**TCF submission on proposed amendments to waste legislation**

**30 May 2025**

**Introduction**

1.  Thank you for the opportunity to comment on proposed changes to New Zealand's waste legislation. This submission is made on behalf of the New Zealand Telecommunications Forum (TCF).

2.  The TCF is the telecommunications sector's industry body which plays a vital role in bringing together the telecommunications industry and key stakeholders to resolve regulatory, technical and policy issues for the benefit of the sector and consumers. TCF member companies represent 95 percent of New Zealand telecommunications customers. Our members include network operators, retail service providers and the tower companies that own and operate cell towers.

3.  The sector is committed to reducing impact on the natural environment through emission reduction and circular economy initiatives. Our members participate in existing e-waste, phone recycling and repair and refurbishment programs, including RE:MOBILE.

4.  The focus of our submission is the proposals concerning extended producer responsibility (EPR). In response to your question, we are *unsure* if we support the move to EPR because not enough information has been provided about the practical impacts of moving from the existing regime to what is proposed. We pose several questions in this submission and request responses and an opportunity to discuss with the Ministry.

**Telecommunications products and existing product stewardship initiatives**

5.  Our members import and retail a wide variety of telecommunications products. On the consumer side several members retail a range of telecommunication products including phones and accessories captured under the Priority Product Two category[1]. Some telcos also

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[1] Telecommunications equipment is captured under Priority Product 2 - Electrical and Electronic Equipment. …. *As per Annex III and IV of the European WEEE Directive 2012/19/EU: Category 6. Small IT and telecommunication equipment (no*

import and distribute a range of other products (such as servers, monitors, antennas and IoT equipment) as part of the services they provide to enterprise and government customers. Telecommunications products are largely manufactured overseas by companies that have little or no local presence in New Zealand.

6. Consumer products are recycled or reused through the RE:MOBILE product scheme, and members have relationships with a range of e-waste providers for other products.

*RE:MOBILE*

7. The current RE:MOBILE scheme covers the following small IT and telecommunication products:

    a. Mobile phones (including batteries)

    b. Mobile data devices (such as tablets)

    c. Mobile phone and accessories (this typically includes everything that comes in the box such as a charging unit, data cables and headsets).

8. When phones and accessories reach their end of life, customers are encouraged to take them to a RE:MOBILE collection point. Through the RE:MOBILE scheme, products will either be re-used, refurbished or recycled. So far over 800,000 phones have been collected, diverting 144.6 tonnes of waste from landfill. Mobile operators and the scheme's recycling agent, Swapkit, also offer trade-ins on refurbished phones (approximately eighty-five percent of phones collected).

9. RE:MOBILE is a well-established product stewardship scheme run by the TCF, which achieved accreditation as a voluntary scheme by the Ministry for the Environment in 2014. The Ministry continues to support and recognise RE:MOBILE while scheme members consider the accreditation process for a regulated scheme for e-waste (as a priority product) under section 22 of the Waste Minimisation Act (the Act).

**TCF views on the introduction of extended producer responsibility**

10. In response to your question "do you support the proposal for a modern EPR framework", we are unsure. The discussion document has not provided enough information for the telecommunications sector to determine how it will be impacted as the importers and retailers of telecommunications products, and what will be the same or different in the move from the existing framework for regulated and voluntary product stewardship schemes to an EPR framework. We raise a number of questions in the remainder of this submission and request an opportunity to meet with the Ministry to work through them.

*The discussion document does not make the case for moving from the existing approach for regulated schemes to EPR*

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*external dimension more than 50 cm) - Mobile phones, GPS, pocket calculators, routers, personal computers, printers, telephones.*

11. While it is not clear from the discussion document, we understand the intention is that the EPR framework would replace the regulated product stewardship schemes for priority products that can currently be regulated under section 22 of the Act.

12. However, a policy problem has not been identified to justify the move from the existing framework for *regulated* product stewardship schemes to the EPR framework. The only problem mentioned in the discussion document is that the administrative costs of accrediting and monitoring *voluntary* schemes is difficult to justify.

