



Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 2) 2020

Patsy Reddy, Governor-General

Order in Council

At Wellington this 30th day of November 2020

Present:

The Right Hon Jacinda Ardern presiding in Council

This order is made under sections 3(1) and 3A(1) of the Imports and Exports (Restrictions) Act 1988 on the advice and with the consent of the Executive Council.

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Order

1 Title

This order is the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order (No 2) 2020.

2 Commencement

This order comes into force on 1 January 2021.

3 Principal order

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

4 Clause 4 amended (Interpretation)

In clause 4, insert in its appropriate alphabetical order:

plastic waste—

- (a) means any plastic waste, including mixtures of plastic waste; but
- (b) does not include any plastic waste described in Part 2A of Schedule 3

5 Clause 6 amended (Exportation of certain chemicals and waste prohibited)

In clause 6(1), after “hazardous waste,”, insert “plastic waste,”.

6 Clause 11 amended (When hazardous waste or household waste may be exported)

- (1) In the heading to clause 11, after “**hazardous waste**”, insert “, **plastic waste**,”.
- (2) In clause 11(1), after “hazardous waste”, insert “, plastic waste,”.

7 Clause 12 amended (Importation of certain waste prohibited)

In clause 12, after “hazardous waste”, insert “, plastic waste,”.

8 Clause 13 amended (When hazardous waste or household waste may be imported)

- (1) In the heading to clause 13, after “**hazardous waste**”, insert “, **plastic waste**,”.
- (2) In clause 13(1), after “hazardous waste”, insert “, plastic waste,”.

9 Schedule 3 amended

In Schedule 3, after Part 2, insert:

Part 2A Plastic waste not to be treated as plastic waste

- The following plastic waste is not to be treated as plastic waste, for the purposes of this order, as long as it is—
- (a) to be recycled in an environmentally sound manner; and
 - (b) almost free from contamination and other types of waste.
- 1 Plastic waste consisting almost exclusively of 1 non-halogenated polymer, including the following polymers:
 - (a) polyethylene (PE):
 - (b) polypropylene (PP):
 - (c) polystyrene (PS):
 - (d) acrylonitrile butadiene styrene (ABS):
 - (e) polyethylene terephthalate (PET):
 - (f) polycarbonates (PC):
 - (g) polyethers.
 - 2 Plastic waste consisting almost exclusively of 1 cured resin or condensation product, including the following resins:
 - (a) urea formaldehyde resins:
 - (b) phenol formaldehyde resins:
 - (c) melamine formaldehyde resins:
 - (d) epoxy resins:
 - (e) alkyd resins.
 - 3 Plastic waste consisting almost exclusively of 1 of the following fluorinated polymers:
 - (a) perfluoroethylene/propylene (FEP):
 - (b) the following perfluoroalkoxy alkanes:
 - (i) tetrafluoroethylene/perfluoroalkyl vinyl ether (PFA):
 - (ii) tetrafluoroethylene/perfluoromethyl vinyl ether (MFA):
 - (c) polyvinylfluoride (PVF):
 - (d) polyvinylidene fluoride (PVDF).
 - 4 Mixtures of plastic waste consisting of 2 or more of the following, as long as they are to be separately recycled, in an environmentally sound manner, and are almost free from contamination and other types of wastes:
 - (a) polyethylene (PE):
 - (b) polypropylene (PP):
 - (c) polyethylene terephthalate (PET).

Michael Webster,
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 1 January 2021, amends the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 so as to meet New Zealand's obligations under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. It gives effect to amendments to certain annexes of the Convention to include mixed plastic waste in the permitting system. Those amendments to the Convention come into effect on 1 January 2021.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 3 December 2020.

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