



Cabinet Legislation Committee

Minute of Decision

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New Zealand's Implementation of New Obligations Under the Rotterdam Convention Following the 2022 COP

Portfolio **Environment**

On 31 August 2023, the Cabinet Legislation Committee:

- 1 **noted** that in June 2023, the Cabinet Environment, Energy and Climate Committee agreed, that PFOA, its salts and PFOA-related compounds (as described in Annex III to the Rotterdam Convention), and decaBDE 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 [ENV-23-MIN-0016];
- 2 **noted** that the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order 2023 gives effect to the Cabinet approval;
- 3 **authorised** the submission to the Executive Council of the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order 2023 [PCO 25670/6.0];
- 4 **noted** that the Imports and Exports (Restrictions) Prohibitions Order (No 2) 2004 Amendment Order 2023 comes into force on 5 October 2023.

Rebecca Davies
Committee Secretary

Present:

Hon Grant Robertson (Chair)
Hon Willie Jackson
Hon Andrew Little
Hon David Parker
Hon Peeni Henare
Hon Kieran McAnulty
Hon Barbara Edmonds
Hon Dr Duncan Webb
Hon Willow-Jean Prime
Hon Rachel Brooking
Tangi Utikere, MP (Chief Government Whip)

Officials present from:

Office of the Prime Minister
Officials Committee for LEG

**Imports and Exports (Restrictions) Prohibition Order
(No 2) 2004 Amendment Order 2023**

Order in Council

At Wellington this day of 2023

Present:
in Council

This order is made under section 3A(1) of the Imports and Exports (Restrictions) Act 1988—

- (a) on the advice and with the consent of the Executive Council; and
- (b) after the precondition specified in that section has been met.

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Order

- 1 Title**
This order is the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order 2023.

2 Commencement

This order comes into force on 5 October 2023.

3 Principal order

This order amends the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004.

4 Schedule 1 amended

In Schedule 1, insert in its appropriate alphabetical order:

Perfluorohexane sulfonic acid (PFHxS; CAS No: 355-46-4), including any of its branched isomers, its salts, and any substance that contains the chemical moiety $C_6F_{13}SO_2-$ as one of its structural elements and that potentially degrades to PFHxS

5 Schedule 2 amended

In Schedule 2, insert in their appropriate alphabetical order:

Decabromodiphenyl ether

Perfluorooctanoic acid (PFOA; CAS No: 335-67-1),—

including—

- its salts
- any related substance (including its salts and polymers) having a linear or branched perfluoroheptyl group with the formula $C_7F_{15}-$ directly attached to another carbon atom as one of the structural elements
- any related substance (including its salts and polymers) having a linear or branched perfluorooctyl group with the formula $C_8F_{17}-$ as one of the structural elements

but not including—

- $C_8F_{17}-X$, where $X = F, Cl, Br$
- $C_8F_{17}-C(=O)OH$, $C_8F_{17}-C(=O)O-X'$ or $C_8F_{17}-CF_2-X'$ (where $X' =$ any group, including salts)
- perfluorooctane sulfonic acid (PFOS) and its derivatives ($C_8F_{17}SO_2X$ ($X = OH$, metal salt ($O-M^+$), halide, amide, and other derivatives including polymers))

Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 5 October 2023, amends the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 (the **principal order**) to include 1 more chemical in the list of Stockholm chemicals in Schedule 1 of the principal order, and 2 more chemicals in the list of Rotterdam chemicals in Schedule 2 of the principal order.

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*:

This order is administered by the Ministry of Business, Innovation, and Employment.