*The obligations on retailers and importers are vague and require clarification*

13. It is not clear to us, from reading the discussion document, what the obligations on retailers and importers would be.

14. It is also difficult to understand the impact of moving to EPR, because the discussion document does not explain the practical differences between a scheme developed under section 22 and the proposed EPR approach. A side-by-side comparison should be provided. As a sector we are struggling to understand what the impacts of moving to EPR would be.

15. Our experience is that a product stewardship scheme involves all stakeholders across the lifecycle, while with EPR the onus will be on the producer - in our case the importer or retailer. How does this play out in a cross-sector scheme? Can multiple businesses be the responsible producer?

16. We are also concerned about the potential for overlapping obligations, with this proposal and the Right to Repair Bill requiring New Zealand importers or retailers to take on responsibilities of offshore producers. It is irrelevant that one proposal comes from a consumer perspective and the other is environmental. Not stopping to think about the potential for layering on overlapping regulation is at odds with the current Government's approach to better regulation.

*Engagement with affected parties in the establishment of a scheme under an EPR*

17. If a decision is made to move to EPR, there are lessons to be learnt from the existing process for establishing regulated schemes that should be addressed. This includes:

    a. The engagement process with affected parties when a proposal for a generic e-waste scheme (TechCollect NZ) is being developed.

    b. The assumption that RE:MOBILE would integrate into a developing scheme (TechCollect NZ) without consultation.

18. The discussion document notes that any future EPR schemes would require a full assessment of costs and benefits and consultation with affected parties. Our view is that the Ministry must take an active role in the consultation process, to ensure that:

    a. The organisation seeking to become the producer responsibility organisation (PRO) for a scheme, has the mandate of the sector or sectors that would be covered by the

scheme. The Minister for the Environment should be satisfied that the organisation has a sufficient mandate and cross sector support before appointing a PRO.

b. There is meaningful consultation with affected parties on the design of a proposed scheme, and that all affected parties can be involved in the design of the scheme if they wish to.

c. It has a clear view on whether there is cross sector support for the proposed scheme.

19. We make these recommendations based on our experience of the current process for accrediting regulated product stewardship schemes under the Act. The complexity of the e-waste category and the many different sectors which will be captured by the e-waste priority products requires further consultation, transparency, and leadership from the Ministry. We understand, unofficially, that a party has submitted an accreditation application for the e-waste sector and yet we have received no notification from the Ministry, no input or consultation on what that application is proposing and the implications for our member's businesses. Simply running a procurement process and selecting a PRO applicant to do the engagement is not good enough.

*Input methodologies*

20. There is a question in the discussion document about whether the Secretary (or authorised third parties) should be able to set input methodologies which would input on how charges are set. Our view is that if EPR goes ahead and input methodologies are set, then this should only be able to be done by the Ministry in consultation with producers and the other parties impacted by the scheme.

*Will existing processes for developing priority product schemes continue or start again under an EPR framework?*

21. While we are aware that existing priority products will come across, the discussion document does not talk about the process for proposed regulated schemes for priority products that are part way through a process under the existing regime. Would the process start again or be transitioned in some way? If so, how?

*The impact on existing voluntary schemes*

22. If New Zealand moves to an EPR framework, the legislation should address the issue of what happens to existing voluntary schemes for products that a PRO may propose to include. This situation has been playing out for the telecommunications sector under the existing regime, as TechCollect NZ proposes an e-waste scheme that would include small telecommunications equipment, and our sector already has a well-established scheme for this equipment - RE:MOBILE.

23. There should be flexibility for established voluntary schemes to continue and not have to be subsumed by newly proposed schemes unless there is agreement. There may be good reasons for existing schemes to continue and to operate as complementary programmes with

collaborative relationships and data reporting, perhaps shared infrastructure, but with their own management, governance, and funding arrangements.

24. If there are questions about this submission, please contact [penny.sutcliffe@tcf.org.nz](mailto:penny.sutcliffe@tcf.org.nz) in the first instance.