



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 15th 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 Convention¹ 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.

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.

¹ 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.²

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

² 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)	
Annex VIII A1181	Electrical and electronic waste (note the related entry Y49 in Annex II) ³ : <ul style="list-style-type: none">• Waste electrical and electronic equipment<ul style="list-style-type: none">– 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– 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:

³ 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"> ▪ glass from cathode-ray tubes included on list A⁴ ▪ a battery included on list A ▪ a switch, lamp, fluorescent tube or a display device backlight which contains mercury ▪ a capacitor containing PCBs ▪ a component containing asbestos ▪ certain circuit boards ▪ certain display devices ▪ certain plastic components containing a brominated flame retardant <ul style="list-style-type: none"> • 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 • 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

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

Wastes that require special consideration (requires consent)	
<p>Annex II</p> <p>Y49⁵</p>	<p>Electrical and electronic waste:</p> <ul style="list-style-type: none"> • Waste electrical and electronic equipment <ul style="list-style-type: none"> – not containing and not contaminated with Annex I constituents to an extent that the waste exhibits an Annex III characteristic, and – 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 • 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 • 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

⁴ 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.

⁵ 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.⁶

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.

⁶ 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).⁷

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-

⁷ 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.⁸

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.

⁸ 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:⁹

- 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.

⁹ 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 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

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. 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
Interim overall impact assessment		Low–medium

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
Interim overall impact assessment		<i>Low–medium</i>

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