment, Energy and Climate Committee

Minute of Decision

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Minamata Convention: Regulatory Measures to Ratify: Final Policy Decisions

Portfolio **Environment**

On 5 August 2021, the Cabinet Environment, Energy and Climate Committee:

- 1 **noted** that in 2013, Cabinet authorised New Zealand to sign and ratify the Minamata Convention on Mercury [CAB Min (13) 33/6], and that Parliamentary Treaty Examination concluded in 2014;
- 2 **noted** that before New Zealand can ratify the Convention, the domestic regulations necessary to meet obligations under the Convention need to be gazetted and that public consultation on these measures occurred in 2020;
- 3 **agreed** to amend the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 under the Imports and Exports (Restrictions) Act 1998 to require permits for the import and export of mercury, based on criteria listed in paragraph 24 of the paper attached under ENV-21-SUB-0040;
- 4 **agreed** to amend the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 under the Imports and Exports (Restrictions) Act 1998 to require permits based on criteria, referred to above, for the import and export of switches and relays, cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for electronic displays, and measuring devices, where no feasible mercury-free alternative for replacement is available;
- 5 **agreed** to amend the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 to prohibit the import and export of, and create regulations under the Waste Minimisation Act 2008 to prohibit manufacture and sale of, the mercury-added products in Annex A Part 1 of the Minamata Convention on Mercury with a lower mercury threshold than the Convention for compact fluorescent light bulbs;
- 6 **agreed** to amend the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (the 2004 Air Quality Regulations) to prohibit the use of mercury in facilities used in the manufacturing processes listed in Annex B of the Minamata Convention on Mercury;

- 7 **agreed** to amend the 2004 Air Quality Regulations to incorporate best available techniques and best environmental practice (BAT/BEP) guidance (agreed by Parties to the Convention in 2017, and on the Minamata Convention on Mercury website), as a mandatory consideration for councils when making planning or consenting decisions about the discharges of mercury from new or substantially modified point sources listed in Annex D of the Minamata Convention on Mercury (so that those activities that meet BAT/BEP guidelines are permitted and those that do not are prohibited);
- 8 **agreed** that for this purpose ‘substantially modified’ means a modification that results in an increase in mercury emissions to air of five percent or more;
- 9 **invited** the Minister for the Environment to issue drafting instructions to the Parliamentary Counsel Office to draft:
- 9.1 regulations under section 23(1)(b) of the Waste Minimisation Act 2008;
- 9.2 amendments to the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004;
- 9.3 an amendment to the Resource Management (National Standards for Air Quality) Regulations 2004;
- 10 **noted** that the relevant regulatory requirements under the Waste Minimisation Act 2008 for making regulations to control or prohibit an item have been met;
- 11 **noted** that the relevant regulatory requirements under the Imports and Exports (Restrictions) Act 1988 for making regulations are met;
- 12 **noted** that New Zealand’s international trade obligations will continue to be met in relation to the adoption and implementation of these measures;
- 13 **noted** that the Minister for the Environment has considered a report on submissions to the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 with recommendations prepared by the Ministry for the Environment in accordance with section 46A(4)(c) of the Resource Management Act 1991;
- 14 **agreed** that the Minister for the Environment can make further decisions on minor and technical matters including final exemptions, in line with the policy decisions agreed by Cabinet;
- 15 **invited** the Minister for the Environment to return to Cabinet following drafting of amendments and regulations.

Vivien Meek
Committee Secretary

Present:
Hon Kelvin Davis
Hon David Parker (Chair)
Hon Stuart Nash

Officials present from:
Office of the Prime Minister
Officials Committee for ENV