



# 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

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**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.